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THE PHILIPPINES

A STUDY IN NATIONAL DEVELOPMENT



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JOHN CHRYSOSTOM EARLY

The Philippines

A STUDY IN NATIONAL DEVELOPMENT

BY

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THE UNIVERSITY OF MICHIGAN · VICE-GOVERNOR OF
THE PHILIPPINE ISLANDS, 1933-1935

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To

JOHN CHRYSOSTOM EARLY

And the Other Pioneer Americans
Who Contributed to the Development
of the Philippine Nation

JOHN CHRYSOSTOM EARLY

IN THE Protestant Episcopal Cathedral of St. Mary and St. John in Manila there is a beautiful memorial window dedicated to the glory of God and the memory of John Chrysostom Early. Near-by memorials commemorate the services which other Americans have rendered to their own country and an aspiring people on the other side of the world. Thousands of other citizens of the United States followed the flag to its farthest frontier. As soldiers, administrators, teachers, missionaries, business men, lawyers, doctors, miners, planters, above all as American pioneers, they helped to build a nation in the Philippines. That nation is their monument.

To the task which Americans and Filipinos of constructive purpose jointly undertook a generation ago John Chrysostom Early brought rare qualities of body, mind and spirit. Of Scotch blood, and descended from ancestors who had followed the Anglo-Saxon frontier from Britain to Virginia, Kentucky and Missouri, Governor Early spent his whole life in performing the tasks of the Pioneer. While yet a young child he was taken to the Dakota wheat lands. At seventeen, fatherless, he pressed on to the Pacific Northwest. In the Washington State Agricultural College he received technical training that was to stand him in good stead. Thence he moved on to a section of the State of Idaho that the Federal Government was opening to settlement, and to the life of a homesteader and pioneer newspaper editor. But in the first years of the century another frontier beyond the vast Pacific beckoned to adventurous Americans, and in 1906 young Early, then twenty-eight, responded to its call.

His first assignment in the Philippines was to establish public schools among the warlike Kalingas in the tumbled mountain ranges that surround Lubuagan, in what is now the Mountain Province. For this service he volunteered, and his act received a round of applause from the thirty prospective teachers who were being given their first stations in the Islands. Six weeks were re-

quired to reach his post, the precise location of which was unknown to the educational authorities. Here, indeed, was the frontier.

Then followed five crowded years of almost ceaseless labor in Northern Luzon. Mapping unexplored mountain regions came first; then the establishment of schools, including the training of native teachers, the construction of buildings and the much more difficult task of persuading the wild Kalingas to use them for educational purposes. All of Governor Early's undertakings revealed the genius of the practical builder. While school principal at Bontoc his trained faculties perceived the potential relation between a good quality of clay in the river bed and a dyke of limestone breaking from the near-by canyon wall. Hundreds of thousands of excellent brick were made and burned by ingeniously contrived methods, and the substantial brick buildings of Bontoc will always stand as a monument to Early's constructive energy.

At Tagudin while Lieutenant-Governor of Amburayan he envisioned, planned and inspired the people to build a sea wall that has since protected this town from the ravages of the floods from which it had suffered annually for more than a century. When Secretary of War Dickenson visited the Islands in 1908 Governor-General Forbes commissioned Early to restore thirty-five kilometers of completely washed out trail over the steep Malayan Range in order that the distinguished guest might reach Bontoc by horseback. Directing the construction work in the daylight hours and often traveling from camp to camp at night, the Lieutenant-Governor performed a seemingly impossible feat in accomplishing this task in the time available. His carpenters were laying the planks on the last bridge as the Secretary's party reached it. Governor-General Forbes' keen eye perceived the magnitude of the accomplishment and he publicly thanked Early for putting the trail through. There was reason for the haste that had been shown. An Army transport awaited the Secretary upon his return to Tagudin and the party had scarcely embarked when seasonal storms that had been threatening broke on the sea and closed the port of Tagudin to navigation for three months.

A great athlete himself, Governor Early introduced American sports among the hardy mountaineers with whom he worked,

thus giving them a comparatively safe outlet for the restless energy and competitive spirit that from time immemorial had been most typically expressed in inter-tribal warfare. It was he who introduced the famous tugs-of-war among the Bontoc Igorots. In every direction this great-bodied and great-hearted American exercised a surprising control over his high-strung charges. His relations with them were essentially those of the patriarch. "The lieutenant-governor in those days," he later wrote, "was looked upon by the people of his sub-province as the head of a vast family, and all personal troubles as well as family and official troubles were his to solve, so that a man who really wanted to do his duty as the people expected him to do it was tied to them twenty-four hours every day; and in time of typhoon, flood or other calamity, while they were resigned to the will of God, they never ceased to blame the lieutenant-governor for the damage wrought."

Justice, firmness to the point of sternness when necessary, applied with a sympathetic and affectionate understanding of the splendid basic characteristics of his untutored wards were the foundations of Early's remarkable hold over the mountain people. Then, too, the governor was putting through a great constructive program and was able to make his people understand that in working with and for him they were advancing their own interests. Above all, the mountaineers found their Lieutenant-Governor to be their unyielding defender in any just cause. Upon assuming office Governor Early had taken an oath to defend the personal and property rights of the people under his control against aggression from any source. His courage in doing so eventually placed him out of harmony with his official superiors and his resignation was requested and tendered. The significance of this incident was not lost upon the mountain people. Eleven years later they insistently petitioned the President's Mission to the Philippines, General Leonard Wood, and former Governor-General W. Cameron Forbes, that the Lieutenant-Governor who had more than once fought for their rights be returned to them as Governor of the Mountain Province. When General Wood became Governor-General this was done.

The five years which ended in 1911 were probably the most thrilling and zestful in Governor Early's life. Glorying in his mag-

nificent strength and vitality he performed feats of courage and endurance that became legendary among the mountain people. Of one adventure, a night spent in a typhoon on Mount Pulog, he later said: "When caught on top of this mountain, my three *cargadores*, believing their doom at hand, disappeared in the darkness of the night, and when day broke I found them dead. The cold wind and horizontally driven rain which made even the shelter of a rock-ledge impossible were sufficient to account for their doom. But the Kankanays all believe that they were taken by vengeful denizens of the spirit world because they had violated the dwelling place of the Gods. I kept up during the night by walking round and round a lone pine tree, afraid to take a step in any direction in the darkness lest it lead to the bottom of the cliff."

Often in returning from the mountains to Tagudin, if the river were in flood the young Governor would purchase bamboo at Sugpon, have rafts made and ride home on the crest of the flood. "A raft of bamboos," he recorded, "will roll over and over in the rapids but it never sinks, and if one is a fairly good swimmer it adds zest to the experience to be rolled off and make the raft again. While Sugpon was distant from Tagudin about two days by trail I could make it by river in four hours." In those years, as he was to the close of his career, Governor Early was keenly sensitive to the beauties of nature. Only those who know the mountains of Northern Luzon can appreciate their compelling loveliness and understand the deep hold that this country took upon the heart of the young American who there played a major part in building a great province and leading a fine, but undeveloped people into better ways of life.

Returning to the United States through Europe in 1911, Governor Early proved up his Idaho homestead, married the woman of his choice and, in April, 1912, embarked again for the Orient. For the next decade he served in the Visayan Islands as a teacher and school administrator. To the cultured Christian Filipinos of the lowlands he brought the same sympathetic understanding and constructive force that had distinguished his labors among the simple pagan mountaineers. In Capiz he reëstablished discipline in the Provincial High School, which had fallen upon evil ways

during the previous year. Much later he wrote: "Many of the students, then in high school, still remember pleasantly the transformation, and hardly a day passes now that I do not meet some of my former students, now men and women established in important positions in life, who remind me of the good they received by being required to be exact in the performance of their duties during student days."

After four useful years as superintendent in Romblon, Early was sent to Dumaguete. In Negros Oriental he took advantage of the boom days in sugar and constructed permanent school buildings throughout the province, including a twenty-room concrete high school in the capital city. "When hard times came," he observed, "we had our buildings and had them paid for." To this day in the Visayas as in Northern Luzon the name of John C. Early is linked in the minds of the people with a golden period in their development.

In 1922 Governor and Mrs. Early returned to the United States, this time, they said, "forever." But their "forever" was similar to that of many other homeward bound Americans. After eight months in their native land they answered the call of Governor-General Wood and returned to the Philippines to take over the administration of the Mountain Province.

"I found affairs in the province not in very good condition when I took over," Early later recorded. "Public works had been neglected; the people were quite out of hand, and governmental affairs were in a very poor condition." As Governor and Division Superintendent of Schools, Early labored with all of his old-time enthusiasm and vigour to restore in the province the ideals and standards of governmental service that had been created there in earlier days. Remarkable success attended his efforts, and long before he relinquished his dual position and again returned to America in 1929 the administration of this great area was again upon a sound basis.

In 1929 Governor Early became Adviser to the Governor-General upon non-Christian affairs. To this broader field he brought more than two decades of experience in dealing with the problems of government under Philippine conditions. With indomitable courage he carried on his important task to the very day

upon which he succumbed to a malady whose progress could not be stayed. His great spirit, rising above bodily pain and weakness, remained unconquered, unembittered, unafraid to the end.

The life of John Chrysostom Early was a translation into reality of the practical idealism that has been the finest quality in his nation's relations with the Oriental people for whose destiny America assumed responsibility thirty-five years ago. He and other men and women of like spirit were in truth the bearers to the Philippines "of the good will, the protection, and the richest blessings of a liberating rather than a conquering nation."

PREFACE *

The world war which began in 1939 has altered many aspects of Philippine life and American-Philippine relationships. Some of these changes have been foreshadowed in this volume; others have become discernible only since the book was completed. The legally prescribed program to separate the Philippines from the United States in 1946 is based upon the assumption that in the decade following 1935 the islands could be made economically independent of a highly preferential position in the American market. There has never been a valid basis for this assumption, and the war is now giving those who accepted it a splendid "out" from an unsound position. Philippine economy has been upset not only by the loss of foreign markets in the natural course of the conflict, but by rapid integration with the wartime economy of the United States. For example, American export control has been extended to the Philippines, and Axis funds in the Islands have been "frozen." The result has been the virtual termination of Philippine commerce with Japan and her Axis partners, and with certain other areas.

Priorities granted with reference to the national defense by the Office of Production Management largely determine what the Philippines can purchase in the American market. Scarcity of shipping for a time threatened to reduce all Philippine trade to a trickle. Bottoms have now been found for the transportation of commodities useful in the American defense program. Most of the current sugar crop and of the 1941 quota of coconut oil will have been shipped by the end of the year. What will be done in succeeding years with these basic Philippine commodities

* As the final proof of this Preface is being read, war has broken out between the United States and Japan. The effects of this conflict upon the development of the Philippines as a nation cannot be foreseen. Whatever they may be, the character and institutions of the Filipino people will continue to be shaped in large measure by the political forces and experiences which are described in this volume.

is problematical. In any event, the decisions will be made and financed in Washington, not Manila. Meanwhile, by the allocation of ships and the assignment of cargo space, the United States Maritime Commission virtually controls what is left of Philippine commerce. Preparations are being made for the Export-Import Bank or some other United States agency to finance the stock piling of the iron, chrome, and manganese ore, and the disposition of the sugar, low-grade hemp and other commodities which cannot be sold through the usual channels of trade. Half a dozen of Washington's new wartime agencies have already extended their personnel and their controls to Manila. Normal Philippine economic processes have been suspended "for the duration," and the Islands have become a closely supervised adjunct of the American economic system.

Already the economic provisions of the Philippine Independence Law are being modified to meet the necessities of the war situation. On November 19, 1941, the Senate passed and sent to the House of Representatives a bill which would remit the export taxes and preserve the 1940 quotas provided by that measure until December 31, 1942. He is an optimist who believes that there will not be a further extension of this moratorium on the measures by which it was hoped to prepare the Philippines for economic independence in 1946. Almost inevitably the economic and political forces which the war has brought into play will force Philippine trade increasingly into American channels. In October, 1941, nearly 95 per cent of the Islands' exports went to the United States.

The war is also creating serious fiscal problems in the Philippines and increasing the financial dependence of the Islands upon the United States. The inflationary effects of the expenditure by the Commonwealth Government of millions of coconut oil excise taxes collected in the United States can hardly fail to be increased by current American defense spending in the Islands. Already millions of dollars have been pumped into the veins of Philippine business through the purchase of local commodities and services required for emergency military purposes. The supplemental army appropriation estimates submitted to the United States Congress on November 17 included an additional item of $269,000,000 for

Philippine defense. It is not unlikely that the expenditure of such funds and of direct subsidies granted upon one basis or another may create a war prosperity resting upon a basis of inflated values and currency. There is grave danger that the greater the prosperity of that sort, the more devastating the subsequent collapse of Philippine national finances will be unless the Islands are to be sustained by the United States for a long time after the war.

The political and social effects of the war upon the Philippines are even more difficult to foresee. With the augmentation of United States Army and Navy personnel in the Islands there are many more Americans in the Philippines today than there have been at any time since the withdrawal of the bulk of our army after the restoration of peace some thirty years ago. What effect will their presence there have upon American-Philippine relations? Whether the Commonwealth Government will stand up under the exigencies of war, or near-war, still has to be demonstrated. Whether the war effort which the Filipinos are being called upon to make will weld them into a stronger national unit, or delay their unification and nationalization by emphasizing their dependence upon the United States, remains to be seen. No one knows what effect the conditions of the times will have upon American public opinion regarding the Philippines.

The Philippines, however, will incur a grave risk if they base their national policies upon the assumption that after the war emergency has passed the United States will easily be prevailed upon to alter the principles upon which the separation of the two countries has been decreed. Typical of Congressional opinion upon this matter is the following passage from the Senate debate (November 19, 1941) upon the bill to remit, until the end of 1942, the Philippine export taxes prescribed by the Tydings-McDuffie Act:

> Mr. VANDENBERG. . . . My understanding is that, while there is no complaint against the particular intrinsic purposes of the measure, there would be very serious objection if this were to be taken as a precedent for the progressive disintegration of the Tydings-McDuffie Act, and a progressive rewriting now of the terms under which the Philippine Commonwealth has been given its prospective independence.
>
> Mr. CLARK of Missouri. Let me say to the Senator from Michi-

gan that I think my position on that and the position as it was unanimously expressed in the meeting of the Committee is exactly the same as now expressed by the Senator from Michigan. In other words, I would not be for any bill—and I am certain that such a bill could not have obtained two votes in the Committee on Territories and Insular Affairs—which would break down in any way the policy adopted by the Government, first in the Hawes-Cutting Act, and later in the Tydings-McDuffie Act, granting complete and full independence, *and insisting upon granting, if necessary* [italics supplied], complete and full independence for the Philippines in 1946 in accordance with the terms of those acts.

The whole record of the United States in the Philippines and the fundamental fairness of the American people do not justify the assumption that the Congress would "free" the Philippines to starvation and national destruction in 1946. On the other hand, the time has passed when the Filipinos could themselves freely choose whether to continue under American sovereignty or pursue a separate existence. The legal and political assumption is no longer that they are to remain indefinitely under the American flag. Rather, the assumption is that they shall become independent on July 4, 1946, precisely in accordance with the terms of the Tydings-McDuffie Act. President Quezon has frequently stated that his people must recognize this situation and act accordingly. The friendly feeling of the American people towards the Philippines, the responsibilities which more than forty years of sovereignty over the Islands have created, and appreciation of the loyalty of the Philippines in the present emergency undoubtedly would cause Congress to grant serious consideration to any proposals for a modification of the independence program which the Commonwealth might see fit to make. But the responsibility for seeking modifications, should they seem desirable from the Philippine standpoint, now rests with the Commonwealth, and it is apparent that Congress is determined so far as possible to maintain its freedom to decide whether such requests would be granted, should they be presented when the day of independence is at hand.

Under ordinary conditions, a preface is not used to bring the text of a book more nearly down to date. However, these are no ordinary times and the rapid developments of recent months seem to justify a footnote to Chapter XXIX, on national defense

in the Philippines. Although exact figures are not available, it is known that the United States has recently been pouring soldiers and all of the munitions of modern warfare, including planes, into the Islands. The mobilization of the Philippine Army and its incorporation into the United States Army in the Philippines has been completed. Acting with skill and energy, Lieutenant General Douglas MacArthur, Commanding General of the United States Armed Forces in the Far East, has enormously increased the military strength of the Philippines. There can be no doubt that the progress which was made between 1935 and 1941 in executing the Quezon-MacArthur national defense program has made the Philippine Army an important element in the military forces now available to the United States in the Orient. Furthermore, the preparation for war which the United States is now making in the Islands may be expected to increase tremendously the capacity of the Philippines to defend itself after the struggle is over, should it then become an independent nation.

It might be added, too, that on November 11, the first general election under the amended Constitution was successfully held. President Quezon and Vice President Osmeña were re-elected, with overwhelming majorities, as were the *Nacionalista* candidates for the newly established Senate and House of Representatives. Under the Constitution as it now stands President Quezon will serve until December 31, 1943. He will then be automatically succeeded by Vice President Osmeña, but will again be eligible for election as President in 1945. The 1941 elections revealed no important changes in the political party system which is described in Part Two of this volume.

As its subtitle indicates, this book is a study of the development of a nation in the Philippine Islands. Whatever effects the war may have upon the Philippines, the underlying forces which have produced this development will in the future continue to determine its basic characteristics. A glance at the map shows that the territory of the Philippines is essentially a part of a vaster archipelago which, like fragments flung off from the Asiatic continent, stretches in a great arc from northern Luzon to northern Sumatra. The inhabitants of this island world and of the adjoining Malay Peninsula have a strong racial similarity. Most of them,

including the Filipinos, are Malays. Only the accidents of history have set the Philippines and the Filipinos apart from the islands and peoples to the south, and for that matter, to the north of them. Yet by placing the opportunity to risk the hazards of an independent political existence above assured prosperity and security under an alien flag, these particular Malays have asserted their nationhood. In agreeing to withdraw its sovereignty from their territory the United States has recognized that they are a nation. Thus at a time when the continued existence of independent, sovereign nation-states is regarded in many quarters as dangerous to world peace and progress another such unit seems about to be added to world society. This phenomenon and the circumstances which gave rise to it seem worthy of study.

The forces which have resulted in the development of a nation in the Philippines are largely Occidental. President Quezon has truly declared that the Filipinos "owe to Spain the preservation for the benefit of our own people, of the soil of our country, as well as the laying down, by means of religion and education, of the foundations of our national unity." The United States has continued to protect the territorial integrity of the Philippines. It has guarded the Filipinos against racial inundation by mass immigration from any other Oriental country. It has familiarized the Philippines with the institutions of modern democracy and given it an opportunity to adapt them to its own uses. Perhaps most important of all, the United States has for more than a generation entrusted the Filipinos with genuine political power and thus enabled them to develop an experienced native leadership in national and local affairs. Although Philippine culture rests upon substrata of pre-Spanish Malayan law, religion, literature, and art, yet the institutions of the Commonwealth have immediately stemmed from Spanish and American roots.

These institutions are not static. They are constantly being modified through use, as are those of any society. The social sciences have not produced any technique rapid enough to produce an instantaneous photograph of them that would be accurate when published. A study of the elements which enter into the development of the Philippine nation can, however, be made. Such a task has been undertaken in this volume. The land and people

have been considered as the basic elements of nationhood. The Philippine Constitution; the executive, legislative, and judicial branches of the government; the civil service, the administrative organization, the political parties, the educational and health services; the problems of a national language, national defense, finance, and economic readjustment; and the relations of the Philippines to other nations, particularly China, Japan, and the United States have been examined. Their origins have been indicated, their development traced. By this process trends have been discerned. Comparisons with analogous developments, historical and contemporary, have aided in the task of evaluation—a task which in many instances the author has undertaken, but which every thoughtful reader will doubtless perform for himself.

In such a study American policy and administration in the Philippines have necessarily been examined. So have the effects which the colonial status has had upon the Islands and their people. The American-Philippine relationship has, on the whole, been happier and more fruitful than any other which has existed in modern times between a dominant and a dependent people. Although mistakes have been made by the sovereign power, it may be fairly said that the United States has applied the principle of trusteeship in dealing with the Philippines. At a time when serious consideration is being given to the proposal that an international trusteeship should be established for peoples not yet capable of standing alone under modern conditions the development of the Philippine nation under American auspices is worthy of careful study. Furthermore, the Philippines is still under the American flag and may remain an American responsibility for a long time to come. Only through a more complete and widely diffused knowledge of the Commonwealth, its people and institutions is the United States apt to discharge fully the obligations which it has assumed regarding the Islands.

This book has been written primarily from historical sources, primary and secondary, supplemented by a varied personal experience with the Philippines which covers a period of twenty years. Such basic materials as the annual reports of the Philippine Commission and of the Governor-General; court reports; the annual reports of the departments, bureaus, and other govern-

mental entities of the Philippine and United States Governments; the published documents of the Philippine Legislature; the several census of the Philippines; and the admirable *Messages of the President* published by the Philippine Commonweath, must form the backbone of any serious study of Philippine institutions. Unfortunately, only partial and cursory use could be made of the excellent Census of 1939, which is still in the process of publication.

Of unpublished sources the author has had access to a wide variety, both official and unofficial. A part of this material is in the "Hayden Collection" in the possession of the author. Included in this collection are contemporary notes of field studies of Philippine institutions made over a long period of years, and the documentary material which was collected by Colonel Carmi A. Thompson, who visited the Philippines in 1926 as the personal representative of President Coolidge. Philippine newspapers and magazines have been extensively utilized, not only because in many cases they contain the only available record of events, but because they both influence and reflect public opinion. In many instances the author has been able to check particular news stories or editorials from personal knowledge. In general, he is in a position to evaluate critically the matter appearing in Philippine newspapers. During recent years a rapidly expanding body of secondary material on Philippine institutions, the fruit of modern scholarship, has appeared in the Islands. These publications have been extremely useful both for their information and for their point of view.

For the facts and opinions stated in this book the author is solely responsible. To more persons than could be named in this preface, however, he is indebted for generous aid in his efforts to understand the Philippines and its problems. To these friends he expresses his sincere gratitude, with the acknowledgment that without their good will and active assistance this book could not have been written.

A grant from the Carnegie Endowment for the Advancement of Peace aided materially in the research conducted in Philippine political institutions in 1930–31. Thanks are due to the *Christian Science Monitor*, the *Atlantic Monthly*, *Foreign Affairs*, the *Annals of the American Academy of Political and Social Science*, the *American Political Science Review*, and the *Philippine Social*

Science Review for permission to use material which first appeared in their pages.

Most of all, the author is indebted to the *University of Michigan* for opportunities over a long period of years to carry on the research of which this volume is the product. Substantial grants from the Faculty Research Fund of the Graduate School; liberal leaves and occasional relief from a full teaching load granted by the College of Literature, Science and the Arts; the generosity of colleagues in assuming more than their share of departmental burdens; sustained support by the President and Board of Regents —such aids to research are freely extended to the scholar at this great institution. In acknowledging them with gratitude, the author hopes that in some measure their purpose, the extension of knowledge, may have been achieved by the labors which they have made possible.

For skilled assistance in the preparation of the manuscript thanks are given to Mrs. Ethlynn Sprentall. Lastly and most heartfully the author expresses his gratitude to Elizabeth O. Hayden for aid and understanding at every stage of his work.

JOSEPH RALSTON HAYDEN

Washington, D.C.
November 29, 1941

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PART ONE

PEOPLE AND GOVERNMENT

CHAPTER I *

THE FILIPINO PEOPLE

A GOOD many years ago an American resident of the Philippines who has the archeologist's long-time view of human events remarked that in their campaign for independence the Filipinos would do well never to allow it to be forgotten that they number more than eleven million people. There are now nearly seventeen million Filipinos and this fact is of fundamental importance in any consideration of their country and its problems.[1]* Mankind instinctively feels that any group of seventeen million human beings with common and unique characteristics, inhabiting a definite portion of the earth's surface and united under a single government possesses a *prima facie* right to be treated as a nation. A part of the Samoan Islands, Guam, Puerto Rico and Hawaii came under the American flag at about the same time as did the Philippines. If any of these territories could boast of seventeen million inhabitants, public opinion in this country and throughout the democratic world would demand that they ultimately be granted the right to decide their own destiny, even though they might lie at the very gateways of America. It is probable, indeed, that in the long run, were its people that numerous, any of them would be able to compel even the United States to deal with it as a national state. From the standpoint of numbers, the Filipinos constitute a nation, and the existence, rights and problems of Philippine nationhood cannot be safely overlooked by anyone who studies or deals with this people.

The national stature of the Philippines is more evident when the population of the Commonwealth is compared with that of other countries. In Europe only the "great powers" (Great Britain, France, Germany, Italy, Russia and Spain) and Poland have

* *The notes of this chapter begin on page 861. Subject matter notes are indicated by an asterisk.*

more inhabitants. The Philippines is more than twice as populous as Sweden, Belgium, The Netherlands, or Greece. More people live in Spain's former Asiatic colony than in any country in the Western Hemisphere, except the United States, Brazil and Mexico; more than three times as many as reside in any Latin-American state, save the two mentioned and the Argentine Republic. The Commonwealth is more populous than any State of the Union; New York with some 13,000,000 inhabitants the most nearly approaching it.

Turning to the Filipinos' neighbors, China's population is about twenty-six times, and Japan's nearly five times, as great. Korea outnumbers the Philippines by somewhat less, and French Indo-China somewhat more, than one-third. Formosa is less than one-third as large; Thailand is a little smaller; crowded Java has nearly three times as many inhabitants. The combined population of the British Commonwealths in the south Pacific, Australia and New Zealand, is only slightly greater than one-half that of the Philippines.

The table on page 4 makes it easy to place the Philippines with reference to other typical states in Europe, the Americas, and the Far East.

The comparisons which have been made show that in population the Philippines stands with a group of nations which are thought of as being somewhere between the "great powers" and the "small states." Whether in a world dominated by power politics on a continental scale these middle-sized countries will be any safer than the smallest members of the family of nations is open to question. As compared with most nations, however, time is working on the side of the Filipinos. Their population has more than doubled in the past thirty-five years, and even with the means of production which are at present known to mankind, their territory is capable of supporting probably three times as many people as it now contains.[2*] When dealing with the affairs of nations it is the long-time view which is significant. In that view, which encompasses generations rather than decades, the Filipino people may confidently be expected to continue to multiply provided that the natural course of events is not too far distorted by adverse political forces.

TABLE I

POPULATION AND AREA OF SELECTED COUNTRIES

Year	Country	Population to Nearest 100,000	Area
1939	PHILIPPINES	16,000,303	115,600
[x]1941	Poland	34,221,000	149,274
[x]1934	Spain	24,583,000	190,050
[x]1938	Czecho-Slovakia	15,250,000	54,244
[x]1939	Netherlands	8,780,000	13,210
[x]1938	Belgium	8,387,000	11,775
[x]1940	Greece	9,200,000	50,270
[x]1940	Sweden	6,341,000	173,347
[x]1940	Brazil	45,003,000	3,285,318
[x]1936	Mexico	18,526,000	763,944
[x]1939	Argentina	13,130,000	1,079,965
[x]1940	Canada	11,390,000	3,694,863
[x]1939	Chile	4,644,000	296,717
[x]1938	Cuba	4,228,000	44,164
1940	New York State	13,380,000	49,204
[x]1936	China	457,835,000	4,278,352
[y]1938	Japan (proper)	72,200,000	147,593
[y]1935	Japanese Empire	98,000,000	260,662
[y]1937	Korea (Tyosen)	22,400,000	85,228
[y]1935	Formosa (Taiwan)	5,200,000	13,890
[y]1938	Thailand	15,000,000	200,148
[y] *	French Indo-China	23,900,000	281,000
[x]1940	Netherlands East Indies	70,000,000	735,267
[y]1930	Java and Madura	41,700,000	51,032
[y]1931	British Malaya	4,400,000	52,500
[x]1937	Australia	6,846,000	2,974,581
[x]1940	New Zealand	1,652,000	103,934

[x] Data from W. H. Mallory, *Political Handbook of the World* (New York, 1941).
[y] Data from *Statesman's Yearbook* (London, 1939).
* No date given.

As has been intimated, the Philippines is qualified for nationhood by the size of its territory as well as by the number of its inhabitants. The Philippine Archipelago has a land area (approximately 115,600 square miles[3**]) nearly as great as that of Great

Britain and Ireland. New York and New England combined are a little smaller than the Philippines, as is the combined area of Illinois and Iowa. The area of the Islands may readily be compared with that of other nations by reference to Table I.

In natural wealth as well as size, the Philippine Archipelago furnishes a substantial base for a Filipino state. The rapid increase in population, accompanied by a rising standard of living, which has occurred during the past forty years has been achieved almost entirely by the development of the agricultural and forest resources of the Islands and by the sale of the bulk of their products in a duty-free American market. Because Philippine economy has been geared almost exclusively to this bonanza market, an abrupt termination of preferential American-Philippine trade (and termination at the end of the period provided by the Tydings-McDuffie act would be abrupt) would probably spell disaster for an independent Philippines. Nevertheless, the Islands have within their borders the natural resources upon which under favorable political conditions a new and more independent economy could in time be developed.

As things stand now, sugar is over-produced not only in the Philippines but in other great cane areas. The area under this crop probably will have to be drastically reduced, and the process will be painful. Under normal conditions the two other major export crops, manila hemp and copra, can be sold at a profit without tariff protection in the United States or on the world market. Under similar conditions sisal, tobacco and several minor products can also be exported in the present, and perhaps greater, quantities.

There are other products of the Philippine lands, forests, and seas which are not now available in large commercial quantities but which could be produced for home consumption or export, or both, upon a large scale. The production of at least one other of the standard crops, rice, could be profitably increased. Rubber, quinine, kapoc, and the lumbang nut from which tung oil is extracted can be produced in the Philippines in large quantities, although none of them is now grown except on a small scale. These products are indispensable to the United States and other industrial nations, and none of them can now be procured in any considerable quantity in the Western Hemisphere. Cotton, coffee, citrous and other tropical fruits are readily grown in the Philip-

pines and should eventually find a market in the Islands or elsewhere. The uplands of Bukidnon would support enough cattle to supply the Philippines with beef (much of which is now imported) and leave a surplus for export. The Philippines has one of the world's great stands of commercial timber. Of nearly 18,600,000 hectares of potentially agricultural land only about 4,260,000 hectares were under cultivation in 1937.[4] Mindanao, comprising more than one-fifth of the area of the Archipelago, is an underdeveloped territory which may become of greater importance to the Philippines than the "great west" of the eighteen-fifties has to the United States. Philippine fisheries could probably be made much more productive.

Upon the basis of its agricultural, pastoral, forest and fishery resources alone the Philippines should be able eventually to readjust its economy to separation from the United States and to support a steadily growing population at a standard of living which the masses of its people would accept. Readjustments of this sort can only be accomplished over a long period of years, however, and are seldom voluntarily carried through. Time, capital, and the continued pressure of stern necessity would be required to effect the necessary changes in Philippine agriculture and allied industries. Thus there exists a tremendous gap between the potential and the immediately available wealth of the Philippines. In planning the future relations between their respective countries, neither Filipinos nor Americans have fully faced the hard fact that even under favorable international conditions a good many decades would be required to close this gap should the artificial trade relations between the United States and the Philippines be radically modified. Meanwhile the promising political and social structure which has been developed in the Islands might be disrupted and perhaps destroyed. The wealth necessary to support a prosperous nation even upon an agricultural economy potentially exists in Philippine soil and waters. The Filipinos still have to build an adequate economic structure upon this foundation.

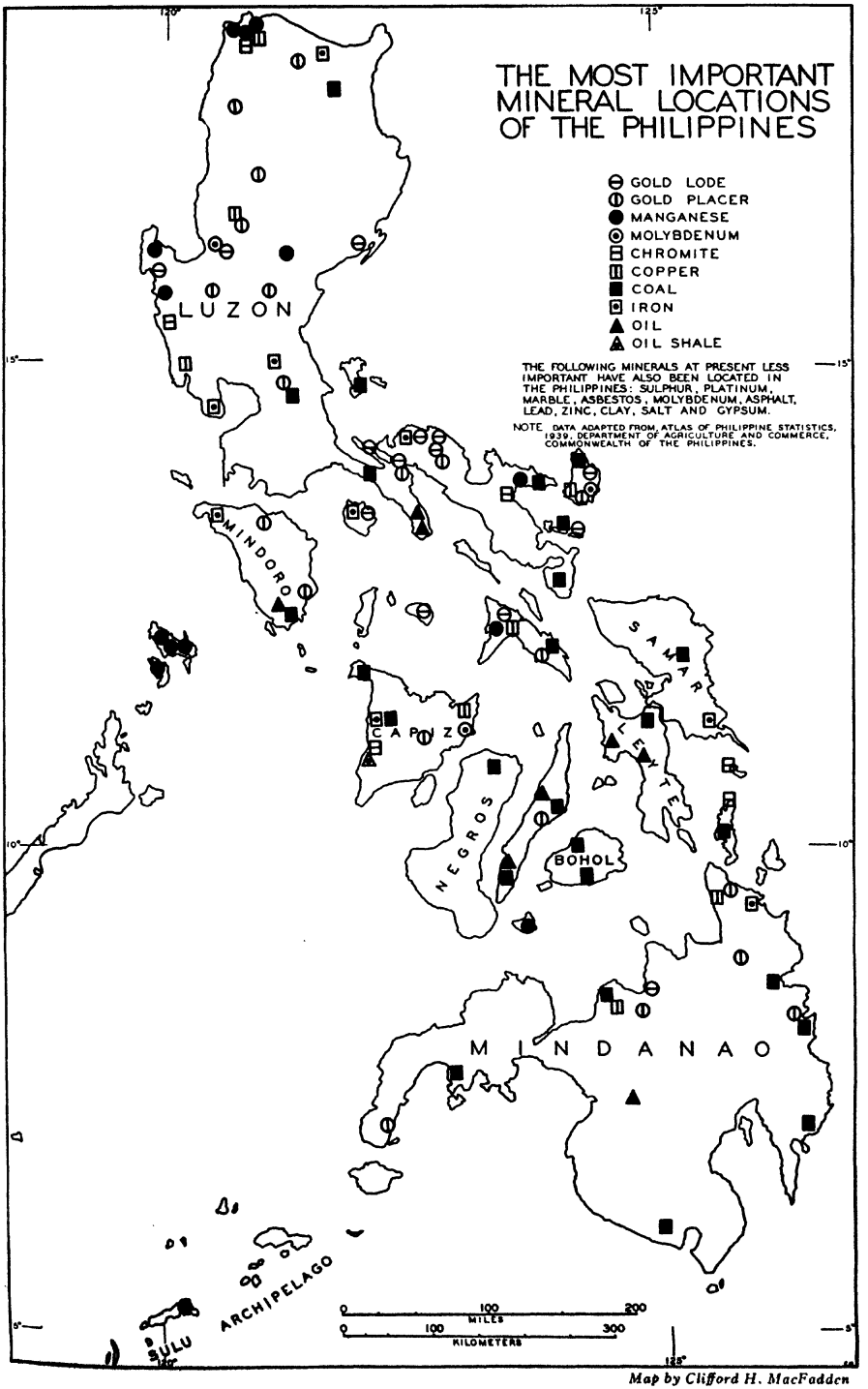
Until very recently the Philippines has been an almost wholly agricultural country, and in the consideration of its future the assumption has been that it would remain so. During the past decade, however, mining has become an important industry in the

Islands. In 1907, 4,539 fine ounces of gold were produced in the Islands; between 1915 and 1928 production fluctuated between 63,704 and 93,117 fine ounces; between 1929 and 1939 it jumped from 163,057 to 1,067,021 fine ounces.[5] Since 1939 this increase in production has continued and there is reason to believe that it may do so for a long time to come. Even now the Islands produce more gold than Alaska. The value of the output during the first six months of 1940 was ₱37,807,928,[6]* which would mean more than ₱75,000,000 for the year. In 1928 the value was ₱3,849,580.

During the past few years the production of a number of base metals has increased even more rapidly, although the values involved are not nearly so large. In 1935 only ₱83,799 worth of base metals were shipped abroad; in 1939 the production was valued at approximately ₱11,000,000. During 1940, still greater quantities of chrome ore, copper ore and concentrates, iron ore, and manganese ore were being exported.[7] One of the world's largest chrome ore deposits (estimated at 10,000,000 tons) and numerous smaller deposits are located in the Islands. A number of large iron deposits also exist, the greatest of which has been estimated to contain 1,000,000,000 tons. Lead, molybdenum, asbestos, zinc, platinum and sulphur deposits have also been worked. A number of bituminous coal mines are being operated at a profit, but the grade is low. No deposits of coking coal are known to exist in the Archipelago. Although the Philippines is in the Western Pacific oil belt, extensive exploration carried on for years has not yet resulted in the discovery of oil in commercial quantities. Under government auspices the search still continues.[8]*

What the mining industry already means to the Philippines was recently set forth in striking phrases by Judge John W. Haussermann, the "mining king" of the Islands. Judge Haussermann, speaking in December, 1940, said:

> Nine years ago, the Philippines got less than half a million pesos of taxes out of mining. They now get eight million pesos. Here is tax revenue multiplied 16 times in nine years. . . .
>
> The mines payroll in the Philippines is now 20 million pesos a year. It is about three times what it was when the Commonwealth began. The mines employ 40,000 men. Five years ago they employed 16,000 men. Payrolls multiplied 2½ times in five years. And the mine communities are models of sanitation and social order and progress.



Map by Clifford H. MacFadden

Four Philippine mines each employ more than 2,000 men: Balatoc, Benguet Consolidated, Philippine Iron Mines, and Masbate Consolidated. Three are gold mines, one is an iron mine. Samar Mining, another iron project, and Itogon, another Baguio gold mine, each employ more than 1,000 men. Barring the calamity of war, all these figures will rise year after year until mining, even excluding discovery of oil, will be a chief source of Philippine revenue.[9]

Many years may elapse before the significance of the Philippine mining industry is fully revealed. The development of a steel industry in the Islands would seem to be precluded by the absence of coking coal. Yet within a few miles of a mountain of iron in northern Surigao are streams capable of producing substantial quantities of hydro-electric power. In any event, the mineral resources of the Philippines are sufficient to afford the basis for a broader industrial economy than would have been thought possible twenty years ago. The material requisites for the development of a light industry manufacturing goods for home consumption and export are present in the Islands.

That the Filipino people should have reached the threshold of nationhood possessed of a territory so extensive and so rich in undeveloped resources may be for them either a blessing or a curse. The great archipelago which they regard as their natural heritage has thus far been preserved for their use by the protecting sovereignty of two Western states, Spain and the United States. Even their consciousness of nationality has developed under the fostering care of foreign protectors. Eloquent recognition of this historical fact has been given by the brilliant Filipino who for nearly two decades has been the unquestioned leader of his people. Speaking in January, 1936, President Manuel L. Quezon declared:

> . . . But above all, we owe to Spain the preservation for the benefit of our own people, of the soil of our country, as well as the laying down, by means of religion and education, of the foundations of our national unity. It is, thus, that the Archipelago, composed of numerous and isolated islands, which in 1521 was discovered by Magellan and was but a geographical expression apparently without any common interest or aspiration, is today a compact and solid nation, with its own history, its heroes, its martyrs and its own flag, a people uplifted by a consciousness of its own personality, feeling a deep sense of worth and inspired by a high vision of its great destiny.

If Spain had done nothing in the Philippines but the wielding [sic] of scattered and separate elements into the consummate structure of our nationality, which has not only enabled us to assimilate another civilization such as that brought to us by the United States of America but has also prevented the basic and distinctive elements of our personality from being carried away by strange currents, thus bringing us to the triumph of our aspiration to be an independent nation; I repeat that if this had been the only work of Spain in the Philippines, it would in itself be sufficient, in spite of the mistakes which, in the words of the poet, were "crimes of the times and not of Spain," to raise in every Filipino heart—if this has not already been done—a monument of undying gratitude to the memory of Spain side by side with that which we should erect in honor of the American people. These two civilizations, the Latin and the Anglo-Saxon, which the fortunes of war have brought to us to make the soil of our land more fruitful, have moulded our national character in a manner so different from that of neighboring nations that in addition to the results of our own efforts, it may be said in truth that to both civilizations we owe in large measure our aptitude and fitness to assume the responsibilities of the present government and of the independent State which will inevitably follow.[10*]

Even when the law which provided for the complete separation between the Philippines and the United States (perhaps inappropriately called the Philippine Independence Act) was enacted, it seemed self-evident to many people that the rich territory of the proposed Philippine Republic would have to be protected and developed if, under modern world conditions, it were to remain in Filipino hands. In the year 1941 it is more generally admitted that while the inherited wealth of this young nation affords an ample basis for the development of a great state, it also brings with it dangers against which the Filipinos are not yet fully prepared to guard themselves.

Whether good or evil flows from national as from individual wealth is determined by many other factors than the mere physical value of things possessed. As often happens in the case of rich youths approaching their majority, the national wealth of the Filipinos concerns others as well as themselves. A glance at a map of the western Pacific more than suggests that the natural resources and strategic location of the Philippines and its proximity to overpopulated and far more powerful neighbors make its future a matter of concern to many states. Will circumstances permit the

Filipinos to develop their island empire in their own way, at their own time, and to their own advantage? Has the time passed when it will even be possible for them to select a partner with whose collaboration they may press forward towards national goals of their own choosing? Factors suggested by questions such as these may well determine the ultimate bearing which the character of the Filipino homeland will have upon the development of a Philippine nation.

That the Filipino people are sufficiently numerous to constitute a nation and occupy a territory which is adequate for the support of an independent state are demonstrable facts. The extent to which the Filipinos possess those characteristics without which the most numerous group of people finds it difficult to maintain itself as a nation in the political sense cannot be so definitely determined. Filipino unity in three of the most important of these characteristics—race, culture, and sentiment—has been frequently challenged. Early American administrators and some of the writers who described their achievements were much impressed by the racial and cultural diversity of the inhabitants of the Islands, and for many years American public opinion upon the Philippine question was strongly affected by their views.

At first sight cultural and racial diversity do seem to be very great among the people of the Philippines. The leading authority on Philippine ethnology has recognized no less than forty-three distinct ethnographic groups, speaking eighty-seven languages and dialects, as existing in the Archipelago.[11]* Yet, with the exception of a small number (possibly 80,000) of forest and mountain dwellers of Negrito, negroid, or undetermined blood a very large majority of the people of the Philippines belong to one great racial group, the Malays. Among the 16,000,000 Christians and Mohammedans who dwell in the lowlands, the type is fairly uniform, although in almost every group the Malay stock has been blended with Indonesian and Mongoloid elements, and the presence of Chinese and Spanish blood is apparent in the leading people of every Christian area. Among the half million or more pagan mountaineers and forest peoples, greater ethnic diversity exists. Indonesian types and Malay blends in which the Indonesian and Mongoloid elements are predominant are common.

From the ethnological standpoint, however, the outstanding fact about the Filipino people is not diversity, but homogeneity. In blood and ancestry they are at least as unified as are the inhabitants of Great Britain, France, Spain, or the United States. When the Government of the Philippines seeks to arouse among all of the native inhabitants of the Archipelago a consciousness of Philippine citizenship and devotion to a Philippine state, it is appealing to a people already united by one of the most fundamental of ties, that of blood relationship.[12*]

During the American regime the Government of the Philippines has recognized two major groups of inhabitants, the Christians and the non-Christians. In the latter category are included the Mohammedan and pagan groups who successfully resisted the attempts of the Spaniards to impose upon them the Christian religion, and so far as possible the government and culture of Spain. As used administratively, the term "non-Christian" is applied to historic and ethnological groups, many individual members of which today profess the Christian religion and have successfully adopted the culture of the lowland Christian Filipinos. The Census of 1939 shows that the Christians number more than nine-tenths of the population of the Philippines: the Mohammedans, or Moros (677,903), a little over, and the pagans (about 626,008) a shade under four per cent of it.[13*]

Politically and in every other way the Christians count even more heavily, as compared with the other groups, than their numerical proportion would indicate. Under the Spanish regime the other two elements in the population were peoples apart. The pagans resided almost entirely in inaccessible mountains or forests and, although they varied greatly among themselves, were primitives or of relatively backward types of civilization. The Moros inhabited the Sulu Archipelago and limited areas in the great southern island, Mindanao. They were separated from their Christian neighbors by seas which were crossed most frequently by Spanish armies and Moro pirates; and the Mohammedans possessed a highly developed civilization which was quite distinct from that of the Christians. Spain never really conquered the Mohammedan and pagan inhabitants of the great island of Mindanao and the Sulu Archipelago, the wild mountaineers of Northern Luzon or many

other groups of the native peoples living in other areas throughout her island colony. Suspicion and often enmity existed between most of these groups and the Spaniards and the Christian Filipinos with whom they came into contact.

The largest group of pagans to have been brought within the jurisdiction of one unit of local government are the approximately 250,000 native inhabitants of the famous Mountain Province in north-central Luzon. The remainder of the pagan population is scattered through the Archipelago (most numerously in Mindanao) in much smaller groups, and does not comprise the most important element in any other province. The majority of the Moros are found in three main cultural groups in the four Mindanao provinces, Lanao, Cotabato, Zamboanga and Sulu.

The policy of the Philippine Government has been to prepare the non-Christian people of the Islands for equal citizenship in a democratic Philippine state. At times there has been friction between American and Filipino officials as to the means best calculated to attain this end. In the opinion of most of the Americans familiar with the problem the Filipinos have underestimated the political significance of the cultural chasm between the Christian and the non-Christian elements within the Philippine nation. Furthermore, they resented the feeling of many Americans that they were not capable of governing their non-Christian brethren; they feared that the separateness of the non-Christians would hinder the Filipinos' national struggle for independence; they were confronted with measures like the Bacon Bill of 1926,[14] which proposed to separate Mindanao and Sulu from the remainder of the Archipelago and permanently retain these rich islands under American sovereignty; and the politically dominant Filipinos were under pressure to find jobs for their followers in the non-Christian areas. These are some of the reasons why the Filipinos have sought to rush the assimilation of the non-Christians into the national body politic at too rapid a pace. It should be recorded, however, that the government in Manila has not hesitated to appropriate money generously, in view of its slender resources, for the extension of the great services of modern government—health, education and the rest—to the non-Christian areas. Through these agencies progress has been made towards bringing many of the culturally sepa-

rate non-Christian groups into the current of modern life as represented by the Malay-Spanish-American culture of nine-tenths of the Filipino people.

Until the inauguration of the Commonwealth, the Filipinization of the government in the non-Christian provinces proceeded along a line parallel to Filipinization elsewhere, but progress was slower. The situation was complicated, however, by the intense desire of the non-Christians to govern themselves and reserve for themselves all governmental positions within their regions which were not held by Americans. Their attitude in this matter was almost precisely the same as that of the other Filipinos with reference to the elimination of Americans from the governments of their own provinces and the Philippines as a whole. In both cases a balance had to be struck between local self-government and ideally efficient government; and from extensive experience in dealing with non-Christian administrative problems the author states with feeling that in actual practice a satisfactory balance is extremely difficult to strike.

With the inauguration of the Commonwealth, the predominantly non-Christian provinces, over which the Governor-General had exercised special powers, passed completely under Filipino control as did the remainder of the Archipelago. It is too early to reach definite conclusions as to the manner in which the Commonwealth has dealt with non-Christian problems.

If the Philippines should endure as a nation, the Mohammedan and pagan groups of the Islands have no possible future except within the Philippine body politic. These peoples are cultural minorities within the nation. The problems connected with the assimilation of such minorities are among the most complex and delicate within the entire range of statecraft. If they are wisely dealt with, the staunch, virile men of the Mountain Province and the high spirited, courageous Moros should become in time loyal Philippine citizens, making their distinctive contributions to the nation. Their special cultures will inevitably be modified and one would be blind to the lessons of the history of the contact between advanced and backward peoples should he expect this modification to be painless. One of the great tests of Filipino statesmanship during the decades to come will be the ability of the Manila Gov-

ernment to preserve and utilize for the national good the better elements of these minority cultures and attract and hold the loyalty of these portions of the population of the Philippines.

In 1936 the Commonwealth Government abolished the Bureau of non-Christian tribes, the special agency established under the Jones Act for the supervision of the non-Christian provinces, and transferred its powers, functions and duties to the Secretary of the Interior. At the same time it created within the Department of the Interior the office of Commissioner for Mindanao and Sulu, with the rank and salary of an under-secretary of department. This official has his office in Lanao, and exercises supervisory powers over the special provinces and their subdivisions in Mindanao and Sulu. He also cooperates in the direction of the general developmental work being undertaken in this region.[15*] The developmental aspect of the Commonwealth's program for making Mindanao incontestably Filipino by settlement and use, however, has for the most part been entrusted to the National Land Settlement Administration.[16]

The present Commissioner for Mindanao and Sulu, the Honorable Teopisto Guingona, former Acting-Governor of the Department of Mindanao and Sulu and former Chief of the Bureau of Non-Christian Tribes, is of all persons the best qualified to deal with the governmental problems of the non-Christians of the Southern Islands. Major General Paulino Santos, the Director of the National Land Settlement Administration, gained an intimate acquaintance with the problems of Mindanao as a Constabulary officer and as Governor of Lanao. He is one of the ablest administrators, Filipino or American, who has ever served the Philippines. Properly supported with financial means and broad authority, these two men will carry forward wisely and effectively the work of making the "Southern Islands" and their culturally heterogeneous population integral parts of the Philippines, in fact as well as in law.

The author has confidence enough in the political capacity of the Filipinos to believe that if future circumstances make possible the maintenance of a stable, independent Philippine state they will ultimately reach reasonably satisfactory solutions for their minority problems. On the other hand, the existence of a minority group, such as the Moros, within a nation which still has to demon-

strate its ability to stand alone must be regarded as an element of weakness which in time of crisis might become serious.[17*]

A great deal has been written concerning the traits of the Filipino people.[18*] In the present discussion it is proposed to mention only those national characteristics which are of considerable political significance. In this connection a fact of importance is the division of the Christian population into eight ethnographic groups differing from each other in habitat, speech, and other elements of culture. The Visayans, probably numbering more than 5,000,000; the Tagalogs, somewhat less than 3,000,000 strong; and the Ilocanos, about 1,650,000 in number, are the largest and most important of these groups.[19*]

The Visayans inhabit the group of islands known as the Visayas between Luzon and Mindoro on the north and Mindanao on the south, and have spread to the adjacent coasts of both of the latter islands, as well as of Palawan and the Bicol Peninsula of Luzon. The home territory of the Tagalogs consists of the eight provinces adjacent to Manila.[20*] They have, however, filtered into a number of other near-by provinces and the islands of Mindoro and Masbate; and, as officials and settlers, are found in positions of influence throughout the Archipelago, especially in Mindanao. The Ilocanos occupy three provinces comprising the narrow strip of northwestern Luzon between the mountains and the China Sea. They have overflowed into near-by provinces, and furnished the greater part of the Filipino labor force in Hawaii, and a considerable proportion of the recent immigrants to Mindanao.

These three groups are separated from each other by distance and by the natural barriers of sea and mountains, and are further divided by the conditions of their past. Until the advent of the Americans there was comparatively little intercourse between them, and certain events of the Revolution, the portentous period in the development of the spirit of Philippine nationality, tended to create among them a feeling of enmity, rather than of unity. The Visayans were lukewarm toward the war against the United States; and an important part of the Island of Negros refused to participate in it. The Ilocanos were in the forefront of the battle for liberty, but were never free from jealousy and suspicion of the Tagalogs. The killing of General Antonio Luna, an Ilocano whom

Filipinos regard as having been the most able officer of their Revolutionary Army, by the Tagalog bodyguard of General Aguinaldo was one of several wartime incidents which created a bitterness among the Ilocanos that has not entirely disappeared even to this day. Anyone who believes the contrary would do well to read the Philippine newspapers covering the presidential campaign of 1935.

The dissimilarities in the racial and social characteristics of these three major groups are noticeable to the ordinary observer, and are considered marked by those who are specialists in such matters. The Ilocanos, for instance, although of the Malay blend, are distinguished by a predominant Mongoloid element, often apparent in their narrow eyes and high cheekbones, and in their comparatively short stature. Their industry, thrift, aggressiveness, and a certain hard acquisitiveness led early Americans to dub them "the Yankees of the Philippines." The Ilocanos practice irrigated agriculture and possess the general Spanish-Filipino culture of all the lowland peoples. Their district, however, produces a large variety of handmade articles quite distinct from those of any other section in the Islands; typical Ilocano houses and rice granaries are of a unique and superior type; their carts are of a different style; their clothing and many of their utensils are distinctive; their language is quite different in structure and vocabulary from the other important Philippine languages.

If one who possessed only a superficial knowledge of the Ilocano provinces were to be suddenly put down in an Ilocano community, he would know at once that he was among these people. Their very country, a narrow, crowded coastal plain, with the gleaming ocean on the one side and cloud-veiled mountains on the other; the long trains of creaking bull carts; the great gray churches with massive buttresses and detached bell towers; the neat houses, strongly made of split bamboo—all would tell him that he was in "the Ilokos Provinces."

As with the Ilocanos, so it is with the Tagalogs, the Visayans and, perhaps in lesser degree, with the other five groups. Each possesses many characteristics, including its own language, which quite obviously set it off from the others. It is interesting to note that all of the Christian groups except the Visayans are natives of Luzon or islands which appertain to Luzon. Although most of

the natural immigration into Mindanao has been Visayan, for twenty-five years colonists have been sent there from various parts of Luzon. The rapidly growing population of this great frontier melting pot may eventually become the least provincially and most nationally minded portion of the Filipino people.

Concerning the extent and political significance of the differences between the languages of the several groups of Christian Filipinos there has been much dispute between those who minimize and those who magnify this element of national disunity. The subject is dealt with at some length in a later portion (Chapter XXIV) of this work. Suffice it to state here that although these languages are so similar that any Filipino can easily learn the tongue of other groups than his own, yet they are so different that the typical member of one group is unable to converse with his fellow citizens of other groups save in English or Spanish; that the various languages have maintained their purity and separateness for hundreds of years; that each has its own literature; and that there is scant likelihood of their disappearing or fusing within any calculable future.

The most important political consequence of the diversity of tongues in the Philippines is that the absence of a common language is an impediment to the development of national and democratic institutions in the Islands. While the educated, the wealthy, the powerful Filipinos (including a small but growing middle class) in all parts of the Archipelago possess a common language, English or Spanish, the masses still have effective command only of their local idioms. Hence, members of the governing and middle classes in each province can communicate freely with those classes in every other province, while the bulk of the people remain comparatively uninformed and inarticulate beyond their narrow local boundaries.

Undoubtedly this is one of the principal reasons why the upper classes are far less local and more nationalistic in sentiment than are the masses of the people. Most of them speak English or Spanish, or both. The leaders of every province are known personally to the leaders of every other province. In the national government they have made common cause against the Americans for forty years and have become accustomed to working together

for a common end. They belong to national political parties. Many of them journey to Manila frequently, often for prolonged visits, to attend sessions of the legislature or political conventions, meetings of government officials of various categories, professional or other organizations, or to transact private business. A considerable proportion of them were educated in schools or universities situated in the capital and are now sending their children to these same institutions or the newer ones which have sprung up in large numbers during the past two decades. Because they have operated it and been most extensively benefited by its far-flung services, the members of the upper and middle classes have felt most directly the unifying effect of the highly centralized Philippine Government.

Probably most members of the dominant classes today think of themselves first as Filipinos and only afterwards as Tagalogs, Ilocanos or Bicols. How far this is true of the masses of the people is open to question. The author recalls many instances in which the spontaneous expression of popular feeling in this matter would indicate the contrary. Typical is an interchange overheard between two chauffeurs at a Manila curb. "Is he a Filipino?" one of them inquired. "No. He is an Ilocano!" the other replied. The possession of a common language by the upper and middle classes has contributed greatly to the development of a national consciousness and to a diminution of provincialism among the Filipino people. Only a relatively small proportion of the masses use effectively any language save the local one, however, and it may be doubted whether the increased mastery of a foreign medium of communication by the classes has advanced the cause of democracy as effectively as that of nationalism.

Thinking Filipinos have always objected to the unofficial American designation of the several groups among the Christian inhabitants of the Islands as "tribes." They are acutely conscious of the usual connotation of the word ("group of barbarous clans under recognized chiefs," *Concise Oxford Dictionary*), resent being classed thus with more or less primitive peoples, and feel that the term unjustly exaggerates their political disunity. Even the title "Bureau of Non-Christian Tribes," long officially used to designate the bureau charged with administrative responsibility

for the non-Christian peoples, was always resented upon the ground that it was misleading to the outside world and insulting to those "Filipino brothers." It was discarded early in the Commonwealth period.

As applied to the bulk of the Philippine population, the word "tribes" is, in fact, a misnomer. The ethnological groups among the Christian Filipinos have never been political units, and during the three centuries of Spanish domination the inhabitants of the entire Archipelago were ruled as one people by a highly centralized government. During this period the "tribes" were politically important chiefly because the linguistic and other differences between them made any general rebellion against Spain a practical impossibility. During the American regime they have presented no serious political or administrative problems; and in no sense do they represent deep racial, religious and political differences, such, for example, as those which divide the peoples of British India.

On the other hand, the fact that the presence of these distinct and ancient ethnic groups in the Philippines has not been of great political importance in the past is not good evidence that it contains no possible menace for the future. Filipino leaders frequently declare that their people have not developed economically, politically and socially as many other races have because under Spanish and American dominion they have had no chance to express their own personality and utilize whatever capabilities may lie within them. No fair-minded person would deny the strength of this explanation of the retarded development of the Philippines in certain fields of activity. But it is suggested that this same foreign rule has likewise been the force which has kept the peace and made possible the development of a spirit of nationality among the many groups of the great Archipelago.

Since the inauguration of the Commonwealth, President Quezon has frequently urged his people to put their ancient provincialism behind them and re-orient themselves to the nation. One of the basic reasons for the adoption of modified Tagalog as the national language was to hasten the unification of the people through a transfer of their group loyalties to the Philippine state. Speaking to fellow alumni of San Juan de Letran College in 1937, President Quezon said:

And, why are we Filipinos united now? First, thanks to the Spaniards and then to the Americans.

Do you know, I often ask myself: What shall we do when the Americans are gone, when that stimulus to be united no longer exists? We shall have strife, such as that which existed when we were students here in Letran and when the Tagalogs used to fight with the Ilocanos, the Pampangos with Visayans, the Visayans with the Tagalogs, etc. I have seen that here, and not so long ago, either. I am not old yet, and I have seen the fights we had here. The language is going to save us because no one will remember that he is a Tagalog, Visayan, Ilocano, Pampango, Bicol, etc. They will all forget that difference.[21]

While governed by Spain the Filipinos enjoyed very little political self-expression in any unit larger than the municipality. During the generation of American rule, the politically active inhabitants of the Islands have sunk cultural, provincial, and other differences in order to present a united front in the matter of autonomy and independence. But this harmony is to a certain extent factitious. It is artificial, and now and again it strains the self-control of some Filipinos to the breaking point. He would be a rash man who would declare that such unity could certainly be maintained once the powerfully unifying force of foreign domination were withdrawn. Such withdrawal might immediately be followed in Philippine politics by an abrupt change from one dominant unifying issue, independence, to many disrupting issues, such as economic or religious policy, the spoils of office, the distribution of government favors in the form of roads, schools, subsidized industries, and so forth. A keen political observer who knows the Philippines as intimately as any man has suggested that the new Philippine Senate, the members of which will be elected on a nation-wide general ticket, will invite an Ilocano-Visayan combination against the Tagalogs.

It is illogical and unfair to assume that the Filipinos could not meet and solve such problems simply because no other Malay people has ever done so. It is equally unreasonable to shut one's eyes to the existence in the Philippines of elements of disunity arising out of the ancient ethnological groups into which the population is divided. The Filipinos are not oblivious to the comparatively recent origin of the national unity which they now possess. An understanding of its implications undoubtedly has con-

tributed to their willingness to subordinate party and personal differences to the strengthening of the national spirit and leadership during the difficult period through which their country is passing. The practical problems which the Commonwealth has to face should be considered before any conclusion is reached as to the significance of the concentration of authority in the hands of the Philippine President.

In addition to the vertical divisions among the Filipino people, the results of geographical, ethnological and historical causes, society in the Philippines is divided horizontally to an extent unknown in the Occident. The breadth and depth of the chasm existing in every Asiatic country between the ten, fifteen or twenty per cent of the population at the top and the eighty or ninety per cent at the bottom constitute one of the most significant of the oft-sung differences beween the East and the West. The Philippines is organized as a political democracy; it contains no legally privileged classes; under its liberal constitution all men are equal before the law. Yet forty years under the Stars and Stripes and the Filipino's own *bandera de libertad* have done little more than prepare the way for social and economic and, for that matter, genuine political equality.

Standards of living in the upper strata of Philippine society, whether metropolitan or provincial, although not precisely the same, are at least as high as those of well-to-do Americans. The older members of families of this class received the Hispanic education of the pre-American days; their children now attend the public schools or the more exclusive private academies or convents, and eventually go through one of the Philippine universities or a first-rate institution of learning in the United States or in Europe. One rich provincial town of some 10,000 inhabitants has sent at least 100 of its youths abroad to complete their education. Filipinos of this class are independent economically, competent socially, and imaginative, ambitious, and politically adept. In short, in their manner of life and accomplishments they are much like the prosperous people of any Western country. Many of the more wealthy members of the upper class, especially the great land-owning families, are genuine aristocrats—a vanishing type in this fast-changing world.

At the other extremity of the socio-economic scale is the mass of the people. The vast majority till the soil as small landed proprietors, tenants, or simple *taos* working the great sugar, tobacco, hemp, or rice estates. They live, as a rule, in one- or two-room houses of nipa, bamboo, and other local materials, constructed by their own hands. The entire family, which is apt to be numerous, sleeps on, or rather surrounded by, pillows spread on the split bamboo floor of the living room at night and stacked in tall racks during the day. Furniture is scarce and often primitive. The staple food is rice, supplemented by fruits, a few vegetables, and the products of the poultry yard, the pig pen and the fish pond, the river, and the near-by sea. The rice is hulled, mortar and pestle fashion, by the women of the individual family. Except during the rainy season the primitive, but efficient, pottery cook stove is often placed on the ground near-by or under the house. One of the delights of an early start to Baguio over the Manila North Road is the sight of breakfast fires flickering in the gray dawn under the great mango trees which line both sides of the highway through Bulacan. The clothing requirements of the family are dictated by the slight needs of the tropical climate rather than by the changing demands of fashion.

Since 1899 literacy has been increased and the rights of liberty and property are now better protected than during Spanish days. Through the educational system and from the lips of their own national leaders and of Americans who have lived among them, the common people have learned something of the rights and duties of citizenship in a democracy. During recent years a radical movement of growing strength has stimulated many thousands of depressed farmers and city workers to organized action for social and political purposes. Improved transportation facilities by railroad, bus and inter-island shipping have widened the horizon of the provincial masses. Yet through influence over the justice of the peace courts and other agencies of local government, through the operation of laws favoring the usurer and the land grabber, and even more as a result of the tenacity of ancient customs, the rich still exploit the poor, and the barefooted *tao* still stands a world removed from the sophisticated *ilustrado* upon whom he is economically and politically dependent.

The position of the Filipino masses has been vividly described by one who is seeking to elevate it in order to create a sound body politic in the Philippines. In October, 1938, President Manuel L. Quezon declared to the National Assembly:

> Has the progress then made by the Philippines benefited our poorer population? The poor still has to drink the same polluted water that his ancestors drank for ages. Malaria, dysentery, and tuberculosis still threaten him and his family at every turn. His children cannot all go to school, or if they do, they cannot even finish the whole primary instruction for one reason or another.
>
> Roads from his *barrio* or his little farm to the town there are none. Only trails are within his reach—trails that have been formed by the daily pressure of his bare feet and not because they have been constructed. As he works from sunrise to sundown, his employer gets richer while he remains poor. He is the easy prey of the heartless usurer because usury is still rampant everywhere despite legislative enactments intended to suppress it.
>
> That is, concisely speaking, the lot of the common man in our midst, after America's long endeavor to give to all fair opportunity in the pursuit of happiness and the enjoyment of life.[22]

In one respect this dark picture seems to be overdrawn. Although it is true that in the Philippines as elsewhere the poor are still at a serious disadvantage in the matter of health, the author does not believe that President Quezon would wish to imply that the health of the masses has not been greatly improved by the efforts of the government during the past forty years. The President himself has never failed to support measures to this end. While many of the masses unfortunately do drink polluted water, literally millions, to whom formerly no other kind of water was available, now have access to a pure water supply. Yet President Quezon's description of the lot of the *tao* is, on the whole, a true one.

The fact that a considerable proportion of the "farms" of the Philippines are cultivated wholly or in part by their owners is often cited as evidence of the existence of an economic basis for political democracy in the Islands. But before landowning can imply in the Philippines the personal independence which it usually connotes in the United States, the methods of agricultural finance, production and distribution must be reorganized and the traditional relations—social, economic, and political—between the ma-

jority of the small landowners and tenants and their greater neighbors recast. Particularly will the Government have to put the usurers out of business by furnishing the small landowners and tenant farmers with credit under conditions which will induce these people to turn to it rather than to the local Chinese or Filipino money-lender. This task, however, is one of almost incredible difficulty, as is attested by the persistence of the usurer in every country in the Far East. For years the Philippine authorities have wrestled with the problem through farm loan associations and an anti-usury board. The Commonwealth is taking more positive measures to deal with this situation.

Moreover, although there are many small landowners in the Philippines, the proportion of landless people is shockingly high for an overwhelmingly agricultural country in which there is little industry and only one large city. This situation and some of its causes, the most important of which is a faulty agricultural credit system, are clearly revealed in a significant article which recently appeared in the *American Chamber of Commerce Journal.*[23*] As is pointed out in this study, less than 40 per cent of the 3,143,886 families comprising the Philippine population own both house and land. A little over 40 per cent own houses which stand on rented sites, the terms of the leases in most instances being brief. In some of the richest agricultural areas the proportion of landowners is far below the average for the Archipelago. In Occidental Negros, "Queen of Cane," the occupied land is owned by 10 per cent of the total number of families. Nearly one-third of the families have neither house nor land of their own; more than 60 per cent rent the small plots of ground upon which their nipa shacks stand. In Nueva Ecija, "a glomerate of fertile paddies in central Luzon where artificial irrigation, achieved at public expense, benefits many communities," less than 30 per cent of the 81,215 families own both house and land; 50,563 "own cottages on other persons' lands and comprise the peasantry that brings off the generous annual paddy crops, associated with them being 7,340 families owning neither house nor land." Small wonder that there is serious agrarian discontent in these two provinces, especially in Nueva Ecija where many of the landless *taos* are former homesteaders who have lost their holdings through the operation of an ancient

politico-socio-legal system which too often makes it possible for the rich to dispossess and exploit the poor.

Nowhere is it more clearly shown than in the Philippines that the general character of a society cannot be greatly affected by changing only a few of the factors which give that society its essential characteristics. The ancient gap between the fifteen or twenty per cent and the eighty per cent of the population cannot be bridged by any fiat intended to create political democracy. The extension of political rights to the people, however, has put within their hands an instrument which is being used to modify many of the factors of Philippine life which still place a disproportionate amount of power in the hands of a small minority. Broadly speaking, the program of "social justice" which the Commonwealth Government has been developing during the past five years is designed to alter the extra-political as well as the political characteristics of Philippine society in a way which will improve the position of the underprivileged masses and thus enable the Filipino people to achieve more rapidly their ideals of national unity and democracy.

In the Philippines the significance of the division of society into two widely separated classes between which a small middle class is slowly developing is accentuated by the fact that the upper class is largely composed of Filipinos with a noticeable infusion of Chinese and Spanish blood. By no means all of the population who are of Spanish or Chinese extraction belong to the upper class; few people are found in the upper levels of society, however, who have no blood relationship with one or the other of these foreign races. The precise number of Filipinos with a considerable amount of Chinese or Spanish blood is not known.[24*] Certain it is that the former type is much more numerous than the latter, and that together they furnish a disproportionately large percentage of the leaders in every field of activity throughout the Islands.[25*]

The effect which this infusion of foreign blood may have upon the development of the Philippine nation is difficult to appraise. In view of the shifts of population now occurring in various parts of the world and the problems of race and nationality which undoubtedly will have to be dealt with at the conclusion of the present conflict the subject is one of general interest.

There is scarcely room for doubt that the infusion has improved the quality of the native stock. This conclusion is no reflection upon the Filipino people or upon the Malayan race, of which the Filipinos are a branch. Even the "pure" Malays are of mixed blood. No existing nation is racially "pure." The peoples which throughout history have made the greatest contributions to civilization have been of mixed race. The blood and culture of many nations and races have combined to make the Twentieth Century American.

No one who knows the Philippines can fail to be impressed by the happy results produced by the admixture of the Chinese or the Spanish with the Filipino racial stock. The mingling of these races tends to reproduce in combination a preponderance of the good qualities of the three peoples. The admixture of American blood has produced many individuals of high type. This group, however, is not sufficiently numerous to affect the character of the population as a whole. There is, of course, no way of knowing what the descendants of the early Malayans who peopled the Philippines would have become had they not mingled their blood with that of other races and been subject to foreign domination. Nevertheless, there would seem to be little doubt that the infusion of foreign blood has strengthened the Filipinos as a race. There has, however, been a certain amount of feeling, even among Filipinos, that the creation of a strong unified Philippine state would be made more difficult by the overweighting of the upper class by Filipinos who are differentiated from the great body of the people by noticeably foreign characteristics. This problem is a political and social one and for this reason the position occupied in Philippine society by the two great classes of Filipinos with foreign blood deserves consideration.

In the first generation, Chinese coming to live in the Philippines are not usually assimilated. But in most instances the children of Chinese fathers and Filipino mothers become Filipinos. Few of them return to China, regard it as the homeland, or feel that they belong to a foreign community in the Philippines. They think of themselves as Filipinos, and a Filipino with a considerable proportion of Chinese blood in his veins may have sprung from families whose members have been Filipinos for generations and played

distinguished parts in Philippine history. Such a person is a Filipino as wholly as the descendants of the European immigrants of a century ago are Americans. Nevertheless, by many of his fellow citizens of darker color and humbler circumstances (Filipinos of heart and face, they call themselves), he is apt to be thought of as belonging to a minority possessed of more than its proportionate share of wealth and authority.

So is the Filipino of Spanish extraction. Furthermore, he is definitely allied by blood to the race which only recently exercised a domination over the Filipinos as a people and as individuals. Probably this is one reason why few politicians wish to be too definitely identified as Spanish in blood or affiliation; and why Spanish connections are weighed when political appointments are to be made. On the other hand, there are not nearly so many Filipinos with a Spanish as with a Chinese racial background. Citizens of Spanish extraction are not allied by blood with any group of aliens who are competing in occupations which are open to the less prosperous elements of the population. More important, Philippine culture is in large part Spanish, and since Spain's political domination has ceased, virtually all Filipinos look with pride and satisfaction upon the strong ties between the two countries. Finally, it is improbable that the Spanish element in the nation will materially increase.

Many facts can be cited which indicate that the divisive force of the situation which has been described has been exaggerated. Countless Filipinos of Spanish or Chinese extraction have been chosen to municipal, provincial and national offices by an electorate of more nearly pure Filipino blood. Rizal and other national heroes were of mixed lineage. No political party, religious denomination, or other important national organization rests upon a racial basis. Most telling fact of all, the predominance in the upper class of citizens with Chinese or Spanish racial affiliation has not prevented the Christian Filipino people of all categories from uniting in the national cause of independence.

My own conclusion is that while the position of the groups in question might in time of stress constitute a potential danger to Philippine unity, this possibility is being steadily reduced by the growing forces of Philippine nationalism. Certainly the infusion

through the centuries of blood from two of the world's great peoples has helped to produce in the Philippines the progressive, virile race which is now seeking to establish itself as an independent nation.

Because they have been a subject people who have felt that the slightest admission of weakness might be used against them in their struggle for independence, the Filipinos have been prone to minimize the significance of the factors in their history, character, and situation which are adverse to their national ambitions. This attitude is understandable. In a sense, however, it is injurious to their cause. Knowledge of the handicaps which this people has overcome arouses admiration. Comprehension of the difficulties which they still face creates understanding. All told, there is little room for doubt that the Philippines possesses the basic elements from which nations are created.

Much has been written by observers of the American-Philippine experiment in democracy concerning the shortcomings of the preceding Spanish tutelage as a preparation for self-government.[26*] Properly so: in 1899 the political heritage of the Filipino people was in many respects unfavorable for the rapid development of democratic institutions. This fact cannot be overlooked by anyone who wishes to face realities in the Philippines. There is a tendency, however, to ignore or underestimate another very important counterbalancing aspect of the pre-American political experience of the Filipinos. The three centuries of Spanish rule did give these people a familiarity with the forms of Western government not possessed by any other nation east of Constantinople. It gave the *principalia* of every municipality in the Islands long practical experience in the operation of Occidental political institutions, perverted though they may at times have been in actual use. It accustomed the masses to the governmental forms of the West.

Nor should it be forgotten that although in practice the Spanish government of the Philippines was in many respects corrupt and demoralizing, yet in theory and profession the colonial system of Spain was fine and uplifting. Spaniards and Filipinos may have failed always to maintain high standards, but those standards were ever before them in the laws and precepts of both the State and the Church. There could be no better evidence that these standards

did make an impress upon the Filipino mind than the ultimate rebellion of the Filipinos against Spanish rule.

The revolutions of 1896 and 1898 were an expression of the desperate determination of a small number of Filipino leaders that their people should possess the individual civil rights and the national liberties inherent in the Western type of political organization. The revolutionary leaders were enabled to gain popular support by the oppression of government—by concrete abuses which a self-respecting people such as the Filipinos could not endure. Yet Aguinaldo, Mabini, Bonifacio and the other revolutionary heroes were fighting for the political heritage of the West. The revolts of the Filipinos against Spain and even against America were evidence that although Spain had not granted liberty in the Philippines she unwittingly had taught it there. The lessons of those heroic struggles for freedom are too often neglected by Americans who would understand the Philippines. Perhaps the nation-making sacrifices and heroes of the Filipinos are only the more effective in binding the people together because they are in the foreground rather than in the background of Philippine history.

Thus it is not inaccurate to say that since 1898 the Philippines has been attempting to shift from a modification of one form of Western government, the Spanish or Latin, to a modified form of another Occidental system, the American or Anglo-Saxon. The people of the Dutch East Indies, China, Japan, British India and British Malaya are seeking to modify in varying degrees native, Oriental political institutions with those of the Occident. One can hardly fail to believe that the Filipinos have the lesser distance to go. It is difficult to understand how anyone who has observed the operation of government in other Eastern countries can doubt for a moment that the long Spanish tutelage which the Filipinos received in the political philosophy and procedures of the West has given them a great advantage over other Oriental peoples in the adaptation of modern, Occidental political institutions to their own use.

Americans are too prone to forget that it is only through the cooperation of the Spanish-trained Filipino leaders that, with diminishing American supervision, the government of the Philip-

pines has been carried on for the past forty years. Doubtless these men have fallen short of American ideals; being human, they have not lived completely up to their own. But the fact remains that they have carried on their municipal, provincial, and insular governments in general accordance with American principles. Although those principles may, at times, have been honored rather in the breach than in the observance, they have never been abjured. After all, in view of the political and social heritage of the Filipino people, the surprising thing is not that divergence from American standards has been so great, but that it has been so slight. The successes of the Filipino-American government of the Philippines, as well as some of its failures, must be attributed, in part, to the three centuries of Western political experience which the Filipino people, especially their leaders, had enjoyed before the United States appeared on the scene.

CHAPTER II *

THE PHILIPPINE CONSTITUTION

IN THE development of Philippine political institutions since the end of the Spanish domination, six constitutional documents have been of fundamental importance.[1]* The first of these, the "Malolos Constitution" (the organic law of the Philippine Republic established in 1899), was a charter of government drafted by the intellectual leaders of the revolutions against Spain and the United States. No foreigner participated in its formulation, and it may be regarded as providing for what seemed to the Filipinos to be an ideal form of government. In its fundamental features this constitution was democratic and progressive. Reflecting Filipino reaction against Spanish tyranny, it rested upon the doctrine of popular sovereignty and contained broad and detailed provisions for the protection of the rights of the individual and the nation. Its bill of rights, for instance, compared favorably with that found in any American constitution. The document as a whole showed the results of a wide knowledge of modern democratic political institutions and the thoughtful adaptation of them to meet the ideals of the dominant Filipinos of the time.

In the opinion of contemporary American and foreign observers, a stable democratic republic could not have been maintained under the Malolos constitution, because the fundamental elements from which democratic government springs were not possessed by the people of the Philippines in 1899. Nevertheless, this organic law was a free expression of the type of state to which the articulate Filipinos aspired at the end of the Spanish regime. This state was democratic and liberal and was pledged to a careful regard for the protection and development of the masses of its citizens. In these important matters there is a remarkable con-

* *The notes of this chapter begin on page 866. Subject matter notes are indicated by an asterisk.*

sistency between the Malolos constitution and the organic law of the Philippines adopted in Manila thirty-six years later.

The most fundamental difference between the constitution of the first Republic and that of the Commonwealth is found in the extent of the powers vested in the chief executive and in the relations between the executive and legislative branches of the government. In view of the fact that the most notable characteristic of the Constitution of 1935 is the dominant position given to the President, the comments of the first Philippine Commission upon this feature of the Malolos constitution are extremely interesting. Speaking of this document and the so-called Paterno draft-constitution, the Commission declared:

> There are, however, two fundamental conceptions common to those constitutions which serve to throw no little light on the political philosophy of the Filipinos. One of them is borrowed from England by way of Spain. It is the irresponsibility of the chief executive and the responsibility to the legislature of his ministers. The other is the institution of a permanent commission, composed of members of the legislature, to keep a watch upon the chief executive, the members of his cabinet, the chief justice, and other high officials of the government. It is a system of general distrust, of divided power, of indirect responsibility; . . . This complex system, which violates so many of the principles laid down by Hamilton and Madison in the *Federalist*, is undoubtedly an attempt along those Spanish lines with which alone the Filipinos are familiar, to circumvent knavish and oppressive rulers whom a long experience had accustomed them to regard as an inevitable part of government. They had never dreamed of the simple American plan of giving the chief executive large powers and holding him strictly accountable for the use of them, his cabinet being merely an advisory body; and they had not risen to the great and fruitful conception of the complete separation of the executive, the judicial, and the legislative departments of government. It will take time and visible demonstration to convince the inexperienced Filipinos of the superiority of the American method of a strong executive who shall be completely independent of the legislature.[2]

The reader will be interested in comparing the latter part of this statement with the explanation given by President Recto of the Philippine Constitutional Convention of the dominant position assigned to the Philippine President by the constitution of today. The Recto statement will be quoted a little later.[3]

Of the four basic Philippine constitutional documents between 1899 and 1935, three are of American origin. The instructions to the Second Philippines Commission drafted by Secretary of War Elihu Root and issued by President McKinley laid down the fundamental principles upon which the major American policies toward the Philippines have since rested. In the field of policy these instructions did for the Philippines what the Northwest Ordinance did for the territories which were organized under that great charter. Going further back into history Root's letter may aptly be compared with the instructions issued by the Roman Senate to a pro-consul departing to govern a new province. This document did not legally establish institutions but it largely determined the form which was given to the government set up under the Organic Act of 1902 and by legislation enacted in the Philippines.

The other three major documentary landmarks in the institutional development which preceded the Constitution of 1935 were the Organic Acts of 1902 and 1916 and the Revised Administrative Code of 1917. The first two were laws of the American Congress and provided the legal framework within which the Philippine Government was locally developed. They presuppose the application of American governmental principles and practices in the Philippines. The Administrative Code was enacted by a legislature composed entirely of Filipinos. It is ranked as a major constitutional document, because through it, skillfully utilizing the wide powers granted to them by the Jones Law, the Filipinos created a government which greatly increased their autonomy and to a degree reflected their native political genius. The salient features of these documents appear elsewhere in this volume in connection with the discussion of the constitutional and political developments which were based upon them.

Perhaps equally important in the background of the present Constitution of the Philippines as the McKinley instructions, the organic acts, and Philippine legislation is the development of the party system and the institution of the "national leadership" which will be described at length in other chapters. As has been observed, a people held by force in a position of political subordination expresses its own personality and achieves its own ends through informal and extra-legal procedures which so far as is

permitted twist the legal bars provided by the sovereign into the shape of native desires. Hence in the Philippines the institutional developments which were the product of practical politics rather than of legislative enactment are of even greater importance than are the "unwritten" portions of most political systems built around the core of an enacted constitution.

The men who drafted the Constitution of 1935 were thoroughly conversant with the politics and government of the American period in Philippine history. Indeed, collectively the members of the Constitutional Convention and a small group of leaders who influenced its work from the outside might almost be said to have made that history. Two delegates to the Convention had been members of the Revolutionary Congress which drafted the Malolos Constitution and had actively participated in public affairs during the intervening thirty-five years. Seven of them had sat in the first Philippine Assembly, established in 1907. Nineteen delegates had served or were serving in the Philippine Senate; more than fifty in the Philippine Assembly or the House of Representatives, one of them, Manuel Roxas, having been a Speaker of the latter body. Seated in the Convention, too, were men with experience in the courts of all grades, in the Governor-General's Cabinet, and, as resident commissioners, in the Congress of the United States. More than thirty members had served or were serving as provincial governors.[4]* The Convention, in short, was largely composed of practical politicians. In this respect it stood in complete contrast with the Malolos Congress, hardly a member of which had previously held any public office of importance.

The Convention, however, was far from being a replica of the Philippine Legislature. Many of the important politicians declined to run for it, or at the last moment withdrew their candidacies. And leavening the *politicos* who sat in it were a substantial number of planters, business men, lawyers and professional men who had never before sought public office. These members were there because they hoped to aid in the formation of sound political institutions at a crucial period in their country's history. Many of them, together with colleagues of more definitely political experience, were organized in a closely formed *bloc* led by Don Vicente Lopez of Iloilo, a planter and capitalist long distinguished for his

public spirit and civic courage. At important crises in the work of the Convention these men combined to combat the spirit of partisanship and exerted a moderating and stabilizing influence which is reflected in the general soundness of the constitution.[5]

Obviously, the quality of the work done by any body of 202 members is largely determined by its organization and leadership. Without going into the details of the organization of the Constitutional Convention, it may be said that it was eventually so arranged that every delegate could talk freely, submit as many proposals as he wished, and through committee memberships participate as fully as his ability and industry permitted in the formulation of those portions of the document in which he was most interested.[6**] The committees were so carefully chosen, however, that each of those dealing with the several sections of the Constitution included a number of men who were authorities on that particular subject and capable of reaching and formulating decisions. The central committees which, together with President Recto, directed the work of the Convention as a whole were composed of men of broad experience and sufficient force to produce results in the face of what at times seemed almost insuperable difficulties.

At the center of this organization were two men who provided that leadership which is essential to the success of any great enterprise. These two were President Claro M. Recto, one of the dominant members of the majority party (the Antis), and former Speaker Manuel Roxas, the leader of those members of the minority party (the Pros) who were delegates to the Convention. Both are men of great physical vitality, brilliant intellect, and long political experience. The task with which they were confronted demanded all these qualities.

Finally, in the background but never far removed from the controls of the Convention was President Manuel L. Quezon. There is an abundance of contemporary evidence to show that in the planning of the Convention, its organization, and its work few decisions of major importance were made without President Quezon's knowledge, and probably only one, that to provide for a unicameral legislature, against his considered judgment. His own subsequent public statements tend to confirm this view. Mr. Quezon's positive influence can be seen in the main characteristics

of the Constitution. His negative influence was effectively exerted to keep that instrument within the scope that is proper for a fundamental law; to exclude bizarre proposals of the type which do not grow out of experience and seldom work in practice; and to prevent the inclusion of nationalistic provisions which might arouse the antagonism of other nations or prevent the approval of the completed instrument by the American President.[7]*

The intervention of the President of the Senate in the affairs of the Constitutional Convention did not go unnoticed or unprotested. A group of delegates, among whom Delegate Tomas Confesor was the most outspoken, resented Mr. Quezon's assumption of authority in making preliminary arrangements for the organization of the Convention and in calling that body to order at its first session.[8]* Before the Convention met, its form of organization and the slate of its officers were decided upon at a joint caucus of majority and minority leaders called by President Quezon, and in separate majority and minority caucuses which followed. At these meetings it was also agreed that partisanship should be kept out of the Convention.[9]

The position of Mr. Quezon was that under the terms of the Tydings-McDuffie Act the duty of calling the Convention and organizing it for the inauguration of its opening session devolved upon the Philippine Legislature.[10]* The latter body was unquestionably empowered to provide by law for the constituent assembly.[11] Whether the assumption of further responsibility for the Convention by the Legislature or the President of the Senate was warranted by law is a matter of opinion. There can be little doubt, however, that Mr. Quezon's activities in connection with the body which drafted the Constitution were in harmony with the theory of the "national leadership." An editorial writer in the *Philippines Herald* bluntly but accurately portrayed the position when he declared: "No matter what we may say, this Convention is being held under the auspices of the Philippine Government, and the disgruntled foes of Mr. Quezon to the contrary notwithstanding, he is the head of the Filipino participation in that government." [12]

Furthermore, in the opinion of the writer it was politically and practically desirable that the man who actually was at the center of power should exert the authority of his position to assure

the success of this vital phase in the execution of the program laid down by the Tydings-McDuffie Act. Had President Quezon passed by on the other side and disclaimed any responsibility for the Constitutional Convention because such responsibility was not explicitly laid upon him by law, he would have failed his people at a crucial moment. Incidentally, had he adopted this attitude, he would not have been Manuel L. Quezon.

Reference has been made in another connection to the remarkable suppression of the bitter feelings engendered during the party struggle over the Hare-Hawes-Cutting Bill which was accomplished for the purpose of assuring united action in the Constitutional Convention.[13] The position of the political parties with reference to the work of the Convention should be further considered because it throws additional light upon the way in which the party system operates in the Philippines and upon the genesis of the fundamental law. The majority party was then the Antis, headed by President Quezon; the minority group was the Pros, led by Senator Osmeña. Neither leader ran for the Constitutional Convention; but in a loose sense of the word Mr. Quezon was represented there as majority leader by President Recto, and Mr. Osmeña as minority leader, by former Speaker Manuel Roxas. The word "represented" is not quite accurate in describing the positions of Messrs. Recto and Roxas, because so far as the Convention was concerned each was simply the recognized leader of those members of his party who were delegates in the Convention. Neither was merely the mouthpiece of the president of his party; yet each was the leading representative of that party in the constituent assembly.

Furthermore, although an effort was made to adjourn partisanship, party responsibility and activities openly remained as a part of the Convention procedure. Both before and during the Convention party caucuses were frequently held and important decisions were made therein. At one point in the proceedings partisan feelings arose and threatened to turn the assembly into a political dog fight.[14*] The leaders, however, found a way to restore inter-party cooperation in the completion of a great national task. In general, it was the observation of the author that party procedures and party discipline were chiefly used not for

partisan purposes, but rather to make the unwieldy assembly function and finally produce a satisfactory Constitution which would be accepted by the nation as a non-partisan charter of government.

This rather extended discussion of the composition and working of the Constitutional Convention has been given not merely as history, but primarily in the hope that it might throw light upon the nature of Philippine political institutions, especially those of the parties and the "national leadership." Furthermore, some knowledge of the men and forces which produced the Constitution should contribute to a sound evaluation of that organic law and an understanding of the place which it occupies in the Philippine political system.

The Philippine Constitution was drafted under the authority of an Act of the Congress of the United States, and its character was determined in part by a number of mandatory provisions contained in the American statute.[15] Only three of these provisions, however, affected the legal form and character of the Commonwealth Government, and these three laid down requirements which the Filipinos would have met even in the absence of any mandate from the United States. These requirements were: that the Constitution should be republican in form, contain a bill of rights, and secure absolute toleration of religious sentiment. The other mandatory provisions of the independence law were intended to protect American interests or maintain certain American policies during the life of the Commonwealth, insure the stability of the Commonwealth Government and provide for the maintenance of a minimum amount of American authority during the Commonwealth period; and to protect certain American interests upon the attainment of Philippine independence.

Thus in all essential matters the Filipinos were legally free to determine the form of their government and to express their political ideals in a fundamental law of their own devising. They were also unhampered by any political coercion or even any unsought advice as to the manner in which they should use their legal authority. Governor-General Murphy emphasized this hands-off policy by declining an invitation to attend the inaugural session of the Constitutional Convention. The public interpretation and

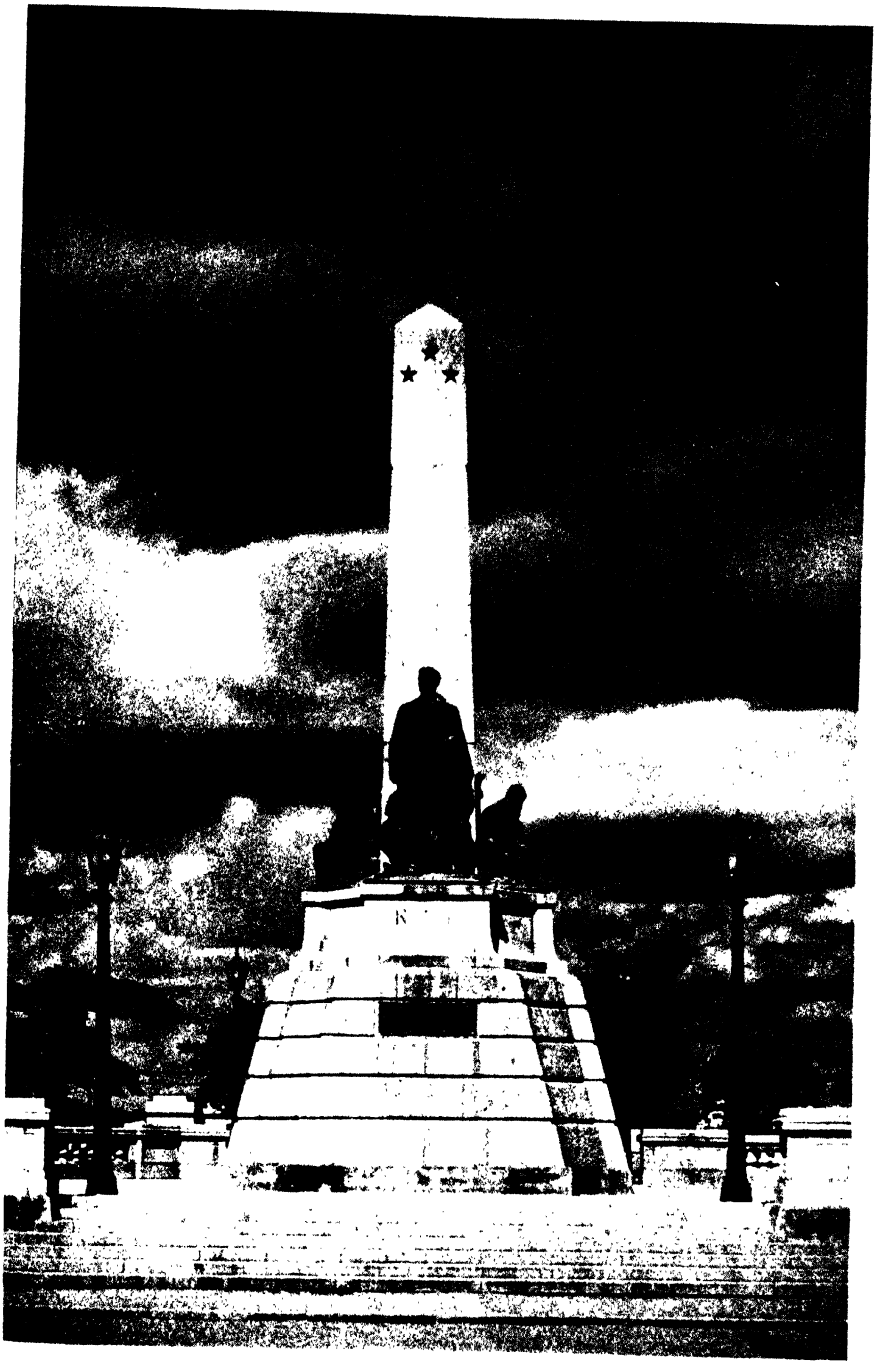
commendation of this act were well expressed, editorially, by the *Manila Daily Bulletin*, as follows:

> Governor-General Murphy acted with wisdom and tact in declining to be present at the first session of the constitutional convention. The delicacy of his behaviour was greatly appreciated by those who have the utmost confidence in him and would have welcomed his presence.
>
> Murphy's conduct is a symbol of the fact that the administration wants the constitution to be a truly great Philippine and Filipino achievement, and does not wish to bring pressure to bear at any point. The convention has been given a free hand.[16]

In passing, it may be added that Mr. Murphy's decision not to attend the opening session of the Convention was a sagacious one from another viewpoint. It would have been embarrassing at the very least for the American Governor-General to have been present while independent members of the Convention who protested that the proceedings of that body were being illegally directed by the President of the Philippine Senate, were steamrollered out of the way by the representatives of the political parties. Some delegate might even have appealed to the Chief Executive for justice upon the grounds that the whole proceedings were being carried on under the authority of an American statute. The ability to avoid such pitfalls, for the Philippine woods are full of them, was one of the most valuable gifts which an American Governor-General could possess.

The attitude of the Washington government towards the Convention was similar to that of its representatives in Manila. In a cable coursed through the Secretary of War and the White House, the American Attorney-General refused President Quezon's request for rulings upon various provisions in the draft constitution. In reporting this action the *Philippines Herald* stated:

> The consultation was made in an effort to draft a constitution as acceptable to Washington as possible. This was considered essential in view of the fact that the constitution will have to be passed upon by the President of the United States.
>
> Only when the entire constitution is formally submitted for presidential consideration will Washington consider the document, the Cummings cable states.[17]



MONUMENT TO JOSÉ RIZAL, MANILA

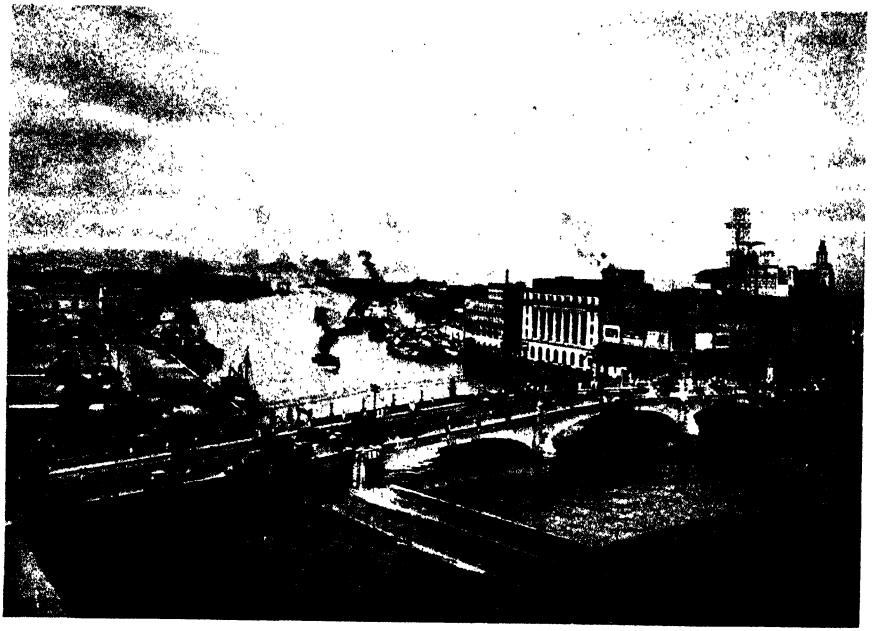


Photo by Charles W. Miller

MANILA ON THE PASIG



Photo by Charles W. Miller

THE LEGISLATIVE BUILDING

Despite the care with which American officials dissociated themselves from the process of framing the Philippine Constitution, it would not be wholly accurate to state that in drafting that document the Convention was wholly free from American influence. The Constitution had to be approved by the American President. There were many reasons why the Filipinos should hesitate to draft a fundamental law which might be regarded by the American public as presaging an early abandonment of principles, or even shibboleths of government supposed to be dear to the American heart. Anyone could see that the Philippine Republic-to-be would have scant chance for survival should the United States decline to grant it more favorable economic terms than those contained in the Tydings-McDuffie Act. Now that "independence" seemed to be approaching, many Filipinos wondered whether it might mean anything more than a change of masters—a change for the worse. The Convention was frequently reminded that the inclusion of this or that provision might imperil the approval of their handiwork by President Roosevelt. Perhaps in some instances the possibility of disapproval in Washington was a bogeyman, useful in scaring independent delegates into line. Furthermore, there was a feeling among the leaders that for the time being, at any rate, the nearer the new government stayed to the forms and procedures made familiar by experience, the better its chances of success would be. All these factors and the very circumstance that the new Constitution was drawn under the aegis of American authority had their effects in making that document something less than a spontaneous and candid expression of the distinctively Filipino conception of government. A truer image of the kind of institutions that Filipinos really desire will be found in the government as it has actually developed since 1935 or, better still, as it stands five years after independence has been achieved.

In fewer words than are used for the purpose in the Constitution of the United States,[18*] the Philippine Constitution expresses the political ideology upon which the Commonwealth and the Republic-to-be are founded, sets forth the national will upon a number of major questions of public policy, and provides for a workable system of government. The basic political philosophy of the new nation is that of Western Democracy. As in the Malolos

Constitution, the Philippines is declared to be a republican state. Sovereignty is said to reside in the people, and all government authority to emanate from them.[19] A bill of rights which is more extended and explicit than those found in American constitutions reflects both American and Filipino struggles to protect the basic civil liberties.[20]

American theories of the state, however, reappear with a different emphasis and important modifications in the fundamental law adopted by our former pupils in the democratic process. The Philippine Constitution is given a distinctive color by a strong but reasonable spirit of nationalism. In its broad concepts of the duty of the state to insure "social justice" for all the people, its emphasis upon the duties as well as the rights of citizenship, and the great power over individuals and their property and the economic life of the country which it vests in the government, the Constitution echoes the credo of Rooseveltian rather than Jeffersonian Democracy.

The governmental structure for which the Constitution provides, consists of the usual three departments of government. When the Constitutional Convention approved a provision excluding the holders of any other governmental offices from the National Assembly [21] it deliberately adopted the doctrine of the separation of powers as a fundamental principle of the Philippine political system. As Justice José P. Laurel of the Philippine Supreme Court has observed: "The drift, at the instance of the leaders of the Filipino participation in the government, towards a semi-parliamentary form due to the peculiar status of the Philippines then obtaining was broken by the adoption in the Constitution of the presidential type and the inhibitions placed upon membership [sic] of the National Assembly." [22] It must not be assumed, however, that the "separation of powers" will mean the same thing in the Philippines that it does in the United States. In the Philippine Constitution the executive is given a position of predominance which makes it improbable that there will be even an approximate balance of power between the President and the Legislature. And if the Constitution itself is a very different instrument than the American fundamental law, the Filipinos who govern and are governed under it are politically much more remote from Americans.

Not only with reference to this particular doctrine, but in almost every respect the Philippine political system is correspondingly different from that of the United States and will probably become more so as native forces crowd out those American ideas which have not securely rooted themselves in Philippine soil during the relatively brief period of American domination.

The key clauses among the policy founding provisions of the Constitution are those which deal with "social justice" and authorize the conscription of the manpower of the state in time of peace as well as of war. In the constitutional "Declaration of Principles" it is declared, "The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State." [23] Through detailed provisions strictly regulating the conservation and utilization of natural resources, and empowering the government to do many other things to improve the position of the common people, the Constitution provides for the implementation of this humane principle through positive governmental action. The rigid land laws which have operated since 1902 were written into the new charter of government. The sale or lease of other natural resources was surrounded with safeguards intended to protect the interests of the nation as a whole. After the forests and some other forms of natural wealth in the United States had been largely destroyed by unlimited private exploitation, such provisions began to find their way into American law. Fortunately the principles of conservation which were being popularized in the United States forty years ago reached the Philippines while its natural heritage was still largely intact, and have now been imbedded in a constitution drafted and adopted by the Filipinos themselves.[24]

Going beyond America in empowering the government to limit the rights of property for the general welfare of the people, the Constitution authorizes the legislature to determine by law the amount of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law. The legislature is also empowered, upon payment of just compensation, to expropriate lands to be divided into small lots and conveyed at cost to individuals.[25*] Extremely broad authority is granted the government

to enter the field of business by the provision that the state may, in the interest of the national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities *and other private enterprises* to be operated by the government.[26]

Sweeping grants of power are likewise made to the government in the fields of labor and labor relations. The Constitution provides: "The State *shall* afford protection to labor, especially to working women and minors, and *shall* regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The state may provide for compulsory arbitration." [27] The granting of franchises is also carefully guarded by the Constitution.[28]

In the words of Mr. Justice Laurel, the foregoing provisions embody "important liberal principles and socialistic tendencies" which are adaptable to Philippine conditions.[29] The genesis of the ideas which they express is easily traced. The safeguards thrown around the natural resources and franchises were an extension to the Philippines of American movements inspired by the first Roosevelt at the beginning of our regime in the Islands. The constitutional provisions seeking to foster "social justice" were a reflex of the second Roosevelt's "New Deal," and the transplantation of these doctrines to the other side of the vast Pacific was in part the work of the last American Governor-General. There are three additional explanations, however, for the enormous power over the economic life of the people which has been entrusted to the Philippine Government. The first one is that many of the Filipino leaders feel that unless the lot of the masses is improved by direct and sweeping governmental action the new state may sooner or later be faced with serious social and political unrest. The second reason is a widespread belief that a state-directed economic system is essential to the economic survival of the country from the shock of separation from the United States. The third explanation is that Filipino thought and action have been influenced by the example of the totalitarian states.

There are observers—Filipino and American—who discern in the Commonwealth Constitution the legal basis for a Philippine

political system very different from that generally anticipated in the United States. How far the Philippines will eventually go in erecting the totalitarian superstructure, for which the constitutional foundation has been laid, remains to be seen. Some steps in that direction have already been taken as President Quezon's program of "social justice," economic reorganization, and a new type of party government have developed. However, a strong *caveat* should be entered in connection with the use of the word "totalitarian" to describe Philippine tendencies. Whatever institutions the Filipinos produce will not be mere replicas of those which have appeared in either the totalitarian or the democratic states. They will be native and not foreign institutions, just as those which have developed in the Islands during the past four decades are Filipino and not American. The word "totalitarian," therefore, is used in a suggestive rather than a descriptive sense, and with the caution that anyone who simply applies to the Philippines whatever political and economic forms Italian, German, or Russian totalitarianism symbolize for him will be very far from having an accurate picture of anything which exists in this Malayan country. Likewise, it is reiterated, whatever measure of "democracy" may exist in the Philippines need not be expected to conform in all respects to the particular democratic pattern with which Americans are most familiar.

Coupled with the regard shown in the Philippine Constitution for the rights and welfare of the people, and the broad powers which the government is given to regulate their economic affairs is an insistence upon the duties of citizenship and the obligation of the government to enforce the laws and preserve its own existence, whether against internal or external attack. In the Declaration of Principles it is provided: "The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service." [30] All public officers and members of the armed forces are required to take an oath to support and defend the Constitution, and the government is required to organize and maintain a national police force to preserve order and enforce the law.[31]

The far-reaching authority over the individual accorded the state by the provision that for purposes of national defense all

citizens may be required to render military or civil service has, perhaps, not been fully understood in the United States. The implications of this provision, however, were clearly apprehended by the Constitutional Convention, and they have been pointed out to the Philippine public upon a number of occasions since the inauguration of the Commonwealth. In the matter of military service the Constitution merely grants explicitly a power which all governments exercise without question. But in rendering all citizens liable to personal civil service for defense, especially as the term defense was explained in the Constitutional Convention and subsequently, the Filipinos drew their inspiration directly and frankly from the totalitarian states of Europe.

The defense provision was borrowed from the Constitutions of the Spanish Republic and the German Reich.[32]* Spain had not yet drafted civil labor, however, and the working models which the Constitutional Convention had in mind were Soviet Russia, Germany, and Bulgaria. The authority granted was interpreted to extend not only to labor for strictly military purposes, such as the production of munitions, but also, in the words of the Convention's committee on national defense, to services in "the great task of developing our natural resources and fostering the basic industries necessary for national defense, utilizing the excellent annual quota of young men of a certain age, taken from those who are subject to service under arms, and following a system something like the five-year program of industrial and economic development of Soviet Russia. . . ." The youths so drafted, the committee declared, "would be better fitted for the hard struggle for existence awaiting them having to compete with the other oriental nations surrounding us . . . when our independent republic shall be proclaimed." [33]

In 1936 General José Alejandrino, who was the chairman of the committee which drafted this provision, revealed even more clearly the source of the idea, and the intention that the authority granted should be used to develop a national economy based upon compulsory labor. Wrote General Alejandrino:

> Compulsory civil service is not a theoretical idea. It has been in force all these years in Soviet Russia where individualism has been reduced to the minimum and labor of the state as well as of the

social unit is carried out on communal basis. It is the secret of the success of the five-year plan.

In Bulgaria, under the inspiration of the great Stambulisky, compulsory civil service has been responsible for the rapid progress made towards economic sufficiency and political power. . . .

General Alejandrino then pointed out that if 100,000 young men were drafted for state labor every year, one million trained workers should be available at the end of the Commonwealth period. "This class of men," he said, "will be fully equal to all the exigencies of competition with other Oriental nations in the fields, factories, commerce, trade and other economic undertakings." [34*] President Quezon was more cautious about revealing the precise purposes for which this authority to draft the labor of the nation might be used. In an address delivered before the Constitutional Convention, however, he did call attention to the defense clause, "so that the country may take due notice thereof, and our people may fully realize how far you have gone in your desire to safeguard our national integrity and independence." He frankly pointed out that the government was authorized "to require the services of our citizenry both in war as well as in peace." [35] Before the plebiscite on the Constitution was taken, the President again publicly declared that it was the purpose of the framers of the Constitution to "require the personal service of every one of its citizens, both in time of peace and in time of war. . . . I am prepared to state that I am infinitely glad that, by virtue of this provision in the Constitution, *there shall not be and cannot be any question as to the right or power of the State to compel its citizens to render whatever service may be required of them.*" [36]

The committee which drafted the forced labor section of the Constitution realized that this provision "shocks many people." It declared that it had "no intention or desire to implant obligatory gratuitous labor in this country," and naively added that the only purpose of the clause was "to vest the Legislature of the Commonwealth with a clean and indisputable power not susceptible to interpretation that may give rise to legal controversies." [37] This it seems to have done, and authority for the government to erect an economic system based upon compulsory labor is in the Constitution should any administration care to use it.

"Shocking" though this idea may be to some Filipinos and to those Americans who have thought that they were developing a democracy of their own type on the other side of the Pacific, the creation of such a system was openly advocated by General Alejandrino and was justified by him as being in harmony with the *mores* of his people.

> As far as the Philippines is concerned [the General declared] if we want to adopt in our government a similar institution that is harmoniously attuned to the peculiar genius of the race, and customs, we can do no better than to carry out that provision of the Constitution requiring compulsory civil service to the state.
>
> Communal labor in the Philippines dates back to the dim beginnings of our people. . . . Despite the layers and layers of Western influences that have settled upon the original native traits of our people, I am quite convinced that certain of our beautiful traditions, such as this one of loving cooperation with a fellow in need, will never die out. *On this fundamental trait of our people may be erected, as a structure on a firm foundation, the institution of compulsory labor for the state. All that is necessary is to give it a new meaning, an orientation in consonance with the needs of the country at present.*[38]

In giving prominence to the statement of General Alejandrino that the establishment of compulsory labor for the state would be in harmony with the peculiar genius and customs of the Filipino people, it should be stated that the General is an old man who has not progressed as far beyond the political and social conceptions which were current in the Philippines at the end of the Spanish regime as have most of the leaders among the younger Filipinos who have come into power since 1899. However, there should also be suggested the possibility that in his political thinking, and feeling, this survivor from pre-American days is in some degree representative of a large number of Filipinos among whom some of the political ideas introduced by the Americans have remained artificial and foreign. There may be significance, too, in the fact that Delegate Alejandrino's compulsory service clause, with all its implications, was sponsored by a committee of twenty other members of the Constitutional Convention, and was adopted by that body without question. Could such a thing have happened in the convention which drafted the Constitution of the United States? Could it happen in an American constitutional convention today?

The compulsory service provision of the Philippine Constitution is but one manifestation of the subordination of the individual to the state and the broad extension of governmental power over the individual which are cardinal features of this fundamental law and the government which is being developed under it. These characteristics have been explained upon numerous occasions by President Quezon. For example:

> Under our constitution it is provided that one of the main duties of the State is to look after the interests of the largest number. . . . The philosophy of *laissez faire* in our Government is dead. It has been substituted by the philosophy of government intervention whenever the needs of the country require it.[39]

Again President Quezon expounded:

> But although ours is a republican government, I dare say that the political philosophy underlying the Constitution of the United States is quite different from the basic political philosophy of the Philippine Constitution. . . .
>
> The former
>
> ophy places the individual above every other consideration. His inalienable right to life, property and the pursuit of happiness is the main objective of government as interpreted by the framers of the American Constitution.
>
> The Constitution of the Philippines entirely reverses this political philosophy. Under our Constitution what is paramount is "not individuals"; it is the good of the State, not the good of the individual that must prevail.[40]

In illustration of his interpretation of the Constitution, President Quezon cited the provisions regarding national defense and providing that all educational institutions, private as well as public, should be subject to supervision and regulation by the state.

Despite the extent to which the Constitution has subordinated the individual to the state, personal rights as they have been developed in Anglo-Saxon jurisprudence have received the protection of a bill of rights which is more extensive than that of any previous Philippine organic act. So important did the Constitutional Convention deem this part of its work that it spent six days in considering the subject. Despite repeated efforts to introduce

novel principles or phraseology into the bill of rights, the Convention, following the wise guidance of Delegate José P. Laurel, for the most part retained both the substance and the terminology of this portion of the Jones Law. The additions which were made were drawn from the Malolos Constitution, the constitutions of Spain, Italy and Japan, and from the current philosophy of "social justice."

One of the most interesting of the new provisions declares, "The right to form associations or societies not contrary to law shall not be abridged." (Article III, sec. 1(6).) The Malolos Constitution, in reaction against the tyranny of the later years of Spanish rule, set up a similar bar against the suppression of whatever associations might arouse the suspicion or displeasure of the Government. In the Philippines of today one thinks of this provision as safeguarding the rights of certain modern organizations which exist to criticize the *Gobierno,* and of the growing Philippine labor movement. A note in harmony with the new concept of "social justice" is struck by the provision, "Free access to the courts shall not be denied to any person by reason of poverty." (Article III, sec. 1(21).) [41*]

In describing the place of the bill of rights in the Philippine political system, Mr. Justice José P. Laurel has echoed the ideas of the statesmen and jurists who have given the American constitutional system its distinctive character:

> Under the Bill of Rights, we shall have no peculiar *corpus juris* to govern the relations of the government and the officials, no special type of administrative law as this system is known in some countries of Continental Europe. We are creating a strong Executive, an assertive National Assembly, and an independent Judiciary; but no official, however high in our government, may overpass or transcend the limitations established in the Bill of Rights, because these limitations go to the very root of the powers of the Government "to act at all, irrespective of time or place." [42]

The citizenship article of the Constitution reflects the natural attitude of a relatively small nation possessed of a rich, underdeveloped and under-populated territory in close proximity to much larger, overcrowded neighbors. Refusing to adopt the principle of *jus soli* as the basis of citizenship, the Convention provided

that the following classes of persons should be citizens of the Philippines: [43]

(1) Those who are citizens of the Philippine Islands at the time of the adoption of the Constitution.

(2) Those born in the Philippine Islands of foreign parents who before the adoption of the Constitution had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

The Constitution also provides that Philippine citizenship may be lost or re-acquired in the manner provided by law.

Efforts were made to incorporate into the Constitution a provision that persons born in the Philippines of foreign parents might adopt Philippine citizenship within one year after attaining legal age. The argument was that Chinese and Japanese born in Hawaii have made good American citizens and that the Philippines should not hesitate to add such citizens to its population. "Now the fear in the Philippines," declared a proponent of this provision, "is to be attributed to the complex, the European complex that the Filipino has imbibed. The Filipino has been so influenced by European thought that he is afraid, he is suspicious of his own fellow Orientals." [44] The debate clearly showed the fear of the Convention that under such a provision a Philippine-born person of other races might upon reaching his majority elect Philippine citizenship for merely "economic reasons," that is, in order that he might avoid "the limitations contained in this draft for the acquisition and enjoyment of our natural resources. Who knows that, behind that idea of adopting local citizenship, he is not mentally reserving the citizenship of his blood, the citizenship of his parents?" [45]

In refusing to adopt this proposal the Convention made the *jus sanguinis* the sole basis for Philippine citizenship and manifested a racial exclusiveness and a fear of pressure from near-by peoples which was again revealed in the Immigration Act of 1940.[46] The policy adopted is a natural one for a people who are seeking to create a nation-state under conditions such as those

which are faced by the Philippines. There are indications, however, that the Philippines might find it difficult to maintain such a policy against her Oriental neighbors, once her political connection with the West were completely severed.

The other major provisions of the Philippine Constitution are discussed elsewhere in this volume, and will not be considered in detail at this time. Certain features should be mentioned, however, as a part of a general picture of the instrument. The part of the Constitution which has attracted the most attention abroad is that which provides for a unicameral legislature. Although interesting as an experiment, this feature of the Commonwealth government was of much less significance than the Presidency, and the Philippines is now preparing to abandon unicameralism and return to a two-chamber legislature. It is the Presidency which is the core of the Philippine Government and the provisions of the Constitution establishing this office are the most important portions of the document.

Significant of the determination of the Filipinos to maintain an administrative organization of high quality are certain provisions of the Constitution which seek to promote integrity, efficiency, and sound administrative practices in the conduct of public affairs. A whole article is devoted to providing for a civil service of the most modern and inclusive type.[47] An auditor general with wide powers and substantial protection against political pressure is provided for.[48] If the position of this official is weakened by the provision that his decisions may be appealed to the President, whose word is final (except that during the Commonwealth period appeals from the Auditor General's decisions may be taken to the President of the United States), this subordination is in harmony with the dominant role elsewhere accorded to the chief executive.

Unusual care is taken to exclude members of the legislature from activities incompatible with their official position.[49] The same type of prohibition is placed upon executive and administrative officials in a stringent provision, which declares:

> The heads of departments and chiefs of bureaus or offices and their assistants shall not during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly,

in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.[50]

The inclusion of such provisions in the fundamental law is a natural outgrowth of the excellent administrative organization which has been established in the Philippines during the past four decades. It is also evidence of the remarkable extent to which an understanding and appreciation of sound and progressive principles of administration have been made a genuine part of the political equipment of the Filipino leaders. While good government cannot be produced solely by constitutional precept, nevertheless the forces which are working for the maintenance of the sound administration of public affairs in the Philippines are greatly strengthened by the provisions mentioned.

For the rest, the Philippine Constitution includes a preamble, articles defining the national territory and authorizing the legislature to provide for its loss and acquisition, fixing the suffrage requirements, providing a process of impeachment and an amending process, and miscellaneous provisions concerning the reservation of the natural resources and the operation of public utilities for citizens of the Philippines, describing the national flag, and dealing with the problem of a national language.

The importance of the Constitution of 1935 is enhanced and a number of its provisions are affected by the fact that it is intended to be the fundamental law not only of the Commonwealth, but also of the Republic to be established in 1946. The instrument is the "Constitution of the Philippines"; the President, the "President of the Philippines," not of the Philippine Commonwealth. Except where it is unavoidably used in the transitory provisions and the Ordinance Appended to the Constitution, the Commonwealth is mentioned only once in the entire document. Article XVII provides: "The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall henceforth be known as the Republic of the Philippines." The term "Philippine Islands" is not

used in the Constitution except in unavoidable instances, and the perpetuation of this ancient designation has been discouraged. The Filipinos feel that the words "The Philippines" is a more dignified name for their country and that the older appellation suggests a backward people and a colonial status.

Of greater significance are some of the other results of the double purpose which the Constitution is intended to serve. A number of the provisions of the instrument are incompatible with the mandatory provisions of the Tydings-McDuffie Act, but the legal requirements of the latter statute are met by the inclusion of its mandatory "provisions" in the "Ordinance Appended to the Constitution," and in Articles XV and XVI, which are transitory in nature. The appended ordinance provides, "Notwithstanding the provisions of the foregoing constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines," the "mandatory" clauses of the Tydings-McDuffie Act, which are repeated verbatim, and all other provisions of the Act of Congress applicable to the Commonwealth shall prevail.

Conspicuous among the constitutional provisions which many delegates believed to be incompatible with the Tydings-McDuffie Act is that which sets forth: "The Philippines is a republican *state. Sovereignty* resides in the people and all government authority emanates from them." [51] There was grave doubt in the Constitutional Convention as to the accuracy of this clause, which at least implies that American sovereignty over the Philippines was terminated with the inauguration of the Commonwealth. Question also arose whether the Convention possessed authority to draft a constitution for both the Commonwealth and the Republic.[52] A reading of Section 1 of the Tydings-McDuffie Act, which merely authorizes the Convention to draft a constitution for the "government of the Commonwealth of the Philippine Islands," suggests that this doubt was well founded. However, the question seems to be an academic one now, since the constitution which was formulated was approved by the President of the United States and put into effect with the cooperation of the American Government. The fact that the authorities in Washington either shut their eyes to the probability that the Constitutional Convention had exceeded

its authority, or decided that question in favor of the legality of the Convention's action is one of many illustrations of the friendly and liberal attitude which the executive branch of the United States Government has adopted towards the Filipinos during the entire period of transition.

Within five years of the inauguration of the Commonwealth the Filipino electorate had ratified two major and one minor constitutional amendments in addition to approving changes in the "Ordinance Appended to the Constitution" necessitated by the amendment of the Tydings-McDuffie Act by the United States Congress in August, 1939.[53]* The three amendments provided, respectively, for the substitution of a bicameral Congress of the Philippines for the unicameral National Assembly, an alteration in the terms of the President and Vice President, and the establishment of a commission on elections to have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections. These changes in the Constitution are discussed elsewhere.[54] They are dealt with here only to describe the amending process in action.

The Philippine Constitution may be amended in two ways. Article XIV provides:

> The National Assembly, by a vote of three-fourths of all its Members, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as a part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

During the Commonwealth period Philippine constitutional amendments do not become effective if disapproved by the President of the United States.

A movement to amend the Constitution for the purpose of permitting the reelection of President Quezon was begun almost as soon as he was inaugurated. For more than two years Mr. Quezon publicly opposed the proposal. In May, 1939, however, the caucus of the National Assembly voted by an overwhelming majority to lay such an amendment before the voters. On May 14 the President, in a message which he read to the Assembly, declared that only under two conditions would he consider becoming

a candidate for reelection. The conditions were: (1) that the amendment be proposed by a constitutional convention instead of by the Assembly; (2) that the delegates to the convention should in effect declare in their platforms or certificates of candidacy that they would vote for an amendment which would shorten Mr. Quezon's first term to four years and permit his reelection for a second term of not more than four years, so that if reelected, he would not serve as President for more than eight years. "An amendment adopted in this fashion would in effect originate from the people, and I might feel obligated to heed their command," President Quezon stated.[55] At the same time President Quezon informed the Assembly that he intended to recommend to the next convention of the *Nacionalista* Party "the adoption of a plank in its platform in favor of a constitutional amendment to revive the senate, making each senator elective by national suffrage, instead of by senatorial districts, as before." [56]

In July, 1939, the *Nacionalista* Convention put two amendment planks into its platform, as follows: "We advocate reduction of the presidential tenure to four years, applicable to the present incumbent, with one reelection"; and, "We are satisfied with the work of the national assembly, but do believe that Filipino democracy could be better served by a bicameral legislature. . . . We, therefore, advocate establishment of a bicameral legislature with a senate elected by the nation at large." [57] Widespread public debate on these proposals both preceded and followed the July Convention, and in September a special session of the Assembly was called to act upon them. After thirty days of ardent discussion the Assembly, on September 15, 1939, by a vote of 81 to 6 passed a resolution (Number 38) proposing constitutional amendments providing for the establishment of a bicameral legislature, altering the terms of the President and Vice President, and providing for a commission on elections. One of the reasons why President Quezon had preferred the convention to the Assembly method of proposing the amendments was that he feared the Assemblymen would never vote to divide the power of their chamber with a senate. After they had done this he acquiesced in their preference as to the method of amendment.

A few days after the adoption of the three amendments by

the Assembly, that body passed a bill providing that the separately proposed amendments changing the "Ordinance Appended to the Constitution" should be submitted to a plebiscite on October 24, and that the other amendments be submitted at the next election for the provincial, city and municipal officials. These elections were scheduled for December, 1940, but it was thought that they might be advanced to June. Objection, however, arose to the plan to combine the local elections with the plebiscite on the proposed amendments. Fears were expressed that in such an election the voters would be confused and local political issues would become entangled with the questions raised by the amendments. The local officials strongly objected to the combination, fearing that they would be forced to bear the burden of carrying the amendments, while trying to secure their own reelection. There was also a widespread feeling that the regularity of elections for public office should not be disturbed. Meanwhile, defects had been discovered in the amendments themselves, and on April 11, 1940, the Assembly, by Resolution Number 72, amended them in a number of details. On April 25 an act was passed providing that the amendments should be submitted to the people on June 11.[58]*

After the *Nacionalista* Convention of July, 1939, had placed the proposed amendments in its platform, the whole power of the party machinery was put behind them. This meant that almost every public official in the Philippines campaigned for their adoption under the direction of the *Nacionalista* executive committee and the party's campaign manager. Mr. Quezon refrained from urging the adoption of the amendment making his own reelection possible, but led the fight for the other two, especially the one restoring the senate. Although the opposition parties were unrepresented in the National Assembly and held very few local offices, they made an impressive fight against all three amendments. The chief arguments for and against the proposals are discussed elsewhere.[59] On election day, June 18, 1940, about half of the 2,270,000 registered voters went to the polls. Of this half about three-quarters voted for and one-quarter against the amendments. The amendment regarding the presidency received the largest majority.[60]* The three amendments were approved by the President of the United States on December 2, 1940.

Considering that there was virtually no spontaneous public demand for any of these changes in the Constitution and that the voters were not drawn to the polls by the campaign efforts of candidates for office or the drama of a general election, the turnout of the electorate was surprisingly good. It was to secure a real expression of the will of the people as well as to make sure that their proposals would carry that the *Nacionalista* Party and the government left no stone unturned to persuade the voters to exercise their franchise. Against some of the *Nacionalista* campaign arguments the minority parties protested bitterly. Particularly, it was charged that in some provinces, at least, the electorate was boldly offered public works in return for a majority in favor of the amendments. A provision of the legislative amendment which fixed the annual salaries of senators and representatives as ₱7,200 instead of the ₱5,000 received by Assemblymen was denounced as a "salary grab." The government was accused of putting pressure on public officials and employees to work and vote for the proposals.

Considered in all its phases, the passage of these three amendments suggests that the political institutions now established in the Philippines would rest upon a firmer foundation were the amending process made somewhat more difficult. In a country where the opposition is badly under-represented or, as at present, entirely unrepresented in the legislature; where nine-tenths of the provincial and municipal officials are members of the dominant party; and where the government is as strong traditionally and actually as it is in the Philippines, the minority of the people is peculiarly in need of constitutional protection against the hasty or arbitrary acts of the majority. Under the political conditions which exist in the Philippines, however, it should not be difficult for the party in power to obtain a three-fourths majority in the legislature and a simple majority of the voters for virtually any constitutional change which it may wish to secure. Nor will the establishment of an upper chamber, the members of which are elected at large without proportional representation, change this situation, except perhaps to make it worse. On the other hand, once the restraining and stabilizing authority of the United States is withdrawn from the Philippines, a too rigid constitution might be merely an invita-

tion to illegality rather than a bulwark against arbitrary political action. In this matter, as in many others, the Filipinos can only choose between the two horns of a difficult dilemma.

There can hardly be any doubt that President Roosevelt's action in approving these amendments was in conformity with the spirit and purposes of the Tydings-McDuffie Act and was sound politically. The amendments are not contrary to any of the mandatory requirements of the Act. They do not affect any American right or interest in the Philippines, except as the United States has a general interest in the welfare of the Commonwealth. If the President of the United States were to substitute his judgment as to what is best for the Philippines for the judgment of the Filipino people solemnly expressed in a national plebiscite as provided for by their Constitution, he would relieve them of full responsibility for the failure of the Commonwealth should it fail, or of full credit for its success, should it succeed. In doing this he would defeat one of the chief purposes of the Independence Law. This, in conformity with his established Philippine policy, President Roosevelt wisely refrained from doing. As United States High Commissioner Francis B. Sayre stated in commenting upon the President's action, "The President's approval consistently continues the American policy of giving to the Filipino people the largest measure possible of self-determination in their own affairs." [61]

Viewed as a whole, the Constitution of the Philippines reflects the Filipino, Spanish, and American antecedents which have made the Filipino people what they are. The instrument is colored by the ideas which have become current in the United States since 1933 as well as by our traditional political philosophy. It bears the imprint of the revolutionary changes which have swept over many parts of Europe and reversed the political trend in Japan during the past twenty years. In form and substance it reveals the possession of a high degree of political capacity by those who drafted it. Although a product of the past, it is conspicuously an instrument of government for the troublous present and the uncertain future. Above all, it is a Filipino and not a foreign instrument and provides the constitutional foundation for a genuinely Filipino government.

CHAPTER III *

THE PRESIDENCY

WHEN Manuel L. Quezon became President of the Philippines on November 15, 1935, the extra-legal position of "national leader of the Filipino people" which had been developed through twenty-eight years of political evolution was merged with the presidential office established by the Constitution of the Philippines. Like most other Philippine institutions, the new presidency is the product of the Malayan, Spanish, American, and world influences which have contributed to the culture of the Filipino people. In designing the office, the Constitutional Convention drew upon American and other alien precedents,, but adapted their borrowed ideas to the needs of their own country in the light of their native political experience and predilections. It is unrealistic, therefore, to measure the Philippine presidency by the same yardsticks which are used to evaluate the office of the chief executive of the United States or of any other nation. The position can only be understood in relation to the historical forces which brought it into being, and the needs of the state which it serves.

The development of the institution of "national leadership" which occurred while the American Governor-General was the chief executive of the Philippine Government will be traced elsewhere.[1] To initiate the picture of this office it is necessary to consider the position accorded it by the Constitution and to observe the presidency in action. Most of the constitutional provisions concerning the presidency may be traced to the Jones Law or to the American national and state constitutions. Where these models have been departed from, and this has often been done, the effect has been to increase the authority of the chief executive. The re-

* *The notes of this chapter begin on page 870. Subject matter notes are indicated by an asterisk.*

sult is that the Philippine President possesses virtually all of the powers vested in his predecessor, the Governor-General, and in his American prototypes in Washington and the American state capitals, and many others.

Like the President of the United States, and unlike American state executives, the President of the Philippines does not share his power with other elective executive officials. The Constitution provides that "The executive power shall be vested in a President of the Philippines." Like the American President, too, the Philippine chief executive possesses the political strength which comes from election by direct vote of the people. In this respect his legal powers are buttressed by a political authority which was not available to either the American Governor-General, or the Filipino "national leader" of the pre-Commonwealth period.

In the original Constitution the presidential term was fixed at six years and the President was made ineligible for election for the following term, as was the Vice President or any other person who might have succeeded to the presidency within a year of the election. The chief purposes of the Convention in providing a six-year term were to give the President sufficient time to carry through his program, lift him above the level of ordinary politics by removing the temptation of seeking an immediate reelection, and to lessen the danger of a president turning himself into a dictator through a perversion of the unusually broad powers which were granted to him.

On May 8, 1940, the electorate ratified a constitutional amendment which reduced the presidential term from six to four years and permitted reelection, with the proviso that no person should serve as president for more than eight consecutive years. Voluntary renunciation of the office for any length of time does not constitute an interruption of the service of the incumbent for the full term for which he was elected.[2] This amendment will be discussed later.[3]

Examination of the unusual powers of the Philippine president shows that one group of them has strengthened this official at almost every point at which the denial of authority to the American presidency has contributed to the preservation of what balance of power exists between the executive and the legislative branches

of the government of the United States. In addition to possessing the general veto power, which may be overridden by a two-thirds vote in the Legislature, the Philippine President has authority to disapprove items in appropriation bills. If the veto "refers to a bill or any item of an appropriation bill which approximates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expense of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the members of the National Assembly." [4] The Constitution also prohibits the attachment of "riders" to appropriation bills.[5]

Furthermore, the President may veto any separate item or items in a revenue or tariff bill; and when authorized by the National Assembly he may fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues. These powers were vested in the President not only in pursuance of the Convention's general purpose to create a strong executive, but, more specifically, to make it impossible for the courts to question the President's authority, as the Supreme Court of the United States has questioned the constitutionality of Congressional delegation of certain types of authority to the American President. It is scarcely necessary to point out the wide control over the economic and political life of the country which is thus placed in the hands of the chief executive. By the exercise of the authority which may be granted him under these provisions of the Constitution the President could probably make or break many business enterprises, vitally affect the fortunes of any industry, region, or politician in the Philippines, and enormously influence the entire economy of the nation.

In budgetary matters which concern the appropriations for the operation of the government, the powers of the Philippine President are similar to those of the British Cabinet, with the added advantage that the President cannot be turned out of office if the legislature disapproves of his proposals. The Constitution provides that within fifteen days of the opening of each regular session of the National Assembly the President shall submit a budget of receipts and expenditures, which shall be the basis of the general

appropriation bill. The Assembly may not increase the appropriations recommended by the President, except those for the legislative or judicial departments.[6]

The control of the chief executive over the budget extends from its enactment through its execution: the decisions of the Auditor General may be appealed to him, and his decision is final, although in case the aggrieved party is a private person or entity, an appeal also lies to a court of record as provided by law.[7]* The budgetary powers of the President complement those over national finance and commerce described in the preceding paragraph. To understand the political significance of this concentration of authority in the chief executive one has only to think what would happen to the balance of power between the executive and legislative branches of the American Government and in the control of the President's party were similar authority to be placed in the hands of the President of the United States.

Further power of potential political significance is vested in the President by the constitutional provision that "No bill shall be passed or become a law unless it shall have been printed and copies thereof in its final form furnished the Members at least three calendar days prior to its passage by the National Assembly, *except when the President shall have certified to the necessity of its immediate enactment.*[8] Under conditions such as exist in the Philippines, where a considerable proportion of the most important laws are usually introduced and passed during the last forty-eight hours of a session, this provision gives the President the power of life or death over a great deal of legislation, with a corresponding influence over those who sponsor or oppose it. In the matter of special sessions the Philippine President has an advantage over the President of the United States. Like the governors of many states and his predecessor the Governor-General, when calling the legislature in special session, he may limit it to the consideration of such subjects as he may designate.

On the executive side, the Philippine President likewise has received from the Constitution unusual prerogatives of great significance. He may exercise general supervision over all local governments as may be provided by law; and law and custom make this supervision little less than control should the President care

to exercise it. Over "all the executive departments, bureaus, or offices" the chief executive has been explicitly given control—a degree of power which the Filipino leaders consistently denied was vested in the Governor-General by the Jones Act and which by law and practice they sought to withhold from him.[9*] The inclusion of this explicit grant of power probably was unnecessary, as the Philippine Constitution follows that of the United States in providing that the executive power shall be vested in the President. However, the provision doubtless would afford added protection to the chief executive should the Legislature ever seek to create executive instrumentalities partially under its control, or to establish a body such as the Council of State or the Board of Control, which were set up during the Harrison regime in order to transfer executive power from the Governor-General to the legislative leaders.

In the American constitutional phrase, the Philippine President is enjoined to "take care that the laws be faithfully executed." To this end he has been armed with even greater authority than that vested in the President of the United States. Not only is the President of the Philippines the commander in chief of all the armed forces and empowered to call them out "to *prevent* or suppress lawless violence, invasion, insurrection or rebellion," [10] but the Constitution also provides that "in case of invasion, insurrection, or rebellion or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus,* or place the Philippines or any part thereof under martial law." [11]

Many delegates to the Constitutional Convention objected to granting the President authority to suspend the writ of *habeas corpus.* They rallied around an amendment which provided that this power should be vested in the National Assembly when that body was in session, and at other times in the President with the consent of a majority of the members of the Supreme Court—the suspension to become invalid if the President should not call a special session of the Assembly within fifteen days or if the Assembly should fail to confirm the suspension within thirty days. After spirited debate during which the various ways in which this power might be abused were set forth, the Convention voted down the

amendment and approved the proposal to grant the President power to suspend the writ under the conditions stated.[12]

Finally, incorporating into the Philippine Constitution a device borrowed from post-war Italy and Germany, the Convention provided that "In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.[13] " This extraordinary grant of power—extraordinary among democratic states, at least—was likewise opposed by liberal members of the Convention. Delegate Wenceslao Vinzons, who later became the leader of the Young Philippines Party, argued that the provision would violate the doctrine of the separation of powers and might open the way to a dictatorship. "We advocate the elimination of this provision," declared Mr. Vinzons, "on the ground that the system of government that we are implanting gives rise to the possibility of the vast control of government by a single, strong man and the establishment of a virtual dictatorship." [14] The provision was included in the Constitution, however, by an overwhelming majority. Similarly to a number of other powers, this authority was granted to the President for the specific purpose of forestalling the erection of any judicial barrier against the delegation of power to the President for the purpose of carrying out a "New Deal" program in the Philippines, should such a program seem desirable.[15]

A minority within the Constitutional Convention consistently opposed the creation of the extraordinarily strong presidency established by the Constitution. They feared a dictatorship and did not hesitate to say so. The majority, however, dreaded impotence and possible anarchy more than the possibility of a presidential autocracy. They also felt it wise to create a "unity of authority accompanied by a unity of responsibility." [16] There is evidence, too, that they believed that a powerful President might save the country from slipping into that state of chaos from which people turn to a dictator. Hence the majority defeated the many amendments to the draft constitution which tended to weaken the chief executive.[17*]

Against the possibility of a Philippine President using his

unusually broad powers to establish a dictatorship, the Convention set up a number of constitutional defenses. It provided that no person elected President might be reelected for the following term. Nor was the Vice President or any other person who might have succeeded to the presidency within a year of the election to be eligible. The President was made liable to impeachment and removal from office by the National Assembly for "culpable violation of the Constitution, treason, bribery, or other high crimes." [18] The Supreme Court was given jurisdiction over certain of the President's official acts.[19] In addition to the usual safeguards for the independence of the Judiciary, the Constitution provided that no judge appointed to a particular district might be transferred without the approval of the Supreme Court.[20] The Convention also relied upon the powers vested in the other two coordinate branches of the government and in the force of public opinion to keep the President within his constitutional sphere of action. These safeguards, however, were not intended to weaken the President. Rather, it was hoped that they would help to deter him from using the great powers of his office to subvert the Constitution and seize complete control of the government.

President Quezon expressed to the Constitutional Convention his views on the reasons which led that body to provide for a strong chief executive and, at the same time, to guard against the possibility that the President might seek to make himself a dictator. In addressing the Convention after its work had been completed, Mr. Quezon said upon this subject:

> There are many other provisions under the constitution which I need not mention and which show your clear intent that ours be a government fully capable to cope with every situation that may arise. While the National Assembly has thus very wide and complete legislative powers you have also created an executive department which, in ordinary times as well as in times of emergency, will have the power successfully to lead our country successfully out of turmoil, confusion, and distress. In some cases where democracy has ceased to exist, the immediate cause has been the lack of a strong executive. The resultant confusion—an offspring of want of effective direction and guidance—has made people lose their faith in democracy. I suppose that you had in mind recent historical events when you invested the executive department of this government with ample executive powers.

There is, however, one great danger in having a strong executive department, and that is the danger of dictatorship. And here again this Convention has shown its vision and wisdom when it provided that there shall be no reelection for the position of chief executive. This clause in the constitution guarantees for the Filipino people the impossibility, or at least the improbability, of ever having here a chief executive that will try to perpetuate himself in power. We are familiar with the history of some of the Central and South American Republics. We know that to a large extent the revolutions which have continually rocked such republics had been due to the fact that their chief executives were permitted to present themselves as candidates for reelection.[21]

No more realistic or revealing comment upon the extraordinarily wide powers of the Philippine President has been made than that of the Honorable Claro M. Recto in his closing address as President of the Constitutional Convention. Mr. Recto declared:

During the debate on the Executive Power it was the almost unanimous opinion that we had invested the Executive with rather extraordinary prerogatives. There is much of truth in this assertion. But it is because we cannot be insensible to the events that are transpiring around us, events which, when all is said and done, are nothing but history repeating itself. In fact, we have seen how dictatorships, whether black or red, capitalistic or proletarian, fascistic or communistic, ancient or modern, have served as the last refuge of peoples when their parliaments fail and they are already powerless to save themselves from misgovernment and chaos. Learning our lesson from this truth of history, and determined to spare our people the evils of dictatorship and anarchy, *we have thought it prudent to establish an executive power which, subject to the fiscalization of the Assembly, and of public opinion, will not only know how to govern, but will actually govern, with a firm and steady hand, unembarrassed by vexatious interferences by other departments, or by unholy alliances with this and that social group.* Thus possessed with the necessary gifts of honesty and competence, this Executive will be able to give his people an orderly and progressive government, without need of usurping or abdicating powers, and cunning subterfuge will not avail to extenuate his failures before the bar of public opinion.[22]

It would be almost as unrealistic to discuss the developing Philippine presidency without considering the first President's effect upon the office as to describe Niagara Falls without reference to the water passing over the precipice. In choosing Manuel

L. Quezon as the first President under the Constitution of 1935, the Philippine electorate gave their country a chief executive perfectly qualified to fill the position described by the italicized portion of Mr. Recto's speech.[23]* Mr. Quezon has not only known how to govern, but has actually governed. There is no evidence that he has been "embarrassed" by the "interference" of any other element in the State, or by any "alliance," holy or unholy, with any group within the Philippines. Mr. Quezon has been both President and "national leader." As has been described in appropriate connections, he has used to the utmost the legal and political powers which his dual position has brought him. He has dominated both the executive and the legislative branch of the government. It has been the President who has seen to it that the legislation necessary to carry out the program of the Coalition was drafted, considered by the National Assembly, and passed without amendments which would impair its usefulness to the ends sought. This in itself has been a remarkable achievement. Never in the history of the Philippines, and rarely in any country has so great a volume of constructive legislation been put on the statute book within so brief a period of time. And while there are those who believe that some of these laws are unwise, virtually all of them represent a sincere effort to solve the problems of the new government.

President Quezon has supervised and controlled the law-making process by the political power which is his as the leader of the omnipotent majority party in the National Assembly, and by the other extra-legal methods by which the doctrine of the separation of powers is made workable in every government in which it exists, as well as by the exercise of his constitutional prerogatives. For example, the veto has been repeatedly used to protect the presidential program and the public treasury. Especially during the early days of the Commonwealth, the presidential direction of the legislative machine was perfectly open and undisguised. When he submitted his initial program of some twenty "must" bills to the first special session of the National Assembly which was called ten days after the inauguration of the new government, President Quezon set up an office in the Legislative Palace and went there personally to see his bills through. Had this procedure been resented, as it probably would be by the American

Congress, Mr. Quezon could have pointed to Article VII, Section 8(5) of the Constitution, which provides that "the President shall from time to time give to the National Assembly information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient." This provision was drawn from American and Philippine experience. There is nothing to show that it was expected that the President would give his information and make his recommendations to the National Assembly by setting up an office in its building and conferring there with the legislature and its leaders individually as well as collectively. On the other hand, there is no constitutional bar to his following this procedure in obeying the injunction contained in the provision mentioned. Typically, President Quezon chose the direct, informal, result-getting method. Its success may very well create a precedent which will make official but informal presidential-legislative contact of the type described a standard practice in the Philippines.

In the exercise of the executive-legislative powers, which he has wielded, President Quezon has reorganized many important agencies of the government, energized the administration, and waged a ceaseless and ruthless war on dishonest or indifferent officials. His strengthening of the civil service alone would be recognized as a major achievement in any American administration, national or state. In addition, he has modernized the national system of taxation, profoundly affected local government, and brought many general laws affecting large classes of residents in the Philippines into harmony with present-day standards.

The President has been the driving force behind the great national policies of the past five years, such as the creation of a national defense establishment, the inauguration of a plan of social and economic reforms in the name of "social justice," the settlement of Mindanao, the extension of primary public education, and the organization of an economic program designed to enable the Philippines to survive the impending economic separation from the United States. Sound or unsound, the policies which have been inaugurated in these and other matters have been formulated to meet imperative national needs in a period of emergency. Things

have had to be done all at once, under pressure, and with whatever materials were at hand. To do nothing, or to fail at some critical point might result in national disaster before or soon after the rapidly approaching date of independence.

While dealing with myriad tasks at home, the President has had to face major problems of American and foreign relations. The long negotiations regarding the amendment of the Tydings-McDuffie Act, efforts to prevent further American raids upon the economic position granted the Philippines by the Independence Law, questions involving Congressional and public opinion in the United States, and other matters affecting American-Philippine relations would have given the foreign ministry of any nation plenty to do. Relations with Japan arising out of the presence of the Japanese colony in Davao and questions involving the relation of the Philippines to situations caused by the World War have required careful attention.

While seeking solutions for these and many other problems, and in the day-to-day task of administering the government of sixteen million people, President Quezon has labored under additional responsibilities because he has engaged in launching a new government, and, in a sense, a new state. Frequently he has shown that he was acutely conscious that his acts and those of his associates were setting precedents which might determine the principles and practices of Philippine government for all time to come. Early in his administration President Quezon, in discussing an act which obviously might become a precedent, declared that on this account he would be especially careful to conform strictly to the letter and spirit of the Constitution.

> A deviation from the letter and spirit of the Constitution [he proclaimed] is a violation of the faith of the people reposed in their constitutional representatives. . . . It is therefore the primary duty of every public official to give the most careful consideration to the written provisions of the Constitution, and in case of doubt, that doubt must be decided in favor of a strict adherence to its provisions. As the first Chief Executive of this Commonwealth, my action in this respect will eventually serve as a precedent to my successors, and having pledged myself to defend and support the Constitution, it shall be my purpose in all my official action to keep a strict observance of its letter and spirit.[24]

Two other attitudes towards his office and the Constitution seem to have influenced the President: the determination to use in full the powers of the Presidency and to permit no encroachment upon the prerogatives of this office; [25*] and the conviction that the President should actively seek to give life to the Constitution as he interprets that fundamental law. Mr. Quezon's attitude towards the Constitution, therefore, has been dynamic, not passive. "I wish to tell you," he declared early in 1936, "that under my administration there shall not be one dead letter in the Constitution." [26] But until the Supreme Court, in matters within its jurisdiction, has spoken otherwise, the President will interpret the Constitution in accordance with his own judgment. "I am not the author of that Constitution," he stated in the same address, "I have, however, taken an oath faithfully to execute its provisions, and I will say with Jefferson: 'If a man takes an oath to do something, that means he is going to do it in accordance with his own conception of what it means.' Having, therefore, been elected President of the Philippines to execute the Constitution, which it is my plain duty to do, I am going to execute it in accordance with the construction that I place upon its provisions." [27] With this position the constitutional lawyers would scarcely quarrel, especially in view of the strict construction principles simultaneously enumerated. Put into practice by a man of Mr. Quezon's independence of thought and energy in action, particularly during a time when institutions are still in a state of flux, however, Mr. Quezon's attitude almost inevitably meant that the President would shape the Constitution by usage and that in the process the presidency would become in fact what the Constitutional Convention intended it to be: the dominant organ of the government.

In applying the theory that it is the President's duty to make the Constitution a living force, Mr. Quezon begins with the assumption that the Constitution gives the Philippine President a wider range of authority than is possessed by the American chief executive. Perhaps the best illustration of his conception of the peculiar nature of this additional power is afforded by the President's public criticism of the decision of one of the Courts of First Instance in the famous Cuevo-Barredo case, and his defense of his action. In this case, the court decided that the heirs of an employee

who was drowned in the Pasig River while obeying the order of his foreman to jump into the stream after a piece of lumber which had been detached from a company raft had no legal claim to compensation. The President in a press conference condemned the decision as unjust.[28]* He, in turn, was severely criticized both in the Philippines and in the United States upon the ground that he had interfered improperly with the courts. The criticism was the more severe because at the time the case was *sub judice* on appeal before the Supreme Court of the Philippines. Mr. Quezon stated, however, that when he condemned the original decision he was not aware of this fact, and that had he known the case was before the Supreme Court he would not have commented upon it.[29]

In defending his criticism of the decision in the Cuevo-Barredo case, Mr. Quezon revealed his conception of the nature of the presidential office and the broad scope of its powers. He declared, in part: [30]

> Another significant difference in our Constitution [as compared with that of the United States] is that more extensive powers are vested in our Chief Executive than are granted by the American Constitution to the President of the United States. This is because the responsibility placed upon the Philippine Chief Executive to give life and effectiveness to the political philosophy underlying the Constitution, transcends the responsibility given to the President of the United States under the Constitution of that Government.

In support of this doctrine, Mr. Quezon compared the oaths of office taken by the two officials, pointing out that the President of the Philippines is required to swear that he would "do justice to every man," while the oath of the American chief executive imposes no such responsibility upon the latter official.[31]*

> These words "do justice to every man" which are found in my oath [President Quezon continued] do not, of course, mean that the President of the Philippines has been vested with any judicial power to adjudicate cases between the Government and its citizens, or between the citizens themselves. . . . But the words "do justice to every man" mean that the Chief Executive must always be alert and vigilant, so that justice may reign supreme over this land, and this he can accomplish only by a careful and conscientious exercise of his power to appoint members of the judiciary, and by his readiness to take action, in the manner prescribed by law, against judges who may be

derelict in the performance of their duties, or, short of committing malfeasance in office [sic] to arraign them at the bar of public opinion, whenever, in his opinion the denunciation of any wrongful act, even though performed in good faith, would be in the public service.

The President then cited numerous British and American precedents for public executive criticism of judicial decisions. Even in the absence of such justifying precedents, however, President Quezon would not "be silent in the face of what in my conscience I might consider a wrong decision or an act of injustice."

For, even assuming that, under the theory of separation of powers and the postulate of judicial independence, the Chief Executive may in no case utter a word in connection with the acts of the other branches of the Government, I would still interpret my oath to "do justice to every man" as imposing upon me not only the duty to do justice in cases where the decision rests with the Executive, but *also to see that the other branches of the Government do not commit acts of injustice to any man.*

Applying this general theory of the presidential power in the Cuevo-Barredo case, and the political expediency of his denunciation of the unjust judge, President Quezon declared:

My administration is committed, by its preelection platform, to ameliorate the lot of the common man. The Constitution of the Philippines imposes upon this Government the inescapable duty of promoting social justice. As the head of this Government, it is my duty to exert my influence to secure the cooperation of every branch of the Government to redeem our pledges and, above all, to carry into effect the mandate of the Constitution. Were I to keep silent in the face of what I consider a disregard of rights vouchsafed by the Constitution and the laws, not only would I be recreant to my duty but also *the people would lose faith in their Government.* This must not and shall not happen, if I can prevent it.

In form and substance this statement seems like a resounding echo from the days when Theodore Roosevelt was interpreting the American Constitution in such a way as to give the President authority to do for the good of the country almost anything which the supreme law of the land did not explicitly forbid him to do. President Roosevelt's doctrine is generally regarded as having been out of harmony with the basic assumptions of American constitu-

tional law. There have not yet been a sufficient number of constitutional decisions in the Philippines to indicate how far the courts will uphold Mr. Quezon's views as to the nature of the presidency. However, it seems to the author that the President's broad interpretation of his powers is fundamentally in harmony with the Filipino conception of the role which should be played by a chief of state.

In the Philippines, and elsewhere in the Orient, there is an ancient feeling that one of the prime functions of the political chieftain is to see to it that justice is done among his people. The cult of constitutionalism, that is, the worship of lawyers' law as interpreted by lawyers regardless as to whether substantial justice is done or the political purposes of the state are served, is not indigenous to the Orient and has not prospered there. It has no deep roots in the Philippines despite three centuries under the civil law of Spain and four decades of experience with the American doctrine of judicial review. It is safe to say that when President Quezon loosed a blast of indignation at the crass injustice of the Cuevo-Barredo decision he acted as the overwhelming majority of his people would have had their national leader act. Even supposing that his denunciation was a hasty reaction to strong emotion and that the constitutional argument by which it was subsequently justified was merely an afterthought, the President's emotion and his response to it were one hundred per cent Filipino. The Filipino people approved of his action for this reason and not because it could be constitutionally justified by reference to the presidential oath of office. In this legalistic justification, or the lack of it, few of them had the slightest interest.

The Cuevo-Barredo case has been discussed as an illustration of President Quezon's conception of the Philippine presidency and the vigour with which he is establishing that office as the dominant part of the government; and also as another example of the extent to which the institutions which have been introduced into the Philippines from the United States are being given a local color as they are adapted to Filipino needs and desires. Superficially, the presidential offices of the United States and the Philippines seem to resemble each other rather closely. Careful study of the Philippine Constitution, however, shows that the Philippine President

was deliberately given a position of predominance which was not accorded to the President of the United States and has never been attained by that official, save, perhaps, in the emergency of war. This position seems to be in harmony with that of the "national leader" as developed between 1907 and 1935, and with the native Filipino conception of the role which the President should play. The presidency has been further developed along lines of strength because the critical situation of the Philippines while its new institutions are being given permanent form demands strong leadership and because the first President has given that leadership during five years of incessant activity and great accomplishment.

The actual power of the presidency has also been increased by the inevitable process of accretion. Important duties, some of them of an extraordinary and temporary nature but all adding to the relative weight of the presidential office, have been laid upon Mr. Quezon's already heavily burdened shoulders. For example, until the 1939 amendment of the Tydings-McDuffie Law more effectively limited the purposes for which the coconut oil excise-tax fund could be expended, the President through his recommendations to the National Assembly virtually determined how the millions which flowed into the Philippines from this source should be used. Through the preparation of special budgets providing for the expenditure of this fund he still does so, within the more definite limits laid down by Congress. Control over the Philippine Sugar Administration, which was placed in the President's office, carries with it authority which affects the business of the entire Philippines and the private fortunes of thousands of individuals.

In September, 1939, the National Assembly, meeting in special session, granted the President extraordinary powers to deal with certain types of national emergency which might arise from the war which had broken out in Europe. For the period ending March 31, 1941, the Chief Executive was authorized to suspend, wholly or partially, the operation of the eight-hour labor law; to regulate the construction or transfer of vessels or shipping facilities; to take over, for use or operation by the government, any public service or enterprise; to fix tonnage dues, within specified limits, so that freight rates might be controlled; to requisition foods, materials and supplies, set limits on prices, and promulgate

such rules and regulations as he may deem necessary in the public interest in order to prevent monopolization of or injurious speculation in articles of prime necessity.[32] It is unnecessary to point out in detail the wide control over the economic life of the country and the accompanying political power which these emergency measures placed in the hands of the President to be used if, in his opinion, a national emergency requires it.

All of the forces and events mentioned, and others as well, have operated to augment the great powers which the Constitution vested in the presidency. A number of basic factors seem to indicate that the trend towards strengthening the executive at the expense of the other two branches of the government, especially the legislative branch, may be a permanent one. Yet the time has not yet arrived when one can predict with confidence what the presidential office, or any other Philippine institution, may become during the difficult years ahead. The Philippine Government is still young. The return to the bicameral legislative system and a change in the personalities which have thus far dominated the Commonwealth might have entirely unforeseen effects upon the distribution of the powers of government in the Islands.

Uncertainty as to the future of the presidency has not been diminished by the constitutional amendment reducing the term to four years and making the President eligible for reelection, with the proviso that no person may serve as President for more than eight consecutive years. As Mr. Quezon himself stated in an address to the special session of the National Assembly which proposed this change in the fundamental law, "It would be of no avail to ignore the fact that the idea of amending the Constitution in this respect was originally conceived and advanced for the only purpose of permitting my reelection."[32a] The campaign for Mr. Quezon's reelection was begun almost as soon as he had assumed office by the President's close political associates and the newspaper syndicate which usually reflected Mr. Quezon's views. There is no evidence that the amendment which was approved four years later was adopted for any other purpose than to make President Quezon available for an immediate second term. On the contrary, the President himself called the attention of the Assembly to the fact that "linked with the proposal to amend the Constitution regard-

ing the term of office of the President is the movement to induce me to become a candidate for reelection." [33]

Only a month previously the national convention of the *Nacionalista* Party, to which almost every elective official of the national and local governments belongs, had urged the amendment of the Constitution to permit Mr. Quezon's continuance in office for another term. Nothing in the brief experience of the country with the six-year term without reeligibility was suggested as a reason for the change, unless the argument that President Quezon should have a longer period to establish his policies should be considered as having originated from that experience. In short, even before the expiration of the term of the first President, the Constitution was amended primarily in order to make it legally possible for this individual to be reelected in 1941.

True, the amendment was so worded that if he should be chosen again in that year President Quezon could serve only two years after December 30, 1941. At the end of 1943, he would be succeeded by the Vice President who had been elected with him in 1941. The following provision in the amendment fits the case perfectly: "In the event of the removal of the President from office, *or the termination of his right thereto under the provisions of the Constitution,* or his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President." [34] Mr. Quezon would again be eligible for election, however, for the term beginning December 30, 1945, just six months prior to the establishment of the Philippine Republic as at present provided by law, and according to his own interpretation of the Constitution the Chief Executive chosen at that time would continue in office as the President of the Republic for the balance of the term for which he had been chosen.[35] The amendment of the Constitution of the Philippine Republic would not be subject to the approval of the President of the United States.

The immediate advantages of such a time-table are apparent. In the first place, it would avoid the possibility of a disruption of the all-powerful *Nacionalista* Party over the selection of President Quezon's successor. Mr. Quezon could be reelected in 1941. If the Vice President selected at the same time should be a capable ad-

ministrator without too much political power, he could safely be allowed to serve in the presidential office as a "chair warmer" during 1944 and 1945. Thus a divisive struggle for the Quezon mantle could be postponed again by the election of that statesman for the term beginning January 1, 1946. Many responsible Filipinos regard the present unity of the dominant party and the country as a fragile plant, which in these critical times must be preserved at all costs.

In the second place, the amendment makes possible the reelection of President Quezon in 1941 and in 1945 should the world situation seem to make it imperative that the Philippines then avail itself of his ability and avoid a change of administrations in the middle of a dangerously turbulent stream.

Finally, the continuation of Mr. Quezon in office, or in power, is the best guarantee which a large majority of the elective officials of the Philippines could have for security of tenure in the positions which they hold, or for promotion. These advantages are potent arguments for leaving the door open for the President's reelection in 1941.

The injury which might be done to Philippine democratic institutions and national stability by the amendment which has been adopted and by President Quezon's immediate reelection have been stated by Mr. Quezon himself upon many occasions. For four years he publicly opposed every move to clear the way for his reelection at the end of his prescribed term. In 1937, for example, the President publicly declared that the prohibition against a second term had been included in the Constitution through his own efforts at a time when it was generally expected that he would be the first President, and when two-thirds of the delegates were opposed to the clause because they wished to be free to reelect him at the end of his first term. "I shall certainly not stultify myself by giving my consent to any attempt to amend the Constitution to permit my reelection," Mr. Quezon said. "If we were to amend the Constitution in this respect, the outside world would immediately say that we are following in the Philippines the same course that for some years has been followed by some of the Latin American republics and which has been mainly responsible for many of the revolutions in those countries." [86]

In addressing the special session of the National Assembly which proposed the amendment in September, 1939, President Quezon declared that in view of the "vital importance that amendments to the Constitution be considered upon the high plane of principles rather than upon considerations of personal character," he desired to make clear his position regarding his own reelection.

> I have come to the conclusion [he said] that, from the standpoint of the promotion of democracy and liberty in our country, the wholesome effect of my retirement at the end of my present term will far outweigh whatever benefits might be derived from my continuance in office beyond said term. . . .
>
> There is one thought that has given me the gravest preoccupation in connection with the proposal to amend the Constitution so as to permit of my reelection. It is the dangerous precedent that might be established in amending a constitutional or legal provision affecting a person in office who is in a position to exert some influence in securing the amendment and allowing him to benefit by it. In the future some ambitious and unscrupulous politician might invoke such a precedent in order to perpetuate himself in power. . . .
>
> With a keen sense of my responsibility and with the welfare of our people at heart, I wish to state frankly that if my present term of office is allowed to run its full length, I would consider it my inescapable duty not to make myself available for reelection.[37*]

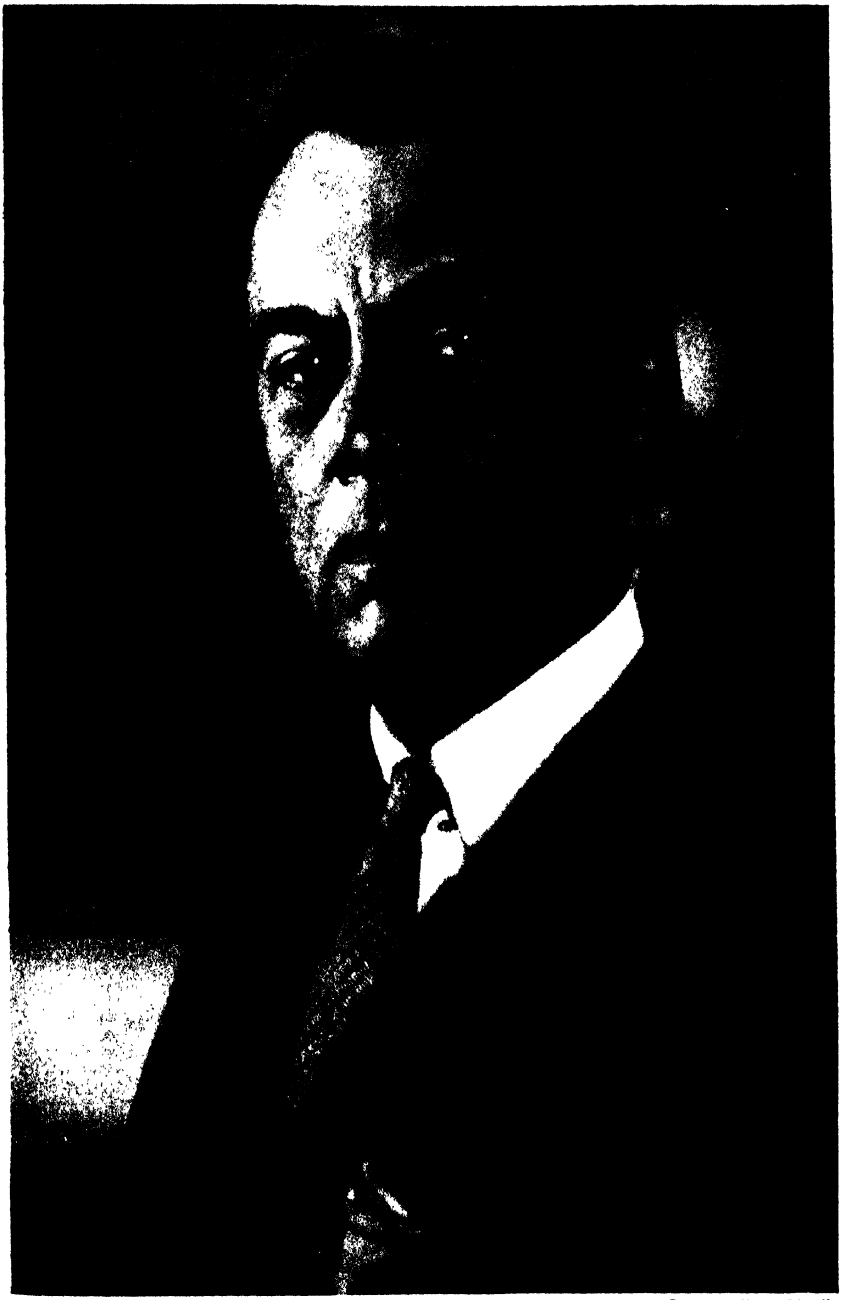
President Quezon at the same time expressed the hope that the way would not be opened for his reelection by the reduction of his present term. In point of fact, inasmuch as he had already served for four years, lacking only three months, it would have been virtually impossible to have secured the amendment of the Constitution, including the required approval of the President of the United States, and the President's reelection between the time the special session convened and the expiration of an initial four-year term.

Upon the intrinsic merits of the proposal to reduce the presidential term from six to four years President Quezon made a statement which well illustrates the purely theoretical nature and relative unimportance of the proposition when detached from the political considerations connected with the possible reelection of the present occupant of Malacañang. Mr. Quezon said:

In the light of the principles of democratic government, the term of six years fixed in the Constitution for the president would seem to be too long. The American Constitution provides for a four-year term only, without any limitation as to the number of times the incumbent may be reelected. This system seems to be more in harmony with democratic principles than the one we have adopted—a six-year term without reelection. *But I do not have any strong opinion in favor of one system as against the other.*[38]

During the course of the campaign for the adoption of the amendments administration speakers occasionally justified the proposed change in the presidential term by theoretical arguments. Speaker José Yulo declared that "six years is too short for a good president and too long for a bad one." [39] Vice President Osmeña stated that the four year term with one immediate reelection is more democratic because it will give the people a chance to change or reelect the president.[40] Secretary of Finance Manuel Roxas said that with the creation of the proposed non-partisan electoral commission a President would not be able to manipulate the election machinery to secure his reelection, and that therefore one of the chief objections to eligibility for a second term was removed.[41] Mr. Roxas also declared that by making the President ineligible for reelection the Constitution deprived the people of an opportunity to pass judgment upon his administration. For the most part, however, the voters were appealed to upon more practical grounds.

Although the National Assembly adopted the amendments to the Constitution, which included two other important proposals, by a vote of 81 to 6, this overwhelming legislative majority did not reflect a corresponding popular opinion upon the provision with reference to the presidential term. The ineffectiveness of the various opposition parties in the face of the omnipotent *Nacionalista* machine has left without representation in the Assembly a very considerable minority of the people who are opposed to the present administration. For almost four years the leading minority parties, individual independent citizens, and even many *Nacionalistas* had been resisting the movement to open the door for the President's immediate reelection. Their opposition was based upon the same reasons which Mr. Quezon had urged against such a proposal and upon the further ground that the proposed amendment



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HIS EXCELLENCY, PRESIDENT MANUEL L. QUEZON



Harris & Ewing, Washington, D. C.

THE HONORABLE FRANCIS B. SAYRE
UNITED STATES HIGH COMMISSIONER TO THE
PHILIPPINE ISLANDS

would invite a Quezon dictatorship or a later destruction of democratic institutions.

A good deal of this opposition was violent in nature and reckless in expression. The administration, therefore, took no chances of defeat in the campaign for the adoption of the amendments by the electorate. For six weeks the President, Vice President, cabinet members, some of the under-secretaries, governors, assemblymen, and a large proportion of the local elective officials, all of them *Nacionalistas* and Quezon men, appealed to the voters in every part of the country to go to the polls and vote "yes" on all of the proposals. Secretary Benigno Aquino, Secretary of Agriculture and Commerce and *Nacionalista* campaign manager, was reported by the press to have "announced that he has authorized the officials and employees under him to campaign for the amendments. 'It is the duty of everyone, once he is convinced that the amendments should be ratified, to go out in the streets and campaign, and campaign aggressively,' he said." [42] Throughout the campaign the chief argument for the presidential amendment was that it would permit the reelection of Mr. Quezon, and the hope or expectation that the President would run again was repeatedly expressed.[43*]

In the face of this insistence President Quezon frequently told the voters that he was not interested in the presidential amendment but regarded the return to a bicameral legislature as vital to the interests of the country. The position which he finally reached with reference to the acceptance of an immediate second term is perhaps best shown in the press report of an answer which he gave to a direct question upon this point: "That he is not a candidate for reelection, that he is not going to run even if nominated by his party but that if, despite all these, the people elect him to the Presidency, he will have to serve. He said that he will have to serve then because such an election would be a command by the people and he did not propose to run away from duty." [44]

Virtually all of the opposition parties campaigned vigorously against the proposed amendments. Their chief objection to changing the presidential term was typically expressed by a resolution of the Tarlac municipal council, reported as follows: "The proposed amendment will inject into our constitution 'that disturbing and dangerous element of impermanence and unstability.' . . .

Countries that tampered with their constitutions to keep men and political parties in power have invariably ended in dictatorships, it warned." [45] The Ganap, the rejuvenated Sakdal Party, was particularly active in opposition to the amendment.

All of the proposed amendments were ratified in the election by a vote of approximately four to one.[46*] Only about half of the registered electors went to the polls, however, and the election was declared by the correspondent of the *New York Times* to have been marked by more than the usual election violence. Complaints that electoral frauds had been committed were reported to have been received by the United States High Commissioner from a number of Americans and Filipinos.[47] The *Manila Daily Bulletin* reported: "Observers said that the trend of votes with regard to the presidential reelection definitely shows the desire of the people to have President Quezon reelected. This proposed amendment earned more votes and less opposition than the bicameral revival in spite of the fact that the President himself led the fight for the revival of the senate." [48] In February, 1941, the Secretary to the President announced on behalf of Mr. Quezon: "That . . . he is not a candidate for reelection nor will he make any campaign . . . should he be nominated by the Nacionalista party.

"That if he is nominated and elected, he will consider it his bounden duty to serve." [49]

The successful four-year campaign to amend the Constitution in order to make possible the reelection of the first President suggests a number of interesting thoughts concerning Philippine political institutions. The attitude of the Assemblymen and other officials towards the Constitution illustrates the fluidity of the governmental organization that has been set up as a prelude to independence. The adoption of this "fire escape provision," as it was called by former Speaker Quintin Paredes, also shows that even in 1940 the Filipinos realized that their country is facing an uncertain future, and indicates that, like most nations, in a time of crisis they place greater reliance upon a leader than in a set of institutions and in the general political capacity of the people. The amendment likewise emphasizes the dread of disunity which has been partially responsible for the development of a system under which every party but one is effectively excluded from participa-

tion in the national government of the Philippines. The vigor of their campaign and the support given their position by approximately twenty per cent of the voters participating in the plebiscite show that even under the extremely adverse conditions which they face the minority parties are still performing many of the functions of an organized opposition.

If his formal statements reveal his real feelings, President Quezon apparently has less fear than many of his followers of the consequences of his withdrawal from the first position in the state. In declaring that if his first term were not shortened, he would not accept a second election even though it might be made legally possible for him to do so, he said to the National Assembly:

> I have carefully considered the suggestion made by those who favor my reelection that to insure our country's welfare we should maintain the unity of our people and that I am, perhaps, in a better position than anyone else at the time to maintain that unity. Nothing gives me more concern than the possibility of our people being divided into two or more political camps at this critical period of our history, when divided counsel and antagonistic efforts may be of fatal consequences to the nation. But I have enough faith in the intelligence and patriotism of our people to believe that they will not fail to see the dangers of partisan strife, that reason rather than passion will rule their conduct, and that they will not allow our national solidarity to disintegrate.[50]

In the Philippines, as in every country, political institutions are given form as much by the force of events as by the deliberations of lawmakers. As Filipino statesmen deal with the grave problems arising out of the establishment of a new nation, they are compelled to build a government which is in harmony with their own convictions as to what is best, or perhaps what is possible, for their own country rather than one designed to conform to stereotyped American ideas of democracy. The impact of the events of the next few years may make the Philippine Presidency even more powerful than it was designed to be. The true test of the office which finally evolves, however, will not be the extent to which it conforms to either American or Filipino theories, but its effectiveness in serving the new Philippine State.

When the Constitutional Convention voted to authorize the unicameral National Assembly to select its own speaker, the Con-

vention almost decided not to create the office of vice president. It did so, however, in order that there should be available to fill a vacancy in the presidency an official possessing the same legal qualifications and chosen by the same electorate as the President. By authorizing the President to appoint the Vice President as a member of his cabinet and also as head of an executive department the Constitution makes it possible for the chief executive to utilize the services of his heir apparent—should he wish to do so. When the constitutional amendments which were adopted in 1940 were under discussion and it was agreed to return to a bicameral legislature, it was suggested that the Vice President be made the presiding officer of the Senate. This proposal was voted down, however, and despite an effort which was then made to eliminate the vice presidency, the office was left as it was originally provided for.[51*]

Among the many precedent-making decisions which had to be reached during the early days of the Commonwealth was that concerning the procedures under which the government should be conducted during the absence of the President from the Philippines. During the previous regime, in accordance with the express provisions of the Organic Act and the Revised Administrative Code, the Vice-Governor had possessed "all of the powers of the Governor-General" during the latter's temporary absence.[52] Like the Constitution of the United States, the Philippine Constitution contains no such provision. Consequently, following the American precedent, the Philippine President continues to exercise the full authority of his office no matter where he may be. The method by which public affairs are conducted during the President's absence is prescribed by an executive order.[53] The procedure established by this order and the position of the Vice President during such a period have been explained by the President, as follows:

> The Government of the Philippines can function during my absence and will function exactly as in my presence. The department heads will continue to decide matters which they now ordinarily settle. Where the sanction of the President is necessary, my approval can be easily obtained by cable. Questions which have to be submitted to the Cabinet will be decided by that body under the chairmanship of the Vice President. In the case of problems which, even

in my presence, the Cabinet decides by itself, the usual procedure will be followed. Questions of national policy will be submitted to me first for consultation before decision by the Cabinet.

There need be no fear that affairs will be considerably delayed during my absence. Fortunately, besides telegraphy, we have a more rapid means of communication, the wireless telephone. While the President is out of the country he shall be represented by the Vice President in all acts and on occasions in which he should be present. In his own position, which is superior in rank to any other in the Philippines except that of the President, he shall be at the head of the Government of our country. I expect the Vice President to do more than this. I expect him, during my absence, not only to guard over the cooperation and efficiency of the Government, but I also expect him to be consulted by the Cabinet on questions which, during my presence, are usually referred to me. If after an open discussion between them no decision is reached, the Vice President shall submit to me the result of the discussion for my consideration and decision. It is understood, of course, that the Secretary to the President, who even in my presence signs many papers for me, will continue exercising this function; and orders which are signed by the Secretary to the President, by order of the President, shall have the same value as if the President himself had signed them.[54]

The care with which this procedure was worked out, embodied in an executive order, and explained to the public is typical of the systematic way in which the constitutional and administrative problems which inevitably arose as the Commonwealth Government began to function were dealt with. Before one of his journeys to the United States, President Quezon declared: "I expect the Government of the Philippines to function as smoothly in my absence as it does now. I want to show the world that we have a government here that can proceed on its own, that is efficient in all respects and under any circumstances." [55] The President's expectations have been fully realized, for during his absences from the Philippines, two of which have been prolonged, the government functioned without any evidence of a loss of stability or efficiency.

The importance of the vice presidency has been greatly enhanced by the fact that the first person to fill the office has been the Honorable Sergio Osmeña. Preferring entrance into a coalition with the majority party to risking the national unity by fighting the Quezon-led Antis to a finish in the first presidential elections,

Mr. Osmeña brought to the support of the new Commonwealth Government his own power, prestige and abilities as well as those of his followers, among whom were included a majority of the first-rate political leaders of the day.[56] Vice President Osmeña was at once assigned the important position of Secretary of Public Instruction and seated in President Quezon's Cabinet. In both capacities he rendered invaluable services during the crucial first three years of the new government, in addition to filling with distinction the difficult role assigned to him during the extended absences of the President from the country.

The spring and summer of 1939 Vice President Osmeña spent in Washington as the head of the Philippine Mission which cooperated with the Roosevelt Administration and Congress in securing amendments to the Tydings-McDuffie Act which greatly improved the economic position of the Philippines during the second half of the Commonwealth decade. The Vice President played a leading part in drafting this legislation and seeing it through Congress. When it became evident that Mr. Osmeña's presence in Washington would be prolonged for a number of months, another appointment was made to the position of Secretary of Public Instruction. Freed from the heavy administrative duties of that office, the Vice President has since been available for service in connection with matters of general executive policy.

Whether the Philippine vice presidency will become a steppingstone to the presidency remains to be seen. The vice president is eligible for election to the higher office, provided that he has not succeeded to it more than one year previous to the election, and is also eligible for immediate reelection as vice president.

CHAPTER IV *

A COLONIAL CIVIL SERVICE

IN THE modern state few aspects of government are more important than administration. The multiplication of governmental services and controls has enormously increased the dependence of the individual upon the administrative machine, which means upon the sound organization of the executive branch of the government and the honesty, efficiency, justice and courtesy of government officials and employees. The activities of modern government are so all-pervasive and costly that they must be well and economically performed. If they are not, the people will not prosper and there is danger that they will seek better administration through drastic changes in the form of their government. Particularly is this true in a marginal state; one which still has to establish itself in the confidence of its people and demonstrate that it has the resources and the ability to maintain an independent existence. In the Philippines the difference between success and failure in self-government may very well be determined by the quality of governmental administration, in the strict sense of that term.

This consideration creates a peculiar and vital interest in the administrative personnel, organization and procedure of the Commonwealth Government. The development of a group of professional administrators functioning under conditions which make successful administration possible and the civil service an attractive career was a prime American objective during the thirty-six years that the Philippines was in a colonial status. The determination of the Filipinos, who organized the Commonwealth and now control it not only to protect but to carry forward to the furthest practicable point the merit principle in public employment is one of the most significant characteristics of the Philippine government

* *The notes of this chapter begin on page 874. Subject matter notes are indicated by an asterisk.*

today. The story of civil service in the Philippines, therefore, is one of continuous development. It must be told from the beginning if the past American regime and the present Filipino government of the Islands are to be thoroughly understood.

The Philippine Civil Service is a copy of the civil service system of the United States. But it is an improved copy, freed of some of the most glaring faults of the original by the far-seeing American officials who in the years following 1898 were able to establish *de novo* in the Philippines many institutions that in America had been the product of a long and not always rationally controlled development. From President McKinley down, all of the Americans who were responsible for the establishment of modernized institutions in the newly acquired possessions seem to have recognized that a civil service based upon the merit system and divorced from politics was absolutely essential to the success of the American program in the Islands. These officials not only sought to establish such a system in the Philippines, but lost no opportunity to indoctrinate the Filipinos then being trained for democratic self-government with their own advanced ideas upon this subject.

As early as April, 1899, the Schurman Commission in a proclamation to the Filipino people designed to dissuade them from further armed resistance to the establishment of American sovereignty in the Islands directed their attention to eleven "regulative principles of cardinal importance" by which the United States would be guided in its relations with them. The fifth of these principles was: "there shall be guaranteed to the Philippine people an honest and effective civil service, in which, to the fullest extent practicable, natives shall be employed." [1] When this investigating commission reported to the President a plan of government for the Philippines it not only urged the adoption of the merit system, but expressed its belief that the Filipinos would recognize the value of this principle of government.

> Of course the merit or business system must be adopted and lived up to [the report declared]. The patronage or spoils system would prove absolutely fatal to good government in this new Oriental territory. . . . The competitive examination will secure the selection of the fittest candidate, while it offers equal opportunities

to all; and though it will be a novelty to the Filipinos, who have been accustomed only to the patronage or spoils system of government, it cannot fail to commend to them a republican form of government whose civil service is regulated by justice to all applicants for admission and directed solely to the welfare of the community.[2]

Before the second, or Taft, Philippine Commission left Washington in April, 1900, as Commissioner Dean C. Worcester has recorded, "a clear understanding was reached with the President and the Secretary of War to the effect that no political appointee whatsoever should under any circumstances be forced upon us." [3] In his instructions to the Commission, President McKinley designated the "establishment of a system to secure an efficient civil service" as one of the tasks that the Commission should first undertake upon their assumption of legislative power in September of that year. It is not surprising, therefore, that one of the earliest statutes passed by the Commission, the fifth, was a civil service act.[4] Thus, at the very outset of her trusteeship in the Philippines, the United States sought to close the door of public employment in the Islands to the spoilsman, whether native or American. How advanced this action was becomes more apparent when one recalls that in 1900 only three states of the Union enjoyed the benefits of civil service, while in the British Empire appointments to the colonial services were for the most part still personal patronage dispensed by the Secretary of State for the Colonies through one of his private secretaries.[5]

As American experience has shown, however, it is easier to enact a civil service law than to enforce it. Prior to the establishment of the Philippine Assembly in 1907, the Filipinos did not possess sufficient political power seriously to obstruct the strict application of the civil service act, although many of them objected to it because it ran counter to their habits and, in some cases, to their personal interests, and because they felt that they were unfairly discriminated against in the examination system and in the salary scale. At the outset, however, the Civil Service Board found it difficult to obtain the cooperation of certain important American administrators. As the Commission reported in 1902, it was "entirely natural that heads of bureaus should think themselves better competent to judge the kind of men needed for the vacan-

cies under them than the civil service board; and this is especially the case with new bureaus where the head of the bureau has had no experience in the selection from eligibles presented by the civil service board." [6] This attitude on the part of ranking American officials became less general as time went on. A year later the Civil Service Board noted "with pleasure the continued growth in the willing observance by the heads of bureaus and offices of the provisions of the civil service acts and rules," and further stated that "whatever tendency there was among the heads of bureaus and offices to evade the application of the civil service act and rules, especially in the matter of promotion examinations, has now almost entirely passed away, and throughout the service it has the cooperation of practically all of the officers of the Government in its effort to maintain an efficient and honest civil service." [7]

Although bureau chiefs and other appointing officers not infrequently sought to evade the civil service requirements as applied to their offices, this statement nevertheless accurately expresses the general attitude of the higher American officials toward the merit system for the next decade; that is, until 1913 when a new political regime was instituted in the United States and in the Philippines.[8]* There were two reasons for this halcyon condition of affairs. American administrators in the Philippines were entirely nonpolitical. They had no ambitions that could be gratified by political activities and no political debts to pay, either in the Philippines or in the United States. Their advancement depended solely upon the successful administration of the services for which they were responsible and it was soon demonstrated that the strict enforcement of the merit principle was indispensable both to their own security in office and the success of their work. The second reason has already been mentioned: the conviction of the great Americans who were politically responsible for the Philippines that only through the rigid application of the merit system there could the United States perform the dual task of giving this backward country an honest and efficient administration and at the same time preparing its people for democratic self-government. Having enacted the most advanced civil service law of their time the Commission was determined that it should be enforced to the letter, and was supported in this resolve by the authorities in Washington.

In his inaugural address as Civil Governor, Mr. Taft declared: "The Civil Service Act is the bulwark of honesty and efficiency in the government. It avoids the most marked evil of American politics, the spoils system. Without it success in solving our problem would be entirely impossible." [9] The Commission in its report for 1901 stated: "The civil-service law has been in operation since our last report, and we see no reason to change our conclusion as to the absolute necessity for its existence and strict enforcement. Without this law American government in these islands is, in our opinion, foredoomed to humiliating failure." [10]

Although the strict application of the merit principle in the civil service was a rule of administrative practice and a tenet of political faith for the controlling American officials of the Philippine Government during the period between 1899 and 1913, the Filipinos who acquired constantly increasing power in the Islands as a result of American rule were as yet bound by no such limitations in their quest for political patronage. Their previous experience had been with a government in which public office was regarded not as a public trust but as a private perquisite.[11]* Neither they nor their ancestors had lived through a period of civil service reform such as had gradually reduced the evils of unrestrained patronage and created a strong public sentiment against the spoils system in Great Britain and the United States. There was nothing in their background or experience to enable them to perceive that patronage, favoritism, and laxness in government offices are destructive of administrative efficiency and political morality. On the other hand, the elective Filipino officials in the municipalities, the provinces and, after 1907, in the Philippine Assembly were driven, as politicians are always driven, to utilize "government jobs" as political currency. They were not, as were the Americans in the government of the Philippines, responsible to superiors whose sole object was the attainment of honest and efficient government and who realized that this end could be attained only by the elimination of personal or political influence from appointment to public office and the conduct of public business.[12]* Patronage was their political lifeblood and there were neither inhibitions within themselves nor restraints from their people to prevent its use. These differences in background and political necessity between ap-

pointed Americans and elected Filipinos sufficiently explain the conflicts between them over the strict maintenance of high standards in the civil service. In addition, many Filipinos felt that they were unjustly discriminated against because the examinations for certain positions were given only in English and because they were not paid in accordance with the salary scale that applied to Americans in the government service.[13]*

With the inauguration in 1907 of the Philippine Assembly as the lower house of the Insular Legislature the political pressure for government positions became greater. Simultaneously, of course, this enormous increase of Filipino power in the government made it much more difficult for the American officials to protect the civil service from those who wished to use it for their own political advantage. For example, in 1908 the municipal code was so amended that no municipal treasurer could be appointed who had not been nominated by a municipal council. The comment of the Director of Civil Service was:

> Hereafter it is probable that only those applicants for municipal treasurerships will enter examinations who have the assurance of the municipal council that they will be nominated. The amendment will practically destroy the open competitive principle as to municipal treasurers, and will impair the present system of promotion by which treasurers of the smaller municipalities are encouraged to render efficient service with the hope of advancement to more important treasurerships.[14]

From 1907 on, legislative sanction for exceptions to or violations of the law was frequently sought, and sometimes obtained.[15]*

The most direct and powerful assault made upon the civil service by the newly created Filipino legislators was embodied in a bill that passed the Assembly in 1908 providing for the abolishment of the bureau of civil service and the creation in its place of a division of civil service in the bureau of audits. This division would have been limited to the examination and certification of eligibles. The remaining duties and functions of the civil service bureau would have been transferred to chiefs of bureaus and offices throughout the service. The effect of the bill, had it become a law, would have been to confine the operations of the bureau of civil service to the narrow field of entrance into the service,

and to have eliminated it as a disinterested and powerful organ of government charged with promoting honesty and efficiency in administration and securing the impartial application of the merit system to those officials and employees already in the service. As the director observed, the measure would have resulted in the practical destruction of the merit system in the Philippines.[16*] Although this attempt to hamstring the civil service was supported by a few American officials, the Commission refused to pass the bill, and in his report for 1908 Governor-General Smith served notice that the merit system was still regarded as of fundamental importance in the establishment of good government in the Philippines.

Enough has been said, perhaps, to indicate the general characteristics of the civil service system that was established in 1900, and to suggest that no single institution introduced by the United States into the Philippines played a more vital part in the constructive work that was done there during the first fifteen years of the American occupation.[17*] In its major characteristics the system established was a modified copy of the American civil service as it existed in 1901. It was centralized, in that it embraced within one system, under the administrative control of a single bureau, the classified employees of all divisions and organs of insular, provincial, and municipal governments. The bureau of civil service was an independent office under the immediate supervision and control of the Governor-General. It possessed extensive powers over the selection and promotion of classified officials and employees, and performed many of the functions of a central personnel bureau with reference to conditions of work, efficiency records, leaves of absence, transfer, discipline, and pay. As in the United States, the examination system was designed primarily to test the ability of the applicant to perform the duties of the particular position to which he aspired. However, general examinations of three grades, based upon three stages of educational attainment, were given for a large number of non-technical positions, and were basic to the tests to determine fitness for particular positions.

Events confirmed the wisdom of the civil service program thus carried out. Between 1899 and 1913 under American leadership

and with indispensable Filipino cooperation, a modern government of remarkable honesty and efficiency was organized in the Philippines. This government was manned by thousands of officials chosen either from the almost wholly unprepared native population or from adventurous Americans not especially trained for public administration, many of whom originally went to the Islands in the Army or as public school teachers.[18*] In the selection of these officials and in the creation and maintenance of high and uniform standards pertaining to their promotions, pay, transfers, leaves of absence, and the conditions under which they worked, the civil service organization performed invaluable functions and established itself as a powerful branch of the government. Constant efforts were made by the highest officials to indoctrinate all employees of the government and the Filipino people as a whole, with the idea that the strict application of the merit system was an absolute prerequisite to the establishment of honest, efficient and democratic government in the Islands. The service was protected from serious injury by either the relatively few American officials of rank who sought to evade its rules or those Filipinos who deemed it to their political advantage to subvert it. The establishment of such a service was regarded both in the United States and in the Philippines as one of the most important achievements of a decade and a half of American rule over the great Oriental dependency for which America assumed responsibility in 1899.[19*]

The "New Era" inaugurated in the Philippines by Francis Burton Harrison in October, 1913, brought cataclysmic changes in the personnel of the civil service. For the preceding fifteen years the Americans in highest authority over the Islands had believed that the Filipinos could best prepare themselves for ultimate independence by exercising limited but gradually increasing powers under the direction and leadership of a permanent corps of American officials in the key positions of the government. One of the chief purposes of the civil service policy of this period was to staff this corps of key administrators with Americans who would make its service their lifework. This objective was not easy to attain. In 1907 Governor-General Smith declared:

> That this permanency has not been secured is due to no fault of the civil-service administration or of civil-service laws or rules, but

rather to circumstances over which neither the civil-service bureau nor the government has had much control. American officials and employees have rarely made up their minds to cast their fortunes definitely with the Philippines or to make governmental service in the tropics a career. Many of those who in the beginning were so minded, due to ill health of themselves or their families, or the longing to return to friends and relatives, changed front and preferred to return to the homeland, there to enjoy life at half the salary in the environment to which they were accustomed.[20*]

By 1913 the establishment in law and in practice of promotion upon merit and absolute security of tenure had partially accomplished the desired permanency in the American ranks of the Philippine Civil Service. Although the annual "turnover" among the civil servants from the United States was always much higher than was desirable, a large proportion of the bureau chiefs and other heads of offices and their immediate assistants were Americans who had worked their way up through the service by sheer merit and with the legitimate expectation of making it their life career. Many other Americans in subordinate positions had been led to believe that faithful service would eventually bring them promotion to offices of the highest rank. Although from the start it had been clearly undertsood that as rapidly as Filipinos were prepared to perform the duties of a given position they should be favored in appointments thereto, it was also understood that this preference should not operate to nullify the law and the practices which guaranteed security of tenure and promotion on merit to American as well as to Filipino officials and employees on the classified list. This body of officials and employees from the United States, some 2,600, were regarded by the responsible authorities of the day as being absolutely essential to both the good government and the political education of the Filipino people, and hence an indispensable instrumentality for the discharge of American obligations in the Philippines.[21*] These authorities further believed that many years, at least a generation, would elapse before the task of the United States in the Islands could be completed.

The Americans whom the national election of 1912 brought to power in Washington and, quite incidentally, in antipodal Manila held entirely different opinions both as to the responsibilities of the United States in the Philippines and the best means

of meeting them. They placed greater emphasis upon self-government in the Islands than upon good government. They felt that responsibility for the affairs of the Philippines should rest upon Filipino rather than upon American shoulders. They believed that the Filipino people would progress more rapidly politically and be more contented under a less efficient government controlled by themselves [22*] than under a more efficient one directed chiefly by Americans. They proposed to turn the government of the Philippines over to the Filipinos speedily and completely, and then to withdraw the sovereignty of the United States over the Islands.[23*]

These fundamental differences in political philosophy, in general policy, and in immediate purpose were primarily responsible for the changes that were wrought in the Philippine civil service during the Harrison administration. Obviously, the Wilson-Harrison policy of immediate Filipinization and speedy withdrawal could be put into execution only by the rapid elimination of the large majority of the Americans in the Philippine government, especially those occupying or in line for controlling positions. This elimination was begun on the day of Mr. Harrison's arrival in Manila. It was accomplished by enforced resignations, reductions of pay in the higher offices, the abolition of certain positions, and the creation of conditions that were intolerable to many senior Americans in the service.

The storm struck the highest trees first. Within a comparatively short time many of the ranking American officials had been swept out of office and replaced by Filipinos. They were rapidly followed by their countrymen in subordinate positions. When it became apparent that for Americans the day of security of tenure and promotion on merit had passed and that henceforth the ways of the Filipino rather than of his erstwhile tutor were to prevail in the government, most of the American officials and employees who had sought permanent careers in the Philippines were only too ready to resign at the first opportunity. Many others left the Islands in the normal course of events. The positions thus vacated were almost invariably filled by Filipinos, with the result that during the Harrison regime the number of Americans in the service was reduced from 2,623 to 614. During the period the propor-

tion of Americans dropped from 29 per cent to four per cent. The purging at the top had been even more drastic. As Mr. Harrison himself has said:

> By 1921, with the exception of the bureaus of Education, the Mint, Prisons, Forestry, Science, Weather, the Quarantine Service, the Coast and Geodetic Survey, and the Metropolitan Water District, the other thirty bureaus and offices of the Government had Filipinos either as regularly appointed chiefs or acting as such, and in virtually all cases Filipinos were assistant chiefs, in training for future greater responsibilities.[24]

As has been said, the controlling cause of the elimination of most of the ranking Americans from the Philippine civil service during the first few years of the Harrison administration was the fundamental change in the Philippine policy of the United States government that occurred when the Democratic party came into power in 1913. Prior to that time the purposes of the United States in the Islands had called for a colonial civil service dominated by a corps of permanent officials from the metropolitan country. Democratic policy and the Wilson-Harrison program for the speedy separation of the United States and its Far Eastern dependency demanded not a colonial, but a national civil service in the Philippines: one manned and directed not by Americans but by Filipinos. The Democratic Governor-General, with the support and approval of the Democratic President, simply effected the transformation that was called for by the new Philippine policy of the American government.

Thus stated, "Filipinization" seems not only simple and rational, but to have been necessary and inevitable. The actual process, however, was complicated by rash haste and by personal, racial, and political bitterness. Mr. Harrison felt that he must rid the government of many of its ranking administrative officials not only that he might replace Americans with Filipinos, but also in order to secure an administration that would cooperate in the execution of his policies.

> The bureau chiefs [he afterwards wrote] were the active agents who carried out the policies of the administration. Their power had increased to such an extent in certain instances that they had assumed an attitude of rivalry and antagonism toward one another, if not

toward the Government itself; like the feudal barons of old, their "prestige" was all-important, and they were generally inspired with a disbelief in the ability of the Filipinos to carry on any important work of government. They stood together on that issue, like the Old Guard at Waterloo, ready to die, but never to surrender. If not in accord with the policy of the department heads and of the Legislature, they could block to a very large extent the working of any reform. The new policy would be impossible if bureau chiefs were to perform political sabotage upon the political machinery. Only two of the chiefs or assistant chiefs of bureaus were then Filipinos. The problem of Filipinization of the bureaus was, therefore, one of first magnitude, and bound to cause strife.[25]

There can be no doubt that the Americans in the Philippine civil service in 1913 were, upon principle, almost unanimously opposed to the policy that Mr. Harrison had been sent to the Philippines to execute. How far those who were eliminated during the early part of his regime would have performed the true role of permanent officials and loyally assisted in the execution of his program had the new Governor-General dealt with them as the incoming political official normally deals with the permanent staff, will never be known. As they viewed it, Mr. Harrison was out to destroy the results of their life-work among the Filipinos. From his standpoint they were an obstacle to the work which he had determined to accomplish. Almost inevitably, apprehension, distrust, suspicion, marked the relations of the two parties.

The new Chief Executive and Commissioners sought advice from Filipinos, not from Americans. Soon they were regarded as being aligned with the radical Filipino leaders against the old-time American officials, individually and as a group. Each side struck at the other. Cooperation became impossible, and an adjustment that should have been reasonably, fairly, and decently made was accomplished with a haste and in a manner that did inestimable injury to the Filipino people and was thoroughly discreditable to the United States.

Twenty-two years later, when Mr. Harrison visited the Philippines as an honored guest at the inauguration of the Commonwealth, the embers of the old feeling against him still smouldered in the hearts of some of the Manila Americans. Upon greeting a prominent business man who had lived in the Islands for three

decades, the former Governor-General said: "I find that all of the hard feelings are gone. People now realize that there was no personal animus in what was done. Anyway, the time has come to bury the hatchet." The rejoinder, with a smile, but in a tone that caused the subject to be dropped, was: "Well, Governor, I guess it can be done. But there were some awfully bloody hatchets around here!"

If the ruthless procedure of the idealist President and his representative in Manila destroyed the colonial civil service that had been built up during the preceding fifteen years, it undoubtedly hastened the creation of a genuinely national civil service in the Philippines. And despite the violence with which the change was effected, many of the essential characteristics of the old system were carried over into the new—a surprising number, indeed, considering the magnitude and the abruptness of the transition. A number of factors operated to produce this result. Of fundamental importance is the fact that the Harrison changes were not made as a part of an attack upon the principle of the civil service, as such. Replying to criticism of his Filipinization policy, Governor-General Harrison in 1914 emphatically stated that "in all questions affecting the civil service the spirit as well as the letter of the law and regulations in force, has been observed." [26] So far as the dominant policy of rigid Filipinization was not in itself a repudiation of civil service principles this statement is substantially accurate. Government jobs in the Philippines were not treated as spoils for the Democratic victors in the recent American election. With rare exceptions the relatively small number of Americans who were brought out to the Islands after 1913 were technical men who were selected with as little regard for party political considerations as had been shown during the preceding period.

Nor was the civil service turned over to Filipino spoilsmen. During the first year or so a large proportion of the bureau chiefs and assistant chiefs who resigned were replaced by Americans who were in line for promotion. When vacancies were filled by Filipinos, then or later, the rule of promotion from within the service was usually followed.[27*] True, appointments to important posts were almost invariably made upon the advice of the dominant Filipino leaders, a practice which caused Mr. Harrison to be

branded by Manila Americans as "the pliant tool of shrewd native politicians who used him largely for personal or party ends."[28] *But although the Filipino leaders very probably saw to it that* they were strengthened politically by their control over the appointing power, the number of political appointments to major civil service offices from without the service was very small indeed. Certainly there was no general turning out of Filipinos upon either party or personal grounds. For natives of the country security of tenure was as certain as it had ever been. This condition of affairs resulted in part from the fact that there was only one political party of any importance in the Islands. It was also due, however, to the character of the Filipino who during the early years of the Harrison administration completely controlled that party. Speaker Sergio Osmeña's entire career shows conclusively that he is no spoilsman. At that time he was at the height of his power and was far more concerned with making appointments that would justify the Democratic program of increased autonomy and speedy independence than he was with finding jobs for either personal henchmen or deserving *Nacionalistas.*[29] So were many others among the Filipinos who were associated with the Governor-General and the Speaker.

It is an interesting commentary upon the situation in Manila in 1913-14 that resentment of local Americans at the way in which the policy of rapid Filipinization was carried out was directed not at the Filipinos, but at Governor-General Harrison and his American associates. Many thoughtful Filipinos, indeed, feared that their government would be wrecked by the Harrison procedures. However, they were not in a position to protest publicly against the application of a policy which they had been demanding for more than a decade. Shortly after Mr. Harrison's arrival, he handed one of the dominant Filipino leaders a roster of the officials and employees of the government, with the suggestion that the leader blue pencil the names of any Americans who he believed should be replaced by Filipinos. The Filipino declined to take advantage of this invitation. He advised the new Chief Executive to make no important changes in government personnel until he had had time to become acquainted with the situation in the Islands, and with the officials to be displaced and those who would succeed

them. The efficiency of the government, he declared, might be destroyed and the cause of independence injured by precipitate action. The Governor-General, however, brushed aside this caution and informed the Filipino leader that the American policy called for rapid Filipinization, and that this would be accomplished.[30]

Other reasons why the pre-Harrison civil service survived as an institution may be more briefly mentioned. The law and regulations that were in force in 1913 were untouched save for minor modifications, some of which strengthened rather than weakened the service;[31]* and in 1916 the civil-service law was embodied in the new Administrative Code. The Bureau of Civil Service was continued under the control of an American director until 1920, when a Filipino of more than ten years' service in the government was placed at the head of this office.[32]* The Filipinos who were advanced to the positions of bureau chief and assistant chief had, in most instances, been trained throughout their official careers (many of them from boyhood) within the civil service and under the direction of the able Americans who had dominated it for a decade and a half. They did their best to carry on in the old spirit and to meet the added responsibilities which Filipinization had placed upon them. Finally, although Filipinization was rapid, it was by no means instantaneous. Many highly trained, energetic, devoted Americans (1,475 Americans on January 1, 1917) remained in the service or were brought out to fill technical positions that the Filipinos were still incapable of handling. Their influence in maintaining high standards within their own offices and throughout the government was considerable.[33]*

Convincing evidence that the Philippine civil service had survived the difficult transition from a colonial to a national system as well as other strains incident to the rapid transformation of the government during the Harrison regime is to be found in the Wood-Forbes Report. As one of its conclusions the Commission stated that "the civil service laws have in the main been honestly administered"; although coupled with this judgment was the qualification that "there is a marked deterioration due to politics."[34] These disrupting political influences, from which only a vigorous public opinion can protect the civil service in any country, had

come chiefly from the Philippine Legislature. The report declared that the Legislature had "passed laws tending to demoralize and introduce into the civil service the infection of politics. For example, numerous exemptions from the requirements of the civil service and many provisions for temporary employment." But the Commission added the opinion that "all these defects can and—unless we fail to understand the spirit of the legislature and its leaders—will be corrected in the islands." [35]

In this optimistic prediction the Commission was correct. Little did the two distinguished officials who composed it dream, however, that really radical improvements in the civil service were not to be effected until fifteen years had passed and the Filipinos had gained complete control over the organization and administration of their government. True, Governor-General Wood did succeed in having the merit principle more genuinely applied and in restoring some of the morale and efficiency which had been the distinguishing characteristics of the service prior to 1913. But neither Wood nor his successors in office were able to re-create the service as it existed when it was a colonial institution manned at the top and dominated throughout by Americans. They could not even secure substantial improvements in the civil service law. They possessed neither the legal authority nor the moral and political leadership necessary to overcome the anti-civil service forces and the weight of inertia that oppose civil service reform in every country.

More fundamental still was the fact that Governor-General Harrison had nationalized this as every other part of the Philippine government. Nationalization had fundamentally altered the character as well as the personnel of administration; and this change was irrevocable. The civil service could not be de-nationalized and re-Americanized. Nor could it, on the other hand, be developed into a completely national institution embodying the highest attainments of which the Filipinos are capable in this field save under untrammeled Filipino control and leadership. Under the American chief executives who succeeded Mr. Harrison, it was sometimes a little better—under Governors-General Wood and Murphy a good deal better—sometimes a little worse. But it never radically changed, never took the next great step in advance. In

short, under existing conditions neither the subject nor the dominant people could fully express the best of its own political genius in this, or any other part of the Philippine government. The division of power that existed was a bar to marked progress. It also was a guarantee against serious retrogression. Hence, the civil service came to the end of the period of American domination essentially as it was when General Wood had partially corrected some of the evils which were incidental to the nationalization which had occurred during the preceding eight years. Further progress awaited the drastic change in the location of power over the government as a whole, which came when the Philippine Commonwealth was organized and placed in the hands of the Filipino people.

CHAPTER V *

A COMMONWEALTH ACHIEVEMENT

THE civil service record of the Commonwealth is one which should be carefully considered in any appraisal of the political institutions that have been developed in the Philippines during the past forty years. There are few more reliable indices to the soundness of a modern government than are to be found in its civil service. In no field of governmental activity have the Filipinos more energetically and wisely exercised their newly acquired autonomy than in this one. Every action that they have taken indicates that President Quezon and his associates realize as fully as did William Howard Taft and his fellow Commissioners that a sound civil service "is the bulwark of honesty and efficiency in government," and that "without it success in solving [their] problem would be entirely impossible."

Be it remembered, too, that a strict adherence to the merit system of public employment requires greater courage and determination of these popularly elected officials than it did of alien colonial administrators who had no place-hungry constituents to consider. That, when given the opportunities and exposed to the perils of well-nigh complete authority, the statesmen of the Commonwealth should have dramatically strengthened, rather than weakened the civil service is a notable fact in the political development of the Philippine nation. It would be possible to attach too great significance to this one aspect of the present government in the Philippines. On the other hand, there are few ways in which the Filipinos could give more definite evidence of their own political capacity and of the wisdom and beneficence of American rule in the Islands than by going the whole way with civil service from the moment that they were put in control of their government. This they have done.

* *The notes of this chapter begin on page 879. Subject matter notes are indicated by an asterisk.*

The extent to which the political leaders of the Philippines have been indoctrinated with advanced civil service views became apparent in the first important action which they took under the wide powers granted to them by the Independence Law: the adoption of a national constitution. The Constitutional Convention was elected, and it deliberated and acted without a shadow of American control. The establishment of a system of civil service was not mentioned in the mandatory provisions of the Tydings-McDuffie Act. Yet without a dissenting voice the Convention decided that the independence and permanence of the merit system should be guaranteed by the Constitution and a civil service article was adopted which extended civil service to all branches and subdivisions of the government. Appointments in this service, except to positions which are policy-determining, primarily confidential or highly technical in nature, are required by the Constitution to be made only according to merit and fitness, to be determined as far as practicable by competitive examination.[1]

It is remarkable that in the Constitutional Convention not one voice was raised against the principle of the merit system. The debate on the subject arose out of differences of opinion as to precisely how the most complete and best enforced civil service could be established by constitutional provision. The entire Convention seems to have been in agreement with its far-seeing civil service committee as to the necessity of embodying provisions for the merit system in the Constitution itself. The committee reported:

> The inclusion in the Constitution of provisions regarding the "merit system" is a necessity of modern times. As its establishment secures good government, the citizens have a right to expect its guarantee as a permanent institution.
>
> In the Constitution for the Commonwealth that we are about to draft, the committee believes that the absence of provisions relating to the "merit system" will be a backward step in our progressive government. In no other time is the guarantee of independence and efficiency of civil employees more necessary than during the Commonwealth and the Republic. Inefficiency in government service is the source of mass discontent. The stability of the state depends upon the efficiency of its civil service.[2]

In addition to its basic section providing for an all-embracing civil service based upon competitive examinations, the Philippine Constitution contains three other provisions intended to strengthen and protect the merit principle. It provides that "officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote"; that "no officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law"; and that "no officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law." [3] The purposes of these provisions are obvious. Their adoption, however, grew out of Philippine experience as well as from a study of the general principles of civil service and the experience of other governments.[4]* Indeed, Article XI, as most of the other parts of the Philippine Constitution, is firmly grounded upon the first hand knowledge of their own government possessed by most of the members of the Constitutional Convention.

Perhaps even more significant than the inclusion of a strong civil service article in the Constitution were the steps taken by the Commonwealth government to make effective the constitutional precepts upon this subject. The platform upon which the Quezon-Osmeña coalition ran in the first Commonwealth elections contained a direct and unequivocal civil service plank which declared:

> We shall maintain the Civil Service free from politics. Merit and honesty shall be the only qualifications for the appointment and promotion of employees. We shall apply the rules of the Civil Service to all offices of the government without exception, and so far as possible to the companies capitalized and controlled by the government. The prohibition of double compensation shall be strictly maintained.[5]

In his speech of acceptance, during the campaign, and in his inaugural address President Quezon reiterated this party pledge, and almost immediately after he assumed office he took energetic steps to fulfill it. On December 16, 1935, he laid before the National Assembly a carefully prepared bill, "amending the corresponding sections of the present Civil Service Law, not only by

extending its effects to all branches and subdivisions of the Government, but also by requiring a stricter adherence to the principles underlying any system of civil service." [6]

"The enactment of this measure is absolutely indispensable at this time," President Quezon declared, "since it is important that at the very outset of this Government, the principles of the Civil Service Law be duly inculcated in the entire public service. Only by such legislation may we secure 'an honest and efficient administration' of the Government under the Civil Service Law." The pressure of business during the inaugural session was so great, however, that the civil service bill had not been enacted into law when the Assembly adjourned on December 21. With characteristic vigor, therefore, President Quezon on January 2, 1936, "in the interest of good government," issued an executive order giving immediate effect to the civil service provisions of the constitution.[7]

The President's order directed that pending legislative action all appointments except to those positions which are "policy-determining, primarily confidential or highly technical in nature" should thereafter be subject to competitive examination; and provided that whether any disputed position was or was not in one of these categories should be decided by the President as soon as each case should be submitted "with the comment and recommendation of the corresponding Head of Department and the Director of Civil Service." The order also declared inoperative the exemption from competitive examination previously made by administrative decision in favor of graduates of certain professional schools for positions in the corresponding professions. Persons who had already entered the service without competitive examination and who were not in the exempt classes established by the constitution were allowed not more than a year from the giving of the first examination in which to qualify.

The fact that approximately 6,000 non-eligibles who were already in the civil service were affected by this order [8] shows what a gap in the competitive examination fence was plugged by President Quezon's action. For years the Director of Civil Service, with the support of the press, had been seeking to strengthen the merit principle by reducing the number of exemptions from examination and ridding the service of employees who had not estab-

lished their eligibility by the prescribed methods.[9] Now, with a stroke of the President's pen the Philippine civil service was given the greatest single impetus that it had received since the passage of Act No. 5 in 1900.

The next step towards placing the Philippine Civil Service in the vital place in government assigned to it by the constitution was taken in June, 1936, when by executive order President Quezon provided for the reorganization of the Bureau of Civil Service, increased its powers over governmental personnel, elevated its status and increased the rank and authority of its chief officials.[10] Before the issuance of this order disciplinary cases arising in the civil service were dealt with primarily by the departments in which they occurred. Employees were entitled to be informed of the charges filed against them and to reply in writing. In practice a departmental administrative hearing was held in serious cases. The final action was taken by the head of the department or the Governor-General. The functions of the Director of Civil Service were limited to seeing that the required procedure was followed, and to making what recommendations he desired in the matter.[11]

It was now proposed to give full effect to the civil service provisions of the constitution and to bring the Service into "consonance with sound and progressive principles of public administration," by making the Bureau "an independent personnel agency with authority to make final decisions" in matters of discipline and removal as well as of appointment. To this end, the executive order provided:

> In addition to the power and authority vested in the Bureau of Civil Service under existing law, it shall take exclusive charge of all formal administrative investigations against officers and employees in the Civil Service, and the decision and recommendation of the Commissioner of Civil Service with respect to appointments, removal, separation and other matters relating to the conduct, discipline and efficiency of the employees in the Civil Service shall be final; provided, that the decision of the said Commissioner on administrative investigations . . . may be appealed to the Civil Service Board of Appeals herein created.

The Board of Appeals provided for by the order was composed of the Auditor-General, as chairman, and the Solicitor-Gen-

eral and the Director of the Budget. By Commonwealth Act No. 598 (August 19, 1940), the President was authorized to appoint the members of the Board from among any persons in the government service for terms of one year and was granted authority to reverse or modify any decision of the Board. The function of the Board is to provide a check against improper, unwise, or unreasonable use of the sweeping disciplinary authority over government personnel given to the Commissioner of Civil Service. Many strong advocates of the merit principle believe that the authority and responsibility of executive officials with reference to the proper performance of their respective functions would be too greatly reduced were their disciplinary powers to be so completely transferred to a civil service agency. In the Philippines an additional safeguard against such results is found in the fact that the Bureau of Civil Service is a part of the office of the chief executive and that its head is under his immediate control. In practice, no such difficulties have been experienced during the three years that have elapsed since the establishment of the present system in the Commonwealth. No complaint has been made that the Civil Service officials have misused their wide powers.

In recognition of the increased importance of the Bureau of Civil Service it was elevated by Executive Order No. 39 from a second-class to a first-class bureau; the office of Director of Civil Service was changed to Commissioner of Civil Service, with the rank of Undersecretary of Department; and it was directed that the bureau be reorganized. Thus President Quezon took prompt steps to give the government's civil service agency the status and the organization necessary for the performance of the broad functions assigned to it under the Commonwealth. His action was important in itself, for in more than one jurisdiction civil service has been allowed (or caused) to fail because the means necessary to its success have been withheld from the administering agency. Perhaps even more important, was the notice that Mr. Quezon's acts and words so clearly served, that under his administration civil service would not be a dead letter. As the *Manila Daily Bulletin* suggested in an editorial urging the backing of citizens and officials alike for this effort to improve the administration of government, it evidently was the President's purpose to achieve a

revision in the spirit as well as in the organization of the civil service.[12]

During its first regular session the National Assembly enacted, with minor modifications, the civil service bill submitted by President Quezon immediately after his inauguration. This measure is the civil service reformer's dream come true. In a series of amendments to the Administrative Code, it writes into the law of the land virtually every safeguard of the merit system that Philippine directors of the civil service had been advocating for years. Friends of good government who have followed the battles that have been waged to strengthen the Federal Civil Service and to introduce the merit system into the several States of the Union will probably be amazed at the completeness of its victory in the Philippines.

Acting upon the constitutional injunction, and giving statutory force to President Quezon's Executive Order No. 8, the new law extended the civil service to all branches and subdivisions of the government and applied the principle of competitive examination to all positions except those which are "policy determining, primarily confidential or highly technical in nature." This provision brought many thousands of the employees of the municipal governments and a number of smaller groups into the civil service. The statute also listed the positions in the unclassified service, and brought their number very nearly down to the irreducible minimum of exceptions that was contemplated by the constitution.[13*] Of particular significance was the inclusion in the classified list of the assistant directors of bureaus and offices, certain categories of postmasters and customs inspectors, telegraph operators and linemen in the Bureau of Posts and laborers whose rate of compensation is more than two pesos per day. The large groups of employees mentioned had remained in the unclassified service despite years of effort to remove their positions from the grip of the spoilsman. It had long been the custom to fill the position of chief and assistant chief of bureau by promotion from within the service, even though both positions were unclassified.

Unfortunately, the National Assembly failed to place on the classified list several positions that had been in the category of legislative patronage. Despite the Presidential recommendation that assistant provincial fiscals, provincial sheriffs, and deputy pro-

vincial sheriffs be classified, these positions were left in the unclassified category. There can scarcely be any doubt that this classification is contrary to the spirit of the Constitution and detrimental to the cause of good government. The sheriffs and their deputies are not peace officers in the Philippines, but merely the executive officers of the courts.[14] Being paid by fees, their positions are political spoils of the sort that are peculiarly liable to abuse. As to the deputy provincial fiscals, the Director of Civil Service declared more than a decade ago: "No reason is seen why the law expressly provides that deputy provincial fiscals shall not be subject to the examination requirement. That position should serve as a stepping-stone to higher positions in the judiciary. Consistently therewith, only the very best material should be chosen from the beginning. For such a minor position as deputy fiscal there ought to be no difficulty in recruiting qualified men through a competitive examination, especially in a country where the law profession is so popular." [15*]

In the same report the Director, with equal soundness, included the provincial wardens among those officials whose positions should be classified. However, in the Philippines, as in the United States, prosecuting attorneys and jail wardens are usually important cogs in the local political machine. It is easy to understand why the National Assembly refused to disrupt the political arrangements of many of its members by classifying these positions. Its failure to do so only slightly mars a remarkable record for wisdom and public spirit in abandoning political spoils in the interest of good government. It also leaves at least one goal for President Quezon to strive for in his determination to make the Philippine civil service law the best statute on this subject that can be written for the Philippine Islands.

One of the most difficult of the problems that arise in inaugurating a system of civil service or in extending one already in operation is the question of how to deal with persons already regularly employed whose positions are to be classified and brought within the scope of the competitive principle. In numerous instances civil service reform projects have failed because this problem could not be solved to the satisfaction of the reformers, the employees in question and the politicians. In Executive Order No.

8, and in his draft civil service bill, President Quezon gave such employees one year in which to qualify by examination. Later, in response to a resolution of the National Assembly, this period of grace was by executive order extended one year, during which time the employee should be given the opportunity to take the examination three times.[16]

As is natural, many members of the National Assembly wished to extend much more generous treatment to this group. By the compromise that was reached, the law provides that persons regularly and permanently employed, whose positions are or may subsequently be classified by operation of the Constitution or of this act, may continue in the service for the term of three years from January 1, 1937, and that during this period they shall be given three chances to qualify. Employees of at least ten years' standing are to be given "practical examination in which their length of satisfactory service shall be accorded preferred consideration."

To the civil service purist this compromise may appear to be a weak capitulation to the spoilsman. From the practical standpoint, however, it was a slight price to pay for the enactment and loyal acceptance by the legislators of a civil service law as good as is Act No. 177. Furthermore, there are particular reasons in the Philippines which justify the considerate policy adopted. Many faithful and efficient government employees, especially the older ones, did not have the educational opportunities now open to a large proportion of the Filipino people. A sudden and rigid application of the competitive principle to such persons would be unjust. Furthermore, it would in many cases deprive the government of the services of employees who, in some ways, are better public servants than those who would replace them probably would be. The Philippine solution to this familiar civil service problem would, therefore, seem to be a wise one.

Another thorny civil service problem that was more firmly handled by the Assembly was that of temporary and emergency employees. As has been pointed out, temporary employment had from the beginning been a much used means of avoiding the competitive principle in the Philippine Civil Service, as, indeed, it is in every other jurisdiction. The new law is so explicit and rigid in

this matter that under the Commonwealth the long-continued retention of "temporary or emergency" employees will be extremely difficult, if not impossible.[17]*

That the strict enforcement of this provision of the act will cause hardship in many individual cases seems very probable. An experience of the last American Secretary of Public Instruction illustrates what is meant. One of the first courtesy calls that this official received was from the Honorable Eulogio Rodriguez, who was soon to become Secretary of Agriculture and Commerce, but who was then a member of the lower house of the Legislature. In the course of a most pleasant conversation, Mr. Rodriguez set forth the unhappy plight of twelve sanitary inspectors in his district. These men had been "temporary" employees for years. They had received little, or none, of the education provided by the modern school system and the *representante* admitted that they simply couldn't prepare themselves to pass the civil service examination required for their positions. On the other hand, they were all reasonably efficient sanitary inspectors. The Bureau of Civil Service admitted this, but insisted that as a matter of principle they should be removed to make way for eligibles who had qualified according to law. Could they, however, not continue as "temporary" employees until, with the efflux of time, they would be removed by natural causes? As is usually the case with Filipinos, they had numerous children to support; and these particular men were too old to find other employment.

The story of Representative Rodriguez, than whom no one can be more reasonably persuasive, would have softened a heart of stone. At the personal request of the Secretary of Public Instruction, the Director of the Civil Service agreed to sanction the extension of their temporary employment for another three months, while their cases were being thoroughly checked. The inspectors were found to be, in fact, entirely satisfactory employees of the Bureau of Health and for the next two years they were granted a new lease on official life as each ninety-day period expired. Without question these extensions were in violation of the merit principle and the spirit of the law, and they were assented to by the Director of Civil Service with great reluctance. Opinions as to whether this humane course of action was justified may well differ.

The cases of the twelve sanitary inspectors, however, illustrate the practical problems that arise in the administration of any civil service system. Under the new statute there would be no problem. On the thirty-first day after eligibles had been certified, the continued employment of the ineligible inspectors would become clearly illegal and if their employment continued the salary of the Director of Health would be automatically checked to pay their wages.

Other provisions of the new civil service law may be more briefly alluded to. Their importance will readily be recognized. The Commissioner of Civil Service is empowered to discipline subordinate officers or employees by removal, suspension, reduction in rank or deduction from pay. Formerly this authority was vested in the heads of departments. The act explicitly provides, however, that no officer or employee of the civil service shall be removed or suspended except for cause as provided by law.

The act also implements the provision of the Constitution prohibiting political activity by members of the civil service. It provides that "Officers and employees of the civil service, including members of the armed forces, whether classified or unclassified, permanent or temporary, except those holding elective positions, shall not engage directly or indirectly in partisan political activity or take part in any election except to vote. . . ." As was the case before the enactment of Act No. 177, civil servants are definitely stated to be under no obligation to contribute to any political fund or to render any political service; and penalties are provided for any officer or employee of the government who penalizes them for refusing to contribute either time or money to a political cause, or who shall "directly or indirectly solicit, collect, or receive from any other officer or employee any money or other valuable thing to be applied to the promotion of any political object whatever." If civil servants can be kept out of politics by legal prohibition, the Philippine government employee will be entirely non-partisan in the future. The degree to which he has participated in political activities in the past will be discussed later.

As was to be expected, the work of the Bureau of Civil Service was greatly increased by the additional duties laid upon it by Executive Order No. 39 and Act No. 177. The Bureau was given

the means properly to perform these new functions. The act itself carried an immediate increase of ₱40,000 in the Bureau's appropriation, and another act, signed by the President on the same day, created a division of investigation under the Commissioner of Civil Service and appropriated ₱13,000 for the salaries of its personnel. As provided for in the Appropriation Act for 1938, the Bureau is headed by the Commissioner of Civil Service, with the rank of undersecretary of department, and a Deputy Commissioner, with the rank of assistant director of a first-class bureau. There are three divisions: administrative, examining, and investigating, each headed by a chief and an assistant chief. The personnel authorized for 1938 numbered 181 and the Bureau's appropriation totaled ₱200,980. By 1940 its expenditures had increased to ₱242,520, and its budget request for 1941 was for ₱259,980.[18] A comparison between this sum and ₱87,318, the Bureau's appropriation for 1935,[19] shows what has happened to administrative costs during the Commonwealth period.

The impetus given to the civil service principle under the Commonwealth cannot, of course, be accurately measured by the increase that occurred in the activities of the Bureau during 1936. The volume and character of the work of this office do, however, afford an indication of the part that civil service processes played in the readjustments in the government incidental to the establishment of the Commonwealth. During 1936 the Bureau of Civil Service received 50,770 applications for examination. The largest number ever previously received in any one year was 22,525, in 1930. The number of competitors in the insular examinations given in 1936 was 44,213, as against 14,918 in 1935, an increase of 196 per cent. Eighty-one different examinations were given, as compared with 65 during the preceding year. In order to fill positions newly created by law or to secure eligibles to replace temporary incumbents of important public offices, 30 new examinations were given.

"The holding of so many new examinations in the first year of the Commonwealth," declared Director José Gil, "may be taken as the first sign of a more determined effort to reduce temporary employment to a minimum; moreover, it may be construed as an expression of the attitude of the Government offices toward the

constitutional mandate on civil service." [20] During this period temporary employment, that accurate barometer of the civil service atmosphere, was reduced to an all-time low. At the end of 1936 there were 2,252 temporary employees, as compared with 3,716 on November 14, 1935, a decrease of 1,464. This record is impressive. It speaks louder than words of the extent to which sound, progressive civil service principles have been applied in the formation of the national institutions being developed under the Philippine Commonwealth.

In the Philippines, as in the United States, civil service examinations are designed primarily to determine the fitness of the applicant to perform at once the duties of a particular position, rather than to ascertain his general capacity for becoming a useful public servant.[21]* For clerical positions three grades of examinations are given, each based upon a definite educational attainment, and corresponding educational requirements are imposed for admission to these examinations. Practical experience, as a general rule, is given credit to offset deficiency in scholastic attainment. These examinations also serve as general tests in the basic subjects required in the more specialized examinations for many positions requiring specialized knowledge or experience.

Employees in the service are arranged in salary grades, approximately 20 in number, and eligibility to these several grades is determined by the grade of examination that has been passed. For example, the rule is that probational appointment or promotion as a result of eligibility in the third-grade examination shall not be made to positions the compensation of which is above the minimum of class H, or ₱720.[22] The second- and first-grade examinations carry eligibility for appointment or promotion to the grades in the service carrying higher compensation.

The examinations for the three basic grades are in the main academic, or literary, in character. However, some of the psychological tests and short-answer methods which have found favor with civil service commissions in the United States have been adopted to test mental alertness or intelligence among applicants for clerical positions. The Director of Civil Service, however, has expressed the view:

It is hard to conceive of a purely academic examination which does not involve intelligence as well as mere book knowledge of the subject. The principal objection to the essay type of examinations is that it calls for the service of highly trained examiners to grade the papers justly, while under the "psychological" or short-answer method the rating of the papers becomes a mechanical process and can therefore be entrusted to junior clerks. At present the examinations of the Bureau of Civil Service are not so scholastic as those given for the British Civil Service, nor are they so simplified as the tests employed by civil service bodies in the United States. In the main the literary feature is preserved, for one should not overlook the fact that civil service competitors in the Philippines have to express their thoughts in a foreign language.[23]

Most Americans who are interested in the Philippines do not appreciate the significance of the situation referred to in the last sentence of Director Gil's statement. They take it for granted, as do many Filipinos, that the government of the Islands should be carried on in a foreign language which more than one-half of the people do not speak. But consider what it would mean in the United States if virtually all of the business of government, except in some of the courts, were today officially transacted in a language that before 1900 never had been heard in the country except by a handful of the residents of New York. The early American administrators in the Philippines and their Filipino associates believed that there existed a relationship between the language and the character of government, and those who established the present educational and civil service systems of the Islands endeavored to further the development of American institutions there by making English the language of public education and public administration. The Civil Service Board expressed this belief in its report for 1901, declaring: "American progressive business methods, the genius and spirit of American civil government, and the ruggedness and strength of the American (English) language are inseparable. The better knowledge of this language the Filipinos have the greater will be their opportunity for and possibility of usefulness in the Government service." [24]

Twenty-five years later the Director of Civil Service wrote: "Perhaps nothing better shows the progress made by Filipinos in the use of English than a study of civil service examination records.

Until after 1905 the number of Filipinos examined in Spanish greatly exceeded the number examined in English. In that year 80 per cent of the Filipino competitors were examined in Spanish, but in 1925 the percentage was only 1 per cent." [25] In 1927 the number dropped from 169, in the preceding year, to 44, eliciting this comment from the Director: "The sharp fall in the number of persons who took examinations in Spanish is due to the fact that there is practically no demand for Spanish eligibles except in the positions of court stenographer and interpreter. It is only by qualifying in English examinations that the road to advancement in the service is opened." [26] During the first year of the Commonwealth out of 44,213 competitors only 80 took the examinations in Spanish. Sixty-three were candidates for original appointment, and of these seven passed. Of the 17 employees who were examined in Spanish for promotion none received a passing grade.[27]

That the government of the Philippines is today carried on in English by Filipinos is striking evidence of the adaptability of this people. However, if it be true that the genius of the democratic government that is being developed in the Philippines can be adequately expressed only in English, the narrowness of the base of popular understanding upon which this government, and particularly such an institution as the civil service must rest becomes very apparent. The language bar adds enormously to the difficulty of creating widespread popular support for a set of ideas and principles that are quite alien to the past experience and thought of the untutored masses of the Filipino people. Likewise it increases the difficulties of administration, and tends to separate the administrators from the bulk of the people whom they serve. The system has this element of democracy, it is true: any bright young person in the Islands can overcome the language bar by putting himself through the public schools, thus mastering the language of government. However, until a far greater proportion of Filipinos have done this the nation as a whole will remain heavily handicapped in its efforts to attain both efficiency and democracy in government in general, and in the civil service in particular.

Examinations are set by the Bureau of Civil Service, and are given either by the Bureau or by special examiners or examining committees composed of appropriate government officials serving

ex officio and without additional pay. Act No. 177 provides that all incidental expenses incurred by these examiners shall be borne by the respective bureaus or offices, provinces, cities, or municipalities for whose benefit the examinations are held.[28] Seventy-four such committees functioned during 1936. The majority of candidates take the examinations in Manila, the only large city in the Islands and the educational center to which youths flock from all over the Archipelago, often with a government job as the goal of their ambitions. The examining organization, however, extends throughout the provinces. In addition to applying educational tests to applicants, the Bureau of Civil Service, with the assistance of the secret service of the Philippine Army and the City of Manila, systematically investigates the conduct, character and habits, and previous records of prospective government employees. A thorough physical examination by a government physician is required of every applicant for examination. The Director is empowered to refuse to examine, to certify, or to attest the appointment of any person who is physically or morally unfit for the public service.[29]

As in the United States, when vacancies in the classified list are not to be filled from within the service, the appointing officer makes his choice from the three highest names on the proper register, which are certified to him by the Director of Civil Service. There is a provision, however, that no name shall be more than three times certified to the same bureau or office, and it is sometimes said that this rule is occasionally used to clear the way for candidates lower on the list who are backed by political or family influence. From the beginning, too, it has been provided that in making selections from certifications of eligibles by the Director, appointing officers shall, when other qualifications are equal, prefer: First, natives of the Philippine Islands; second, honorably discharged soldiers, sailors, and marines of the United States. There is no provision for the apportionment of positions among the several provinces, and the tendency is for Tagalogs to predominate in the Insular service.

All appointments to the Philippine civil service are probational for a period of six months, except that for teachers the probationary period is ten months and in specific cases may be

further extended. During or at the end of this period a probationer may be reduced in class or grade, or dismissed by the appointing officer without other formality than notification to the probationer and the Commissioner of Civil Service.[30]* Notification to the Commissioner of Civil Service that a probational appointment has been made absolute must be accompanied by the certificate of the appointing officer that the character of the service and the conduct of the appointee were entirely satisfactory during probation.

For many years the first provision of the civil service rule governing promotions required that no vacancy in any position should be filled by original appointment, when there was available in the bureau or office in which the vacancy existed any person in a position of lower class or grade who was competent and qualified, and was willing to be promoted to the vacancy.[31] The new Civil Service Act further strengthened the principle of promotion from within the service, by providing that "appointment to the position of chief or assistant chief of a Bureau or Office *and to any other position in the classified service* [author's italics] shall be made by the promotion of persons in the competitive service, if there be such who are competent and available and who in the judgment of the appointing power possess the qualifications required." [32] For the purpose of placing promotions upon the basis of merit, rather than upon political pull, the civil service rules also contain the further provision that no recommendation of any person for promotion shall be considered unless it be made by an officer under whose supervision he is or has been employed, and that the presentation of any other recommendation shall be considered as an unwarrantable interference with the public service. If such a recommendation is made with the knowledge of the employee it debars him from the promotion proposed, and if the offense is repeated constitutes cause for removal from the service.

Of the two principles in question, promotion from within the service and the exclusion of political and family influence from the promotional process, the former is the more faithfully observed in the Philippine civil service. It is, indeed, unusual for the statute requiring vacancies to be filled by promotion to be violated even in spirit. Although its wording permits of evasion by the simple declaration that no one within the competitive service is qualified

to fill the vacancy, the combined force of the tradition of promotion within the service, public opinion on the subject, and the known position of President Quezon as to the rigid application of the merit principle is great enough to prevent the frequent use of this expedient. The validity of this statement can be very simply tested by study of the civil service roster and the service records of the holders of the higher administrative positions throughout the government. Practically every one of them has reached his present post by the prescribed route within the service.

Although the factors that result in the selection of any given person for promotion may be complex and obscure, yet I believe that it is safe to say that personal, family, and political influences do very frequently play a considerable part in the advancement of Philippine civil servants. In 1937 the President found it necessary to issue an executive order "Prohibiting and Restricting the Practice of Nepotism." [33] Society in the Philippines is still quasi-feudal in organization. An astonishing number of people are the followers of this leader, or that family. Many young men are commonly recognized as being under the patronage of powerful figures in the business, social, or political world. There may or may not be direct pressure to assure the rapid advancement of such persons, but it is an observable fact that not infrequently they do rise with surprising rapidity even in the civil service. Other things being at all equal, no one who knows the Philippines can doubt that "townmates" or "province mates" get the better of it in the government offices, as elsewhere.

In the majority of cases of this sort that have come to the personal attention of the writer, ability has combined with pull to produce the happy result. On the other hand many of the higher officials all through the government, probably a majority of them, have climbed to the top without the aid of outside influence of any sort. On the whole, considering the fact that the democratic principle of promotion by pure merit has been grafted upon a body politic that is essentially aristocratic and feudal, favoritism in promotion actually occurs far less frequently than might be expected. Certainly it is not the rule, and the obscure youth of ambition and ability can still reasonably expect a fair opportunity to climb to the top of the Philippine civil service.[34*]

The regulations for promotional examinations are formulated by the Commissioner of Civil Service. Examinations are set in consultation with the office heads concerned, and due weight is always given to previous experience and efficiency. Efficiency records of each employee are kept in prescribed form by every bureau and are semi-annually reported to the Commissioner of Civil Service.[35*] In 1936 3,107 persons were examined for promotion.[36*]

CHAPTER VI *

PROFESSIONAL ADMINISTRATORS

IN DISCUSSING the British Civil Service President Lowell remarked that "the keeping out of politics and . . . the permanence of tenure must, in the long run, go together." [1] This dictum is sound even in a country like the Philippines where only one party has sufficient strength to be able to influence patronage. The drastic prohibition of political activity in the new civil service law has already been mentioned. For many years the rules of the service have provided that "no person in the Philippine civil service, classified or unclassified, permanent or temporary, shall take any active part in political management or in any political campaign"; and have defined political activity as including everything from candidacy for office to becoming prominently identified with any candidate.[2]*

A precise estimate of the extent to which these salutary rules are obeyed is not easy to make. When one listens to the cries of rage and protest against improper activities by government employees arising from opposition candidates it is easy to believe that the civil service is little more than a *Nacionalista* electioneering machine. Nor do these complaints emanate solely from the minority parties. During the 1931 campaign, for instance, both the Manila *Tribune* and the *Philippines Herald*, neither of which had any *Democrata* affiliations, protested against the electoral activities of *Nacionalista* government officials and employees. In an editorial entitled "Fair Play for the Minority Party," the *Tribune* declared:

> There is no escaping the conclusion that all government officials are for the majority in the next general elections. Political patronage has, of course, brought that about. The power of appointment is a Nacionalista monopoly; and from department secretaries down to

* *The notes of this chapter begin on p. 883. Subject matter notes are indicated by an asterisk.*

minor executives, that power is bowed to as a sign of submission to party discipline and as a symbol of practical political allegiance insuring a job in the insular administration. There is no doubt that the Nacionalistas will take advantage of that set of circumstances.[3]

Later on, complaints that the *Nacionalistas* were abusing their control over the public service continued to be made both in the press and to the Executive Bureau, and the *Herald* demanded that steps be taken to protect the civil service from prostitution to politics.

Unless the proper authorities act on formal and specific complaints filed against civil service employees who are prohibited by law from electioneering [the *Herald* declared] two institutions in the Philippines, one reputed to be incorruptible, stand the risk of being discredited. These are the civil service and elections.

Elections here, as elsewhere, are never conducted, cannot be conducted in the ideal manner. The institution of the ballot is so popular in character that it must perforce suffer from popular frailties. There is always vote-buying to some extent, vote-grabbing whenever possible, and office-grabbing whenever it is tolerated. We are not so blind to the inherent defects of the institution as to demand that it operate as if it possessed divine perfection.

There is, however, a larger consideration. The civil service system is primarily intended as an antidote to politics and it is now reported that even the antidote is being corrupted. Allowing this state of affairs is therefore doubly fatal. To corrupt the civil service is not only to consent to a worse orgy of political corruption but also to give politics an open field in a territory heretofore free from its evils.

If we must close our eyes to a certain measure of crookedness in our elections, we should at least protect the civil service. Open accusations levelled against civil service employees, if not investigated, tend to demoralize the service and open the entire government to the inroads of corrupt politics.[4]

The allegations referred to by the *Tribune* and the *Herald* are typical of many that are made in the course of every Philippine election. During the Commonwealth period the minority parties have been especially loud in their complaints of improper political activities by government officials and employees. The man on the street certainly believes that there is a considerable amount of fire behind all this smoke of protest, and doubtless he is right, so far as

the subordinate employees and officials whose work brings them into constant contact with the public are concerned. The local politicians often take the position that these unfortunate office-holders must be either for or against them, and coerce or terrorize the more timid employees into improper acts which they would gladly avoid. This is particularly true in the case of public school teachers, who, as a body, desire nothing so much as to remain entirely out of the political arena. Since he has had the responsibilities of executive office on his shoulders, President Quezon has so vigorously demanded that civil servants keep out of politics as to suggest the need of a general reform in this matter.[5]*

Although the rank and file of Philippine government officials and employees have not yet been entirely removed from politics, the men at the top of the civil service are as free from improper political pressure or connections as important public officials can well be. This statement is based not only upon a general knowledge of the facts, but upon the results of a systematic inquiry into the characteristics of the fifty-odd under-secretaries, bureau chiefs, and assistant bureau chiefs in the government.[6] Personal questioning and investigation revealed that, with rare exceptions, these officials have throughout their careers abstained from affiliations and actions that might prejudice their permanent, non-political status, or tend to inject the service as a whole into politics. Forty-five of those questioned upon this point had never held or sought any elective office. Of the remaining seven, three had served in the House of Representatives, two others had run for the House but failed of election, one, in the days of his youth, had served for three months on a municipal council, and one had been a provincial governor. In only one, or at most two, of these cases was there any immediate connection between the official's political activity and his appointment to the civil service. There are no "lame ducks" among the group under consideration.

Furthermore, practically all the higher permanent officials keep themselves clear of suspicion of any kind of political activity. Of fifty-two who were questioned upon this point forty stated that they did not even belong to a political party. Only two stated that they made contributions to the funds of any party or candidate or that they were requested to do so. These two had advanced

small sums to candidates who were their personal friends. Indeed, when questioned, all pointed out with obvious sincerity that being civil servants they were not expected to make party contributions and that it would be highly improper for them to do so. It is safe to say that in the Philippines the career of the civil servant is completely separated from that of the elective official, and that the higher administrative officers take no part in party politics.

How greatly the evils of the participation of civil servants in politics are minimized by the fact that the minority party in the Philippines has never won control of the government is a matter of speculation. So also is the extent of the restraining influence exerted by the Filipinos' ever present feeling that they are on trial and must do nothing which will indicate a lack of capacity for democratic self-government. Thoughtful Filipinos, however, realize that the removal of the restraints inherent in the present situation would subject the civil service and many other parts of their political system to strains they might not be able to withstand. Their feelings in these matters are well reflected in another portion of the *Tribune* editorial from which quotation has already been made. Appealing to the Chief of the Executive Bureau not to use the powers of his office to insure the election of *Nacionalista* candidates, the editorial writer declared that "should he be guilty of misusing the power of his office to favor any candidate, he would make his own people equally guilty with him. And he is too much the patriot to risk an unfavorable verdict on the political responsibility and the political maturity of the Filipino people."

Also, of the greatest significance in view of the present expectation that the Philippines will become an independent republic in 1946 is this paragraph from the same editorial:

> There is a larger aspect of this plea that there be fair play for the minority party in the present election campaign. We all want to cultivate the spirit of fair dealing in every instance where our people are divided into rival groups. If that spirit were wanting, there might be engendered among the losers a passionate dissatisfaction. It has not yet come upon us, as a visitation of political rivalry, that such dissatisfaction leads to serious breach of the public peace and order. But there is no assurance, especially if we should ever be in possession of sovereignty, that such will not be our lot. A long

range view should thus make us refrain from inviting the suspicion that we cannot be, as a people, fair to our rivals.[7]

Short work hours and liberal vacations are among the attractions that draw thousands of young men to the Philippine civil service. Seven hours constitutes the regular working day, but on Saturdays throughout the year and from April 1 to June 15, the hot season, office hours are usually reduced to five.[8]* Until the readjustments made under the Commonwealth, there were two kinds of leave—vacation leave and accrued leave. The former amounted to twelve days, with pay, during each calendar year. The latter accrued after at least two years "continuous, faithful and satisfactory service" and consisted of thirty days leave with full pay for each year of service. Such leave might be accumulated for five years and taken at one time, provided the needs of the service permitted. If actual leave were not granted, the employee could collect annually the value of the leave not so accumulated. The vacation and leave privileges of judges were even more liberal, as were those of teachers.[9]*

The institution of accrued leave was established in the Philippines for the purpose of making it possible for American officials and employees to return to the United States on vacation at reasonably frequent intervals. When the employee returned to duty after a visit in the homeland he was allowed, with half pay, in addition to the leave granted, sixty days for the time occupied in going to and returning from the United States plus his return travel expense, not exceeding one thousand pesos.[10] When the requirements of the military service permitted, civil employees might secure transportation at a nominal cost on United States Army transports. This privilege made it possible for men with families to take home leave more frequently and less expensively than would have otherwise been possible. It also enabled many employees to make the journey one way *via* the Suez Canal and Europe. This opportunity was to many Americans one of the most attractive aspects of governmental service in the Philippines.

Although accrued leave was instituted in order to make the service of the Philippine Government sufficiently attractive to secure and retain capable Americans, a sense of fairness and political expediency caused it to be applied also to Filipino civil servants.

Soon after the inauguration of the Commonwealth accrued leave was abolished, along with other colonial features of the civil service. Under the new leave law officials and employees of more than six months satisfactory service, other than judges and teachers who are on a different basis, may be granted fifteen days sick leave and fifteen days vacation leave for each year of service; and this leave may be allowed to accumulate to the extent of five months.[11]

More important in determining the quality of a civil service than the daily working hours or the leaves granted is the scale of remuneration to government employees. One broad generalization may safely be made concerning the salary scale of the Philippine Civil Service: it is adequate for the five or six per cent of the personnel at the top, fairly adequate for the 35 per cent in the middle salary groups, and inadequate, or grossly inadequate, for the 60 per cent in the lower and lowest brackets. Department secretaries and a growing group of commissioners, managers and other heads of national services not included in the cabinet departments are paid ₱12,000 per annum. Under-secretaries of department and other officials of similar rank receive ₱9,000; the directors and assistant directors of first class bureaus ₱7,200 and ₱6,000 respectively; division chiefs ₱6,000 and assistant division chiefs ₱4,500; section chiefs ₱3,000.

These are maximum figures, except for positions which require technical or professional training, where higher salaries are paid, and for certain bureau directorships which carry from ₱1,200 to ₱1,800 additional salary, at the discretion of the President. A considerable number of clerical positions and many technical or semi-technical positions not involving administrative responsibility carry from ₱2,000 to ₱3,000. But only about 22 per cent of the civil service personnel receive more than ₱2,000 per annum. On the other hand, about 27 per cent are paid at the rate of less than ₱720 per annum, and 32 per cent at more than that sum but less than ₱1,200 per annum.

Nor are all the recipients of extremely meager salaries merely laborers or messengers. In the Bureau of Lands, for instance, there were, in 1938, 19 clerks at ₱600 per annum, 53 at ₱480, 22 at ₱420, and 19 at the rate of ₱360 per annum. On the staff of the Bureau of Posts are 350 clerks whose annual pay is ₱660 or less.

Six hundred pesos is the top yearly salary for letter carriers; but only 12 receive this munificent sum, while 843 try to eke out a living from an annual wage of ₱360. In the Bureau of Customs numerous secret agents and policemen are paid at the rate of ₱480 or less per year.[12]* Below the relatively important posts mentioned, there is a sub-cellar group of 4,500 positions which, until 1937, carried wages of less than ₱360 per annum, but which upon the initiative of President Quezon have now been placed at that figure. The President's action, which made ₱1.10 per day the minimum wage for laborers employed by the government and ₱30 per month the minimum salary for other government employees, was intended to lead the way to giving the Philippine working-classes a living wage.[13] The number of public employees paid at the minimum rate has decreased annually since 1938.

Three hundred and sixty pesos per year is not a living wage, however, or anywhere near it, even in the Philippines. For example, a survey made by the Bureau of Labor of a "representative" group of 283 government employees, 31 of whose salaries ran from ₱1,800 to ₱2,400 and only two of whom were paid less than ₱600 per year, showed that 62 per cent were always in financial difficulties, having an actual deficit of expenditures as compared with income. "The situation of those who received under ₱900 is especially acute," the Director of Labor declared. The proportion of deficits was 100 per cent for those under ₱600 and 79.22 per cent for those between ₱600 and ₱900. Another report of the Bureau of Labor shows that the average family income of 10 selected occupations, such as shoemakers, carriers and chauffeurs, is approximately ₱720 and that more than half of these workers are constantly in debt.[14]

A more vivid illustration of the inadequacy of a wage of one peso per day is offered by the plight of a government employee's family reported upon by the Associated Charities of Manila and cited by Professor Macaraig as revealing the social aspects of poverty caused by low wages:

> A thin, pale woman with four small children came to the office asking for help. Upon investigation it was found that the supporter of the family earns very insufficiently as a messenger in the Bureau of Posts with a daily wage of ₱1.00. Family occupies the ground

floor of an old nipa house for which they pay ₱5.00 monthly rent. Three of the children go to school. The children get sick frequently, because of weak constitution caused perhaps by undernourishment. Man has poor health and can't do strenuous work. The family was given rice allowance to give them sufficient nourishment and woman was furnished capital with which to start a small *tienda* to help increase the family income. With this aid it is hoped that the family will soon become self-supporting.[15]

A situation in which 25 per cent, or more, of the regular employees of the government are not paid a living wage is serious in any country. In the Philippines its most direct effects from the standpoint of the civil service, are to keep the efficiency and morale of a large proportion of the force at a low level. One is hardly surprised when a policeman, customs agent, immigration official or sanitary inspector who is expected to support a family upon ₱450 ($225) per year looks the other way for a pitifully small consideration.[16] Or when a ₱360 ($180 per year, not month) clerk does not transact business with energy and intelligence.

A former technical employee of the Philippine government of great ability and long experience who was recently sent back to the Islands by the Federal department in which he now serves to assist in a particular task affecting the welfare of many thousands of Filipinos has stated that the disproportionate number of underpaid, low grade Philippine government employees makes effective work in his field almost impossible to achieve. "You can't expect either energy or ability at such wages, and until the horde of inefficients who now clutter up this service has been replaced by a smaller number of really qualified men we can accomplish little worth while work," he said. Commenting upon the same situation in 1932, the *Manila Daily Bulletin* declared editorially that while the monthly income of the government employee is low, as a rule the cost to the government for what it does is high. "This means simply that the government is over-staffed with under-paid employees." [17]

The low wages paid to the rank and file of Philippine government employees also suggest more general, and perhaps more fundamental, observations. A force of men paid such wages cannot be expected to work as hard, as fast, as eagerly, as productively, as

a force living on, say, the American wage scale. In other words, here is a basic cause for a difference between the character and tempo of work performed under Philippine, as compared with work done under American conditions. The rank and file of Filipino civil servants eat less nourishing and invigorating food, they spend their lives in a tropical climate, their demands upon life are less, and they give less of intelligent energy to their daily tasks. Book education and national aspirations cannot alter these fundamental facts. Nor are the implications of these facts derogatory to the Filipino people, who possess many compensating qualities that Anglo-Saxons lack.

If the foregoing observations are sound, they suggest a further conclusion which seems obvious, but which is too seldom thought of when the problems of the Philippines are considered by foreigners: the conclusion that Filipino standards, not those of any other people, will in the long run prevail in the Philippines. Government by Filipinos inevitably means Filipino methods of work and standards of accomplishment, not merely a Filipino personnel in government offices. After fifteen years of "Americanization," "Filipinization" occurred too rapidly between 1913 and 1921: too rapidly because the needless speed of the process destroyed many achievements of the earlier period that Filipinos valued highly and that might have been more permanently woven into the fabric of Filipino life.

So today, although low wages and comparatively small returns are natural and inevitable in the Philippine Civil Service, the forces of progress among the Filipino people, perhaps reinforced for a time by the American stimulus, must resist either an easy drifting or a deliberate steering along the natural course towards a further lowering of remuneration and standards in the Philippine government. Under the Commonwealth, many Filipinos are zealously seeking to elevate those standards in ways that are in harmony with Philippine national personality and environment. President Quezon's action in establishing a minimum below which government wages shall not fall was a gallant repudiation of the common Filipino attitude of fatalism towards adverse conditions. The problem of remedying this particular condition, however, is a terrific one. That the Philippine Government is "over-staffed with under-

paid employees" is universally admitted. An obvious remedy is to decrease the staff and improve the pay and the quality of the remaining employees. Political pressure against such a solution is so great, however, that in a democracy, at least, it is almost impossible to apply. Perhaps as dictator, President Quezon could deal effectively with this and many other situations that now can be improved only by halting and painfully slow procedures.

The Philippines, however, has not yet abandoned the forms and the goal of Democracy. In broad terms, it must seek to solve this problem, in common with many others of equal gravity, by a determination to raise the national income of the country to a point at which present standards can be gradually elevated, rather than to permit an easy lowering of the existing standards to meet the material and cultural resources available in the Islands today. Any other course invites degeneration and national failure.

In seeking to solve this problem of government, however, one course of action should be sedulously avoided. Few greater mistakes could be made than to reduce the salaries of the higher permanent officials in order to bring them more nearly into conformity with the pay of the rank and file. The ten or fifteen per cent of Philippine civil servants who really direct the administration of the government are worth their salt. They are more indispensable to good government than corresponding officials in any Western country. Their salaries are no higher than is necessary to keep the best administrators in the public service, to enable them to live within their incomes and to enjoy that sense of security without which no man can do his best work. No money spent by the Commonwealth brings a greater return to the Filipino people than that paid to this group of professional administrators.

Although the establishment of a retirement and pension system had been periodically under official consideration since 1904, no pension plan applicable to all permanent government employees was adopted until after the creation of the Commonwealth.[18*] True, the famous "Osmeña Act" of 1916 did provide a retirement allowance for employees under certain conditions. Under the terms of this measure those who had completed six or more years of service were granted a retirement gratuity which, with ten years of service, reached the maximum of one year's salary. To be

eligible for this gratuity, however, officials were required to tender their resignations in writing before the ensuing July 1. Every official who did this at once lost the security of tenure provided by the civil service law, as, thereafter, the Governor-General could cause his separation from the service by merely accepting the resignation previously filed. The law further provided that if a position thus vacated were filled, the new incumbent should receive only two-thirds of the salary formerly paid: thus effecting a salary "saving" that in a few years would cover the retirement gratuity, and at the same time making it practically certain that the resigning American officials would be succeeded by Filipinos.[19*]

Although the Osmeña Act was enacted for the purpose of facilitating the "Filipinization" program of the Harrison administration, it was kept on the statute books with amendments, and freely used in cases in which the voluntary or involuntary retirement of particular officials was deemed by the Chief Executive to be in the public interest. As years passed, the ratio between Americans and Filipinos who took advantage of the law was reversed, and during 1936 one American and 113 Filipinos were retired under its provisions. By the end of that year the government had paid out ₱7,020,960.32 under the act and obligated itself for ₱461,650.75 more.[20] Obviously, however, the Osmeña Act did not constitute a retirement and pension system in the ordinary sense of the word.

When the Commonwealth took over government in the Philippines in 1935 there were also in operation retirement systems for three groups of government employees: members of the Constabulary, teachers in the public schools, and certain officials and employees in the public health service.[21*] The Constabulary and Health Service Funds, however, were bankrupt and the teachers' system was actuarially unsound. Early in his administration President Quezon created a committee on pensions and instructed it to make recommendations concerning the three existing pension systems and upon the advisability of establishing a general retirement plan to cover the entire system.[22*] Acting upon the recommendations of his committee, the President personally sponsored and secured the enactment of legislation abolishing the teachers',

health service and Constabulary pension systems and establishing a "Government Service Insurance System." [28]

With minor exceptions this insurance system is compulsory upon all of the permanent employees of the Commonwealth Government and of government controlled boards or agencies. Any provincial, city or provincial government, the University of the Philippines, or any other corporation owned or controlled by the Government may join the system; and if it joins, membership is compulsory upon all of its regular employees. The system is of the modern, contributory type, the employee and the Government each contributing an amount equal to three per cent of the employee's monthly salary and the member receiving an insurance policy for an amount the annual premium of which is equivalent to six per cent of his basic current annual salary. In the case of the Regular Force, Philippine Army, however, the total contribution is five per cent, the whole of which is contributed by the member. Various options as to the collection or continuation of the policies are provided for employees leaving the government service, and, within limits, additional insurance may be obtained by insurable members upon payment of additional premiums. The law specifically provides that the Government of the Commonwealth guarantees the fulfillment of the obligations of the Government Insurance System to its members when and as they shall come due. With the establishment of this up-to-date, liberal, sound insurance system for the permanent employees of the Government, the Commonwealth reached a civil service goal of thirty-five years' standing and rounded out a body of civil service law which in almost every respect compares favorably with that of any other country.

It is, perhaps, trite to say that the two best tests of a civil service system are the civil servants that it produces, and the quality and quantity of the services which they render. In the Philippines, where in almost any group of national significance the gap between the upper and the lower elements is far greater than in most Western states, the character of the directing force in the civil service more completely determines the quality of government administration than it does in the West. Of peculiar importance to the Filipino people, therefore, is the type of permanent official who finds his way to the top of the governmental hierarchy. A number of

years ago a study, based upon both objective and subjective data, was made of the higher Philippine administrative officials. A wide range of information was secured from the service records of fifty-six of the under-secretaries, bureau chiefs and assistant chiefs, and in almost every instance was supplemented by personal interviews.[24] These data have been kept up to date and afford a factual basis upon which to answer the important question as to what type of men the Philippine Civil Service has brought into the administrative positions of highest power and responsibility. Essential, too, to an understanding of the role of these ranking permanent officials in the Philippine Government is an apprehension of the somewhat unusual place which their positions occupy in the national governmental organization.

The highest permanent official in each of the six departments of the Philippine Government is the under-secretary. This office was created when the government was reorganized under the Jones Act in 1917. The Administrative Code provides that an under-secretary shall perform such duties as may be assigned to him by the secretary of the department or be imposed upon him by law, and that when the secretary is temporarily unable to perform his duties, or in case the office of secretary is vacant, "the Under Secretary shall temporarily perform the duties of said office." [25]* Appointment is by the President with the consent of the Commission on Appointments of the National Assembly. In practice selections are almost invariably made from the permanent staff of the department concerned. The salary is substantially greater than that of the bureau chief, and in dignity and prestige the office is comparable with corresponding positions in the British or continental governments.[26]*

The actual division of labor and power between the secretary and under-secretary naturally varies in accordance with departmental traditions and the personal characteristics of these officials. Usually, however, the under-secretary bears the brunt of the routine work. Departmental papers reach the secretary over the desk of the under-secretary. Bureau directors usually consult with him before going to the departmental chief, and, in Governor Lowden's meaning, are "coördinated" by him.[27] In a number of instances, active and strong willed under-secretaries have over-

shadowed their political chiefs in the exercise of actual power. The under-secretaries also frequently serve upon inter-departmental committees and investigating boards, and in other ways represent their respective departments in their relations with the rest of the government and with the public.

The true position of the under-secretaries was clearly and dramatically brought home to the public upon the simultaneous resignation of the five Filipino heads of departments on July 17, 1923. Two days later Governor-General Leonard Wood cabled to the Secretary of War: "No new developments. Conditions as to government operation normal. The undersecretaries have automatically taken the place of the secretaries who resigned and are functioning harmoniously and efficiently. They are the real technical men of the government." [28] In four of the departments the under-secretaries continued on as acting-secretaries until 1928. In that year, upon appointment by Governor-General Henry L. Stimson, one of them, the Honorable Miguel Unson, became Secretary of Finance. The other three reverted to their former status.[29*] Atlhough from the political standpoint the elimination of the secretaries was unfortunate, their resignation seems to have had slight effect administratively. As General Wood reported at the end of 1923, "the government moved on smoothly and efficiently without interruption in any of its functions." [30]

This incident demonstrated the permanent, professional, non-political character of the Philippine administrative machine. It also enhanced the prestige of the under-secretaries and emphasized their complete separation from politics. During all the bitter warfare of the political leaders against General Wood there was no demand that these key administrative officials should follow the example of their departmental chiefs and refuse to cooperate with the Governor-General. The public as well as the legislative leaders recognized their status as civil servants and allowed them to remain outside of the political prize ring.

Very wisely President Quezon has taken positive action to preserve this non-political status under the Commonwealth. In reply to a query from the Commission on Appointments of the National Assembly, he informed this body that he did not "intend to designate as Acting Secretaries of Department the Under-Secre-

taries whenever there is a vacancy in the post of Secretary of Department, because this is a political post and it should not be filled by non-political appointees. The Secretaries of Department are a part of the policy-determining body of the Executive, while the Under-Secretaries are purely and exclusively administrative officials." [31]

Individually and as a group the under-secretaries illustrate many of the characteristics of the governmental, social and personal developments which have occurred in the Philippines during the forty years of American-Filipino association. The following picture of the group, drawn a number of years ago, is still true to life (although not accurate in statistical detail) because the principles underlying the appointment of under-secretaries have not changed: [32]

The oldest of them is 62 and the youngest 37; their average age is a little over 48. Three, who are under 43, are typical products of the new Philippines. One of them is a graduate of the public schools and the College of Hard Knocks; the other two hold degrees from the University of the Philippines; and one of them was a graduate student at Yale. Of the older group all but one were educated in Roman Catholic schools and colleges during the Spanish régime or in the early days of the American era. Seven of the eight have spent the whole of their adult lives in the civil service and have carried down to the present the ideals and practices that were ground into that organization by the remarkable group of Americans who dominated the Philippine Government for a decade and a half after 1898. Five have studied or traveled in the United States. Four enjoy substantial, and two small private incomes. One has a record of 32 years in the public service, another of 30, and another of 29. Their average length of service is more than 26 years. None has ever participated in politics or held an elective office, and the only one who belongs to a political party is an "inactive member."

With one exception the present under-secretaries have reached the top of the Philippine civil service through a combination of seniority and ability.[33] The older group display the traits of mental and physical vigor, poise, dignity, and earnestness of purpose that are characteristic of the best Filipinos. To these qualities the three younger men add a more obvious energy and a directness of manner that reflect the greater influence of their American contacts. One cannot be associated with these gentlemen without being impressed with their ability, their charm and their personal worth; and without

feeling that a country in which such characters come to the top represents an admirable type of civilization.

Below the under-secretaries in the official hierarchy of the Philippines come the chiefs, or directors, and the assistant-directors of the thirty-odd bureaus of the insular government. These officials are the heirs of a great tradition, and their position cannot be properly understood by one who simply brackets them with the corresponding officials in Washington or in an American state capital. In the years between 1900 and 1913 it was the bureau chiefs who were immediately and directly in charge of the work in public health, education, finance, justice, public works, science, agriculture, and the other services that within little more than a decade started a backward Oriental people upon the road to modern nationhood. Until 1916 each bureau tended to be almost a department in itself.[34*] Instead of being the "typical bureaucrat, who doesn't do a thing and doesn't give a damn," the bureau chief of those days was a pioneer. As Dean C. Worcester put it, these officials "were, in short, the men who determined policies and spent the government's money." [35] Such administrators were Dr. Victor Heiser, Dr. Paul Freer, Captain Charles Sleeper, the Honorable Frank Carpenter, Mr. C. M. Cotterman, Dr. David P. Barrows, and a score of others. Collectively, they formed the backbone of the organization that put through the American-Filipino program for the regeneration of the Philippines. Their personalities and their achievements, combined with the extraordinary powers that many of them wielded, in time made them figures of legendary proportions. These pioneers made the bureau chief a great man in the Philippines.

During the early years of the Harrison regime many of the experienced American bureau chiefs, assistant chiefs, and division heads were replaced by Filipinos.[36*] Public attention was then centered upon these new officials. When some of them failed to measure up to the demands of their positions many Americans were ready to exclaim, "I told you so!" Those who succeeded seemed to justify "Filipinization." Their achievements added to the self-confidence of the Filipino people, and they became figures of national importance.

Furthermore, under the centralized governmental system of the Philippines the services of many of the bureaus, such as health, education, or public works, directly affect almost every person in the Archipelago. For three decades the Executive Bureau strictly controlled the provincial and municipal governments. Between 1917 and 1936 the Bureau of Non-Christian Tribes was responsible for forwarding the national policy of assimilating the million primitive pagans and Moros into the Philippine body politic and meanwhile governing those difficult wards of the nation. In short, the bureau chiefs are responsible for services that are national in extent, that directly affect all the people, and that in some cases have been associated with the Filipino aspiration for independence in such a way as to be of dramatic interest to the whole nation. In such circumstances it is natural that these officials should occupy a position of greater importance among the leaders of the Philippines than do the corresponding civil servants in any other country in the world.

From the detailed study that has been made of the undersecretaries, bureau chiefs, and assistant chiefs a number of significant generalizations concerning the type of men who direct the actual administration of government in the Philippines can be made. Perhaps the broadest and most important one is that the higher insular administrative officials are thoroughly professionalized. The civil service is their career. In most cases they entered it either at a very early age or soon after they had acquired professional training and standing. Their advancement has been due to a combination of seniority and ability and has been rapid enough to prevent stagnation, either personal or departmental. Their tenure is secure and they stand completely apart from party politics.

Other generalizations that may be made shed further light upon the character of the civil service and, incidentally, tell a good deal about Philippine society in general. Only a very small proportion of the members of this group are even approximately pure Malays. The rest represent the admixture of Chinese and Spanish blood with that of the natives of the Archipelago; the Chinese infusion is the more pronounced. In language, education and religion the group fairly reflects the cultural strains that are combined in the Philippines: the Malayan, the Spanish and the Anglo-

Saxon. They are less accurately representative of the ethnological divisions among the Christian Filipinos and of the geographical regions of the Islands. As there is no rule of geographical apportionment governing appointments to the Philippine Civil Service, so also has there been no systematic effort to see that all provinces or even regions are represented in the higher ranks of permanent officials. More than half their number are Tagalogs, although this racial group contains probably not more than one sixth of the population of the Archipelago. These administrators, however, are not provincially minded. They are Filipinos first; Tagalogs, Visayans or Ilocanos afterwards. They have lived in Manila most of their lives and have been engaged in work which tends to give them a national viewpoint.

As a group these officials are representative of the most substantial elements of the Filipino people. While a large majority of them sprang from the upper strata of society, a smaller number came from the highest ranks than from the masses of the people. There is probably no civil service in the world in which promotion to the very top is more freely open to the poor boy of talent and determination. In personal culture, including formal education and a knowledge of the world beyond their immediate horizon, in dignity and in a high conception of their duties and responsibilities these officials compare favorably with the corresponding group in any nation. Their place in the Philippine scheme of things and their position in the fascinating life of metropolitan Manila are probably higher than that of the ranking permanent officials in any other capital in the world.

Any picture of the Philippine Civil Service which omitted the figure of Commissioner José Gil would lack an indispensable element of life and authenticity. In theory and practice the responsibility for performing the manifold functions of this vital organ of the Government is placed directly upon the shoulders of the Commissioner of Civil Service. It is the Commissioner who formulates the rules of the service, is responsible for their enforcement, and sanctions exceptions to them under conditions laid down by law. No step in the career of the public official or employee from the time that he applies for examination to the hour of his final separation from the service can occur without the Commissioner's official

knowledge and, in many cases, approval. The Commissioner is the authority responsible to the chief executive for seeing that every employee gives to the government the full meed of labor and conforms to the high standard of personal and official conduct that the state demands of its public servants. At the same time, he is the protector of the most humble clerk against exploitation by politicians or unfair and arbitrary treatment by his departmental superiors.

It is fortunate for the Philippines that during the formative years of the American regime the civil service should have been moulded by a director possessed of the high ideals, practical experience, and vigorous personality of Dr. William S. Washburn. Dr. Washburn and his successor, Mr. Bolivar L. Falconer, made the directorship one of the major posts of the government, and although the prestige of the position suffered as a result of the Harrison policy towards the civil service as a whole, the attitude of Governor-General Wood towards the merit system, and the wise administration of Mr. José Gil, his appointee as director, combined to restore the office to its former standing. Mr. Gil became Director of Civil Service in 1923. Before appointment he had served for seven years in the Bureau of Posts, two years as Secretary of the University of the Philippines, and four years in the Bureau of Civil Service. Commissioner Gil is representative of the highest type of the younger Filipinos who are now coming into power in the Philippines. Born in 1890, he attended the *Ateneo de Manila*, the best of the pre-American Philippine schools; then the Tondo Grammar School in the early days of the American educational system; later the American High School; and finally the College of Law of the University of the Philippines. Son of a Spanish father and Filipina mother, and reared in a fine American home in Manila, he is a product of the diverse cultural streams that have combined to produce the Philippines of today.

Mr. Gil's administration has been marked by integrity, firmness and good judgment rather than by aggressiveness of the spectacular type, and has contributed greatly towards the firm establishment of the civil service principle among his people. Confidence in his honesty and fairness is so great that when he places the stamp of his approval upon the result of an administrative

investigation of a member of the civil service the public accepts at its face value the verdict rendered. President Quezon has wisely used the prestige and ability of Mr. Gil in his statesmanlike program for placing the civil service of the Commonwealth upon a higher level than it had attained during the previous regime. At the same time, by counselling with him regarding the reorganization of the service, elevating the rank of his office, and in other ways conspicuously manifesting his confidence in Mr. Gil and his appreciation of the importance of the service which he heads, the President has further strengthened the first Commissioner of Civil Service as a force for good government in the Philippines. Mr. Amado del Rosario, the able assistant commissioner, is entirely a product of the American period and of the public schools. In his own person he represents the possibilities of the Philippine Civil Service for a young man of ambition, character and ability, having advanced to his present position from a ₱600 clerkship in the Bureau.

It is often said that the Filipinos who are now at the head of most of the government services in Manila are deficient in initiative and driving force. Certainly most of them are, as compared with their early American predecessors. The latter were unique figures in a pioneer period. Moreover, although forcefulness and originality are not the qualities which are usually most prominent in the civil servants of any country a number of Filipino bureau chiefs, past and present, possess these characteristics in conspicuous degree. In this connection, however, it should never be forgotten that these Filipino officials are but part and parcel of the society in which they live. In that society the tempo of life and man's energies, standards, and fundamental concepts of values are the product of the tropics and of a civilization that has sprung from Malayan and Spanish rather than from Anglo-Saxon sources. However much they may have absorbed from their American contacts, this little governmental group and others like them are working among a people who are still tropical Malays, far more influenced by three centuries of Spain than by three decades of America. Among the rank and file of their own departments the energy, the ability, the response is not American, but Filipino. The nation that pays for and is to be satisfied with their services is Filipino. They

themselves are Filipino: among the most progressive, energetic and able of their race, most definitely affected by America and Americans, perhaps, but Filipino, and proud of it. They and their work, therefore, are most fairly judged as to initiative, forcefulness and other subjective qualities by Filipino standards. Tested by such standards, they form an elite among their people and their work is of very high quality. If this judgment is sound, it is evidence of the excellence of the civil service system which opens a genuinely professional career to government employees of talent and eventually brings the best of them to the dominant administrative positions of the government.

Viewed in the light of its historical development and present characteristics, the Philippine Civil Service is one of the most successful products of American-Filipino collaboration in the building of the Philippine state. This body of permanent public servants, working under conditions such as now exist, is entirely capable of administering the Philippine Government in a manner which will contribute to its future stability and progress. A civil service based upon a rigid application of the merit principle has been provided for in the Constitution of the Philippines, established by sound, progressive legislation, and brought into being by wise and energetic executive action. It is doubtful whether in any other sphere of political action the men who control the destinies of the Commonwealth have more convincingly demonstrated a grasp of the principles of sound government and a determination to apply them in the nation which they are helping to create. The civil service, however, like many other important elements in the Philippine political structure, rests as yet upon an insecure foundation. In the long run, the civil service in any country governed through the forms of democracy can hardly be expected to remain permanently upon a plane high above that of the masses of the people. The civil service system of the Philippine Commonwealth occupies that position. Furthermore, it is an imported institution which rests upon foreign ideas and concepts which are just beginning to become fixed in the minds of the Filipino masses. The task in this as in so many other Philippine problems, is to broaden and deepen the native base upon which this vital part of the political institutions of the Islands must, in the long run, stand.

CHAPTER VII *

NATIONAL ADMINISTRATION AND FINANCE

ADMINISTRATION is the hall-mark of modern government. Since the Taft presidency, as governmental functions have increased and the state has intervened ever more widely in the affairs of its citizens, repeated efforts have been made to reorganize American agencies of public administration in order to increase their efficiency and economy, and make them more responsive to responsible political control. President Franklin D. Roosevelt's highly controversial proposals for the reorganization of the national government were based upon the report of the President's Committee on Administrative Management (often referred to as the Brownlow Committee), a body composed of three professional authorities on public administration.[1] In 1939 Congress authorized and the President subsequently effected a limited reorganization which embodied a number of the Committee's recommendations, but fell far short of the plan originally proposed. Although it had assumed its present form before the publication of the report of President Roosevelt's committee, the administrative organization of the Philippine Government conforms much more closely to the Brownlow plan than does that of the government in Washington even today. A brief description of governmental administration in the Philippines, therefore, is of comparative interest as well as essential to an understanding of Philippine political institutions.

Although the executive branch of the Philippine Government has been greatly increased in size since the inauguration of the Commonwealth, its structure remains relatively simple. There are nine executive departments, the secretaries of which, together with the Vice President and the Secretary to the President, compose the

* *The notes of this chapter begin on p. 886. Subject matter notes are indicated by an asterisk.*

President's Cabinet. In each department save one there is an undersecretary, and each includes a varying number of bureaus, divisions, boards, commissions, and "offices." Over the departments the chief executive exercises his constitutional power of "control" with the aid of the Office of the President. Within this powerful office there are the over-all managerial agencies of the government; and within or directly controlled by it are a number of advisory bodies and administrative entities, including the National Development Company and its subsidiaries. Through the latter organizations the Commonwealth operates its established business ventures as well as a number of the newer corporations set up to aid in readjusting the national economy to the conditions which the country will have to face as an independent state.

For administrative and budgetary purposes the quasi-judicial Public Service and Security and Exchange Commissions are placed within the Department of Justice. The Court of Industrial Relations has the same relationship with this department as do the courts of first instance. There are no "independent establishments" of the American type (as the Inter-State Commerce Commission).

There follows an organization outline of the executive branch of the Commonwealth Government. This outline is based upon the directory of the national government published by the Division of National Information of the Department of the Interior in January, 1941,[2] but only the more important entities are included, and more recent data have been added from various sources of information. It should be remembered, however, that in its details the organization of the Philippine Government is constantly changing by the elimination, transfer, or combination of established entities and the creation of new ones.

THE PRESIDENT'S CABINET

The Vice President, the Secretaries of the Interior, Finance, Justice, Agriculture and Commerce, Public Works and Communications, Public Instruction, Labor, National Defense, Health and Public Welfare, the Secretary to the President.

THE COUNCIL OF STATE

The President, Vice President, Speaker of the National Assembly, Heads of the Executive Departments, Secretary to the President,

Majority Floor Leader of the National Assembly, and such other persons as may from time to time be appointed and summoned by the President.[3*]

OFFICES UNDER THE PRESIDENT

Executive Office: Secretary to the President, Assistant Secretary to the President. The following divisions: Administrative, Finance, Foreign Relations, Protocol, Legislative, Law, Special Investigation, National Defense, Agriculture and Commerce, Health and Welfare, Public Instruction, Public Works and Communications, Labor, Press Relations, Records, Translating; the Provost Office; the President's Private Office; Malacañan Household.

Bureau of Civil Service, Civil Service Board of Appeals, Boards of Examiners, Budget Commission, Budget Office.

Philippine Sugar Administration, National Social Security Administration, Bureau of Immigration, Quota Administration Office, Commission of the Census, Bureau of the Census and Statistics, Board of Review for Motion Pictures, Board of Pensions for Veterans, Council of National Defense, National Research Council, National Economic Council, Institute of National Language.

The National Development Company and subsidiary corporations. (These corporations, and other Government corporations, and a number of "independent entities," although not officially listed as "Offices under the President," are effectively under the control of the Chief Executive.)

The Resident Commissioner to the United States.

OFFICE OF THE VICE PRESIDENT

DEPARTMENT OF THE INTERIOR

Office of the Secretary: Administrative, Law, Provincial, National Information, and Public Order Divisions; Office of the Commissioner for Mindanao and Sulu; Philippine Constabulary.

DEPARTMENT OF FINANCE

Office of the Secretary: Administrative, National Finance, Provincial and Municipal Finance, and Purchase and Supply Divisions.

Bureaus of Customs, Internal Revenue, Treasury, Banking, and Printing.

DEPARTMENT OF JUSTICE

Office of the Secretary: Department Legal Staff; Legal Research, Administrative, Cash and Property, Records, and Investigation Divisions; Parole Office; Anti-Usury Board; Tenancy Law Enforcement Unit; Statistics and Publication Section; and Office of the District Attorney.

Bureaus of Justice and Prisons.

Courts of First Instance, Justice of the Peace Courts, Court of Industrial Relations, General Land Registration Office, Public Service Commission, Securities and Exchange Commission.

DEPARTMENT OF AGRICULTURE AND COMMERCE

Office of the Secretary: Administrative, Legal, Technical, Statistics, Publications, Soil Survey, Fisheries and Natural History Museum Divisions.

Bureaus of Plant Industry, Animal Industry, Forestry, Lands, Science, Commerce and Mines; Weather Bureau; Fiber Inspection Service.

DEPARTMENT OF PUBLIC WORKS AND COMMUNICATIONS

Office of the Secretary: Administrative Division.

Bureaus of Public Works and Posts; Metropolitan Water District:

A number of "special services," including Division of Motor Vehicles, Postal Savings Banks, and the Government Marine Railway and Repair Shop.

DEPARTMENT OF PUBLIC INSTRUCTION

Office of the Secretary: Administrative Division.

Bureau of Education; Offices of Private Education, Adult Education, and the National Physical Director; National Library; National Council of Education; Philippine General Hospital. (The Philippine General Hospital is in the Department of Public Instruction for budgetary purposes, but is also listed as one of the "Offices under the President.")

DEPARTMENT OF LABOR

Office of the Secretary: Administrative, Labor Inspection, Safety Inspection, Public Defenders, Claims, Labor Statistics, Social Improvement, Workmen's Compensation, and Medical Inspection Divisions or Services; Labor Organization, Woman and Child, Civil, Wage Claims, and Strikes and Lockouts Sections.

DEPARTMENT OF NATIONAL DEFENSE

Office of the Secretary: Administrative, and Radio Control Divisions; Philippine Nautical School.

Bureaus of Coast and Geodetic Survey, and Aeronautics; Philippine Army.

DEPARTMENT OF HEALTH AND PUBLIC WELFARE

Office of the Secretary: Administrative Division.

Bureaus of Public Health, Public Welfare, and Quarantine Service.

GENERAL AUDITING OFFICE
UNIVERSITY OF THE PHILIPPINES
COMMISSION ON ELECTIONS

Both to the professional student of political institutions and to the layman who wishes to know why the Commonwealth Government operates as it does, the most significant part of the organization which has just been outlined is the Office of the President. One reason for the all-pervasive character of Mr. Quezon's leadership is his success in actually exercising over an extraordinarily broad field the executive powers vested in the President by the Constitution. This he has been able to do because his will to govern and his remarkable energy have been made effective by a staff organization of adequate size and high efficiency.

The basic elements of this managerial organization came to Mr. Quezon from the preceding government. The Executive Office is an outgrowth of the Office of the Secretary and the technical advisers of the Governor-General. From General Wood's time on, the Governor-General was aided by a more numerous staff of administrative assistants than that which until recently was at the disposal of the President of the United States. These assistants, called the "Cavalry Cabinet" in Wood's day and later the Belo Boys (from the Belo Act which provided for their salaries), were precisely the kind of officials which the Brownlow report recommended should be added to the White House Staff. Governor-General Murphy's Malacañan advisers met almost perfectly the prescription of the President's Committee on Management, which declared that the White House administrative assistants

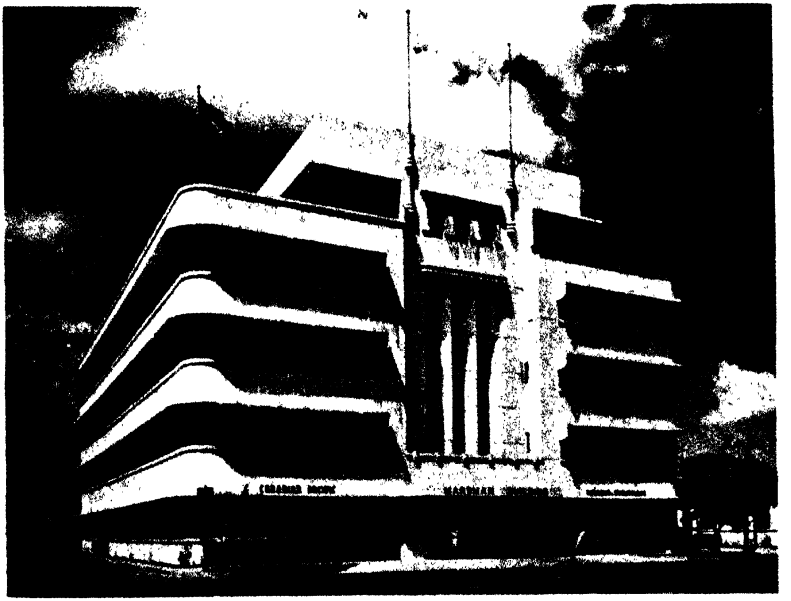
> would remain in the background, issue no orders, make no decisions, make no public statements. . . . They should be men in whom the President has personal confidence and whose character and attitude is such that they would not attempt to exercise power on their own account. They should be possessed of high competence, great physical vigor, and a passion for anonymity. They should be installed in the White House itself, directly accessible to the President.[4]

The members of this staff had no executive authority. They were the Governor-General's eyes and ears. They gathered infor-



Photo by Charles W. Miller

THE WALLS OF OLD MANILA



NEW MANILA—PORT AREA



THE HONORABLE JORGÉ VARGAS

mation and often formulated proposals regarding matters coming before the chief executive for decision, and observed for him the operation of the departments of the government to which they were respectively assigned. Provided with ample travel funds, they visited every part of the Islands. Meeting in the chief executive's office on Tuesdays, the day preceding the Cabinet day, they were also an informal, extra-official council of advice. So discreetly did the Murphy advisers (who were Americans and among whom were included Army and Navy Officers) work that no friction arose between them and the Filipino executive and legislative officials who were affected by their activities. On the contrary, the success of the Murphy administration was due in part to the respect, confidence and, in some cases, the liking which the Filipinos in public life felt for members of the Malacañan staff.

An example of the cordiality which marked the relations between the Governor-General's assistants and the Filipino officials was a resolution passed by the Cabinet upon the departure from the Philippines of Captain Elbridge G. Chapman, U. S. Army, after service as the assistant legal adviser to the chief executive. The Cabinet resolved, upon motion of the Secretary of the Interior, who was informally recognized as its "premier," that "each and every member of the Cabinet expresses his high regard and appreciation for the valuable cooperation and attentions received by . . . every one of them from Captain E. G. Chapman during their pleasant association with him in his capacity as Technical Adviser of his Excellency, the Governor-General." [5] This resolution was more than a deserved tribute to an individual; it reflected the success with which two sets of officials, of different races, but both devoted to the cause of good government in the Philippines, had established mutually satisfactory working relations in a situation which might easily have given rise to friction and dissatisfaction. Needless to say, this harmonious relationship could not have been maintained had not the Governor-General and the Filipino leaders (more frankly, Mr. Quezon) cooperated upon a similar basis.

President Quezon transformed the rather loosely organized staff of advisers to the Governor-General into the centralized Office of the President, headed by the Secretary to the President,

a powerful official with the rank, pay, and Cabinet status of a department secretary. From the inauguration of the Commonwealth this key position has been held by the Honorable Jorgé Vargas, a quick-thinking, hard-driving permanent official of long and successful government experience. Mr. Vargas has an astonishing capacity for work and a genius for controlling every activity within his sight. In the administrative field as on the tennis court, he places his shots so that his opponent has great difficulty in returning them. His executive ability has greatly increased the effective range of the President's power. The Assistant Secretary to the President, Dr. Conrado Benitez, who was successively a newspaper editor, college professor and administrator, and was an active member of the Constitutional Convention, is likewise an executive of exceptional ability.

As a glance at the outline given above will show, the Executive Office includes divisions which practically parallel the nine executive departments and cover a number of additional administrative fields. The head of each division is a man who in ability and experience stands at, or near, the top of that particular field of activity. Thus, in making decisions and evaluating their results the President is assisted by a staff of competent specialists who weigh particular problems from the central position of the chief executive rather than from the narrower viewpoints of the several departments. The work of this staff has contributed greatly to President Quezon's appearance of omniscience in the formulation of the policies of the Commonwealth; and of omnipresence in supervising their execution.

Thus far, there have been attached to President Quezon's Executive Office a large number of American experts. Some of them, like the military adviser, Field Marshal Douglas MacArthur and his staff; Dr. Luther B. Bewley, formerly Director of Education; Mr. Arthur F. Fischer, formerly Director of Forestry; Mr. A. D. Williams, formerly Director of Public Works, have been employed under contracts renewed annually or for longer periods. Others have been brought over to do particular jobs, in some cases on loan from departments of the United States Government. Among these advisers have been scientists, scholars and administrators of wide reputation. No Governor-General ever had at his

immediate command the array of talent upon which President Quezon has been able to call.

Of a different nature are the services performed by the Civil Service Bureau and the Bureau of the Budget, both of which are in the Office of the President. They are the most important overall agencies of administrative management, the "managerial arms of the chief executive." Through them, the Philippine President has direct control over, and is immediately responsible for, two of the three great managerial functions which affect all of the executive departments: the functions of personnel management, and fiscal and organizational management. This clear division of functions between the central managerial agencies in the Office of the President and the operating administrative departments of the government, which report to the chief executive through the departmental secretaries who collectively compose the President's Cabinet, conforms to the recommendations of the Brownlow report on the administrative reorganization of the government in Washington.

The Philippine Civil Service Bureau has always been directly appended to the office of the chief executive. During the Commonwealth period, as has been described in some detail, the Bureau has been strengthened, its jurisdiction extended, and its functions as a presidential managerial agency emphasized. The Budget Commission is a creation of the Commonwealth. Prior to 1916 the estimates of the several bureaus and other units of the government were sent to the Executive Secretary, who merely assembled them and submitted them to the Legislature. As a part of the reorganization of the government after the passage of the Jones Law in 1916, a Budget Office was established in the Department of Finance to enable the Governor-General to comply with the requirement that he should "submit to the Philippine Legislature within 10 days of the opening of each regular session a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill." [6] From its earliest days the Philippine Assembly had considered financial matters in two committees only, those on appropriations and ways and means. The Filipinos were proud, therefore, of having established a modern budgetary system long before the United States did.[7]*

In actual operation, however, as a Filipino expert in administration has observed (and here is an example of the baleful effect of the advanced colonial status upon the processes of government), the budgetary system under the Jones Law

> was unstable, varying largely according to the extent of the Governor-General's tact and liberality in dealing with the Legislature, whose constant purpose was to bargain for the greatest degree of popular autonomy, and whose shrewd strategy was to yield the measure of cooperation proportionate to the Governor-General's concessions of political power actually allowed to the Filipinos. . . . Hence, during the past régime the considerations of the burning issue of autonomy and Filipinization have thus always eclipsed the demand for a really efficient, sound budgetary system.[8]

Although this is a fair statement of the political methods by which the completed estimates were handled prior to 1935, yet long before that date the Philippine Budget Office, operating directly under an Undersecretary of Finance, had developed into a highly expert organization for drafting the budget.

When in 1936 the Commonwealth Government was organized, the Budget Office was transferred to a newly created Budget Commission, which was placed under the direction and control of the chief executive and located in the Office of the President. The increased managerial functions of the Budget Commission are reflected in its composition: the Commissioner of the Budget as Chairman, Executive Officer and Director of the Budget; the Auditor General and the Director of Civil Service.[9]* The provision of the Constitution of 1935 which prohibited the National Assembly from increasing the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the National Assembly and the Judicial Department has, of course, greatly increased the importance of the Budget Commission.

The principal functions of the Budget Commission, as stated by the Commissioner, are:

> (1) the preparation of the national budget; (2) the supervision of the expenditure of authorized appropriations and special funds; and (3) the investigation and study of the organization and functioning of the different departments, bureaus and offices of the Government with

a view to securing greater economy, consistent with efficiency, in the public service.[10]

For the performance of these duties the Budget Commission has ample powers and a considerable staff. Equally important, the first Commissioner of the Budget, the Honorable Serafin Marabut, who when he was the Chairman of the Appropriations Committee of the House of Representatives was known as the hardest working legislator, is an official of intelligence, energy and long experience in government finance. He is also especially qualified for his present position by his consistently pro-public attitude and (except, possibly, when some interest of his beloved province of Samar is at stake) by his objectivity of mind.

Under Commissioner Marabut's vigorous direction, the Budget Bureau has carried out a program for the survey and inspection of the bureaus and offices of the Government, has made numerous administrative investigations, intervened in many matters involving the appointment and promotion of government personnel, and, through an administrative research section, has carried on a considerable amount of research into particular problems arising out of the work of the Bureau, or referred to it by the President. The Budget Commission is thus an effective agency for improving the organization as well as supervising the operation of the administrative departments.

The third of the three great managerial functions posited by the Brownlow report, that of planning management, is not performed by any single agency in the Philippine Government. Instead, President Quezon has been assisted in the formulation of far view policies by individual advisers and a number of special bodies, such as the Government Survey Board and the National Economic Council.

The organization which has been described makes it possible for President Quezon to exercise a more complete control over the administration of the government than did any preceding Philippine chief executive. But this control is not "dictatorial," unless effectiveness be synonymous with dictatorship. The President's extraordinarily wide control is contemplated and provided for by the Commonwealth Constitution and statutes. Perhaps if American chief executives, state and local, could actually exercise

their constitutional powers as completely as President Quezon does his, there might be less validity in the oft-repeated criticism of democracy as a weak and inefficient system of government.

Prior to 1935 the auditing function in the Philippine Government was performed by the Bureau of Audits, the head of which was the Insular Auditor, an official provided for in the Jones Law and appointed by the President of the United States. The Constitution of 1935 provided for a General Auditing Office under the direction and control of an Auditor General. This official is appointed by the Philippine President with the consent of the Commission on Appointments for a term of ten years and may not be reappointed. Like the judges, his compensation cannot be diminished during his continuance in office and he is removable only by impeachment. Originally fixed at ₱12,000, the annual salary of a Cabinet officer, his stipend was increased in 1940 to ₱15,000, the pay of an Associate Justice of the Supreme Court.[11]

The Insular Auditor under the Jones Law was one of the most powerful officials of the Philippine Government. The long succession of Americans who held this office made the Bureau of Audits an efficient and indispensable agency for the maintenance of honesty and regularity in governmental administration. As the Bureau became completely Filipinized, save at the very top, they were successful, too, in building up an organization of expert Filipino auditors imbued with a strong *esprit de corps* and a high sense of professional responsibility. The last Insular Auditor, the Honorable J. Weldon Jones, a professionally competent, keen-eyed, canny Texan, achieved the incredible by combining official strictness with personal popularity among both Americans and Filipinos. Mr. Jones brought the Bureau of Audits to a high point of internal efficiency and external standing. His effective collaborator in this accomplishment was the Deputy Insular Auditor, the Honorable Jaime Hernandez, a seasoned permanent official of the Bureau. Appointed by President Quezon as the first Auditor General, Mr. Hernandez has carried over to the new regime the morale and prestige of the old Bureau of Audits, while reorganizing the new General Auditing Office with a view to increased efficiency. Thus the Commonwealth Government is equipped with

an effective instrument for the performance of the highly important auditing function.

The Constitution provides that the decisions of the Auditor General may be appealed to the President of the Philippines, whose action shall be final; or when the aggrieved party is a private person or entity, an appeal may be taken directly to a court of record, as provided by law. During the Commonwealth period, however, in conformity with a provision of the Tydings-McDuffie Act, appeals lie to the President of the United States.[12*] Up to May, 1941, no appeals had been taken to the American President.[13*] In providing that while appeals by administrative officials or entities should be finally decided by the Philippine President, private parties might appeal to the courts if they so preferred, the Constitutional Convention intended to preserve the final authority of the chief executive over the administrative agencies, and at the same time to afford judicial protection for private rights.[14*]

At the outset of the Commonwealth period the direction and control of the accounting agencies of the several departments and other units of the government was transferred from the department secretaries and bureau chiefs to the Budget Commission. In 1938, however, this authority was again shifted, this time to the General Auditing Office.[15] While the immediate purpose in view, economy and simplification, may have been accomplished, the Budget Commissioner was on theoretically sound ground when he expressed the opinion that "the fusion of the work of accounting and auditing under the same office would weaken, if it would not entirely nullify the effective functioning of an independent auditing system." [16*]

The sound organization of the executive branch of the Philippine Government and the high quality of the professional administrators who directly operate it are factors of great importance in an evaluation of the political institutions of the Philippine nation as they exist during the Commonwealth period of almost complete autonomy which, supposedly, immediately precedes absolute independence. Accorded the support of a President such as Mr. Quezon, officials like Secretary Vargas, Civil Service Commissioner Gil, Budget Commissioner Marabut, and Auditor General Hernandez are capable of directing the government upon a

plane of efficiency which compares favorably with government anywhere. Whether in the Philippines there permanently exists the political support, be it popular or be it authoritarian, without which that kind of administration cannot long exist, only the future can disclose.

Question also arises as to the financial ability of the Philippines to maintain the expanded governmental organization which, along with vastly increased governmental services, has developed since 1935. As the Honorable Paul V. McNutt, the United States High Commissioner, declared in his report for 1937, during the first two years of its existence the Commonwealth Government greatly expanded its functions and in doing so added to the governmental structure a large number of new offices, bureaus and agencies carrying with them a considerable increase in personnel and expenditure. Even excluding the very large and constantly increasing salary lists of the government corporations, the central government's expenditures for salaries and wages increased from ₱24,755,917.18 in 1935, to ₱32,206,347.76 in 1937.[17]

The budget for the fiscal year 1942 called for the expenditure for this purpose of ₱56,360,620 or 49.83 per cent of the total proposed expenditures of ₱113,175,180.[18*] In round figures, the proposed expenditure for salaries and wages during the fiscal year 1942 was two million pesos greater than the entire expenditure for the operation of the government in 1935. It is not intended to imply that the Commonwealth has run wild in multiplying the personnel on the public payroll. In point of fact, the *proportion* of the expenditure from the general fund allotted to "salaries and wages" has only increased by about five per cent, and a part of this increase is accounted for by the restoration of wage and salary scales to earlier levels. "Salaries and wages" is significant for two chief reasons: (1) expenditures for this purpose provide an indication of the expansion of governmental services and personnel, and (2) their rapid increase is a measure of the difficulties which the Philippines will face should the government payroll have to be drastically deflated. These difficulties would be made more acute were the additional salaried positions carried on the separate coconut oil excise-tax funds budget to be eliminated or thrown back on the regular budget.

Unfortunately, the trends in Philippine Government finance during the past few years suggest that even under the existing relations with the United States the Islands are going to find it difficult to maintain the present level of expenditures for administrative and other purposes. The estimated unappropriated surpluses in the budgets since 1934 are significant in this connection. In that year the surplus in the general fund was estimated at nearly thirty-seven million pesos; by 1938 the estimated unappropriated surplus had risen to more than fifty-two million. Since then in successive years it has dropped, still in round figures, to 37.8, 30.1, 20.7 million; and for June 30, 1942, it is estimated at considerably less than one-third of a million pesos.

Furthermore, the budget for 1942 provides for borrowing ten million pesos by the sale of bonds. True, under the "double budget" devised by astute Secretary of Finance Manuel Roxas this ten million can be classified as being borrowed to help finance capital expenditures budgeted at somewhat more than twelve and one-third million. Yet, considering that there is now a separate budget for the approximately ₱34,000,000 coconut oil excise tax revenue annually received from the United States, most of which is presumably going into capital investments, it is hard to regard the prospective ten million from bonds as anything else than money borrowed to balance the current budget.[19] The drop in the unappropriated surplus from about fifty-two million pesos in 1938 to an estimated 306,602.02 pesos in 1942 (with ten million of borrowed money in the budget) reveals a trend in the relationship between income and expenditures which if not reversed will soon disastrously undermine the fiscal position of the Philippine Government.

The 1935-1942 trends of the ordinary operating expenditures and income of the government fly the same danger flag. The budget of 1935 estimated general fund expenditures at approximately fifty-four million pesos and income at about one million more than that amount.[20] The estimated ordinary expenditures for the fiscal year ending June 30, 1942, are nearly twice as great: about ninety-nine and a quarter million. The estimated ordinary income for the same period is approximately seventeen million short of this sum.[21]

The figures which have been given, however, do not present the full picture of the current trends in Philippine governmental finance. They leave out of account the "windfall" revenue which the Commonwealth has received and is still receiving from the transfer to the Philippine Treasury of the receipts from the levy of three cents per pound on coconut oil shipped to the United States from copra of Philippine origin, as provided for by Section 602½ of the Revenue Act of 1934. In his annual report for 1937, High Commissioner Paul V. McNutt reiterated a warning concerning the coconut excise tax funds which had been sounded by Governor-General Frank Murphy before the Commonwealth was established. Mr. McNutt declared:

> The fiscal task of the Commonwealth government for the present and immediate future is not the obtaining of revenue, but the exercise of judgment in the expenditure of an exceptionally large income. Their task is to expend the extraordinary or "windfall" income in such manner as to effect economic readjustments to compensate for the impending loss of duty-free access to the American market, while at the same time to avoid substantial increase in future governmental costs by reason of maintenance and personnel charges as well as increases in price levels and production costs due to rapid expansion of currency in circulation.[22]

Mr. McNutt recommended action designed to secure the expenditure of the coconut oil revenue in such a way as to serve the purposes which Congress had in mind and avoid the dangers to Philippine governmental finance and national economy which he foresaw. Neither the American nor the Philippine Government, however, has successfully performed the task which the High Commissioner realized was created when Congress poured this flood of gold into the Philippine treasury.[23*]

Between August, 1934, and March 31, 1941, the coconut excise tax revenues accruing to the Commonwealth amounted to more than ₱223,000,000, or about one-third of the operating revenues of the Philippine Government during that period. For the fiscal year ending June 30, 1941, the coconut oil excise tax fund was estimated at nearly ₱35,000,000.[24] The regular budget estimated the general fund of the Government for the same period at somewhat over ₱91,000,000. Nearly ₱4,429,000 of the coconut

oil excise tax funds were budgeted during that fiscal year to pay the salaries and wages of employees of the regular departments of the Government who were engaged on projects designed to facilitate the economic readjustments necessitated by the prospect of Philippine independence as provided for by the Tydings-McDuffie Act.[25] A large proportion of the remaining funds covered the payrolls of the various entities set up outside of the regular departments to further the same purpose.

Thus the growing governmental structure, with its inescapable overhead costs, the expanding social services, and the embryonic program for economic transition are to a large degree financed by revenue which is not collected in the Philippines in the form of taxes and cannot be regarded as permanent. To make the temporary nature of the coconut oil excise grants perfectly clear, Congress has explicitly warned the Philippines that the United States is under no obligation to continue for any period of time the taxes from which these appropriations are made.[26]

In addition to financing an expansion of the government and its activities which is not justified by its regular revenues, the coconut oil excise tax funds have caused an increase in circulation, an expansion of bank credit, and a stimulation of business which are out of line with the fundamental economic and financial situation of the Philippine. The Philippine Government and Philippine economy generally have been made financially dependent upon the United States to a far greater degree than at any other period in Philippine-American relations. The allotment of this temporary revenue to the Islands, although it was intended to do the reverse, seems at present destined to decrease rather than increase the possibility of the Philippines being able to stand alone economically in 1946, when the Commonwealth period prescribed by the Tydings-McDuffie Act will terminate. As to the regular budget of the Commonwealth, it is going to be very difficult to reduce governmental expenditures (now nearly twice what they were in 1935) rapidly enough to bring them into line with the diminishing revenue of the Government.

It is trends which are significant in public finance; and the present trend of Philippine governmental finances, if the fortuitous, undependable coconut oil revenue not raised by taxation in the

Philippines be left out of account, is towards a dangerous fiscal position. Time alone will reveal the full effects of the coconut oil excise-tax funds upon the Philippines. In this matter, as has often been the case in its legislation concerning the Philippines, Congress leaped first and looked afterwards. The flood of easy money which America turned loose upon the Filipino, with instructions to use it quickly and make himself all over within ten years, put that gentleman in a difficult position. If he spent the funds he was virtually certain to get into difficulties; if he didn't spend them and do it rapidly, he would be criticized for inactivity in the face of impending catastrophe—or told that he had shown that he was bluffing about independence. Not that the Commonwealth Government has shown reluctance to put this money from America into circulation. In a speech in a province distant from Manila, President Quezon told the constituents of one of his followers who was seeking reelection to the National Assembly that this was Santa Claus time in the Philippines as measured in schools, roads, and bridges. But the grab-bag was supplied and has been kept full by the American Congress, and the ultimate responsibility for its use and its effects would seem to rest in Washington.

A bright spot in the financial situation of the Philippines as it approaches the date for its separation from the United States is the status of its public debt. When the Commonwealth was inaugurated the public debt of the Islands amounted to ₱154,364,700, against which a sinking fund of ₱59,287,901.73 had been accumulated, leaving a net debt of ₱95,076,798.27. Since 1935 there had been prior to December 31, 1940, additional bond issues of about two and one-third million pesos, net. On December 31, 1940, the total bonded indebtedness (national, provincial, municipal and city) was ₱148,757,000, while the total sinking-fund reserve had risen to ₱75,978,159.45, leaving a net bonded indebtedness of ₱72,778,840.45. In addition to these bonds, the Commonwealth Government has guaranteed the principal and interest of ₱6,000,000 worth of bonds of the National Power Corporation, created by Commonwealth Act No. 120; and at the end of 1940 the government-owned Manila Railway had outstanding bonds amounting to ₱28,718,000. The present fiscal program, however,

contemplates annual appropriations from the coconut oil excise-tax fund until the total bonded debt of the Manila Railway Company is fully covered.[27]

It is also anticipated that in 1946 the bonded indebtedness of the government itself will be entirely covered by reserves set up from export taxes to be levied on certain commodities between 1940 and 1946 in accordance with the provisions of the Tydings-McDuffie Act, as amended. Few nations in history, either at the establishment of their independence or at any other time, have been in the debt-free position which the authors of the Tydings-McDuffie Act planned that the Philippines should occupy upon their separation from the United States. It should be noted, however, that this position will be nullified in the degree to which the Commonwealth builds up its internal debt (a start towards which has already been made), or borrows money from the United States Government, a step which is being proposed during the summer of 1941.

Three reasons are given for the increase of Philippine revenues during the early years of the Commonwealth period. The first is the imposition of heavier taxation; the second is an increase in the effectiveness of the tax collection machinery; the third is the increased national prosperity during the period 1936-38, a prosperity which the economic recession resulting from the war only gradually diminished. The chief sources of the Commonwealth's revenues are revealed by the following estimates of income derived from local revenue sources for the fiscal year 1941:

ESTIMATED INCOME FOR THE FISCAL YEAR 1942, DERIVED FROM LOCAL REVENUE SOURCES TOTAL ₱92,310,000[28]

(Estimated collections from oil and sugar excise taxes collected in the United States not included)

Revenue from Taxation—		
License, business and occupation taxes	21.26%	₱19,627,840
Import duties	16.25	15,000,000
Excise tax	14.34	13,235,930
Income tax	13.00	12,000,000
Charges for forest products	2.91	2,675,730
Documentary stamp tax	1.82	1,680,290

Inheritance, gift and estate taxes	1.30	1,200,000
United States Internal revenue	.97	900,000
Residence tax	.65	600,000
Tonnage dues	.56	520,000
Franchise tax	.16	150,000
Immigration tax	.13	120,000
Miscellaneous taxes, U. S. collections	.11	100,000
Total	73.46%	₱67,809,790
Incidental Revenue—Total	.88	810,210
Earnings and Other Credits—Total	13.61	12,567,300
Receipts automatically appropriated	1.22	1,123,700
Income from loans—		
Proceeds from the sale of bonds	10.83	10,000,000
Grand total	100.00%	₱92,311,000

The proposed expenditures for the same period are shown by the following data:

PROPOSED EXPENDITURES FOR THE FISCAL YEAR 1942, SHOWN BY DEPARTMENTS HAVING JURISDICTION THEREON
TOTAL ₱113,175,480[29]

Ordinary Expenditures

Department of Public Instruction	34.01%	₱38,483,290
Department of National Defense	16.35	18,492,390
Department of Finance	9.55	10,808,340
Department of Justice	5.42	6,138,080
Department of Public Works and Communications	5.03	5,693,620
Department of Health and Welfare	4.72	5,346,030
Department of Agriculture and Commerce	4.14	4,689,750
Office of the President	2.88	3,261,520
National Assembly and House of Representatives	1.54	1,742,180
University of the Philippines	1.18	1,334,350
Commission on Elections	1.16	1,310,610
General Auditing Office	1.07	1,206,380
Contingent Fund	.44	500,000
Department of Labor	.43	490,370
Court of Appeals	.32	366,130
Supreme Court	.27	302,790
Senate	.27	300,000

Department of the Interior	.25	285,880
Office of the Vice President	.02	26,640
Total	89.05%	₱100,778,350
Capital Expenditures		
Department of Public Works and Communications	8.83%	₱10,000,000
Department of Finance	2.12	2,397,130
Total	10.95%	₱12,397,130
Gross total	100.00	113,175,480
Less-Estimated savings in ordinary expenditures		1,500,000
Net total		₱111,675,480

CHAPTER VIII *

THE PHILIPPINE LEGISLATURE

THE historical antecedents of the Philippine Legislature go no further back than 1898. No legislature existed in the Islands until that year. During the nineteenth century the Philippines was at times represented in the Cortes in Madrid, but this connection left no permanent mark upon the Philippine legislative bodies of the American period. The Maura Law of 1893 appended to the office of the Governor-General a consultative body, the council of administration, which might have become the source of a colonial legislature. The council, in addition to some sixteen *ex-officio* or royally appointed members, included six representatives chosen by the provincial boards, or *juntas*, three from Luzon and three from the Visayas. This body, however, never developed beyond the position of a "mere representative advisory board," [1] and on it native Filipinos had little, if any representation.

When Aguinaldo and his associates organized the Philippine Republic they established a constituent-legislative assembly which met at Malolos, near Manila, in September, 1898, and remained in existence until the Filipino government was finally disbanded at Tarlac in November, 1899. The Congress of Malolos was a unicameral body created by a decree of the president of the revolutionary government. Somewhat more than one-third of its members were "elected" by the officials of municipalities under insurgent control. The remainder were appointed by Aguinaldo to represent provinces which were occupied by the American army, or were for other reasons unable to send delegates.

The Malolos Congress was a revolutionary, wartime body, driven from place to place during the latter months of its exist-

* *The notes of this chapter begin on p. 889. Subject matter notes are indicated by an asterisk.*

ence and never in a position to function under normal conditions. Its most important act was the adoption of a constitution for the Philippine Republic. This organic law provided for an all-powerful, unicameral legislature which would elect the president and be the core of a parliamentary system of government. Members were to "represent the entire nation, and not exclusively those who elect them"; and no member was to be "subjected to any imperative mandate of his electors." [2] The Constitution also provided for regularity in Congressional procedure, protected the rights of minorities in the Congress, and in other ways showed the desire of the dominant Filipinos to adapt to their own uses the best principles of democratic, parliamentary government as exemplified in the European and Latin-American democracies of the period. Except in its preamble this document reflected scant reliance upon North American constitutional sources.

The Congress of the Philippine Republic was representative of the best brains and the strongest characters among the Filipino people at the end of the Spanish regime. Of its members, "about forty were lawyers, sixteen physicians, five pharmacists, two engineers and one a priest. The rest were merchants and farmers. Many of the representatives were graduates of European universities." [3*] Among its leaders were men of genuine intellectual power and considerable capacity for the management of large affairs. By their very presence in this revolutionary body, fighting a losing battle against hopeless odds, the membership as a whole demonstrated a courageous patriotism which may fairly be compared with that of the founders of the North American Republic.

This first Filipino legislature lacked neither brains, education, nor character. Its conceptions of government were lofty. Its members, however, were generally deficient in practical experience in the operation of any government, let alone one of the democratic type which they aspired to establish; and in their personalities they were representative not of the people as a whole, but of a minutely small educated class separated from the ignorant masses by a gulf so great as to be almost incomprehensible to the American without experience in the Orient. These were some of the differences which set Aguinaldo's Congress off from legislative bodies in the United States.

The Malolos Congress and the constitutional provision which it made for a permanent legislature are mentioned for a number of reasons: they contributed to the development of Philippine political institutions, particularly those of a legislative character; they show a predilection for the parliamentary form of government, a preference which made natural the drift in that direction during the Harrison regime and may again assert itself; the high personal qualifications of the Congressmen and the gallant struggle which they made to win a war and establish modern political institutions left to the Filipino legislative chambers of the American regime a heritage of standards and prestige which has determined, in part, the role which the Legislature has played in developing the existing political institutions of the Islands.

During the brief forty years of American sovereignty, four major and two minor changes have been made in the composition, status and authority of the legislative branch of the Philippine Government, and a fifth major alteration in the composition of the legislature has been provided for by amendments to the Constitution of the Commonwealth.

In no other American jurisdiction has the metamorphosis of the basic branch of the government ever been so rapid or so radical. The frequency and extent of the changes which have been made vividly illustrate the fluidity of Philippine political institutions. This record of rapid change, which surpasses even that of France during the decades prior to the establishment of the Third Republic, is as good evidence as could be given of the desire of the United States that the form of government in the Philippines should be modified as frequently as was required by the developing political capacity of the Filipino people. Perhaps it reveals a willingness even to permit alterations not so justified. It is not a record which inspires confidence in the permanence of the institutions which at the moment are established by law in the Islands.

Since the inauguration of civil government under American auspices the Philippine legislature has assumed the following forms:

From September, 1900, until October, 1907, the Philippine Commission, appointed by the President of the United States, exercised the legislative as well as the executive powers of the government. On September 1, 1901, three Filipino members with-

out portfolio were added to the five Americans who originally composed the Commission, and on June 8, 1908, another Filipino was added under like conditions.

From October, 1907, until October, 1916, general legislative power (with specified exceptions) over those parts of the Islands not inhabited principally by non-Christians was vested in a Legislature composed of the Philippine Commission and the Philippine Assembly. The Assembly consisted of eighty (later eighty-one) members elected for terms of two years and apportioned among the provinces according to population.[4] From the outset the Assembly was entirely Filipino and in 1913 Filipinos were appointed to a majority of the places on the Commission. The Commission retained the sole legislative authority over the non-Christian Provinces.

The Jones Act abolished the Philippine Commission and created a Legislature consisting of a Senate and a House of Representatives. The House of Representatives consisted of eighty-one (subsequently increased to ninety-seven by the creation of new provinces) elective members chosen from single-member districts for terms of three years, and nine members appointed at large by the Governor-General to represent the non-Christian areas. The Senate was composed of twenty-two members elected from eleven districts for six-year-terms and two members appointed by the Governor-General to represent a twelfth district composed of areas inhabited predominantly by non-Christians.[5] The Jones Act Legislature, which existed from October, 1916, to November, 1935, possessed general legislative authority (with a few specified exceptions) over all portions of the Archipelago.

With the inauguration of the Philippine Commonwealth, November 15, 1935, the Filipinos, now free to set up any type of legislature they pleased, vested the legislative power in a unicameral National Assembly composed of ninety-eight members elected triennially from single-member districts (except that three were chosen from the Mountain Province).[6*]

Finally (thus far, at any rate) in June, 1940, the Philippine electorate approved an amendment to the Constitution providing that the National Assembly should be replaced by a Congress of the Philippines consisting of a Senate and a House of Representa-

tives. This amendment became effective on December 2, 1940, when approved by the President of the United States. The upper chamber of the Congress will be composed of twenty-four senators chosen at large by the general electorate for six year terms; the lower of not more than one hundred and twenty members elected for four year terms.[7]

In tracing the effect of American Philippine policy upon Philippine political institutions and describing the development of the party system and the institution of "national leadership," the changing character of the legislature and its place in the Philippine political system will be examined at some length. This branch of the Philippine Government, however, is worthy of consideration on its own account. In terms of the part which it has played in developing a great, though politically dependent people, into a nation-state, it has probably been the most important colonial legislature of the twentieth century. A descendant of the Mother of Parliaments at Westminster, the Congress on the Pasig illustrates the mutations of political plants when far removed from their native habitat. Its recent record affords many clues as to the difficulty of making and keeping the legislative chambers the political center of gravity in a country without long-established traditions of democracy. Philippine experience with unicameralism should be studied with a view to estimating the significance of this brief experiment with a form of legislative organization now also on trial in the United States.

From its very inception the Philippine Legislature has been an adaptation of the Congress of the United States rather than of the legislative bodies of Europe or Latin America. This orientation was inevitable while the Philippine Commission was the sole repository of legislative authority. The Commission's legislative procedure was based in principle upon that of Congress. But as the Commission never numbered more than nine, its rules were adapted to the needs of a small, round table group. For this reason, if for none other, its precedents were not governing in the elective Assembly when it was established as the lower chamber of the Philippine Legislature.[8] The Congress of the Philippine Republic had adopted the rules of the Spanish Cortes,[9] and in 1907

the older representatives-elect who met in caucus to organize the Philippine Assembly sought to impose upon it the same procedure. Led by Sergio Osmeña, who was to be the Speaker of the Assembly throughout its existence, and Manuel L. Quezon, its first floor leader, the younger Assemblymen secured the adoption, substantially of the rules of the Fifty-ninth Congress of the United States.

It would be difficult to overestimate the symbolic and practical significance of this choice. The adoption of American rather than Spanish procedure in the Assembly which was to be the center of autonomous political growth, expressed a deliberate and entirely free decision by the elected representatives of the people that the institutions of the new Philippines should be developed along the lines of American democracy rather than cast in the familiar Spanish mould. The Assembly which made this choice was dominated by militant nationalists, many of whom had recently been in arms against the United States. These leaders now proposed to seek not only democracy but also independence, by applying to their own uses the methods of political action which Englishmen and Americans had perfected in their long struggle for the same goals. As in Stuart England and colonial America, the popularly elected legislative chamber, operating under rules devised to strengthen the representatives of the people against the spokesmen of the sovereign, was to be made the chief instrumentality for attaining the two major national political objectives.

Until 1935 one of the objectives, the attainment of independence from the United States, was of such overwhelming importance to the Filipinos that it threw into relative insignificance all of the other forces which normally determine the character and activities of legislative bodies. Since the inauguration of the Commonwealth, under the assumption that the independence question has been settled, the National Assembly has been regarded as a national, rather than a colonial legislature. To this change in status is attributable the fundamentally different position occupied by the legislative branch of the Government in the political system which has thus far developed under the Commonwealth, and which will be examined later in this chapter. In addition to being colonial in nature until 1935, the Philippine Assembly and its successors have been Filipino in personnel and have operated in a

political environment vastly different from that of Washington. Hence, although at the beginning of its existence the Assembly adopted American legislative procedure and cast itself in the American legislative role, its composition and the circumstances in which it worked combined to give it a character quite different from that of any other legislature under the flag.

In two important matters the Assembly deliberately departed from the American Congressional procedure of 1907. As Speaker Osmeña has recorded:

> There was then being formed in the United States that opposition which later produced an uprising against the system which permitted the Speaker to exercise control over the affairs of the House through the chairmanship of the Committee on Rules, which he occupied. From the first day of the Philippine Assembly the Speaker never presided over the Rules Committee. On the contrary, the conduct of business was given to a committee under the chairmanship of another member of the Assembly.
>
> In the rules of the House of Representatives of the Fifty-ninth Congress there were various committees which dealt with appropriations and one Committee on Ways and Means. In the rules of the Philippine Assembly provision was made for one appropriations committee composed of 25 members, most of whom were chairmen of other committees.[10]

Some fifteen years passed before Congress, as a part of the reforms which accompanied the establishment of a modern budget system, got around to setting up the kind of appropriations committee instituted by the Philippine Assembly in 1907. In anticipating by three years the removal of the American Speaker from the chairmanship of the rules committee, however, the Assembly did not permanently prevent a very great concentration of authority in the hands of its presiding officer. Many circumstances combined to give Speaker Osmeña almost as complete power as that exercised by Speaker Cannon.

Foremost among these factors was the personality of Mr. Osmeña. Astute, patient, tenacious, skilled in the delicate art of composing differences and arranging compromises between his colleagues, this young Assemblyman showed positive genius in parliamentary leadership. More important still, the Speaker not only thought faster and operated more smoothly, but he worked

far harder than any other member of the Assembly. By sheer industry he made himself the master of every important problem to be dealt with. Chairmen of committees found that he knew more about their special fields of legislation than they themselves did. Building up the best private library on government and politics in the Philippines, he broadened his outlook and formed statesmanlike criteria of judgment. Less gifted members naturally turned to him for guidance and help. His charm and tact made his suggestions easy to accept. His power rendered sustained opposition a task too arduous for the perseverance of most of his colleagues.

Completing the dominance originally gained by Mr. Osmeña's personal qualities was the power which increasingly centered in the Speaker of the Assembly as the "Leader of the Filipino People." In this capacity Speaker Osmeña was both the symbol and the chief artisan of the cause of independence. It was difficult for patriotic Filipinos to oppose him when this issue appeared to be involved. The American administration, which openly recognized his extra-legal but vital position as the first citizen of his country, by necessity and choice dealt with the Speaker in matters of legislation, and to a much lesser extent those of appointment and administration. An eminent American who was a member of the Philippine Commission at the time has declared that during the later years of the Forbes administration legislation became largely a matter of private arrangement between the Governor-General and the Speaker.[11] Granting that unjustified conclusions might be drawn from this statement, there can be no doubt that the close working relations which existed between these two officials increased the concentration of power in the Speakership. Although this cooperation subjected the *Nacionalista* party and its President to attack by the *Progresistas* for "selling out" to the American administration, this opposition did not weaken the position of the Speaker. On the contrary, it made it easier for him to hold together the unwieldy *Nacionalista* majority.[12]

In another way the relations between the Philippine Assembly and the Commission, which until 1913 was dominated by Americans, permanently affected the character of the Filipino chamber of the Legislature. For the first six years of its existence the Assembly was in a state of tutelage to the Commission in the

enactment of legislation. During this period, while the Filipino legislators insisted upon formal recognition of the equality in legislation granted them by law, the bulk of the acts which reached the statute books were given form by the upper rather than the lower house. Many of the important measures which were first introduced into the Assembly were actually drafted by the American secretaries of the several departments; in other cases Assembly bills were completely rewritten when they came before the Commission for consideration and then accepted virtually in their new form in conference; counseling informally with the committees of the Assembly, individual Commissioners greatly improved the quality of legislation which originated in them; finally, many unwise bills passed by the Assembly were killed in the Commission.[18*]

Under this tutelage the Assembly matured and its members acquired experience in the difficult art of legislation. Nevertheless the predominance of the American-controlled upper chamber fostered among the Assemblymen as a whole a feeling of irresponsibility for the actual process of legislation. With rare exceptions, the members were more than willing that the hard work of drafting and securing the enactment of wise laws should be performed by the Commission in cooperation with the Speaker and a small group of his close associates. This attitude, which is present in greater or lesser degree in every legislative body, was intensified by the circumstance that agitation for fundamental changes in the form of government seemed to most of the Assemblymen to be at least as important a part of their work as any contribution which they might make to the successful operation of the existing system.

The net result was that while the Assembly, and after 1916 the Jones Law Legislature, ceaselessly sought to increase its power at the expense of the American-dominated branch of the government, most of its members were relatively indifferent to the strictly legislative part of their duties, and quite willing for control over the legislative process to be exercised by a handful of hard-working members headed, first by the Commission and the Speaker and later by the Speaker and the President of the Senate. These officials, in turn, neglected no opportunity to increase the authority of the Filipino legislature at the expense of the American chief executive.

Even during the Harrison regime, however, they did not have to carry the sobering burden of final responsibility for legislative enactments.

The result of all these factors was that prior to the Commonwealth period the Philippine Legislature developed as an instrument for the attainment of independence rather than as a normal law-making body in a state in which the basis of government is generally accepted. Its most important function was to serve as a background for the national "leadership" which was at first vested in the Speaker of the Assembly and later institutionalized in a small legislative group.[14] The non-legislative duties of the "leadership" transcended in importance its purely legislative ones. As long as it could control the political aspects of legislation—primarily with reference to the next election and the independence question—the Legislature was usually content to allow the executive to play the major part in the formulation of most laws and assume the final responsibility of killing measures obviously contrary to the public interest.

If the character of the Philippine Legislature between 1907 and 1935 was determined in considerable degree by the fact that it operated in a colonial system, the position of the executive with reference to legislative problems was also affected by this circumstance. The Governor-General and his American associates were responsible not to the Philippine electorate, but to the President in Washington. They could view legislation and administration primarily from the standpoint of the welfare of the Philippines, and not with reference to their own reelection or the fortunes of their party. The Governor-General could urge the enactment of laws which the Filipino leaders may have desired, but for political reasons could not publicly sponsor; and he enjoyed a fine liberty in vetoing measures which the Legislature had passed for reasons of political expediency.

The American officials were in a far better position than their elective Filipino colleagues to insist that the people take what was good for them, whether they wanted it or not. They occupied a position of independence which no elective official in the United States enjoys. Except during the Harrison period the American chief executives took advantage of this position and of the great

powers of their office to aid in the "education" of the Filipinos for modern self-government by holding them, so far as practically possible, to American standards of performance. Their position of detachment from the elements of Philippine political life which necessarily limited the actions of the Filipino officials made it possible for them to do this. Circumstances made it relatively easy for them to assume the Galahad role which they often seemed to play.

In addition to conditions growing out of the colonial status of the Philippines, many other factors contributed to the development of the Insular Legislature along lines peculiarly its own. The background, outlook and temperament of Filipino legislators made it inevitable that they should apply American legislative procedure in a different spirit and with results different from those found on Capitol Hill in Washington. The inexperience of the Philippine electorate with the processes of democratic government increased this disparity. So did the freedom of the Filipino legislative chambers from the limitations of accumulated precedents and the fact that except for a brief period after the elections of 1922 one party, the *Nacionalistas*, has been in complete control of the Filipino part of the government since the day upon which the Assembly was inaugurated.

The considerations which have been discussed may help to explain why the Philippine Assembly, and later the House of Representatives, the Senate and the Commonwealth's National Assembly have differed greatly from the American Congress upon which they were modeled. The nature of the differences between them, and the role played by the Legislature in the Philippines, may be more clearly shown by a description of the manner in which the familiar American system of legislative procedure has been developed and applied in Manila. In their rules and organization the Filipino chambers have closely resembled their American prototypes in Washington and the state capitals; it is in spirit and action that they have been distinctively Filipino.

Until the inauguration of the Commonwealth, for example, the Philippine Speakership, like that of the House of Representatives, was the pivotal element in the machinery by which the majority party controlled the Lower House. This official was

never a non-partisan presiding officer, such as the Speaker of the House of Commons. On the contrary, until 1923 he was the president of the majority party. Until 1921, like the American Speaker of other days, he appointed the committees of the House; in that year this power was vested in the steering committee, of which the majority floor leader was chairman and upon which the Speaker had no place. As has been stated, the Speaker has never been a member of the Committee on Rules. He possessed the power of recognition, but this power has never been an important parliamentary weapon. Arbitrary refusal to allow every member a reasonable opportunity to be heard would not be tolerated by Filipino legislators. It would be regarded as a personal affront to individual members and to the freedom and dignity of the chamber as a whole. Open use of the rules to stifle debate and deny the House the right to vote upon important questions would likewise be effectively resented.

In 1910, for example, when the Speaker was accused of "caciqueism" by some members of the Assembly, Mr. Osmeña vigorously denied the charge in a long speech at San Miguel, Bulacan. "The plain and naked truth is that each member of the lower house has always been recognized whenever he asked for the floor," he said. "Another undeniable fact is that the political affiliation of a delegate has never been requisite to secure his absolute freedom. . . . Up to the present time, every matter reported upon by a committee has been presented to the Assembly, and the freedom of speech and of the vote, under the rules, has never been restricted." [15] Some two decades later, in reviewing his experiences as the Speaker of the Assembly, Mr. Osmeña declared that he had fought hard to protect the rights of the minority and pointed out that he had appointed the leader of the opposition party to the chairmanship of one of the committees.[16]

These statements were not only true but, in substance, they might also have been truthfully made by the Speakers who succeeded Mr. Osmeña and by the President of the Senate. Although in most instances these officials controlled the final actions of their respective chambers, they did not arbitrarily restrict the freedom of expression of assemblymen, representatives or senators. In 1935 even the Sakdal representatives, who were then under

indictment for having fomented and directed the violent uprising of May 2, were accorded the recognition to which all members were entitled under the rules of the House. In discussing the Philippine Legislature, Americans should not forget that in a democracy one of the great functions of this branch of the government is to provide a forum for the unrestricted discussion of public issues; and that there have been periods in American history when the members of the House of Representatives enjoyed neither freedom of speech nor of action. In the Philippines neither the Speaker nor the President of the Senate found it necessary to restrict unduly individual freedom of expression in order to control legislative action.

Another factor which influenced the character of the Speakership prior to 1936 was the remarkable continuity which marked service in this office. Sergio Osmeña presided over the Assembly from its inauguration in 1907 until it was succeeded by the House of Representatives in 1916, and was Speaker of the House until he was elected to the Senate in 1921. Speaker Manuel Roxas served from 1922 until 1933, when he was ousted as an incident of the great struggle over the acceptance of the Hare-Hawes-Cutting Act. Speaker Quintin Paredes held office from July, 1933, until the dissolution of the Jones Law Legislature in 1935.

In the Philippines age and long legislative service are not always prerequisites to election to the Speakership. Mr. Osmeña was only twenty-seven when he was chosen Speaker of the Assembly. Speaker Roxas was a youthful first-term member of the House of Representatives when first elected Speaker. Speaker Paredes, however, was of somewhat greater age, and was serving his fourth term when he was chosen for the position. The first Speaker of the National Assembly of the Commonwealth had served in both the House of Representatives and the Senate. The second Speaker had enjoyed no legislative experience and had never previously held an elective office. There can be little doubt that the election of Speaker Roxas was in part due to the influence of Senate President Quezon, and that the selection of Speaker Paredes was looked upon with favor by the Senate President. However carefully the fiction of the independence of the National Assembly may have been preserved, its first two Speakers were not only

chosen to that office, but the second of them was elected to the Assembly at the behest of Mr. Quezon.

President Quezon's influence in the selection of the last two Speakers of the House of Representatives and the first two Speakers of the National Assembly may be attributed to his position as leader of the majority party and of the nation, as well as to his personal dominance in Philippine affairs. This outside participation in the selection of the Speaker, therefore, is in harmony with the institutions of leadership which are a vital part of the Philippine political system. One cannot imagine the American House of Representatives electing a first termer as its Speaker, or accepting the covert dictation or the open intervention of any outsider in the selection of this official. That the former Philippine House of Representatives and the present National Assembly have done so suggests to an American that they have lacked the corporate solidarity and institutional strength of the American House of Representatives, the British House of Commons, or even of the American state legislatures. In this matter, as in so many others, however, the observer must be careful not to interpret a Philippine political phenomenon as though it had occurred in the United States, or in any other country.

Judged by practical results, the methods by which the Philippine Assembly and the House of Representatives selected their presiding officers would seem to have left little to be desired. It is doubtful whether any other persons could have filled the office more capably or to the greater satisfaction of a large majority of the legislators than Speakers Osmeña, Roxas, and Paredes. Abstractly, too, there is much to be said for a system which opens the door to this position of leadership to youth and ability instead of making an essential qualification for election a degree of seniority which can be attained only by men who have passed the period of life in which man's energy and creative powers are at their peak.

Basically, the committee systems of all the elective legislative chambers in the Philippines have resembled those of the American state and national legislatures. Of the differences which have existed, some originated from the deliberate determination of the Filipinos to avoid certain evils which were under fire in Wash-

ington during the years immediately prior to 1910. Others arose from Philippine conditions and tended to increase during the last decade of government under the Jones Law.

In proportion to the membership of the Philippine chambers, committees were much more numerous than in Congress. The membership of the Philippine Senate and House of Representatives, respectively, was only about one-fourth as numerous as that of the corresponding American chambers. Yet the number of committees came to be as great in the Philippine as in the American House of Representatives. Senate committees were about half as numerous in Manila as in Washington.

In the House of Representatives the prevailing size of committees in 1929, a typical legislative year, was seven, eleven, and fifteen, in the order named; but in addition six committees had memberships ranging from seventeen to forty-four. The number of committee places in the House totaled 472. As they were filled from a membership of ninety-four, the number of committee assignments to each member was relatively high. If a mathematically equal distribution of assignments had been made, each member would have received a place on not less than five committees. On the same basis of distribution, a representative in the lower house of Congress would have needed to serve on not more than two committees. Actually, in that particular legislature, committee assignments in the Philippine House ranged from one to nine per member. In the Senate with its twenty-four members and twenty committees the committee assignments to each member were even higher, in two cases running to eleven. In the Tenth Legislature, elected in 1934, the number of House committees had increased to fifty-two. Had the 574 committee places been distributed evenly, there would have been six for each of the ninety-six representatives. Many members served on nine committees, and at least one on eleven.[17] The result of this situation was that in both chambers the bulk of the work of each committee was done by its chairman and a small minority of its members.

Further weakening the committees as effective working bodies were the facts that senators frequently held two or three chairmanships, while in both chambers the turnover among the chairmen as well as the other members of committees was very rapid.

These conditions arose from two causes: the rapid turnover in the membership of the legislature (about sixty per cent after each triennial election [18]); and the absence of the seniority rule as the basis for committee assignments (except that a reelected chairman usually has first claim to the same position). For example, in the Eighth Legislature only two chairmen had served for as many as six sessions on the committees over which they presided. Twenty-seven chairmen were serving on their respective committees for the first time, and twenty of them were actually first-term members of the Legislature. Only six chairmen were serving a third term in their respective houses.

Viewed from the standpoint of the committees themselves, the rapidity of the turnover in chairmanships was even more striking. Of twenty-nine committees which were in existence from the Fourth to the Eighth Legislatures, eleven had a new chairman each successive legislature, while fifteen were headed by a new chairman in every legislature but one. These conditions are typical of the entire period from 1916 to 1935. In only two committees, those on appropriations and rules, was there any real continuity of leadership. The Committee on Appropriations was headed by Representative Rafael Alunan during the Fourth and Fifth Legislatures and by Representative Antonio de las Alas during the Sixth, Seventh and Eighth Legislatures. Both of these gentlemen made themselves national figures by the leadership of this committee, as did Representative Serafin Marabut during the years immediately preceding the Commonwealth. From 1925, when he first entered the House, until 1934, when he was chosen Speaker, the Honorable Quintin Paredes served as chairman of the powerful Committee on Rules.

The difference between the Philippine and the American committee systems is further illustrated by the fact that no other Philippine committee chairmanship [19*] has brought its holder to a position of national prominence comparable to that attained by many American senators and representatives through their service as chairmen of the great congressional committees. Of the House committees dealing with particular categories of bills there were five which, year in and year out, were generally regarded as ranking immediately after the Committee on Appropriations: the Com-

mittees on Public Works, Revision of Laws, Public Instruction, the Judiciary, and Franchises. Other committees varied in importance as their subjects moved towards or away from the center of the political stage.

In the Senate, where the committee system was of less importance because of the small size of that body and the fact that most of the first rate bills originated in the House, seven of the committees were regularly of major importance: the Committees on Rules; Finance; Public Works and Communications; Appointments; Banks, Corporations and Franchises; Agriculture and Natural Resources; and the Judiciary. An indication as to the activity of Senate committees is given by the frequency with which seven of the more important of them met during a typical session, that of 1930. The Committee on Rules met almost daily, the other committees as follows during the one hundred days of the session: Finance, on 24 days; Judiciary, 18; Public Works and Communications, 14; Appointments, 15; Agriculture and Natural Resources, 7; Public Instruction, 6; Banks, Corporations, and Franchises, 6.[20] The leading committees of the House of Representatives met with greater frequency.

In the absence of the seniority rule, the selection of committees was one of the most serious problems which the party leaders had to face at the beginning of each legislature. After 1921, House committee members were formally named by the Steering Committee, which later was succeeded by the Committee on Committees; in the Senate they were nominally elected, but actually chosen by the leaders and the party caucus. The parties were represented on the House Steering Committee roughly in proportion to their strength. As originally established, the committee consisted of the floor leader of the majority party, as chairman, and fourteen members, ten belonging to the majority and four to the minority. This body differed in two respects from the Steering Committee of the American House of Representatives: it was an official committee created by the rules of the House; and both parties were represented on it.

In practice, the selection of the Speaker, the other officers of the House, the chairman and majority members of the Steering Committee and even of the other committees was actually made



VICE PRESIDENT SERGIO OSMEÑA



THE HONORABLE MANUEL ROXAS

by the majority caucus. Every third year, two weeks or so before the opening of the first session of a Legislature, the Senators and Representatives would flock to Manila from all parts of the Archipelago. Usually the Speaker, the Floor Leader, and some committee chairmen had been agreed upon by the caucus before the opening day of the session. The selection of the other chairmen and even of ordinary committee members, however, frequently dragged on for several weeks or even longer. For the more important posts there was always an intense rivalry. Personal and group intrigue continued well into the session. Stories of maneuverings and bargainings appeared daily in the Manila newspapers and the ingenuity and patience of the leaders was taxed to the utmost to preserve party harmony. Meanwhile, the House marked time, often meeting for day after day for only half an hour while legislative business accumulated and the allotted hundred days of the session sped by. Such proceedings lowered the prestige and self-respect of the Legislature.

In 1931, for example, between July 17, when the period of sessions opened, and August 8, an interval of twenty-two days, only ten committees were formed. On August 8, sixteen additional committees were announced. Meanwhile, 239 bills had been introduced and were awaiting committee consideration. On August 27, forty-one days after the opening of the session, eight more committees were named. Commented the *Manila Daily Bulletin* of that date:

> Unable to accommodate the many seeking premier positions in the house committees which up to the present time have remained unfilled, the House Steering Committee is ambling along taking its time in its organization work.

Of the eleven committees which remained to be filled forty-one days after the opening of the one hundred day session, three were of major importance. Fierce and determined contests for these three chairmanships made it impossible for the leaders to complete the organization of the House until after September 1.[21] The Manila *Tribune's* editorial interpretation of this situation throws much light upon the operation of the committee system in the House of Representatives.

> The House of Representatives has been late in getting down to work [the *Tribune* declared on July 30, 1931]. The delay is due to the keen struggle for the chairmanships of the various committees. . . . From the efforts exerted by the contending sides, it would seem as though a great issue of the highest moment was (sic) at stake, an issue of such consequence that the business of legislation has to be relegated to a secondary position. . . . The real causes of the intensity of the struggle are personal and local rather than public and national. To be chairman of a committee means going up several notches higher in the estimation of one's constituents. Moreover, it gives a splendid opportunity to obtain a goodly share of the perquisites of power, an opportunity that necessarily redounds greatly to the benefit of the person who enjoys it and the district which he represents.

At various times prior to 1935 the methods by which House committee chairmen were chosen were under fire in the Philippine press, criticism being directed chiefly at the political maneuvering which frequently delayed the organization, and consequently the business of the House.[22] This criticism, together with the friction and jealousies aroused by the struggles for committee chairmanships, resulted in periodic demands for the adoption of the seniority rule. That such a rule was not adopted may be regarded either as one of the causes or one of the results of the relatively unimportant role of legislative committees in the Philippines as compared with those of Congress.

The precise nature of this role and of the legislative process as a whole may, perhaps, be better understood when the instrumentalities and methods through which the party leadership operated in matters of legislation are described. A generalized account of this aspect of the legislative process is difficult to give because through the years procedures have varied with the changing political situation. Invariably, however, the broad outline of the legislative program was laid down in the Governor-General's annual message and the majority of important bills were prepared in the executive departments. From the legislative standpoint, the messages of the Philippine chief executive were of much greater significance than are those of the American President or the governors of our states. They constituted definite work programs, and although naturally these programs were never fully accomplished, the press and the public usually measured the success of a legisla-

tive session by the extent to which legislation recommended by the Governor-General had been enacted.[23]

But although the planning and drafting of legislation was chiefly executive, it was not wholly, or in most instances, even preponderantly American. In the first place, after 1916, the departments, except that of Public Instruction, were headed by Filipino secretaries and manned almost entirely by Filipinos. Furthermore, in the formulation of particular bills and of the legislative program as set forth in the Governor-General's annual message, the Filipino legislative leadership necessarily played a large part, officially and unofficially. During those periods when the Council of State was a going concern, this body was the formal medium of executive-legislative and American-Filipino cooperation. Between its institution in 1918 and virtual suspension in 1923, the Council consisted of the Governor-General, the members of the cabinet, and the presiding officers of the Senate and the House of Representatives. When it was revived in 1928 by Governor-General Stimson, the majority floor leaders of the two Houses were added to it and it again became a major factor in the legislative process. The Council's importance again diminished, however, and during the Murphy regime it virtually ceased to be a deliberative body, meeting rarely and then chiefly for granting formal approval to the appropriation bill, or to the release of certain funds that had been conditionally appropriated. During this period, effective legislative-executive cooperation was obtained by the inclusion of influential majority senators and representatives in the cabinet, and by close working relations between Governor-General Murphy and Senate President Quezon. At all times, however, even during the years of tension between Governor-General Wood and the Filipinos, personal conferences between the Senate President, the Speaker and the Governor-General were an important factor in the process of legislation.

So also was the intimate relationship which existed between the Filipino heads of the executive departments and the legislative leadership. Although the departmental secretaries were appointed by the Governor-General and were theoretically responsible to him, they were subject to confirmation by the Philippine Senate and were usually chosen after consultation with the majority lead-

ers. Thus it was proper, as it was inevitable, that they should also feel some responsibility to the party and legislative chieftains.

This dual responsibility created a delicate situation. Even when on both sides there was good will and a genuine desire to cooperate, constant care and never failing tact were required to avoid the friction which always might arise out of the anomalous position of the members of the cabinet. For example, the announcement in the Manila press that Mr. Quezon, then President-elect of the Commonwealth, had called a meeting of the Filipino members of the Governor-General's Cabinet might have become a source of embarrassment had Governor-General Murphy taken notice of an act which, however innocent and natural it may have seemed to the President-elect, might have been regarded as an encroachment upon the prerogatives of the actual Chief Executive. When American-Filipino relations were strained, as they were during most of the Wood regime, bad situations were made worse by the open loyalty of some of the departmental secretaries to the President of the Senate rather than to the Governor-General.

Despite the difficulties imposed by the delicate position of the cabinet, a position which was the almost inevitable result of the colonial status of the Philippine Government, there can be no doubt that through their close relations with the department secretaries, the Speaker and the President of the Senate exerted a powerful influence over the formulation of the legislative program announced by the Governor-General. There is no intention of implying that this often invisible influence was improperly used. Sub-rosa forces are factors in every government; under some conditions they are necessary to make the system work. In the Philippines they helped to keep in motion a governmental machine which was peculiarly difficult to operate because the separation between the legislative and executive powers was exaggerated by the circumstance that the American Governor-General was responsible to the President of the United States while the Filipino Legislature received its mandate from the Philippine electorate.

While most of the bills required to carry out the suggestions for legislation contained in the Governor-General's message were drafted in the executive departments, these measures had no special status as "administration bills." They were introduced into the

legislature by a member or members of one of the chambers thereof just as any other bill would be and went through the regular procedure. Members were usually glad to introduce "administration bills," as there was a tendency to judge a member by the number of bills he introduced. Usually the executive authorship of such measures was known, but often it was "soft-pedaled" in order that legislative *amour propre* might not lead members to oppose such a measure merely to assert the independence of their branch of the Government. These circumstances would seem to have given additional sanction to the intervention of the leaders in the early stages of the formulation of the legislative program of the Chief Executive and the drafting of particular laws to implement it.

A few of the projects of law originated with the party leaders and carried the party sponsorship. Others were introduced by individual senators or representatives or, more frequently, were sponsored by groups of legislators or by recognized factions within the majority party. Not infrequently a bill which had been submitted to the Governor-General by one of the executive departments and not approved by him for submission to the Legislature would be introduced by a member of the Legislature as his own bill. As in every legislature, the tasks of the party leaders were to select the bills which were to be enacted, put them into proper form and pass them without destructive or ill-conceived amendments; and to kill all measures to which the leadership was opposed.

As in the American Congress, the standing committees were relied upon to eliminate most of the bills which were marked for execution or were obviously unfit to live. The selection of those which were destined for passage was made by the party high command, the President of the Senate and the Speaker of the House, in informal conference with the chief members of their staff: the floor leaders of both houses and the chairmen of the most important committees. The decisions informally reached by these leaders were in important matters usually ratified by the House caucus, the Senate caucus, or the joint caucus of the majority party.

In the execution of the decisions of the party leaders, sometimes before, sometimes after caucus action, the Committee on

Rules played the same essential role that it does in the Lower House in Washington. By bringing in special rules for the adoption of the House by a simple majority vote, the committee made it possible for the favored bills to be taken from the calendars and considered on the floor, and thereby given a chance for passage. Other phases of the process of control differed in detail from Washington procedure and varied from time to time.[24*]

As a general rule, most of the important measures reached the committees very late in the session. Then, if they were to be reported at all, they would be held in committee for a very short time, in a typical session for an average of only five days. Under such conditions the exhaustive consideration regularly given to major bills by Congressional committees was impossible. Frequently, a portion of the work which the committee might be expected to perform had already been done by its chairman. Sometimes it was left to the party leaders (to whom bills went for revision before or, it was sometimes charged by the minority, even after passage), to the caucus, or to a conference committee. The result was that all too often the systematic consideration and thorough debate through which alone carefully drawn legislation can be secured were not given to the sixty or seventy per cent of the laws which were crowded through the legislative mill during the final days of the session.

The caucus, which has often been criticized as an agency of boss rule in American legislatures,[25] has regularly played a major role in the enactment of laws in the Philippines. Indeed, there have been times when the legislative chambers have been little more than instruments for registering the will of the majority as expressed in caucus resolutions. The program for the session, groups of thirty or forty bills, and individual measures were brought before the caucus at appropriate stages of the session. There, free from publicity or the interference of the minority, the leaders could coerce or "wangle" the majority of their followers into accepting their proposals or some compromise program.

The extent to which the caucus superseded the House of Representatives as a debating chamber may be illustrated by two quotations from the *Manila Daily Bulletin*. On October 23, 1931, the *Bulletin* reported:

The majority caucus which will be held today will take up many things but will give special attention to the measures scheduled for approval by the legislature. . . . The bills . . . will be thrashed out in the caucus today, so that their approval on the floor of the house will be but a matter of course.

Upon another occasion the same newspaper declared:

The net result of legislative activity this week has been a credit to the legislative chambers. Measures were passed with little time spent in discussion on the floor. The majority reached agreement about what to do with bills in caucuses making possible approval by both houses of 13 bills. . . .[26]

The three criticisms which Robert Luce makes of caucus rule would seem to apply to the Philippine Legislature as well as to American law-making bodies. As Luce points out, the caucus operates behind a "veil of secrecy"; its decisions are apt to be precipitate because it will not take time for the exhaustive discussions which are possible in the open house; caucus control excludes the minority from virtually all share in legislation.[27] However, in the Philippine Legislature where the minority party is ordinarily so weak that the majority regularly splits up into blocs which often cooperate with the minority for their own purposes, frequent resort to the caucus would seem to be virtually forced upon the majority leaders. The caucus, indeed, is probably as frequently used for the purpose of preserving party harmony, permitting members to air their grievances, and enabling the leaders to discipline or conciliate recalcitrant followers as for the approval or discussion of legislation.

Far from being a rubber-stamp body, the typieal caucus is a gathering which calls forth every resource of leadership possessed by its presiding officer. The reality of the caucus as a field of political activity is vividly depicted by the following quotation from the *Manila Daily Bulletin* of September 23, 1930:

The majority caucus was full of important incidents; accusations against the Senate and the secretaries of the departments were launched; demands were made [for] the resignation of the Secretaries who did not know how to follow a line of conduct directed by their allegiance and interest in the party. Through it all Speaker Roxas presided, defending the secretaries on points where he thought they

should be defended, promising remedies and measures to improve conditions when he considered such promises necessary to placate angry men, at times chiding his colleagues for their stand on certain matters.

This picture suggests a fact which is apt to escape the observer who views Philippine politics through American lenses: the fact that by methods peculiar to itself the Legislature checks, encourages and directs the apparently omnipotent leaders so that in the end the policy of the dominant party, and consequently of the government, bears the stamp of many minds instead of being the expression of the unbridled will of one dominant personality.

The process by which this result is produced not only differs from the procedures of American politics, but is virtually unknown to Americans, or to any other non-Filipinos. Like so many other aspects of Philippine government it is the product of native forces as well as of foreign experience. While this phase of the governing process may not be as "democratic" as Americans, or Filipinos, might wish, yet perhaps it comes as near to translating popular will into action as any other could, or should do, considering all of the conditions under which government is conducted in the Philippines. Which statement is made to remind the reader again that while Philippine institutions can be discussed with Americans only in American terms, yet they cannot be soundly evaluated merely by the use of an American yardstick.

Reference has been made to the Philippine Legislature's habit of introducing a large proportion of the important bills towards the end of the one hundred day period of sessions and of passing approximately seventy per cent of the important measures during the last few days before the session was adjourned. The American Congress and most of our state legislatures have frequently followed this practice, much to the detriment of the public interest. The evils of this legislative inefficiency have been magnified by Philippine conditions. As has been explained, the Legislature has ordinarily dawdled through most of its session without actually giving proposed laws the careful, orderly consideration in committee and on the floor which the rules contemplate all bills shall receive. Then, in the mad rush which usually has preceded adjournment, and especially during the frenzy of the all night *sine die*

session, the leaders have secured the enactment of a considerable proportion of the bills which they have not been able or willing to carry through the prescribed procedure during the first ninety of the one hundred days available to them. Virtually never, however, were they able to put all of these last minute enactments into first-rate form or to prevent the passage of a certain number of ill-advised, poorly prepared measures which were forced through the legislative mill by the frantic pressure of individual members.

During some *sine die* sessions bills have been railroaded through an exhausted and confused House whose members, if in their seats at all, were more asleep than awake. Conference committees have rewritten entire bills and according to widespread belief have secured their enactment without even the formality of returning a report for the approval of the two houses.[28*] Tired and distraught stenographers on the Secretary's staff have often been unable to take down the debate or even to prepare for the House journal an accurate record of actions taken. Commonly the journal and the *diario de sesiones* for the final fortnight before adjournment would not be printed for a year or more after the session had ended, and even then would be generally understood to be "doctored" and inaccurate. The records for some legislative days never were published. In some sessions the confusion was so great that no one really knew in precisely what form certain bills had finally been passed by both houses, or even whether they had been passed at all. For years prior to 1936 it was a matter of common belief that numerous measures were altered or virtually rewritten after the Legislature had adjourned.[29*]

The session-end conditions which have been described were made more dangerous to the public welfare because even prior to that period of chaos the House usually had failed to apply rigorously those portions of its rules which were designed to guarantee that all proposed legislation should receive careful consideration by the duly constituted standing committees and then be openly and fully debated in the House itself. Because of its small membership, only twenty-four, conditions in the Senate were much better. During the pre-adjournment rush, however, the Senate's procedure was necessarily affected by the conditions prevailing in the lower chamber. All the way through the process of law-making there

was a tendency to substitute in fact, if not in form, personal arrangement, party agreement, and informal actions for the procedure prescribed by the rules. The effect of this long chain of irregularities, or at least of departures from the spirit of the rules, was cumulative. One result was that a large proportion of the bills passed in many of the sessions of the pre-Commonwealth Philippine Legislature graded low in both form and substance. Other consequences were that the Legislature at times did not command the full confidence of the people and failed to maintain those standards of competence and responsibility which are the hallmarks of good government.

In the opinion of the *Manila Daily Bulletin* the attitude of the general public toward the shortcomings of the Legislature was reflected in the detailed regulations of the procedure of the National Assembly which were written into the Constitution of 1935. In an editorial entitled "An Invited Rebuke," the *Bulletin* declared:

> Without exactly saying so in so many words, the constitutional convention takes a severe rap at the Philippine legislature on the score of its procedure in the enactment of legislation. The proposals for laying down detailed specifications pertaining to the printing of bills in their final and unchangeable form and such matters as that speak adversely for the attitude toward the manner of handling bills in the legislature. The attention given this matter actually constitutes an indictment against the legislature.
>
> The cold fact is that the enactment of detailed rules for the legislative body should not be needed in the constitution. However, the legislature has by its own deeds brought itself into such a position that it has invited what it is getting from the convention. Regardless of whether the theory of it is right or wrong, the general public, by way of giving expression to its thorough disapproval of the system which has produced a state of chaos in connection with the condition of bills at the close of a session and which has given rise to the general belief that bills are doctored and altered after their passage sanctions most anything that will bring order out of chaos and tend to regularize and legalize the procedure of enacting legislation.[80]

If the legislative weaknesses which have been described may be attributed in part to conditions growing out of the colonial status of the Philippine Government, it was often the American Governor-General who through a free use of the veto power saved

the country from the full consequences of legislative ineptitude. Between 1922 and 1931 inclusive (excepting 1928), 281 bills, an average of 24.7 per cent of those passed, fell beneath the axe of the chief executive.[31]* A large proportion of these bills were desirable measures which were lost because of deficiencies in form or substance which could have been avoided had the Legislature functioned in a more workmanlike manner. The extent to which the practice of rushing three-quarters of the legislation through a dizzy House during the last week or so of the one hundred day session was responsible for this waste of time and energy is revealed in repeated laments of successive chief executives. Governor-General Wood, who penned forty-four vetoes in one year (1926) declared:

> Nearly all vetoes were because of serious defects or unconstitutional provisions. This unsatisfactory condition was largely due to the rushing through of a large number of bills during the last hours of the session without opportunity being given for their careful consideration.[32]

Governor-General Dwight F. Davis pointed out in his report for 1929 that of the forty bills vetoed in that year, thirty-four were passed during the last day of the session.[33] The majority of the measures disapproved, Colonel Davis declared, "contained faulty phraseology and showed signs of lack of careful study as to the possible results thereof." The effect of one of these bills, had it become a law, would have been exactly the opposite from that intended by the Legislature. In 1932 Governor-General Roosevelt called a special session, the main purpose of which was to secure the revision of five defective bills passed during the last, hectic hours of the regular session—measures in which, Colonel Roosevelt believed, "the intent of the Legislature is not borne out by the text of the bills." Among the five were the appropriation, the tariff, and the gratuity bills,[34]* all of major importance.

Not infrequently the product of the last few days of the legislative session was left in such condition that many of the bills passed could not be transmitted to the chief executive until well towards the end of the thirty-day period allowed him for action upon them. In 1924 Governor-General Wood reported that of the eighty-four bills passed, seventy-two were received on the twenty-

sixth and twenty-seventh days after adjournment. General Wood wrote to the Secretary of War that it was necessary for him and his staff to work practically continuously for the remaining three days and nights in order to get through these measures.[35] This situation was the worst on record, but the condition which it represents was well-nigh chronic. For example, Governor-General Davis reported in 1929:

> There remained 172 bills to be acted on (in the 30 days, including Sundays and Holidays) when the Legislature adjourned. Of these only 15 were submitted to the Executive within the first 12 days after adjournment. After 15 days only 80 had been received. After 21 days 31 had not been submitted. One bill was actually sent in 28 days after adjournment.[36]

Naturally, it was impossible for bills which did not reach the Governor-General until after the Legislature had adjourned to be sent back to their authors in order that defects in form might be remedied and minor differences as to substance ironed out. Often such measures were re-passed in improved form in the next regular session, but only after a year's delay and the loss of the legislative time consumed by re-passing the bills. Failure of the Legislature to submit its measures more promptly not only made the work of the Governor-General extremely trying. It also deprived him of a large part of the time constitutionally allotted to him for the consideration of bills which reached him after adjournment, and greatly increased the number of vetoes.

Probably in most instances the late introduction of important bills and their passage during the last day or so of the session was merely the natural result of the poorly planned system under which the Legislature operated. As Luce suggests, critics of legislative procedure are apt to overestimate the ability of political leaders to carry out "intricate programs of chicanery."[37] Frequently, however, local commentators on Philippine politics have placed a less charitable interpretation upon this method of enacting laws. More than once it has been charged that the legislative leaders have deliberately withheld controversial measures until the final rush had made effective opposition impossible. In describing the *sine die* session of 1930, the *Manila Daily Bulletin* even justified this practice. The *Bulletin* declared:

At all events, although there were some smuggled bills that went through the house with many members unaware of their approval every measure was well considered beforehand. The bills that were smuggled in were the needed ones that would take more time to pass because of strong opposition on the part of some of the solons. In the end these bills would have passed the house but it would have taken more time.[38]

Members of the minority party, of dissentient majority blocs, successive Governors-General, and very generally the press were not as complacent regarding this method of saving the Legislature's time. Able and independent Representative Potenciano Pecson in 1930 voiced a typical criticism of this practice. Charging that many important bills were being deliberately delayed until the *sine die* session "in order that no strong opposition may be interposed," Mr. Pecson inquired:

> Why does not the majority party report the important bills for discussion long before the *sine die* session arrives so that we may discuss them deliberately and conscientiously as legislators should do and make this House a law-making body instead of a law-approving body?

Usually the majority leaders have simply disregarded such criticisms. When they have replied, they have usually justified the procedure not only upon the ground of expediency but also by the assertion that the "railroaded" bills had been carefully studied before their introduction into the Legislature.[39] As has been pointed out, in many instances such a statement would be true. One can hardly imagine, however, that the American House of Representatives would regard it as an acceptable defense. That such an explanation should be offered at all throws a good deal of light upon the attitude of the Philippine Legislature towards its responsibilities in the field of law-making.

The vicious chicanery and expensive fatuity which were the inevitable results of the *sine die* session were more injurious in some years than in others. Upon a few notable occasions the annual session was brought to a close under conditions calm enough to entitle the House of Representatives to be called a deliberative body right up to the moment of adjournment. Seldom, however, was the Jones Law Legislature able to conduct its affairs in such a

way that it could, as a body, effectively control either the broad program of legislation or the details of particular bills. This statement is made not with reference to standards of perfection, but to those which are ordinarily maintained in the United States Congress and the better American state legislatures. The explanation of this relative failure in one of the primary functions of any legislature is not simple. It will not be found in any single fact. Rather, it is to be sought by a study of the whole complex of conditions under which the Philippine Legislature exists and functions.

If the causes of this weakness in the Philippine Government are complex and obscure, it follows that the remedies are not simple or easy to determine. As will be seen a little later, some of the deficiencies of the old Legislature were eliminated or reduced by the National Assembly of the Commonwealth. There may be those who believe that the remedy has been worse than the disease. But at any rate, it is well to keep in mind that the legislature which was inaugurated in 1935 did not stem from perfection and that, like its predecessors, it was given its peculiar characteristics by a genuine effort to solve real problems which stubbornly grow from the native soil of Philippine political experience.

As has been pointed out, it is difficult to draw a generalized picture of the operation of the Philippine Legislature. In the discussion which has been given an attempt has been made to describe those aspects of its procedure which most vitally affected its character and work during the pre-Commonwealth period. To narrow the margin for error in the interpretation of what has been said, certain other conclusions concerning the Legislature should be presented, even though space precludes a detailed exposition of the facts and reasoning upon which these observations are based.

First, there were periods when the Legislature maintained above-the-average standards in its own procedure and in its cooperation with the executive branch of the government in the difficult task of law-making. For instance, Governor-General Stimson, in discussing the value of the Council of State during the session of 1928, declared:

> Up to the last minute of the session, we, the leaders of the executive and the legislature, respectively, succeeded in keeping thoroughly abreast of pending legislation. Every bill which was reported favorably

by the committees of the legislature or passed by either house up to that time was brought before a meeting of the council of state and discussed there; and if any objections or defects were discovered by the executive, either amendments were readily assented to by the representatives of the legislature or the bill itself was held for further consideration. Except for a number of bills which were passed in the last days of the session, too late for conference with the council of state, there probably would have been no vetoes by the executive.[40*]

Acting-Governor-General Eugene A. Gilmore, referring to his annual message for 1927, reported at the end of the year:

> Practically every point which was stressed in the message was covered by bills which as finally submitted were the results of numerous conferences between the executive, members of the Legislature and various interested parties. Not all of these bills were passed by the Legislature but all were considered and much was done in the way of formulating public opinion upon the merits of the proposals.[41]

An even stronger statement could be made concerning the consideration given important legislative proposals during the Murphy regime. As much could not be said of many sessions of the American Congress.

Second, as there were periods when standards in dealing with all legislative proposals were higher than the average, so also during every session there were certain important bills which received as thorough and open consideration as legislation can be given. Such bills received the benefit of full publicity during the process of formulation; through committee consideration, including public hearings; searching debate on the floor of both houses; active executive-legislative cooperation throughout the entire process; and national discussion in the press and other forms of public opinion. In short, if the Legislature could have handled all bills as well as it did some measures, its methods of enacting laws would have left little to be desired.

Third, while the process of law-making did not always meet the highest standards of democracy and efficiency, yet there was never a time when the Legislature did not serve as a free forum for the debate of the major issues raised by many particular bills, by the policy of the majority and its leaders, by the Governor-Gen-

eral or one of the executive departments, or in any other manner. Opposition within or without the majority was usually overridden, but dissentient groups or even individuals were virtually never denied a hearing. Furthermore, a good deal of the debate upon great public questions was on a high level. Naturally, bores, featherweights, and demagogues often hold the floor in Manila as they do in Washington, Albany, Lansing and elsewhere. But over a period of years the best of the speeches made by the majority and minority leaders, and by a considerable number of less conspicuous members do not suffer by comparison with the legislative debates which occur in any country.

Thus, although the processes by which the Philippine Legislature enacted laws left much to be desired, it performed with conspicuous success that function which in the history of the Mother of Parliaments antedates the function of legislation in the modern sense: it served without let or hindrance and often with courage and skill as a grand inquest into the state of the nation. And although the leaders controlled the Legislature, they never ignored it. They never dared get too far out of step with it in matters in which its members were vitally interested.

The weakness of the Legislature lay principally in the fact that most of the time the majority of its members, particularly in the lower house, were more deeply concerned about the pork barrel and other matters which immediately affected their reelection than with broad matters of public policy. This was not the fault of the leaders. It is a condition not confined to the Philippines. It was, moreover, a situation with which the leaders had to deal, and if legislation was the work of a handful of members proceeding by methods which often fell short of standards based upon the experience of other countries, the fault was not primarily the leaders' desire for personal power but the indifference of a large proportion of their colleagues. When the rank and file of the legislators became really aroused, either by their own feelings or by the pressure of public opinion, they were apt to make their will felt despite all of the forces which ordinarily held them in line.

Finally, the laws which the Philippine Legislature placed on the statute books between 1907 and 1935 will bear comparison with those enacted by other national law-making bodies and are

far superior to those passed by many of the States of the Union during that period. In the provisions which it made for the organization of the government and for the social and physical welfare of the people, this body of law was progressive and on the whole well adapted to the needs of the Philippines. The health and welfare program provided for by law during the two years prior to the institution of the Commonwealth, for example, embodies the best modern principles and at the same time is closely fitted to local conditions. The statutes establishing this program were drawn by departmental experts, as was necessary and proper. The Legislature, however, not only through the judgment of its leaders, but by committee consideration and debate on the floor, contributed materially to the excellence of the system which was finally set up. In general, considering the progress which has been made in the Philippines since 1907, and the substantial legislative power possessed by the Filipinos since that date, it would be absurd to regard the net result of their legislative activities as anything but beneficial to the country.

It is quite true that during the whole of the period which has been reviewed, the Legislature operated in the matter of legislation under executive, and to a considerable extent American, leadership. Legislative programs were largely originated by executive officials. The Chief Executive's veto kept many imperfect, some foolish and a few vicious laws off the statute book. Quiet, unpublicized guidance prevented the commission of many more mistakes. On the other hand, the Legislature made invaluable contributions to many laws which originated in the executive branch of the government, especially by adapting them more closely to the needs and desires of the people. Doubtless, too, the legislative veto upon executive schemes, exercised by its refusal to pass proposals which it deemed unwise, saved the country from a goodly number of unnecessary or ill-advised laws.

In the foregoing study of the Philippine Legislature from 1907 to 1935 certain differences between it and the state and national legislatures of the United States, bodies of which it was a deliberate copy, have been pointed out. These differences are important. They affect the character of government in the Philippines. In weighing their significance, however, at least three con-

siderations should be borne in mind. First, many of them are differences of degree and not of kind. For example, the House of Representatives in Washington is controlled by a handful of people, and its detailed work in the preparation of legislation is performed by a small proportion of its members. Second, these differences spring from the peculiar conditions under which the Philippine Legislature existed and functioned during the period in question; of these, the colonial status of the Philippines, the personal characteristics and group background of the individual legislators and their constituents, and the fact that the Filipinos were attempting to effect a synthesis of two radically different cultures were probably the most important. Third, during these three decades the Philippines sought, with surprising success, to traverse a road from something akin to mediaevalism to modernity. Within a generation the country sped from Magna Charta to the New Deal. During the same period it proceeded from a state of subjection to the threshold of independence. The almost incredible rapidity of this progression must in itself have affected profoundly, but in ways which the techniques of the social scientist cannot as yet fully determine, the character of the legislature and of every other Philippine institution.

The very fact that the Philippines is in rapid transition lends both fascination and significance to a study of its government. This condition, however, increases the difficulties surrounding the evaluation of Philippine political institutions and policies. It seems safe to state, however, that in no modern colony comparable to the Philippines has the legislature been so completely under native control, exercised such broad powers, or played so vital a part in government in the broadest sense of the term as did the Philippine Legislature during the twenty-eight years between the establishment of the Philippine Assembly and the inauguration of the Commonwealth.

CHAPTER IX *

THE UNICAMERAL NATIONAL ASSEMBLY

WITH the inauguration of the Commonwealth the bicameral Philippine Legislature which had existed under various forms since 1907 was succeeded by the unicameral National Assembly. Less than five years afterwards the voters of the Philippines approved a constitutional amendment which abandoned unicameralism and vested the legislative powers of the Commonwealth in the Philippine Congress, a legislature to be composed, as formerly, of a senate and a house of representatives. This amendment became effective upon receiving the approval of President Roosevelt, December 2, 1940.

Thus the department of government which, in form at least, was most radically changed by the Commonwealth Constitution was the first to undergo drastic alteration through the amendment of that fundamental law. Meanwhile, the National Assembly during four intensely busy years had undergone significant changes both in its internal organization and its relations with the executive. The story of these developments and the reversion to bicameralism complements the discussion elsewhere given [1] of the presidency and the party system under the Commonwealth.

Curiously, the establishment of a unicameral legislature, the most striking innovation to be written into the Constitution of 1935, was more nearly the result of a political accident than of the deliberate design of the Constitutional Convention. As the Third French Republic owed its existence to the inability of the monarchists, who constituted a large majority of the National Assembly, to agree upon a king, the single chamber Philippine legislature seems to have been made possible by the disagreement of the

* *The notes of this chapter begin on p. 893. Subject matter notes are indicated by an asterisk.*

bicameralists in the Constitutional Convention as to the kind of senate which should be set up.

In a spirit reminiscent of the American Constitutional Convention of 1787, the representatives of the small provinces demanded equality of representation in the upper chamber and when a proposal to allot one senatorial seat to each province was voted down, refused to support either of the other two proposals for the composition of the senate. One of these plans was recommended by the Convention's Committee on Legislative Power. It provided for the election of all senators on a general national ticket by a system of proportional representation. Leading delegates let it be known that unless this proposal was accepted they would oppose any bicameral system. A third group advocated the election of members of the upper house from the twelve districts from which senators were chosen under the Jones Law. Resolutions providing for the small province proposal and the plan for election at large having been defeated, the Convention by a vote of ninety-four to seventy-one rejected a resolution declaring it to be the sense of the Convention that the constitution to be drafted should provide for a bicameral legislature.[2] By this left-handed procedure, the decision to provide the new Commonwealth with a legislature of one chamber was made.

The bicameralists have always believed that a majority of the Convention favored a bicameral system in principle and that had the parliamentary situation developed in a different way the proposal to elect a senate at large by the system of proportional representation would have carried.[3*] Apparently most of the leaders supported this plan. President Quezon, who was then in Washington, was reported to have urged the majority caucus of the convention to give it serious consideration,[4] and upon his return to Manila to have backed several attempts which were made to reopen the entire question with a view to its adoption.[5*] The leaders, it was declared at the time, were unable to secure a reconsideration for three reasons: lack of time, the resentment of many delegates at an alleged intrigue of certain Senators to influence the action of the Convention, and a widespread although probably minority satisfaction with the decision to turn to unicameralism. Certainly, the decision to establish a unicameral legis-

lature was not the result of any general agreement among the members of the Convention, and there is ground for the belief that it was a compromise which did not really satisfy a majority of that body.

In view of the confused parliamentary situation in which the Convention's decision was taken, it is difficult to state with certainty the arguments on the merits of the case which were most effective in procuring the vote for a unicameral legislature. The theoretical advantages and disadvantages of a second chamber were repeated many times in the debates in the Convention and in the press. Of the arguments which sprang from or were given peculiar force by local conditions, three probably were the most convincing to those who actually desired to abolish the senate. These arguments were: (1) that economies would be effected through a reduction of the expenses of the legislative branch of the government; [6**] (2) that a simpler legislative machine would function more efficiently; (3) that one chamber could be more easily held responsible than two. The unicameralists pointed to the legislature under the Jones Law to prove points two and three, recalling especially the evils arising out of the congestion of business during the last few days of the session. As one delegate declared, they maintained that their plan would "force public discussion of legislative measures rather than encourage decisions upon the most important features by conference committees behind closed doors." [7] That the Convention fled from known evils to those they knew not of was further indicated by the harsh statement with which in his valedictory address President Recto concluded his explanation of the adoption of unicameralism: "Our experience with a bicameral legislature," he declared, "has been such as to convince us that it would not be to our advantage to provide for its continuance and to give it a permanent place in our Constitution." [8]

Another argument seemed to carry a surprising amount of weight in the Convention and with the public: the claim that a bicameral legislature would preserve a "vestige of aristocracy" because the members of the Senate would feel themselves superior to the lowly representatives. On the face of it, this rather trivial argument would seem to have found wide expression because

"democracy" was the order of the day. Probably, however, it was also a characteristic method of expressing the resentment of some of the delegates at what they regarded as senatorial arrogance and at the intrigue by which they believed that certain Senators at that very time were seeking to secure the preservation of the upper chamber.

Finally, another valedictory observation made by President Recto gives a clue to one of the most potent reasons for the adoption of this legislative innovation. By this act, Mr. Recto declared, the Filipinos had placed themselves "ahead of many progressive nations which in this respect have not yet emerged from the field of speculation and controversy." [9] The Filipinos are not without their share of that common human frailty, a desire to appear before the world as leaders along the path of progress. As the Constitutional Convention was meeting in Manila, world-wide attention was being attracted by the establishment of a unicameral legislature in the State of Nebraska. Popular Governor-General Murphy was known to believe that this experiment offered possibilities in the development of democratic government. Unicameralism looked like a bandwagon and the Filipinos climbed into the driver's seat.

The delegates who voted against unicameralism opposed it upon classical grounds. Their position has been well stated by one of their leaders, the Honorable Miguel Cauderno, in his excellent volume on the Convention:

> Those of us who were for a bicameral legislature [Mr. Cauderno declared] were motivated by a sense of conservatism. Such a legislature affords a double discussion of all legislative matters, which is a safeguard against enactment of bills conceived in the heat of debate and which are often voted upon on account of partisan passion, and without regard for the viewpoint of the country as a whole.[10]

The legislature provided for by the Philippine Constitution is called the National Assembly. It is composed of ninety-eight members (which number may by law be increased to not more than 120) elected for three-year terms from single-member districts. To be eligible for election a person must have been a citizen of the Philippines for at least five years, and be at least thirty years of age, a qualified elector, and a resident of the province in which he

is chosen of at least five years' standing. Within three years after each census enumeration "and not otherwise" members are to be apportioned among the several provinces in proportion to the number of their respective inhabitants, with the proviso that each province shall have at least one member.[11*]

The electorate for the National Assembly is composed of all citizens, male or female, who are twenty-one years of age or over, who are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The Constitution provided directly for male suffrage only, despite the fact that the right to vote had been extended to women shortly prior to the end of the Jones Law regime. However, the fundamental law also prescribed that the National Assembly should "extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question." [12]

The provision regarding woman suffrage was a compromise. Those who wished to withdraw entirely the vote which had been granted to women justified their position upon two main grounds. First, they declared that the women themselves did not desire the franchise. Second, in the saccharine words of a report submitted to the Convention by the Committee on Suffrage, they felt that "the sweet womanliness of the Philippine women should be protected from political strife and passion in order that sweet home may not lose any of its sweetness." [13] The plebiscite required by the Constitution was held on April 30, 1937. A total of 492,032 votes was cast out of 588,052 qualified woman registrants. Affirmative votes numbered 447,725 against 44,307 cast in the negative.[14*] Woman suffrage thus became a fact in the Philippines.

In the opinion of the author, there is no country in the world in which woman suffrage is more desirable than in the Philippines. In intellect the Filipino woman is on a level with her menfolk. In responsibility, sensitiveness to the social needs of her community, and in practical common sense, she is, on the average, above them. Women's organizations, a number of them national in scope, have

initiated and secured popular support for important social reforms and significant movements for intellectual and artistic progress. The National Federation of Women's Clubs has been an especially powerful instrumentality for good. A number of women, of whom Mrs. Sofia Reyes de Veyra and Mrs. Pilar Hidalgo Lim are examples, exercise a powerful leadership in national affairs. Through club affiliations many women exercise a corresponding influence in provincial and municipal affairs. Within the last few years an increasing number of women have been elected to public office, to the great advantage of the public. Women occupy an established place in most of the professions. Although in her present position as the wife of the President of the Philippines Mrs. Aurora Aragon Quezon is above the arena of social and political struggle, Mrs. Quezon's personality and her understanding solicitude for the welfare of the people have strengthened the influence of all women in the affairs of the nation.[15]* The Philippine woman voter will be a powerful stabilizing force and her political influence will be used to forward sound efforts to ameliorate human suffering and lessen the handicaps under which the less prosperous elements of the Filipino people now live.

The restriction of the suffrage to citizens who can read and write (in 1939, 48 per cent of the population over ten years of age) was virtually unopposed in the Constitutional Convention and was adopted without a dissenting vote. The actual size of the Philippine electorate cannot be stated exactly. At the time of the plebiscite of June 18, 1940, on the amendments to the Constitution the Manila press reported the registration, in round numbers, as 2,270,000.[16] This figure constitutes about 14 per cent of the population of the Philippines. Registration in the United States is roughly estimated at about 53 per cent of the population. In Michigan in 1932 it is estimated to have been about 41 per cent; in New York in 1935 it was about 36 per cent.[17]* As a rule the Philippine citizen places a high value upon his right to vote and it is safe to assume that a large proportion of those entitled to be registered as voters actually have their names on the lists. It is evident, therefore, that the literacy requirement substantially restricts the electorate in the Islands. Concerning the wisdom of this restriction there can scarcely be any doubt, especially as with the

development of a system of adult education, the qualification is one which it is increasingly easy for any citizen to acquire.

Contests relating to the election, returns, and qualifications of the members of the National Assembly are decided by the constitutionally established Electoral Commission. This body is composed of three justices of the Supreme Court designated by the Chief Justice, and six members chosen by the National Assembly. The Constitution provides that three of the latter group shall be nominated by the party having the largest, and three by the party having the second largest number of votes in the Assembly. Since the fusion of the Pros and the Antis in 1937, all members of the Commission have been *Nacionalistas*, no other party having been represented in the Assembly. The senior justice in the Commission serves as its chairman.[18]

The establishment of the Electoral Commission resulted from widespread dissatisfaction with the manner in which the two houses of the former Philippine Legislature had exercised their authority to judge the elections, returns and qualifications of their own members. As in many other political jurisdictions, election contests were usually decided upon the basis of politics rather than of justice. Often no decision was reached until the last weeks of the three-year period for which the Legislature was chosen. The mixed commission which was provided for was a compromise between those who preferred the British system of assigning election contests to the courts, and those who believed that the Assembly should not be denied the authority to determine who legally were its members.

The work of the Electoral Commission in dealing with the contests arising out of the first two general elections for the National Assembly has met with general approval in the Philippines. Operating under rules designed to provide for a thorough and impartial inquiry into each contest brought before it,[19*] the Commission earned the confidence of the Assembly and the public. As was hoped, the influence of the three judicial members has reduced the partisanship of the body; nor has the presence of Supreme Court justices upon the Commission dragged the Court into politics, as many feared it might. However, the heavy task of passing upon these disputes must have added seriously to the burdens of

the Court during the year following each of the Assembly elections. Nevertheless, the Commission has so successfully solved the always vexing problem of electoral contests that the constitutional amendment under which the Philippines will soon return to the bicameral legislative system provides for two precisely similar commissions, one for the Senate and one for the House of Representatives.

The Constitution fixed the pay of assemblymen, until otherwise provided by law, at five thousand pesos per year, including per diems and other emoluments or allowances and excluding traveling expenses to and from sessions. This stipend was expected to be a sort of base line from which to measure the pay of other governmental officials. Hardly had they assumed office, however, before Assemblymen began to agitate for an increase in pay and one of the amendments approved by President Roosevelt December 2, 1940, fixed the annual compensation of members of the new Congress at ₱7,200, substantially a fifty per cent increase. The salary of the Speaker, which was originally set at ₱16,000, was reduced during the special inaugural session to ₱12,000 at the request of the first Speaker, who happened to be a man of wealth. In the appropriation act for 1938 the original figure was restored, and wisely so, for even at ₱16,000 per annum it would be very difficult for any Speaker to live within his salary. Members of the National Assembly are granted the usual parliamentary immunities.

Unlike the American Congress but like the legislatures of the forty-eight states and its local predecessors, the National Assembly possesses general legislative authority. "The legislative power shall be vested in a National Assembly," the Constitution declares. There are, of course, numerous specific exceptions to this general grant of authority. These restrictions may be divided into three categories: the limitations imposed in the bill of rights, regulations regarding the raising and appropriating of money, and miscellaneous constitutional provisions regulating the utilization of the national resources,[20] the granting of franchises and a variety of other matters. In addition, until independence has been achieved the powers of the Philippine Legislature are limited by a number of the provisions of the Tydings-McDuffie Act which are included in the Ordinance Appended to the Constitution.

The bill of rights has been dealt with in our discussion of the Constitution as a whole.[21]* There are three limitations upon the substantive taxing and appropriating power of the Assembly. The Constitution rigidly prohibits the appropriation or application of any public money or property for religious purposes, except for the support of such religious functionaries as may be "assigned to the armed forces, or to any penal institution, orphanage, or leprosarium." [22] It also declares that the rule of taxation shall be uniform and exempts from taxation cemeteries and all property used exclusively for charitable or religious purposes.[23]

The National Assembly is explicitly forbidden, except by general law, to provide for the formation, organization, or regulation of private corporations, save those which may be publicly owned or controlled.[24] No franchise or other authorization for the operation of a public utility may be granted, except to citizens of the Philippines, or a Philippine corporation sixty per cent of the capital of which is owned by Philippine citizens. No such franchise shall be exclusive in character or for a longer period than fifty years, or be granted except under the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly when the public interest so requires.[25]

In addition to denying certain substantive powers to the National Assembly, the Convention sought to guard against several common legislative evils by including in the Constitution a number of regulations concerning the Assembly's procedure. Riders to general appropriation bills are prohibited,[26] and no bill which may be enacted into law may contain more than one subject, which shall be expressed in the title of the bill.[27] In an effort to improve the deplorable conditions which so often had existed at the end of the periods of sessions, the Constitution provided (1) that no bill should be passed or become law unless it should have been printed and copies of it in its final form furnished the Members of the Assembly at least three days before its passage, except when the President should have certified to the necessity for its immediate amendment; and (2) that upon the last reading of a bill no amendment thereof should be allowed, and the question upon its final passage should be taken immediately thereafter, and the *yeas* and *nays* entered in the Journal.[28]

As has been pointed out in our discussion of the presidency, the fiscal powers of the legislature are greatly weakened by the provisions that the budget submitted by the President shall be the basis of the general appropriation bill, and that the Assembly may not increase the appropriations recommended by the President for the operation of the Government as specified in the budget, except those for the National Assembly and the Judicial Department.[29] A further decrease of legislative power is effected by granting the President authority to veto particular items in appropriation, revenue, or tariff bills.[30]

Alongside explicit and implied denials of legislative authority are found explicit grants of power. Realizing the inexpediency of writing detailed legislation into the fundamental law, yet desiring to secure the execution of certain national economic and social policies, the Constitutional Convention specifically enjoined the National Assembly to take steps to accomplish a number of designated purposes. The Assembly was directed to provide for the development and adoption of a common language based upon one of the existing native languages; [31] to promote scientific research and invention, extend the patronage of the state to arts and letters, and to secure the exclusive rights to writings and inventions to authors and inventors for a given period; [32] to provide for a complete and adequate system of public education including free primary instruction, and citizenship training for adult citizens; to create scholarships in arts, science, and letters for specially gifted citizens; [33] to afford protection to labor, and to regulate the relations between landowner and tenant, and between labor and capital in industry and agriculture.[34]

In addition to these power-carrying mandates, a wide range of additional authority over economic and social affairs was explicitly vested in the Assembly in order that the courts might not deny it the power to enact certain types of legislation deemed necessary to make effective the political and social philosophy expressed in the preamble and the declaration of principles of the Constitution. The record shows that the Assembly has exercised due diligence in carrying out these mandates and using powers granted it for the purposes indicated in the fundamental law. Finally, the Legislature was explicitly empowered to declare war

(with the concurrence of two-thirds of all its members); and to authorize the President to exercise vast emergency powers, and wide authority in fixing tariff rates, import or export duties, and tonnage and wharfage dues.[35]

Two functions which are usually performed by the upper chamber of bicameral legislatures, the confirmation of executive appointments and the impeachment of executive officials, were assigned by the Constitution to a commission on appointments and a commission on impeachment of the National Assembly. Within thirty days after the election of its speaker, the Assembly is required to elect these commissions from among its members. Each consists of twenty-one members chosen on the basis of proportional representation of the political parties in the Assembly.[36] Each commission is directed by the rules of the Assembly to adopt its own regulations and is authorized to regulate the exercise of the powers necessary for the proper performance of its constitutional function.[37] The Constitution provides that no member of the Commission on Appointments shall appear as counsel before any court inferior to the Supreme Court.[38] This prohibition has caused many of the ablest lawyers in the Assembly to decline to serve on the Commission.

Happily, it has been unnecessary for the Commission on Impeachment to exercise its powers, or even to consider doing so. The Commission on Appointments has played an important role in the government of the Commonwealth. Despite the preponderance of political power enjoyed by the President, it has subjected his nominations to genuine scrutiny. In numerous instances hearings have been held, witnesses examined, and arguments *pro* and *contra* particular nominations heard. In a notable case which occurred early in its existence the Commission blocked an important appointment by merely questioning its constitutionality.[39] A few important nominations have been rejected.

At the end of the unexpectedly short session of the Assembly in 1937, the Commission returned to the President a number of major nominations, and those of some 800 justices of the peace whose appointments were made in a general reorganization of the lowest courts. In explaining this action the chairman of the commission declared that this body did not confirm appointments

perfunctorily. "Committees," he said, "are appointed to investigate the record of each appointee, and if objections are voiced to the confirmation of any nominee, his nomination is either held in abeyance until further action or is laid on the table." [40] In some instances the rejection of nominations made by the President may not have been altogether displeasing to Mr. Quezon, who, as suggested by a Manila editorial writer,[41] may, like other presidents, at times be impelled by political reasons to make appointments against his better judgment. On the whole, the Commission's work has met with the approval of the Assembly and the public, and it can safely be said that through it the Assembly has performed its functions in connection with executive appointments at least as well as did the Philippine Senate.

As November 15, 1935, the date fixed for the inauguration of the Commonwealth Government, approached, it was widely realized in Manila that one of the crucial problems which the builders of that government would have to solve would be the relations between the President and the National Assembly. The architect's blue-prints called for a governmental structure based in theory and practice upon the separation of the legislative, executive and judicial powers. The law-making body was intended to be supreme within its own sphere and, as a leading delegate later declared, it was not expected to surrender to another branch of the government its leadership in legislation.[42*] In constructing the Commonwealth, however, the plan provided by the Constitutional Convention had to be applied to materials which had been shaped by previous use. The vital elements in the Filipino portion of the government under the Jones Law had been the National Leadership and, since 1923, the National Leader, President Manuel L. Quezon. Whatever the theory of the Constitution, therefore, the practical problem was to fit the Leadership and the Leader into the new structure in a manner which would produce a stable and effective government.

In retrospect, the method by which this problem was solved seems simple and well-nigh inevitable. The Leader had been transferred from the legislative to the executive branch of the government; the Leadership went with him. As has already been explained, the new President was armed with extraordinary

constitutional powers for the express purpose of making him the dominant element in the state.[43] Yet, inconsistently, the legislature in theory was a coördinate branch of the government. Furthermore, the practical situation was such that either at once or after the first triennial election the presidential leadership might conceivably be challenged by a new legislative leadership.

Since 1907 the leadership of the nation had been vested in the Filipino legislative leader, first the Speaker of the House, then the President of the Senate. The Speakership was a name and an office to be conjured with. A strong Speaker might acquire sufficient power to rival the President, or even to make a bid for leadership in the new government. Suppose, for example, that Mr. Quezon had been the first Speaker of the National Assembly!

Under the Commonwealth the legislative power was not to be weakened by being divided between two bodies, each of which might be played off against the other. The authority to make laws, to confirm or refuse to confirm appointments, and to impeach and try executive officials was to be concentrated in one popularly elected chamber. In this chamber there was at the outset to be an able, even though small, minority group; for while the Pros and the Antis had formed a coalition they had not yet fused into the unified *Partido Nacionalista.*

Finally, at least two of the members-elect of the first National Assembly were men either of whom as Speaker might have been regarded as a potential rival of the President. One of these was the Honorable Quintin Paredes, Speaker of the House of Representatives; the other, former Speaker Manuel Roxas, who with Senator Osmeña in the Vice Presidency, would become the minority legislative leader.[44]

The possibilities of legislative-executive rivalry, even of deadlock, which were implicit in this situation, were well understood as the sands of the last American regime ran out in the fall of 1935. So were the difficulties and dangers which the incoming Filipino government would face: serious discontent among the masses, threatened economic strangulation from the trade provisions of the Tydings-McDuffie Act, possible eventual aggression from a powerful neighbor. In these circumstances Mr. Quezon believed that the Commonwealth-to-be could not, for the moment

at any rate, run the risk of a serious contest, or even of a division of forces, between the Presidency and the National Assembly. The reader will recall that in the first Commonwealth elections Mr. Quezon, the leader of the Antis, and Mr. Osmeña, the leader of the Pros, ran for the presidency and the vice presidency, respectively, on a common ticket. The party coalition, however, did not extend to the candidates for the legislature, and although the Antis won a large majority of the seats in the Assembly, nevertheless the Pros returned a minority group which contained a number of the ablest members of the new legislature. President Quezon now proposed that to meet the imperative need for national unity the coalition between the two parties should be extended from the executive to the legislative branch of the government. He also urged that the Speaker of the National Assembly should wield no political power.

Opposition to President Quezon's proposals was led by the Honorable Quintin Paredes, the Speaker of the expiring House of Representatives. The divergent positions of these two majority leaders upon the role which the parties and the speaker should play in the legislature clearly reveal the two most fundamental issues which were involved in the organization of the Commonwealth Government. Their views as excerpted from an exchange of letters between them and printed in parallel column by *The Tribune* of November 7, 1935, are quoted, as follows: [45]

Speaker Paredes Says:

ON THE COALITION PLAN

I was in favor of the coalition only insofar as it referred to the Presidency and Vice Presidency, and so I opposed in no uncertain terms the pro candidates for the National Assembly.

The coalition will eliminate the responsibilities of the majority party to the people in matters of legislation and will do away entirely with opposition and with the duty of the minority party towards an intelligent fiscalization

President Quezon Replies:

ON THE COALITION PLAN

The Filipino people in the last elections, not only overwhelmingly elected the coalition candidates for President and Vice President, but also defeated every candidate to the National Assembly who opposed the coalition. This result shows clearly that the country endorsed the coalition, its platform and its candidates.

A coalition government is incompatible with a partisan legislature. A coalition cannot be

so essential to the continuance of a democratic form of government.

It would in effect eliminate parties in the Assembly and encourage the formation of blocs feeling no responsibility to anyone, with all their attending evils.

The coalition will make it impossible to carry out the letter and spirit of the Constitution which provides for a representation of each party in the selection of the Commission of Elections, Appointments, and Impeachment.

formed in the executive department unless there is also a coalition of parties in the legislative branch.

By the result of the last election, we received a popular mandate to give to the country a coalition government wherein partisan politics would be eliminated and the responsibility of government to be borne by the parties to whom the people have entrusted with power.

A coalition in the Assembly will not in any way contravene the Constitution of the Philippines, for the coalition does not abolish the existence of parties, but on the contrary, accords them recognition.

ON THE SPEAKER'S POWERS

A Speaker with nothing but judicial and ceremonial duties, divested of his share in party leadership and responsibility; his leadership and voice in legislative matters shifted to a score or more committee chairmen, is in effect depriving the Assembly of one of the most effective means to avoid encroachment in its power. The plan will result in a legislative department not coordinate but subordinate to the executive.

I hold that the legislative branch is one in which the Speaker should share in a great part, not only to avoid the dangers of a weak legislature but mainly to be able to lend to the Executive the effective, intelligent, and responsible cooperation to which he is entitled.

ON THE SPEAKER'S POWERS

If the Speaker were the political leader of the assembly, the President of the Commonwealth would be precluded from calling into conference the chairmen and members of the committees who are in charge of legislation in which he may be interested. The chief executive is the leader of the nation and of the government. To discharge his responsibility in these capacities he has the right to communicate directly with chairmen and members of committees and he should not be obstructed in the exercise of this right.

I am in favor of democratizing the work of legislation and shall do everything in my power to free the National Assembly from the dictation of any man.

For weeks the Quezon-Paredes struggle, which was to go far towards determining the initial character of both the presidency and the National Assembly, proceeded behind the pageantry of the Commonwealth inauguration. In the end President Quezon's views prevailed. The coalition of the parties and then their complete fusion did not occur until some time had elapsed.[46] But in the party caucus arrangements were made that the new legislature should be organized in such a way as to lessen greatly any possibility that either it or its Speaker might become a serious threat to the unity of action which was to be established by centering the National Leadership in the office and in the person of the Chief Executive.

In pursuance of a caucus resolution providing that the Speaker "shall not exercise any political powers and shall be merely a presiding officer," [47] the Assembly sought to make the successors of Osmeña, Roxas, and Paredes as sterile politically as the Speakers of the British House of Commons. Only the authority necessarily vested in an impartial chairman was to be left to this once dominant office. The powers and functions which had previously made the Speaker the leader of the popular branch of the Legislature and one of the most powerful men in the government were now to be distributed among the floor leader and the chairmen of the important committees of the National Assembly. As *The Tribune* later remarked editorially:

> . . . when the question of this demotion of the speaker was under consideration, the members of the Assembly voted for it because they were led to believe that leadership in that body would lie in the chairmanships of the important committees. This was promotion for a great many; the theory was politically attractive; the substitution was accepted.[48]

In order that the floor leader might more effectively direct the proceedings of the Assembly, this official was made chairman of the Committee on Committees, as well as of the Committee on Rules. He also presided over the majority caucus when President Quezon, the President of the *Nacionalista* Party, was not present. Although in the past the Speaker had been the chairman of the house caucus and, with the President of the senate, a co-chairman

of the joint caucus, Speaker Montilla did not preside over a caucus until March, 1938.[49]

Arrangements for keeping the National Assembly in its place did not end with the steps taken formally to transfer the powers of the Speaker to a small group centering about the floor leader. It was not enough to make the speakership safe; the office was to be filled by a "safe" Speaker. Had the intention been to allow the Assembly at once to develop as a genuinely coordinate branch of the government, one man, the Honorable Quintin Paredes, would have stood out above all others as the logical choice for the Assembly speakership. The selection of Mr. Paredes, however, would have been entirely incompatible with the kind of speakership and Assembly which were being planned. He would never be content to wear the red coat, sit in the driver's seat and let others do the driving. After the organization of the Assembly had been completed as desired by President Quezon, Mr. Paredes resigned from that body and went into political exile (which publicly and privately he had vowed he would never do) as the Commonwealth's first Resident Commissioner in the United States Congress.

Equally as astute as the elimination of Mr. Paredes were the selections made for the positions of Speaker and floor leader. As its first presiding officer the Assembly chose the Honorable Gil M. Montilla, a member from the great sugar province, Occidental Negros. Mr. Montilla possessed every qualification desired for the speakership as it was projected in 1935. He had been a revolutionary soldier, provincial governor, representative and senator, and was a man of wealth and established social position. He enjoyed, in short, the prestige and financial means which would be required to maintain the dignity of a speakership which was to be devoid of power. Equally important, he wholeheartedly agreed with President Quezon's conception of the role which the Speaker should play, and could be depended upon never to seek independent power, either within or without the National Assembly.[50*]

The floor leadership called for an entirely different type of man, and for this position an equally sagacious choice was made. Only a statesman of unusual intelligence, courage, and industry, combined with the gift of leadership, could successfully "ride

herd" over the other ninety-six ambitious, individualistic members of the National Assembly. Yet, like the Speaker, the floor leader must be one who could be relied upon not to assert either himself or the prerogatives of the Assembly against presidential domination. In short, he must be strong enough to control the Assembly, yet not sufficiently strong or ambitious to challenge the President.

Precisely such a floor leader was found in the Honorable José E. Romero. Like Speaker Montilla, Mr. Romero sprang from the sugar aristocracy of the Island of Negros. Twenty-one years younger than the Speaker, however, Mr. Romero belongs to the generation which has reached maturity during the American period in Philippine history. His academic education was gained in the public schools, Silliman Institute, and the University of the Philippines, from which he received his law degree in 1922. Two terms on the provincial board of Oriental Negros and in the House of Representatives gave him practical political training. As a delegate in the Constitutional Convention, he was the leader of the group which wholeheartedly advocated the establishment of a unicameral legislature. Mr. Romero is a conspicuous example of many Filipinos who are demonstrating the groundlessness of the fear of some of their elders that the "American" schools would corrupt the manners and morals of the Filipino youth. His public and private life is a model of probity, and his graciousness is the natural expression of a genuine regard for the rights and the feelings of his fellow men, of whatever station in life. Withal, he is inflexible when a matter of principle is at stake.

In making José E. Romero its leader during the trying formative period of the Commonwealth, without conferring upon him the power and prestige of the speakership, the National Assembly came pretty close to telling this young Visayan to make bricks without straw. The fact was, however, that the ultimate leadership of the Assembly lay in President Quezon. One of the Assemblymen even declared "that the floor leader is indeed 'President Quezon', while another indicated that with or without floor leader, whatever the chief executive may recommend is sure to be approved by the assembly." [51] Certainly, the President's authority stood back of Floor Leader Romero, and through the party caucus and informal conferences Mr. Quezon handled directly problems

connected with the management of the Assembly which could not be solved without his intervention or which Assemblymen insisted upon thrusting upon him. In some ways this situation made Mr. Romero's position doubly delicate. The Speaker held the position, and the President the final power of leadership; yet as floor leader Mr. Romero was publicly held responsible for the smooth operation of the Assembly. The success with which he performed his difficult task contributed greatly to the remarkable accomplishments of the first half of the Quezon administration. He was the unsung legislative hero of those three crowded years!

Rarely have the purposes of a constitutional chief executive with reference to the organization and operation of the legislature been more completely realized than were President Quezon's plans for the First National Assembly. During a brief special session called ten days after the inauguration of the Commonwealth, eighteen out of some twenty-two administration bills, most of them statutes of major importance, were enacted into law. There have been one-hundred-day regular sessions in which fewer constructive measures were put on the statute book. At the end of its three-year term the Assembly had translated into law a substantial proportion of the broad Quezon program for the reorganization of the government, the fostering of "social justice," the development of Philippine nationalism, and the preparation for independence. During no comparable period since the Philippine Assembly was established in 1907 had the executive and the legislative branches of the government cooperated so harmoniously or so fruitfully. Naturally, not all of these laws were sound in purpose or perfect in form. As a whole, however, the enactment of this legislation was a remarkable demonstration of the ability of the elected representatives of the Filipino people to work together unitedly and diligently to solve the varied and complex problems which the acceptance of the Independence Law had thrust upon them. Mr. Quezon, therefore, was successful in avoiding the difficulties and dangers which in those critical days might have arisen from the existence of rivalry and opposition between the Assembly and the President.

The three years of the First Assembly are of great interest when regarded as a phase in the development of the legislative

branch of the Philippine Government. In general character the Assembly closely resembled the former House of Representatives. Its rules, a considerable proportion of its membership and employed personnel, and the Legislative Building and equipment were largely inherited from the Philippine Legislature, which ceased to exist only two weeks before the Assembly's inaugural session. Despite its constitutionally created commissions, the transformation of the speakership, and other differences which have been mentioned, the new legislature carried on in the spirit and, on the whole, under the procedure of its immediate predecessors. As previously, the greater part of its program came to it ready-made from the executive departments, and a far larger proportion of administration bills were enacted into law. A correspondingly smaller number of laws originated in the Assembly. Indeed, well along in the first regular session Assemblyman Tomas Confesor heatedly urged his colleagues to pass a bill over the presidential veto because it was the first measure to be approved upon the Assembly's own initiative.[52] The President's veto, however, was sustained. Nevertheless, the legislature questioned, and at times vigorously criticized, the Chief Executive and his departmental secretaries. It continued to function as the chief forum for the debate of national policies.

Although Floor Leader Romero and the committee chairmen with whom he shared the direction of the Assembly's affairs sought to eradicate the evils which had impaired the legislative processes of the former House of Representatives, their efforts were not wholly successful. Important business still piled up towards the end of the period of sessions. The constitutional requirement that except when the President should have certified to the necessity of its immediate enactment no bill should become a law unless printed copies thereof in its final form had been furnished members at least three days prior to its final passage, reduced but did not eliminate the session-end confusion.

A fair statement of the progress which was made is found in a *Bulletin* editorial published during the final week of the first regular period of sessions.

No one [the *Bulletin* declared] can compare the adjournment week program of the Philippine Assembly with the records of corre-

sponding programs in the Philippine Legislature without being impressed by the progress that has been made toward a solution of the adjournment mess of the old legislature. Commendable progress has been made.

However, it is a self-evident fact that the law-makers now have before them more measures of major importance than they can handle properly in the brief time before adjournment. Too big a portion of the program has been left for the last week.[53]

After the Assembly had adjourned, the *Bulletin* pointed out that a part of the responsibility for the congestion which marked the closing legislative days was due to the manner in which the President had used his constitutional authority to exempt particular measures from the requirement that all bills should be distributed to members in printed form at least three days before their final passage. The *Bulletin* declared:

> The job handed the law-makers by the president when he listed as urgent for immediate enactment more than four score measures was bigger than could be accomplished in the limited time. . . .
>
> The constitution seeks to provide for an orderly law-making program, even up to and including the final days of a session. Its provisions attempt to prevent the clogging of the enactment machinery and the railroading of bills. But the presumptions of the constitution cannot possibly be carried out if on the eve of adjournment the law-makers receive an urgent or emergency list sufficiently large to make work for days and weeks. . . .
>
> . . . the presumption was not that the assembly would in normal times get any substantial portion of its program to be handled in a last minute "urgent" rush.[54]

Of the 149 bills enacted during the first regular session of the First National Assembly, ninety-three, mostly administration measures, passed through their final stages on the last day of the session.[55]

The technical quality of the legislation of the National Assembly has been improved by the work of the Committee on Third Reading, to which all bills which have passed second reading are referred for revision and engrossment. This body, composed of nine members, may have been originally intended merely as a committee on style. However, it actually revised bills as to substance as well as form and was soon dubbed the "Little Senate."

The *Tribune* called it "the most important unit of the Commonwealth's legislative machinery," and declared that it had been "invested with or has assumed prerogatives as broad as those of an upper house of a two-chamber legislature." [56] The committee was bitterly assailed for alleged usurpation of power, but was continued under safeguards in the Second Assembly.[57] The National Assembly's experience with the Committee on Third Reading illustrates the need which any unicameral legislature will have for an organ to revise its bills, at least as to form; and the difficulties which may be encountered in keeping that organ within its proper sphere of action.

All of the committees and the members of the National Assembly have at their command a legislative reference service to aid them in drafting bills and in any research called for by their legislative duties. For years this organization was a division of the National Library, which during the period immediately preceding 1939 was under the administrative jurisdiction of the legislature. This service was created in 1916 as a division of the former Philippine Library and Museum. Since then it has had various vicissitudes and for a time its work was supplemented by a legislative division in the office of the Senate.[58] In 1939 when the National Library was transferred from the jurisdiction of the National Assembly to that of the Department of Public Instruction a legislative reference division was organized in the Assembly. In 1940 the personnel of the division consisted of two technical experts and four clerical employees.[59] Obviously this force is inadequate to perform the services which should be required by the Assembly.

One index to the efficiency of a legislature and the quality of the working relations existing between it and the executive branch of the government is the proportion of its acts which are vetoed. After the special session almost immediately following the inauguration of the Commonwealth, President Quezon vetoed a larger proportion of the bills sent up to him by the First Assembly than, on the average, were disapproved by his American predecessors in Malacañan. Forty-four bills, constituting forty-two per cent of the measures passed during the regular 1938 session, failed to obtain his approval—a veto record surpassing that of General Wood.[60] In a large proportion of instances these measures were

disapproved for the same reasons that had caused the vetoes of American Governors-General: they were defective as to form, appropriated more money than was warranted by a sound fiscal policy, or, in the opinion of the Chief Executive, were unwise. The *Manila Daily Bulletin's* editorial comment upon President Quezon's ruthless slaughter of the innocents might almost be a quotation from one of the messages in which Governor-General Dwight F. Davis used to lament the conditions which caused him to break all previous veto records. Observed the *Bulletin:*

> The extraordinary number of presidential vetoes as a climax to the recent assembly session shows clearly that coordination between the executive and legislative arms of the government failed to carry through, as it was expected to do. . . .
>
> Failure to get the legislative schedule leveled off, failure to dispose of a larger percentage of the bills earlier in the session, killed chances for conferences and coordination. This means that piles of passed measures reached the executive after the session closed, when he had no recourse except either to approve or disapprove, no opportunity for rectifying mistakes in the measures which had to be vetoed because of imperfections in form.
>
> Situations such as the present one will recur as long as the assembly leaves virtually all its work until the very last hours of the session.[61]

Although the arrangements which President Quezon made for the organization and operation of the legislature accomplished their major purpose, neither the Assembly nor the President was long satisfied with their results. Before the first regular session had ended there had arisen both within and without the Assembly a demand for a restoration of the speakership and the Assembly itself to their "normal" positions in the governmental structure. A *Tribune* editorial, "Restiveness in the Assembly," which appeared on April 12, 1936, expressed this growing dissatisfaction. The plan of collective leadership was declared to be impractical. More important, it was said that the "deprivation of the speaker of his political and administrative powers has been fatal to both the office and the law-makers. As the speaker has been demoted in power, so the legislative chamber has been demoted in the respect due it by those who should cooperate with it. . . ." The result was described as the establishment of executive dominance

over the National Assembly. "The legislature, in practice, has become an adjunct of Malacañan," the *Tribune* declared in another editorial.[62] At about the same time the *Manila Daily Bulletin* predicted that although the controversy over the speakership might rise and fall, "it will not be permanently stopped until the head of the legislative chamber is given theoretically and in actual practice the powers ordinarily exercised by the official holding that office."[63]

Towards the end of their terms Assemblymen were declaring that they were tired of being "merely led." With increasing insistence they demanded that the Speaker become their leader—apparently whether he wished to do so or not. Members applauded Speaker Montilla when, more than two years after assuming office, he presided for the first time over a caucus. They proposed to strengthen his position by abolishing the committee on committees and vesting in him the appointment of committees. When, after the fusing of the Pros and the Antis in 1937, the *Nacionalista* Party was reorganized the Speaker of the National Assembly was made its President. Assemblymen even talked of "making the speaker exercise leadership."[64] Mr. Quezon, however, had done his work too well for any substantial change to be effected during the life of the First Assembly. To restore the speakership to its former position of authority would have required a new Speaker as well as new rules.

The President, however, was scarcely less dissatisfied with the situation in the Assembly than were the assemblymen and the public. In the first place, Mr. Quezon had never intended that the Speaker should be permanently reduced to the position of a figurehead. From the beginning he had planned that after the early years of the Commonwealth the office should be partially rehabilitated and a more assertive man appointed to it.

Equally important, Mr. Quezon found the burden of being the "boss" of the legislature an intolerable addition to his duties as Chief Executive, National Leader and *Supremo* of the *Nacionalista* Party. Members, blocs, and officials of the Assembly streamed to Malacañan with matters ranging in importance from injured *amour propre* to the fate of important legislation.[65*] They could

not be stopped as long as everyone knew that the real direction of the legislature lay in the hands of the President.

Thus it happened that when the time came to organize the Second Assembly all of the parties in interest were prepared to shift the leadership of that body from Malacañan to the Legislative Building. Mr. Quezon's problem was still to establish a legislative leadership which was strong enough to dominate the Assembly, yet not sufficiently powerful and independent to threaten his own political supremacy. His solution had in it more than a touch of the political genius which has made him the unrivaled leader of his people.

For the speakership the President chose his Secretary of Justice, the Honorable José Yulo. Like the Speaker and the floor leader of the First Assembly, Mr. Yulo is a native of the Island of Negros and sugar is the basis of his fortune. The Speaker, however, is a "self-made man." By the time he was twelve both of his parents had died and the family fortune had been largely dissipated by the twin passions of the Visayan aristocracy, politics and hospitality. Only thirty-nine when brought into the Murphy cabinet in 1934, he is a product of the public schools and the College of Law of the University of the Philippines. Prior to his appointment as Secretary of Justice he had confined himself entirely to his business and professional interests, and as a corporation lawyer had established one of the most lucrative practices in the Philippines. While head of the Department of Justice, he distinguished himself by his legal and administrative ability. Energetic, a fluent public speaker, and enjoying a national reputation for honesty and public-mindedness he contributed greatly to the successes of both the Murphy and Quezon administrations.

Obviously, Mr. Yulo was qualified to give the National Assembly the intelligent, energetic, efficient leadership which it seemed to desire from its Speaker. Equally important, "Joe" Yulo could scarcely have been thought of as a potential rival of President Quezon. Prior to his appointment to the Murphy Cabinet he had never held a public office. He was distinctly not a "politician" and was a hundred per cent Quezon man.

With a skilled administrator who was only an amateur politician in the speakership it was necessary for the floor leader to be

an experienced party manager. Former Speaker Quintin Paredes, now returned from exile on Capitol Hill in distant Washington, was a perfect choice. He and José Yulo made an ideal team. Their selection went a long way towards restoring the self-respect and prestige of the National Assembly and gave promise of effective leadership within that body. Yet in that particular combination Messrs. Yulo and Paredes offered no threat to the supreme authority of President Quezon, or even to his peace of mind.[66*]

With Yulo and Paredes in office it was easy to strengthen the speakership without making any important alterations in the rules.[67*] Speaker Montilla had been set up as a figurehead merely by general consent. All that was necessary to reverse that action was for the caucus to agree upon the new scheme of things. Informal announcement of such an agreement was made in the press accounts of the conferences and caucus which resulted in the selection of Secretary Yulo as Speaker. "Both the remarks of the President and Speaker Yulo," the *Bulletin* reported,

> were interpreted to mean that the relationship of the executive and legislative branches of the government was being restored to the old order under which the chief executive dealt with the assembly through the leaders of that body.[68*]

Coincidentally with the selection of its new leaders, the Second National Assembly agreed to procedural changes intended to reduce still further the shortcomings of previous legislatures. To prevent the usual congestion at the end of the period of sessions, a rule was adopted providing that except by a two-thirds *aye* and *nay* vote no bill should be considered on second reading in any regular session that had not been reported by the proper committee fifteen days in advance of adjournment.[69] The Committee on Third Reading was required to report all bills referred to it within fifteen days of the date of reference.[70] Although the caucus set up a committee on committees (composed of twelve members, each representing the Assemblymen from the former senatorial districts, respectively), this body was thoroughly controlled by the floor leader, who reported its recommendations to the Assembly. The floor leader was also a member ex-officio without vote of every committee of the Assembly,[71] and Mr. Paredes at once re-



THE HONORABLE JOSÉ YULO



MRS. PILAR HIDALGO LIM

quested the committees to notify him of every meeting which they proposed to hold. The holding of rump or snap sessions of committees in hotels, residences or other irregular places was terminated by the requirement that committees should sit only in the Legislative Building.[72*] The working efficiency of committees was increased by a rule providing that no member should be chairman of more than one committee, and that no member of the Commission on Appointments should be chairman of a committee of the Assembly.[73] At the same time that President Quezon let it be known that in the future he would deal with Assembly chiefly through its properly constituted leaders, he reorganized the Council of State mainly in order to make that body a more effective medium of cooperation between the executive and legislative branches of the government. The Speaker and the majority floor leader were appointed to represent the legislature on the council.[74] The position of the two leaders was further strengthened by the fact that they were, respectively, the president and vice president of the executive commission of the only political party which was represented in the Assembly.

The 1939 changes in the leadership and rules of the Assembly accomplished a considerable proportion of the purposes for which they were made. The evils of the *sine die* session and the few legislative days preceding it were still further reduced; although it must be admitted that this desirable result was obtained by allowing a great mass of legislation to die and then passing most of the bills in which the administration was interested at a special session called within a few days of the *sine die* adjournment. The self-respect of the National Assembly and its standing in the opinion of the public was raised. The President was relieved of a large portion of the burden which he had carried when he had tried to be his own Assembly floor leader. The Assembly continued to turn out a large volume of legislation which, on the whole, was to the advantage of the country.

These accomplishments constituted substantial progress towards a stabilization of the distribution of power between the executive and the legislative branches of the government in the manner contemplated by the Constitution. As has already been shown, it was the intention of the Constitutional Convention that

the President should be vastly stronger than the American Chief Executive, in fact, that he should be the preponderant partner in the government. For many reasons, not the least of which was the threat of internal disturbance which existed in 1935, President Quezon carried this preponderance to the point of direct domination during the life of the First Assembly. During the same period, as has been seen, he secured virtually complete control over the only political party which was represented in the legislature. His authority in each of these spheres increased his power in the other. His supremacy in both was an attribute of his position as the National Leader. This position was not provided for in the Constitution. It had, perhaps, a more incontestable title to existence; it was the product of twenty-eight years of steady constitutional growth. In real life, the relations between the President and the legislature, and the distribution of power between them are bound to be affected by this extra-legal development, as well as by the prescriptions of the enacted Constitution. Where the balance will finally be struck, no one knows.

The first Philippine Assembly was frequently called a "rubber stamp legislature." The Second Assembly even debated the question as to whether this charge had been justified in the past and would probably be warranted in the future.[75] Speaker Yulo promised to do his utmost to change this impression of the Assembly,[76] and was partially successful in doing so. But stereotyped expressions, such as "rubber stamp," "dictatorship," and more recently "appeasement," are all too often merely irresponsible substitutions for thought. Frequently they are misleading rather than enlightening. A far more accurate exposition of the position which the Assembly sought to establish for itself vis-a-vis President Quezon is to be found in a statement upon this subject in the address which Mr. Yulo made upon assuming the speakership in January, 1939. After saying that a peculiar responsibility rested upon the Assembly because every one of its members belonged to the same political party and had "sought his election on the strength of the accomplishments of that party and the commitments in its political platform," Speaker Yulo declared:

> Under the doctrine of separation of powers underlying the form of government established by our Constitution, the legislative power

of the government is vested in the National Assembly. Separation of powers, or independence of the three departments from one another, however, does not connote opposition by one department to the acts of another. As the Executive and the National Assembly belong to one party and are pledged to carry out but one political platform, cooperation between them is naturally much closer than if they belonged to different parties, each with distinct political creeds and purposes. In spite of the fact that they may have honestly and sincerely given separate consideration to any matter on which they have agreed, such co-operation oftentimes is interpreted, maliciously or in good faith, as submission of one to the other. It is therefore necessary that, in our deliberations over any legislative proposal, utmost care be exercised so that our action may stand the most minute scrutiny of the public eye, and that the procedure used in arriving at our final decision be one which guarantees a free expression of the individual opinion of the members of this Assembly. I venture to express the feeling that you are in complete accord with these observations, and that I will be only interpreting your own thoughts when I say that no legislation will ever come out of this Second National Assembly without going through the crucible of our most careful study and deliberation, and only after a frank and thorough discussion of its effect upon the public interest, no matter where such legislation may have originated.[77]

In plain English, this statement meant that even though the one hundred per cent *Nacionalista* Assembly should usually pass the legislation recommended by the *Nacionalista* President, it would give each presidential proposal thorough and independent study and allow every individual assemblyman an opportunity to discuss it freely. How "thorough" and how "independent" the deliberations of the Assembly actually were are matters of opinion; at best, the terms are relative. If the Filipino legislators fell somewhat short of the goals which Speaker Yulo set for them, however, their relative failure was due not primarily to the machinations of any individual striving for personal power, but rather to the human frailties, pressure of business, shortcomings of the party system and many another of the forces which make all legislatures less than perfect.

The faults and the virtues of the National Assembly have been in the main those of the earlier Philippine Legislatures to which it is so closely related. It has been no more subservient to the "national leadership" than were its predecessors. The domi-

nation of the National Leader has merely been made more obvious because the leadership has been transferred to another and theoretically "separate" department of the government. During its second term the Assembly increased its efficiency and prestige. Throughout its existence it has freely exercised powers of discussion and criticism as broad and untrammeled as those enjoyed by any legislative body. In the opinion of the author the National Assembly has adapted itself with remarkable success to the emergent needs and the permanent *mores* of the Philippine people. These needs and customs differ profoundly from those of the United States and other Western democracies. It would be absurd to expect the Philippine Legislature to conform to our "customs, habits and prejudices," even though its rules of procedure and many of its traditions are based upon those developed through centuries of Anglo-Saxon experience. The Philippine legislative record of the past thirty-four years, however, seems to justify the conclusion that Filipinos are developing a law-making body which, like the other parts of their government, will be well qualified to perform its proper functions in the Philippine state.

The next phase in the development of the legislative branch of the Philippine Government will begin on December 31, 1941, when the Congress of the Philippines, the bicameral legislature provided for by one of the constitutional amendments approved by the President of the United States on December 2, 1940, will supplant the National Assembly. The Congress will consist of a Senate and a House of Representatives. The Senate will be composed of twenty-four senators chosen at large by the qualified electors for six-year terms, one-third being elected every two years. The House of Representatives will be virtually a replica of the present National Assembly, except that its members will be chosen for terms of four, instead of three, years, need be only twenty-five instead of thirty years of age, must be natural-born citizens and, last but not least, will be paid ₱7,200 instead of ₱5,000 per annum. Senators must be thirty-five years of age. Their remuneration will be the same as that of Representatives and they also must be natural-born citizens of the Philippines. This nationalistic requirement the Convention of 1934 refused to embody in the original Constitution.

Practically all the provisions of the original Constitution regarding the powers, organization, procedure and other characteristics of the National Assembly are made applicable to the Congress, or, where appropriate, to each of its chambers. The Senate will elect its president, there having been scant support for the proposal that as in the United States the Vice President should occupy this position. Each chamber will have an "electoral tribunal," composed in the same manner and having the same powers and duties as the Assembly's electoral commission. The traditional provision that money bills shall originate in the lower house has been greatly expanded. In the Philippine Congress, all appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills must originate exclusively in the House of Representatives, although the Senate may propose or concur in amendments. Like the Assembly Congress will have the sole power to declare war, two-thirds of the members of each house concurring.

Except in the matter of impeachment, the relations between the Legislature and the President will remain substantially unchanged. The House of Representatives, by a vote of two-thirds of all its members, will have the sole power to impeach; impeachments will be tried only by the Senate, the concurrence of three-fourths of all the members being necessary for conviction and the Chief Justice of the Supreme Court presiding when the President of the Philippines is on trial.

The one striking departure which the amendment makes from Philippine and American precedents is in vesting the power to approve or disapprove appointments in a Commission on Appointments of the Congress instead of in the Senate. This commission will consist of twelve Senators and twelve Representatives, elected by each house, respectively, upon the basis of the proportional representation of the political parties therein. The President of the Senate will be the chairman ex-officio of the commission, but without vote, except in case of a tie. The Congressional Commission on Appointments is an adaptation of the Assembly's commission of that name. Its creation was a necessary concession to the Assembly. Most of the Assemblymen hope to represent their respective districts in the new House of Representatives and insisted

that the lower chamber of the Congress should share in the great power of appointment.

The reader may well inquire why, if the National Assembly has been as successful a legislature as has been indicated in the preceding pages, the Philippines should abandon it and turn again to a bicameral congress just as the Assembly is finding a satisfactory place for itself in the governmental system. Probably only the future historian can answer this question completely and certainly; for no one can see today into the mind of President Quezon as clearly as will the students to whom the documents of the period will probably be available fifty years hence. On the basis of the evidence now on hand, it seems reasonable to conclude that the basic reason for the revival of the Senate was that Mr. Quezon feared that at some future time the country might be disrupted by a struggle for supremacy between the President and the Assembly, or that the Assembly might be captured by radical elements who would drastically alter the fundamental institutions of the state.

Dread of both of these possibilities, especially the latter, is evident in the President's attitude towards the Assembly from the days when from Washington he advised the Constitutional Convention against the creation of a unicameral legislature. During the long public discussion of the proposed amendment fear of a presidential-legislative conflict stood out among all the reasons which he gave for making the change. Mr. Quezon most dramatically expressed this fear in an address to a great assemblage of educators and judges at the famous Teachers' Camp in Baguio.

> The President asserted [reported the *Manila Daily Bulletin*] that if the unicameral assembly should continue, the country will witness the establishment of either a dictatorship or an oligarchy inside of 15 years. He explained that the situation as it exists bears potential menace to the stability of the state itself. . . .
>
> "I tell you in all solemnity," the President said in a portion of his impassioned plea for the amendments, "that the most serious question before the Filipino people today is the creation of the senate. Every intelligent citizen of the Philippines should make it his business to see that the senate be created if he has any love of country, if he wants peace, if he wants democratic institutions to endure here." [78]

The impeachment power vested in the National Assembly seemed particularly dangerous to President Quezon. In his Baguio speech he was reported to have pointed out that "under the constitution, the assembly determines when an official should be impeached. Then the assembly sits alone as judge. Under this power, there is no recourse.

"Supposing the assembly impeaches the President and the President is convinced he has been unjustly impeached and refuses to abide by the decision," the President offered as an example. "Then he would have the assembly dismissed and dictatorship established. If the President abides by the decision, then the supremacy of the assembly is established and the country has an oligarchy." [19]

The arguments which Preisdent Quezon so forcibly advanced in Baguio appear in virtually all of the addresses in which he advocated the restoration of the Senate. To the extent to which the situation in the Philippines warrants Mr. Quezon's fear that the stability of the Philippine Government would be jeopardized by the continuation of a unicameral legislature, that fear raises a question as to how enduring an independent Philippines would be even with a bicameral legislature as a bulwark against internal strife. A nation in which the "stability of the state itself" is menaced by the continued existence of a unicameral legislature can scarcely be regarded as resting upon foundations of everlasting rock.

No one will ever know whether a serious conflict between the President and the Assembly would at some future time have produced the catastrophe which Mr. Quezon predicted when campaigning for the legislative amendment. There is no doubt in the author's mind, however, that such a conflict was invited when the predominant presidency created by the Constitution was confronted with a single-chamber legislature as powerful as the National Assembly. In a confidential memorandum on the draft constitution prepared for the Governor-General on December 31, 1934, the Vice Governor observed:

Since the President is elected by a nation-wide ballot and the Assembly from a large number of small districts, it is possible that the President may represent one party and the majority of the National Assembly another. In such a situation the great powers of the Assembly and its

Permanent Commission [later eliminated] would make a serious deadlock in government possible.

Actually, however, the tradition and history of Philippine politics strongly suggests that instead of deadlock, the entire government would be completely controlled by two men, the President and the Speaker. The "set-up" provided by the constitution is almost ideally adapted to the establishment of such control, with the probability that the President would be the dominant member of the partnership.[80]

The precautions which President Quezon has taken to forestall a deadlock between the Chief Executive and the National Assembly have been described in some detail. There can be little doubt that the risk of a future executive-legislative struggle has been greatly reduced by the constitutional amendment which provides for the establishment of the bicameral Congress of the Philippines. Whether in seeking to protect the country from dangerous political strife the framers of the legislative amendment have exposed it to the perils inherent in an oligarchical regime remains to be seen.

That a Senate elected at large would produce an oligarchical dictatorship was the vital argument of the opposition parties against the proposed legislative amendment. Said General Aguinaldo:

And my greatest objection to the proposed senate is that it will undermine democracy in the Philippines. The plan is to have the Senators elected by the whole nation. This means that only the wealthy people can be candidates for the senate. Those who do not have tens of thousands of pesos to spend for the campaign will have absolutely no hope to be elected, however well capacitated they may be to hold the position.[81]

The same theme was enlarged upon in a circular distributed by the "Preserve Constitution Youth League," an organization of students of the College of Law, University of the Philippines.

We oppose the election of senators at large [this document set forth] because we believe with the Honorable Juan Sumulong that "it will ultimately result in the predominance in the senate of wealthy persons who can finance a campaign throughout the length and breadth of the country, or of parasitic adulators who have succeeded in ingratiating themselves with the chief executive." Poor but able men will never have a chance to get elected to the senate.[82]

Mr. B. P. Garcia, one of the *Bulletin's* political experts, reported that among the objections to the proposed senate were the fears:

> That a senate elected by the nation at large would be open only to men who are pampered by the party leaders or who have money, thereby depriving others who by their brains and ability have carved a name for themselves in their respective communities.
>
> That the election of senators by the nation at large would kill the opposition, thereby placing the upper house absolutely in the hands of the ruling party, whatever it may be, which fact, it is claimed, makes it the more undemocratic.[83]

The orators of the opposition parties were not so restrained in their statements concerning the purpose of the majority party in insisting upon the election of senators from the nation at large. Typical of their attacks upon the proposal was that made at a Cebu mass meeting, reported to have been attended by 10,000 people, by the Honorable Paulino Gullas, a former representative and a member of the Constitutional Convention. Mr. Gullas was quoted as having declared that the purpose of the election of senators-at-large was "to establish in this country another body of 'yes men' to enlarge the already great powers of Malacañan." [84]

Whether or not the peculiarly constituted upper chamber of the Philippine Congress will contribute to the establishment of an oligarchy to the extent predicted by the opposition parties only the future can disclose. The theoretical objections to the selection of members of a second chamber by election at large with no provision for minority representation are obvious. In the Constitutional Convention of 1934 none of the advocates of bicameralism desired a Senate chosen in such a fashion. One group urged a continuation of the twelve then-existing senatorial districts returning two senators each. The other preferred election at large by some system of proportional representation. In the debates preceding the adoption of the proposed amendments by the National Assembly a minority fought for the adoption of a plan of proportional representation. The proposal was opposed by the party leaders, however, and was voted down.[85*]

Although fear of a possible future conflict between the National Assembly and the President was the impelling reason for the

revival of the Senate, many other arguments for the return to bicameralism were advanced by the proponents of the proposal. Most of them were included in an address which President Quezon made to the Assembly in support of the three amendments which were before that body in August, 1939. Mr. Quezon was quoted as having spoken as follows upon this subject:

. . . The two chambers, as contemplated, will have separate functions. The lower house would express the sentiment of the people in the different localities or districts while the senate would express the sentiment of the nation as a whole. The lower house would voice local interests and views, while the senate would reflect the relative importance that the whole nation gives to such interests and views. The house would have the vision and aggressive enthusiasm of youth, while the senate would be tempered by the hard lessons of experience. Furthermore, the consequent double consideration and discussion of legislative measures will give time for a more mature judgment and the crystallization of public opinion. The passions of the moment would not easily sway the members of both houses at the same time. As the members of the senate are to be elected at large their perspective of national problems will be broad and discriminating. They will not represent provinces or districts, but the entire nation. They will, therefore, think and act not in regional but in national terms.

Moreover, the creation of a senate elected at large will offer a greater opportunity for the formation of national leaders. As the candidates for the senate will have to be nominated by national political parties, the electoral campaign will be waged throughout the country on the basis of principles and not on personalities.[86]

Although the Philippines has decided to abandon its brief experiment with a unicameral legislature, it cannot be said that unicameralism has failed in the Commonwealth. No one pointed to any deficiencies in the services of the National Assembly as reasons for its abolition. Those who destroyed it had nothing but praise for its achievements. President Quezon himself told the legislature which he was urging to vote itself out of existence:

In advocating the creation of the senate I do so with full appreciation of the excellent work of the National Assembly. It is only fair to state that a bicameral legislature could not have done better than this assembly.[87*]

On the other hand, the National Assembly found no enthusiastic defenders. No one declared that unicameralism had definitely

proven its superiority as a form of legislative organization. A *Bulletin* editorial reflected the general opinion when it stated that the adoption of a unicameral assembly was experimental and, "Results to date have proved nothing, one way or another. In fact, there has not been sufficient time for decisive results." [88] In short, the experimental unicameral legislature was born of a political accident, had a blameless and productive existence which won for it neither friends nor enemies and was prematurely slain by a combination of fear and theory. Its demise would have brought no grief had the arrangements for the Senate of the new Congress of the Philippines included provision for the application of the principle of proportional representation in the selection of senators by the national electorate voting at large.

An interesting footnote to the story of the Philippine experiment with unicameralism is furnished by the data concerning the annual appropriations for the expenses of the National Assembly. Using the 1935 grants to the former Philippine Legislature as a basis of comparison, and beginning with 1937, the first year for which the Assembly determined its own appropriation, the figures are as follows: [89]

	Salaries and Wages	*Total Appropriation*
	BICAMERAL PHILIPPINE LEGISLATURE	
1935	₱1,403,729.00	₱1,687,752.00
	UNICAMERAL NATIONAL ASSEMBLY	
1937	₱1,070,562.00	₱1,242,852.55
1938	1,146,640.00	1,372,410.00
1939	1,150,660.00	1,676,430.00
1940	1,493,500.00	1,785,050.00

These data show that in 1937 the National Assembly cost ₱444,899.45 less and in 1940 ₱97,298 more to operate than did the Philippine Legislature during the last year of its existence. During the four years, 1937-1940, the Assembly appropriation was increased by more than 43 per cent, or ₱542,097.45. This rapid rise in the operating costs of the Assembly resulted from an expansion of the employed staff of the legislature, an increase in its sundry expenditures, and the allotment in 1939 of ₱6,000 instead of ₱3,000 to each Assemblyman for clerical and other assistance.

The doubling of the clerical allowance of its members was widely interpreted as being the legislature's way around the provision of the constitution, fixing the Assemblymen's salaries at ₱5,000 and declaring that no increase in their compensation should "take effect until after the expiration of the full term of the National Assembly elected subsequently to the approval of such increase." [90*] If the Assembly did seek to circumvent the constitutional limitation in this fashion, its action is understandable. Five thousand pesos per annum is substantially less than the annual compensation of a member of the House of Representatives in 1935. The Constitutional Convention made this reduction with the expectation that other governmental salaries would be correspondingly reduced. Instead, many of them were generously increased. By 1940 the directors of first-class bureaus were being paid ₱7,200 per annum and in some cases provision was made for increasing their salaries to as much as ₱9,000, in the discretion of the President. The heads of numerous commissions and other new units which have multiplied rapidly since 1935 ordinarily received ₱12,000. Even assistant bureau directors in some instances were paid ₱6,000.

The pride as well as the pocketbooks of the members of the National Assembly was injured by this situation. Furthermore, the election and other political expenses of the legislators are heavy, often as much as their salary for their entire term. During the campaign for the constitutional amendments, Speaker Yulo "pointed out the great expense of assemblymen in Manila not only for their family but for their political following as well. Some assemblymen," he said, "are 'living on credit.' " [91] An appointment as "clerk" is an approved way of paying off a successful candidate's "liders." Undoubtedly much of the ₱6,000 appropriated for "technical, clerical, and secretarial service" to Assemblymen goes for this purpose—as similar appropriations do in every country. However, no matter how justifiable the increases in the Assembly's appropriations may have been, the fiscal result was that five years after the unicameral legislature was inaugurated its maintenance was costing the taxpayer nearly ₱100,000 more per annum than that of the bicameral legislature did in 1935.

On the other hand, there is no reason to believe that the costs

of a bicameral legislature would have mounted any less rapidly during the same period under corresponding conditions. Furthermore, the return to bicameralism will result in an immediate increase in the expenses of the legislative costs of the government. At the outset, the Congress of the Philippines will cost in members' salaries and clerical assistance alone at least ₱532,400 per annum more than the National Assembly did in 1940. This amount includes the pay of both Senators and Representatives at ₱7,200 per annum, and their allowance for "assistance" at ₱6,000 per annum. If the expenses of the new Senate, in addition to the compensation of Senators and their "clerks," are no greater than were those of the Senate in 1935, another ₱355,040 will be added to the figure given. This means that the operation of the legislative branch of the Commonwealth Government will cost as a minimum nearly ₱900,000 more in 1942 than it cost in 1940. As a *Bulletin* editorial entitled "Expensive Amendments" pointed out, however, "The increase in administrative cost of the legislative department of the government is insignificant in comparison to that in the executive department, which has multiplied many times since the inauguration of the Commonwealth." [92]

Philippine experience would seem to indicate that the economy argument so often advanced in favor of the unicameral legislature is of doubtful merit. The National Assembly is costing more to operate than did the bicameral legislature which preceded it, and it has appropriated public funds more freely than any legislature in Philippine history. In the Philippines, as elsewhere, the best legislature obtainable will be the least expensive no matter what, within reason, its administrative costs may be. In a single session the law-making body may commit its constituency to policies and programs or even single proposals requiring expenditures or causing economic losses greater than the total legislative operating costs for years. By a single vote a legislature may determine the whole future of a people, as when it decides questions involving war, peace, or national independence. It is hard to imagine a more short-sighted policy, in the Philippines or elsewhere, than to sacrifice legislative quality in order to make a saving in legislative costs.

CHAPTER X *

PHILIPPINE JUSTICE

IN HIS first annual report as President of the Philippines the Honorable Manuel L. Quezon stated that "next to the establishment of the bases of an adequate national defense and national economy, the greatest concern of the Government was to effect certain reforms in the administration of justice in order to make our judicial system truly independent and thereby enhance the confidence of the people in the judiciary." The third law to be enacted by the National Assembly provided for the reorganization of the Supreme Court and the establishment of circuit courts of appeals. In subsequent legislation further steps have been taken to strengthen the judicial system and through various executive actions steady pressure has been exerted to improve the administration of justice in the Commonwealth. The emphasis which President Quezon has placed upon the establishment of the judicial department of the government on the soundest possible basis springs from that statesman's keen sense of reality. There are few things that would contribute more to the stability of the Philippine Government than a conviction among the masses of its citizens that they are living under just laws fairly and competently administered.[1]*

For more than four decades Filipinos and Americans have sought to create in the Philippines legal institutions which would impel such confidence. They have built upon foundations laid by Spain, rotten in spots but containing the sound materials which were collected in the great codification of Justinian and spread through much of the world as the civil law. With the Roman law have been combined many of the principles and procedures

* *The notes of this chapter begin on p. 899. Subject matter notes are indicated by an asterisk.*

of the common law which originated in England and is the basis of jurisprudence in most of the United States. The resulting legal system has been affected by the existence throughout the Philippines of a sub-stratum of native customary law, highly developed and, although scarcely recognized by the courts in most parts of the Archipelago, inevitably affecting the attitude of the people towards all law and its administration. In great regions predominantly inhabited by isolated pagan groups the law of the land has made concessions to more primitive conceptions of justice. And among the half million Mohammedan Filipinos the courts take judicial notice of the laws which have developed in Mindanao and Sulu upon the basis of the Koran. In a single volume of court reports Coke and Blackstone, Marshall and Taft, Arellano and Mapa, Manresa and other Spanish jurists, and Mohammedan scholars may be cited. Until recently the law was administered by both Filipinos and Americans. Both English and Spanish are the official languages of justice, but even today the courts deal with many persons who command neither of these tongues. In a single trial witnesses may be questioned in half a dozen native dialects to say nothing of Chinese, through several interpreters.

Thus the Philippine legal and judicial system is based upon diverse elements and until 1936 was administered by a heterogeneous personnel under conditions utterly alien to those under which its chief ingredients, the civil law and the common law, originated. The result, of course, is a set of legal institutions which are distinctively national, despite the foreign sources from which their chief concepts were borrowed. Furthermore, on the whole, these institutions are well adapted to the needs of the Filipino people. They are one of the cohesive elements in the national state that is being developed in the Philippines. That these two basic systems of law should in wise combination meet so well the needs of an Oriental people is an impressive demonstration of the soundness and the universality of the principles of justice embodied in them. It does not necessarily follow, however, that a Western system of jurisprudence and judicial administration can as easily be developed in China or any other Eastern country. In the Philippines three centuries of Spanish tutelage in the Christian religion and the political institutions of the West lie behind the

achievements of the past four decades in the legal as in every other field.

When the United States became sovereign in the Philippines it was faced with two basic sets of closely related legal problems: those arising out of the content of the law, and those concerning the administration of justice. The task of reconciling the civil and the common law was not new in American experience; the Philippine Islands was not the first territory with a Spanish background to be acquired by the North American Republic.[2] American policy with reference to the law itself was laid down in President McKinley's instructions to the Second Philippine Commission, as follows:

> The main body of laws which regulate the rights and obligations of the people should be maintained with as little interference as possible. Changes should be made mainly in procedure, and in the criminal laws to secure speedy and impartial trials, and at the same time effective administration and respect for individual rights.

In pursuance of these instructions, the substantive law, which stemmed from the Code Napoleon and was well suited to the needs of the Philippines, was for the most part continued in force. The procedural law, however, although it contained many scattered "provisions declaratory or protective of personal rights which in effect correspond largely to the ideals of American constitutional law," had been made an effective instrumentality for the oppression of the poor and weak by the rich and powerful, including the Government. In his instructions to the Philippine Commission President McKinley extended to the Philippines the substance of bills of rights found in the Constitutions of the United States and of the several states. Upon every division and branch of the Philippine Government, he imposed as "inviolable rules" the procedural and other safeguards of civil rights that are embodied in the first nine amendments of the federal Constitution, with the omission of the right of trial by jury and the right of the people to bear arms, and the addition of the prohibitions against slavery or involuntary servitude and of *ex post facto* laws or bills of attainder found elsewhere in the American fundamental law. In substance these safeguards of liberty were embodied in the Organic

Acts of 1902 and 1916. With additions they form the bill of rights of the Constitution of 1935.

To adapt Philippine law to American conceptions of justice, the Code of Criminal Procedure was greatly modified by the Military Governor and a new Code of Civil Procedure was enacted by the Commission in 1901. During the succeeding years Philippine law has been extensively modified to meet the changing needs of the people. Several committees representing the bench and the bar have revised the older codes for amendment by the legislature, and the Philippine Commission and its legislative successors had, by 1936, enacted nearly five thousand laws. By 1941 the Commonwealth had added more than 600 enactments to the statute books.

The body of Philippine law today consists of these statutes and six codes. The Civil Code, the Revised Penal Code, and the Code of Commerce (now largely superseded) are of Spanish origin. The Code of Criminal Procedure promulgated as General Orders No. 58 of the American Military Governor, and the Code of Civil Procedure, enacted by the Philippine Commission and reflecting the laws of the states from which the legal members of the Commission came, are essentially American in character. The Revised Administrative Code is a codification of the law regarding the organization, powers, and general administration of the Philippine government. It was originally enacted in 1916, was revised in the following year, for the purpose of adapting it to the Jones Law and the Reorganization Act of 1916, and has been much amended since. But law as actually administered is not found wholly in the statute books. As former Vice-Governor Eugene A. Gilmore, a distinguished legal scholar, has pointed out, Anglo-American decisions and authorities are used and relied upon to an increasing extent in the interpretation of Philippine statutes. "The net result is that there is being developed in connection with this American-derived legislation a substantial body of case law essentially Anglo-American in spirit and constituting in a general sense a body of Philippine common law." Dean Gilmore doubts whether the Anglo-American law will ever completely displace the civil law in the Philippines. He believes, however, "that it has profoundly and fundamentally affected the jurisprudence of the

Islands and is playing an increasingly important part in the growth and development of the system of law." [3*]

Writing in 1936, Mr. Justice George A. Malcolm, then the senior member of the Philippine Supreme Court, declared that the Philippines is in need of "a thoroughgoing clean-up and codification" of its varied laws.[4] The initial step in this process was taken in November, 1940, when President Quezon created a code committee to revise and recodify all substantive laws of the Commonwealth. When the task is completed the Philippines will possess a body of law based upon the great Western systems of jurisprudence, well adapted to the peculiar needs of the Filipino people, and made available in scientific, modern form.

The judicial system which was established in the Philippines during the American regime was closely copied after that of the Spanish period. In almost every municipality there was a justice of the peace court possessing the usual jurisdiction of such a tribunal. Courts of first instance were established in each province and given general criminal and civil jurisdiction. For administrative purposes these courts were grouped into judicial districts. Auxiliary judges of first instance, later called judges at large, were provided for temporary assignment to districts behind in their dockets or which for any reason were in need of additional judges. A municipal court was established in the city of Manila, and from 1903 to 1914 there was also a court of land registration.[5*] At the apex of the system was the Supreme Court of the Philippine Islands. Originally consisting of a Chief Justice and six Associate Justices, the size of this tribunal had been increased to eleven by the end of the American regime.[6*]

For certain classes of cases which may be appealed to it from the Supreme Court of the Philippines, the Supreme Court of the United States has been a part of the Philippine judicial system since the enactment of the Organic Act of 1902. These cases are those wherein the United States Constitution, or any statute or treaty of the United States is involved, or wherein the value in controversy exceeds $25,000, or where the title or possession of real estate exceeding in value $20,000 is involved or brought in question; and the Tydings-McDuffie Act extended this power of

review to all cases involving the Constitution of the Commonwealth.[7]

In the Philippines all judicial officers are appointive. From the organization of the government by the Act of 1902 until the inauguration of the Commonwealth, the Justices of the Supreme Court were appointed by the President of the United States, by and with the advice and consent of the Senate. Judges of the courts of first instance, the Court of Land Registration and justices of the peace were named by the Governor-General, at first with the consent of the Philippine Commission, later of the Philippine Senate. The Constitution of 1935 provides that judicial appointments shall be made by the President with the consent of the Commission on Appointments of the Legislature. In the higher courts tenure was for life, or good behavior, but justices of the peace were subject to disciplinary action or removal by the Chief Executive.

From the beginning of the American regime until shortly after its end in 1935 both Americans and Filipinos served on the Supreme Court and the courts of first instance. Save in a few special jurisdictions all of the justices of the peace were Filipinos. From the beginning the Chief Justice was invariably a Filipino; but, except during the brief existence of the Supreme Court established by the military governor and a few months before the inauguration of the Commonwealth, an American majority was maintained on the Supreme Court. In 1902 there were ten American and six Filipino judges of first instance and in 1904 the numbers were fifteen and five, respectively. From that time on, however, the number of Americans decreased. In 1926 only two remained, while the number of Filipinos had increased to fifty-one.[8] At the end of the period there were no American judges of first instance.

Judges not only "say the law" in particular cases, and through a succession of decisions determine the meaning of codes, statutes, and the common law; they also mould the character of the entire legal-judicial system and determine how well or how poorly it shall serve the people. In the Philippines the law and the courts have been developed during the American regime by the collaboration of some of the finest representatives of the legal profession

of both countries. During the earliest period the great figures on the American side were Elihu Root, who was made Secretary of War because President McKinley wished the institutions which were to be developed in the territories acquired from Spain to rest upon sound legal foundations; William Howard Taft, who left the federal bench to become the first Civil Governor of the Philippines; and Lieutenant Colonel (later Major General) Enoch H. Crowder, a brilliant lawyer who became Judge Advocate General of the United States Army and during the World War as Provost Marshal General administered the conscription act so justly and efficiently as to assure himself a permanent place in American history.

Of this distinguished trio Elihu Root exerted the greatest influence upon Philippine legal institutions. It was Root who penned the McKinley instructions to the Taft Commission and laid down the principles under which the civil codes and the common law were adjusted to meet the needs of the situation in the Philippines. It was he who, in dealing administratively with the problems centering around the question of the position which the former Spanish colonies should occupy in the American constitutional system, enunciated the doctrine which Mr. Justice Brown wrote into American constitutional law in the decisions of the Supreme Court in the famous Insular Cases.[9] The establishment of this doctrine—the doctrine that only certain provisions of the Constitution "follow the flag" into "unincorporated" territories of the United States—made it legally and practically possible for the United States to govern territories which are accustomed to different legal and political systems from those of America.[10*]

Other Americans of legal ability and high standards of public service carried on the work inspired or begun by the three leaders who have been mentioned. Among them Associate Justices E. Finley Johnson and George A. Malcolm of the Philippine Supreme Court probably left the greatest imprint upon Philippine law and its administration. Mr. Justice Johnson served on the Court from 1903 to 1932. During these twenty-nine years he penned 3,673 opinions, some of them of determining importance in the development of Philippine legal and political concepts. Forthright, able, vigorous, intensely patriotic, scorning weakness of character or

carelessness in the performance of duty, this staunch patriot strikingly exemplified the virtues which were considered typically American a generation ago. As a man as well as a jurist he brought to the Philippines the best which the United States had to offer its Oriental wards.

Associate Justice Malcolm served the Philippine government for thirty years, eighteen of them on the Supreme bench. During the latter portion of his term he was widely regarded as the ablest as well as the hardest working member of the Court. Mr. Justice Malcolm was the first Dean of the College of Law of the University of the Philippines, in which he taught from 1908 until his elevation to the supreme bench in 1917. This was the period during which many of the men who are now the leaders of the Philippine bar and in the Commonwealth Government received their education at the state university. Through his former students and his scholarly writings on Philippine law and government Mr. Malcolm's influence was widespread and lasting.[11*]

Among Filipino jurists the name of Don Cayetano S. Arellano stands first. The most distinguished lawyer in the Islands at the time of the American occupation, Don Cayetano was appointed President of the Supreme Court which was organized by the Military Governor in 1899. He was also consulted with reference to the establishment of local governments under the new regime and in other ways rendered great services to the government during the difficult period of transition from Spanish to American rule. In 1901 he became the Chief Justice of the reorganized Supreme Court, and served in that capacity until 1920. Chief Justice Arellano was an able administrator as well as a great jurist. He was also a man of lofty character and under his leadership American and Filipino members of the Court sank personal and racial differences and worked together in their common task of administering justice and laying the legal foundations of the Philippine state.

Other Filipino justices, among whom may be mentioned Florentino Torres, Manuel Araullo, Gregorio Araneta, Victorino Mapa, Ignacio Villamor and Ramon Avanceña, have had great careers on the supreme bench. Mr. Chief Justice Avanceña has been a member of the Court since 1917 and has presided over it

since 1925. Learned, courageous, modest, he has a remarkable hold upon the confidence of the Filipino people at a time when public confidence is one of the greatest assets which the Philippine Government can possess. So slight has been the impact of the Philippines upon the consciousness of the United States that to all but the handful of Americans who have lived in the Philippines or have been especially concerned with the Islands, the names which have been recited are unknown. Yet each of these men made a distinct contribution to the fabric of the nation which for nearly half a century has been developing under American protection. Their achievements are known to all educated Filipinos and are a part of the accumulating common heritage which is one of the attributes of Philippine nationhood.

Although the courts of first instance do not offer as wide a scope for legal talents as does the Supreme Court, these tribunals are much nearer to the people and upon their character depends in large degree the quality of the justice administered in the Philippines. Viewed as a whole, during the greater part of the American regime, the record of the judges of first instance compares favorably with that of comparable jurists in the States of the Union or in European countries. The legally required qualifications for this position are not high: at least five years in the practice of law or five years in an office requiring a lawyer's diploma as an indispensable requisite, membership in the bar of the Philippine Supreme Court, and, since 1935, Philippine citizenship. Nevertheless, during the last two decades, at any rate, few men have been appointed judges who were not competent to do the work required of them. Still fewer judges have been venal. The "generally deplorable" condition of the courts of first instance which was reported by the Wood-Forbes Mission in 1931 was chiefly due to the fact that the judges were overworked. The personnel of the courts had not been enlarged sufficiently to keep abreast of the rapid increase in the number of cases filed. Although the report declared that less care had been exercised in the choice of judges after 1913 than previously, there were no charges of corruption or professional incompetence.

It has been stated that decisions of the courts of first instance are often influenced by political, class, or family considerations.

Such allegations are usually not susceptible of proof. That the courts of first instance even in recent times have not been entirely independent of improper influence, however, is implied by the clearly expressed determination of President Quezon to make them so. It is known, too, that the provision, "No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court," [12] was included in the Constitution of 1935 because in the past political pressure had sometimes been brought to bear upon judges of first instance through transfer or threat of transfer.[13] In the Philippines as elsewhere there are strong judges and weak judges. Many of them would resist improper pressure just as staunchly as any American or British judge would. Indeed, some of them have publicly risked their careers in doing so, and have been supported by the Supreme Court.[14]

It is particularly important that the judges of first instance should be above suspicion of weakness, prejudice, or venality, because in the Philippines trial by jury does not exist and, except in the Supreme Court, a single judge passes upon the facts as well as the law in cases brought before the court. Under the civil law in force in the Philippines prior to 1898 the jury was unknown. Neither the bench, the bar, nor the people had enjoyed the slightest experience with this typically common-law procedure. Nevertheless, some of the earlier American officials, notably the Schurman Commission,[15] believed that trial by jury should be instituted in the Islands. Fortunately, the very able American lawyers who cooperated with distinguished Filipino jurists in modifying Philippine law to meet the needs of the new era did not seek to force the jury system upon the Islands. The legality of their course was subsequently upheld and the policy involved approved by the United States Supreme Court.[16] As Chief Justice Taft declared in the decision of the Court in the case of Balzac v. Porto Rico:

> The jury system needs citizens trained to the exercise of the responsibilities of jurors. In common-law countries centuries of tradition have prepared a conception of the impartial attitude jurors must assume. The jury system postulates a conscious duty of participation in the machinery of justice which it is hard for people not brought up in fundamentally popular government at once to acquire. One of

its greatest benefits is in the security it gives the people that they, as jurors actual or possible, being part of the judicial system of the country, can prevent its arbitrary use or abuse. Congress has thought that a people like the Filipinos or the Porto Ricans, trained to a complete judicial system which knows no juries, living in compact and ancient communities, with definitely formed customs and political conceptions, should be permitted themselves to determine how far they wish to adopt this institution of Anglo-Saxon origin, and when.[17]

In order to give the courts and the parties to causes brought before them the advantage of local opinion as based upon local customs and usages the Philippine Commission provided that the courts of the justice of the peace and of first instance might employ assessors to assist in trials and to advise the judge in his decisions. Except in the non-Christian areas the use of assessors never became common, however, and even in the special provinces the practice fell into disuse.[18] Since the inauguration of the Commonwealth a few Filipino radicals, encouraged by a small number of Americans in the United States—apparently well meaning persons who have little understanding of Philippine conditions—have advocated the adoption of the jury system in the Commonwealth. It is hard to imagine any action which would so effectively disrupt the judicial system of the Philippines or make more difficult the administration of justice in the Islands. However, as Dean Vicente G. Sinco observed in discussing the failure of the jury system to develop in the Islands: "So deep-rooted is the one-judge system in the jurisprudence and practice of the Philippines, and so satisfactory have been its results that any attempt to modify it will most likely be attended with great difficulties." [19]

In the Philippines as in most of the States of the Union the justice of the peace courts have been, as was stated in the Wood-Forbes Report, the weakest point in the judicial establishment. Not until 1911 were the justices placed upon a salary basis, and after that date their pay was so small as to be a virtual invitation to graft. Even at the end of the American regime only a minority of the justices of the peace were lawyers. In the Philippines as in the United States, the poor man's court, the tribunal closest to the people where judicial administration should have been the best, has been the most poorly administered of all the courts. Not only were many of the justices incompetent or corrupt, or both; in too

many municipalities they were the tools of the local *cacique* who used their courts to oppress the poor, collect usurious debts, punish enemies, reward friends, win elections, and in general control the community. Although justices of the peace were appointed by the Governor-General, with the consent of the Philippine Senate, their names were suggested to the Chief Executive by the party leaders who, in turn, were expected to allow the majority senators virtually to dictate the appointments from their respective districts. Of course there were many competent and honest justices of the peace; but the system as a whole must be put down as one of the failures of the period when the Government of the Philippines was administered jointly by Americans and Filipinos.

Within a few months after assuming office President Quezon made it clear to the members of the National Assembly that the days when legislators dictated appointments to the justice of the peace courts were past. In March, 1936, the President wrote to Floor Leader José E. Romero of the National Assembly, in part, as follows:

> The Members of the National Assembly are too well informed of the provisions of the Constitution to assert that they have any right thereunder to propose who are to be appointed justices of the peace, much less to claim that only men of their choice be appointed. . . . The members of the convention saw the evil effects of the old system whereby senators were practically allowed to dictate who should be a justice of the peace in his senatorial district. For this reason they changed the wording of the Constitution of the United States regarding appointments in incorporating the same into ours and required not the advice but only the confirmation of the commission on appointments. . . .
>
> . . . So long as the justice of the peace knows that his appointment and retention in the service depends upon the good graces of some influential politician, so long will he be subservient to the will of these politicians. . . .
>
> I have done what I could properly do to show the members of the national assembly my regard for their views and my desire to give to their recommendations due weight. . . . But it is one thing to have the views of the members of the national assembly, and give them such consideration as in my own judgment they deserve, and entirely another thing for them to claim that I may only appoint those that they recommend. Were I to recognize such right I would not only violate the Constitution, but my determination to give the

country the best possible judiciary might easily be frustrated. This I will not permit to happen. . . .[20]

No one who reads the addresses in which President Quezon has carried his program to the people throughout the Philippines can fail to be impressed with the campaign which he has conducted for the elevation of the office of justice of the peace. In a large proportion of the provinces he has publicly informed the justices and the communities which they serve of the way in which he expects this court to be administered. In the following quotation, the President's remarks give a vivid picture of the Philippine justice of the peace and his place in the local scheme of things, and of Mr. Quezon's crusade for fewer and better justices:

Particularly, I want the justices of the peace to realize that although they are the lowest officials in the judiciary, yet they hold the most important position. The common man in the Philippines, the man who lives in the far distant barrio, will know whether this is a just government or not only by the manner in which the justices of the peace perform their duties. I want every justice of the peace to know and feel that he owes his position to nobody in particular. It is true that I listened to the recommendations of those who knew possibly the best for appointment to these positions, but I did not appoint the justices of the peace in order that they may serve the interest of those who recommended them, but in order that they may do justice to the people.

In the past your justices of the peace were political leaders. Now, there is no use denying that; I know it; I have been in politics for thirty years. I have forgiven and forgotten every justice of the peace who mixed in politics in the past because that was a fault everybody committed. But we are starting a new book, and, from now on, no justice of the peace must mix in politics except at the risk of losing his job. I want the justice of the peace to have the confidence of the people. I want him to make the people feel that they can go to him and obtain justice. The justice of the peace who does his duties well does not have to kiss the hand of anybody. The justice of the peace who performs his duties impartially does not have to have political friends. His own protection will be the performance of his duties. But the justice of the peace who mixes in politics and decides questions in favor of his relatives or friends regardless of the merits of the cases at hand, cannot be saved by the biggest man in the Philippines.[21]

In the matter of disciplining unworthy justices of the peace President Quezon's deeds have squared with his words. He has been

active in hunting out erring justices and consistent in dismissing them from office when they have been proven guilty of serious misconduct.

That President Quezon has made a contribution to the elevation of this vital element in the Philippine judiciary can scarcely be questioned. He is blind to the lessons of universal experience, however, who believes that the crusade of any one man or of any single administration can effect radical and permanent changes in an institution which has taken form through the centuries. Although the results may seem discouraging, real progress has been made during the past four decades in improving the quality of the justice of the peace courts. In the long run, however, this particular institution will not rise much above the level of the society in which it exists. Thus, once more, one is forced to face the fact that every particular advance which has been made in the Philippines, whether in the field of education, public health, government, or any other, can be maintained and carried further only if the basic conditions which have made progress possible can be continued for an indefinite future period.

The legal basis for the judicial system of the Philippine Commonwealth is to be found in Article VIII of the Constitution of 1935 and in Title IV of the Revised Administrative Code, as amended. Wisely following the American precedent, the Constitution establishes only the Supreme Court. Inferior courts may be established by law. The Legislature is given power to define the jurisdiction of the various courts, but may not deprive the Supreme Court of its original or appellate jurisdiction respectively over a variety of cases. The Court's original jurisdiction as prescribed by the Constitution includes all cases affecting ambassadors, other public ministers and consuls. The Constitution makes the Court the final interpreter of Philippine law by giving it appellate jurisdiction over all cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question; and all cases in which a question of law is involved. It also has the final word in cases involving the legality of any tax, cases in which the jurisdiction of any trial court is in issue, and criminal cases in which the penalty imposed is death or life imprisonment.[22]

The members of the Supreme Court and the judges of all inferior courts are appointed by the President with the consent of the Commission on Appointments of the Legislature. To prevent the recurrence of past evils, provision is made that no judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court; but the Legislature shall by law determine the residence of judges of inferior courts. The independence of the courts is further safeguarded by the provisions that all judges shall hold office during good behavior until they reach the age of seventy years or become incapacitated; and that their compensation shall be fixed by law and shall not be diminished during their continuance in office.[23*] Judicial salaries, except those of the justices of the peace, are appropriately placed in relation to the salaries of other government officials and are sufficient to attract and hold first-rate judges.[24*] The retirement of Justices of the Supreme Court is compulsory, with full salary for life after twenty years' service in the judiciary or any other branch of the government, at the age of seventy; and optional at the age of sixty, with full salary after twenty years' service, ten of which have been rendered as a judge of a court of record.[25*]

The Constitution also lays down certain rules of judicial procedure which are based upon sound principles of jurisprudence and sprang from a desire to eliminate defects in the existing procedure of the Philippine Courts. The fundamental law requires that the conclusions of the Supreme Court shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based. Beyond these requirements, the Supreme Court is granted power to promulgate rules concerning pleading, practice, and procedure in all courts, and admission to the practice of law. Such rules, however, must be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights; and the Legislature is empowered to repeal, alter, or supplement such rules. Previously the rules on pleading, practice, and procedure were laid down in

statutes. In vesting this authority in the Supreme Court the Philippines has brought its procedure in this matter in line with that of the most advanced jurisdictions.

Immediately after the inauguration of the Commonwealth vigorous steps were taken to reorganize and strengthen the judicial system by both legislative, executive, and judicial action. The *First Annual Report of the President of the Philippines* contains a concise account of the need for changes, the objectives which the Government had in view, and the steps which the President and the National Assembly had taken towards them by the end of 1936. The major objective, "to make our judicial system truly independent and thereby enhance the confidence of the people in the judiciary," has been quoted at the beginning of this chapter. Continuing, President Quezon declared:

The fundamental steps that have already been taken in the accomplishment of this objective are: the reorganization of the Philippine Supreme Court, to fill the role that it should have in our judicial system under the Constitution; the creation of the Court of Appeals and the reorganization of the Courts of First Instance, both with a view to effecting a more speedy and proper determination of judicial controversies; and the formation of circuit justice of the peace courts for a more effective administration of justice among the larger mass of our people.

The inauguration of the Government of the Commonwealth found the judicial power vested in a Supreme Court of eleven members, Courts of First Instance grouped under twenty-seven judicial districts with forty-seven district judges and five judges-at-large, and justice of the peace courts in almost every municipality.

It was noted that a Supreme Court of eleven members to which could be appealed all cases originating from the other courts of the Philippines found its dockets clogged, in many cases with appeals involving pure questions of fact, the consideration and disposition of which deprived the court of the necessary time that should be devoted to substantial issues involving questions of law. It was, therefore, thought expedient to reorganize the Supreme Court by limiting its jurisdiction to the class of cases enumerated in section 2, Article VIII of the Constitution of the Philippines, and to cases involving only errors of question of law. Accordingly, the National Assembly passed Commonwealth Act No. 3, under whose provisions the Supreme Court was reorganized, by reducing its membership from eleven to seven and by limiting its jurisdiction to the cases above referred to. In order to provide a court of last resort for a review of the decisions

of the lower courts on questions of fact, a Court of Appeals of eleven members was created. To the reorganized Supreme Court and to the newly created Court of Appeals, there were appointed men of learning, ability, and integrity, in whom the bar and the people have the highest confidence.

During the first months of the new Government, it was noted that there was a marked decrease in the number of cases disposed of by the Courts of First Instance. This was attributed to the inability to assign judges of one district to another district to help relieve the congestion of the dockets in that district. In view of the constitutional limitation that "no judge appointed for a particular district shall be designated or transferred to another district," without in any way violating the spirit of the Constitution, the judicial districts were reduced, and provinces adjacent to one another grouped under one district, with a view to expediting the dispatch of court business.

To attain this objective, Commonwealth Act No. 145 was enacted reducing the judicial districts from twenty-seven to nine, each district embracing several provinces accessible to each other by easy and convenient means of transportation. Within each district, a judge may be assigned from one province to another if the judge of the latter province "should certify to the Secretary of Justice that the condition of the docket in this court is such that it requires the assistance of an additional judge, or when there is any vacancy in any court or branch of a court in a province, and there is no judge-at-large available to be assigned to said court."

To the new districts, appointments were made by shifting the judges then in the service from one district to another as far as practicable and eliminating from the service those, who, on account of age or for any other cause, have outlived their usefulness to the bench. Where new members had to be appointed, the views of the members of the Supreme Court and of the leading bar organizations was [sic] sought regarding the character and professional ability of the possible appointees.

While the justices of the peace courts occupy the lowest position in the Philippine judicial hierarchy, they are the most important arms of the administration of justice, in view of their closeness to the masses and the fact that for the redress of grievances, these courts are the only ones accessible to the great majority of the people. It is the purpose of the Government to elevate the standard of these courts and to improve the service they are rendering to the large bulk of our population, especially in the remote and outlying districts and hamlets.

The reorganization of the justice of the peace courts commenced through the formation of circuit courts whenever possible. Before this reorganization, there were 882 justices of the peace, the majority of whom were not lawyers. There was one justice of the peace for

almost every municipality in the Philippines, with salaries ranging only from ₱720 to ₱1,200 a year. Under the circumstances, it was difficult to draft into the service men of proven ability and integrity. The formation of circuit courts was, therefore, undertaken in order to give higher salaries to the incumbents, and thus attract to the service a better quality of men. From 882 justices of the peace, the number of justices of the peace was reduced to 732. Of this number, 286 were incumbents retained in the service on account of their excellent record, 150 of whom are duly qualified members of the bar, and 446 are new appointees, all members of the bar.[26]

In an effort to clear the ever-mounting dockets, additional steps have subsequently been taken to secure greater efficiency and dispatch in the administration of justice. The number of justices of the Court of Appeals has been increased from eleven to fifteen;[27] in 1938, nine more judges of first instance were provided for (two district judges and seven judges at large, and subsequently still more judgeships were created);[28] the number of judges of the Manila Municipal Court has been increased from three to four;[29] and two judges have been added to the Court of Industrial Relations.[30] At the close of 1938 the judicial branch of the Commonwealth was composed of 7 Justices of the Supreme Court, 15 justices of the Court of Appeals, 62 Judges of first instance, 3 judges of the Court of Industrial Relations, 737 justices of the peace, and 10 judges of chartered cities.[31]

Early in 1936 the Supreme Court created a committee to revise the procedure, pleading and practice of Philippine courts. This body was composed of Associate Justice Claro M. Recto, chairman, a judge of the Court of Appeals, a judge of the Manila Court of First Instance and six practicing attorneys of Manila. That three Americans should have been included in the latter group is indicative of the excellent relations which exist between the Filipino and the American members of the Philippine bar.

Occupying a place in the administration of justice second only to that of the judges are the officials of the Department of Justice and the department's field representatives, the provincial and city fiscals, or attorneys. The Supreme Court possesses exclusive control over its own internal affairs, although its clerk presents an annual report to the Department of Justice. The department, however, performs numerous administrative functions

with reference to the business and personnel of the lower courts [82] and certain quasi-judicial commissions which are placed within its administrative jurisdiction. It also administers directly a number of agencies appurtenant to the administration of justice.

At the head of the department, with a seat in the President's Cabinet, is the Secretary of Justice. Closely associated with him are the Undersecretary and the Solicitor General, the latter being the principal law officer of the government and the Director of the Bureau of Justice, a position held by the Attorney General until that office was abolished by the Reorganization Law of 1932.[33] In addition to being the law office of the government, the Bureau of Justice is responsible for the general supervision of the provincial and city fiscals or attorneys and all other prosecuting officers throughout the Islands.[34] Within the office of the secretary of the department are the office of the undersecretary, the department legal staff, the legal research division, and the usual departmental service divisions. The Parole Office, the Anti-Usury Board, and the Division of Investigation (the Philippine counterpart of the Federal Bureau of Investigation, established in 1938) have also been placed within the secretary's office, furnishing an example of the tendency during recent years to concentrate administrative functions and authority directly in the heads of departments, instead of distributing them among bureaus and responsible bureau chiefs operating under the supervision of the department head. Other entities administered or supervised by the Department of Justice are the Public Service Commission, the Bureau of Prisons, the General Land Registration Office, and the Securities and Exchange Commission.

Undoubtedly because more Filipinos were well trained for the law than for any other profession, the Filipinization of the Department of Justice occurred more rapidly than that of any other part of the executive branch of the Insular Government. The Attorney for the Supreme Court established by the Military Governor (the first Attorney General), Don Florentino Torres, and Don Gregorio Araneta, Secretary of Finance and Justice, were conspicuous among a number of lawyers who served in the early days with such distinction as to encourage the appointment of other Filipinos to the highest positions within the Department.

During the administration of Governor-General Leonard Wood, the Honorable José Abad Santos, a brilliant lawyer and a courageous, public minded citizen, directed the reorganization of the judicial system and notably improved the administration of justice. The introduction of modern concepts of judicial administration during the regime of Governor-General Frank Murphy and the first three years of the Commonwealth was accomplished under the immediate supervision of Secretary José Yulo. When Mr. Yulo became the Speaker of the Second National Assembly, President Quezon brought the Honorable José Abad Santos, who meanwhile had become an Associate Justice of the Supreme Court, back to his old position as Secretary of Justice in order that the great task of strengthening the courts might be carried forward under the best possible direction. The accomplishments of these, and other Filipino officials of the Department of Justice prove beyond doubt that, given the necessary political support, Filipino lawyers are capable of organizing and operating an efficient, modern system of judicial administration.

The field service of the Department of Justice is headed in every province by the provincial fiscal. This official occupies a dual position. He is both the law officer of the province and the local legal representative of the national government. He institutes and conducts criminal prosecutions, represents the province and its subdivisions in civil actions, is the legal adviser of the officials of the province and its subdivisions, and possesses wide powers of investigation on behalf of both the central and the local governments. Although he is appointed by the President, with the consent of the Commission on Appointments, and is assigned, transferred, and supervised by the Department of Justice, the fiscal's salary is paid by the province. He is, in short, something of a combination of the United States district attorney and the county attorney or other local prosecuting official in the States of the Union. His staff consists of one or more assistant fiscals and other subordinates as required by the work of his province.

Obviously, such an official is one of the two key men in the actual administration of justice in his province, the other being the judge of first instance. Upon the fiscal's energy, legal ability, and sense of public responsibility largely depends the enforce-

ment of the law within his jurisdiction. If he is lazy or incompetent, uses his office for personal or political advantage or is dominated by the gambling interests, the political boss, or the important landowners of the province, the cause of justice and the interests of the state will suffer. Because of its political significance, the office has always been more or less in politics, the degree and quality of the political connection varying with the character of the central government. Politically minded fiscals have gone on to be provincial governors, representatives, senators, or assemblymen. In fact, the position has been one of the best stepping-stones to a career in provincial and national politics. Fiscals whose chief interests were legal rather than political have frequently found advancement in the courts or the Department of Justice.

In 1938 the provincial fiscal service was thoroughly gone over as a part of the Commonwealth's program for improving the administration of justice. An act providing retirement gratuities for fiscals and assistant fiscals made it possible to strengthen the personnel of the service by retiring those whose respective ages and service records indicated that they should be replaced by younger and better qualified men.[35] More recently, the administration of justice in the provinces has been further improved by the establishment of a district attorney as a supervisor of the fiscals and the senior representative of the Department of Justice in each of the eight judicial districts outside the city of Manila.[36*]

The Philippine fiscal occupies a position somewhere between the non-political *Procureur*, who compose the "standing judiciary" of France and the prosecuting officials of the United States. During the past forty years the quality of the fiscals has more or less reflected the character of the national government of the day, which to a considerable degree has been determined by the successive Governors-General. Under the Commonwealth and the future Republic the quality of the office will depend much more completely upon that of the Chief Executive; not since 1907 has any Governor-General been in a position to exert a personal control over the government comparable to that of the Philippine President. Without question, President Quezon has exercised his powers in this matter with a primary view to the public interest. Later Chief Executives, however, may not be similarly minded or

in the position of political independence which President Quezon has enjoyed. It would seem, therefore, that consideration should be given to the possibility of permanently protecting the office of fiscal from the vicissitudes of politics by giving it, so far as is compatible with the executive character of the position, the status of a judgeship. If this were done, it would be logical to place the office of assistant fiscal within the classified civil service, as has long been urged by the Director of Civil Service, and select the fiscals from their ranks. The French institution of the parquet, or *ministère publique*, of which the *Procureur* is a member, would repay study by those who are responsible for developing a more effective administration of justice in the Philippines.[37]

As a part of Governor-General Murphy's program for improving the lot of the common man in the Philippines the office of public defender was added to the Islands' organization for the administration of justice. In 1940 there were fifty-three such officials organized as the Division of Public Defenders in the Bureau of Labor of the Department of Labor. The record of the public defenders affords an illustration of the general rule that a field organization, particularly a newly established one, must be adequately supervised by the central authority to which it is subordinate if it is to produce the best results. Some of the early public defenders exploited the very people whom they were sent to protect and the force has presented administrative problems that, until recently at any rate, have not been wholly solved. These officials are, however, performing valuable services both for the individuals whom they aid and for the state.

The steady improvement which has occurred in the legal system and the administration of justice is one of the most impressive achievements of the four decades of the American-Philippine association. Progress in this field of government has not only continued during the first half of the Commonwealth period; it has been accelerated. There are two principal reasons why this impressive record has been made. Those who have possessed political power have used it in the main to support the technicians of the law (the Department of Justice, the bench, and the bar) in maintaining high legal standards; and the period has been one of peace and relative prosperity for the Philippines. There is every reason

to believe that when the hour now prescribed for separation between the United States and its Oriental ward occurs, the Philippines will possess a sound legal and judicial system, one of the first essentials of stable government. The survival of such a system in a completely independent Philippines will depend upon a continuation of the basic conditions which since 1899 have made possible its development.

CHAPTER XI *

LOCAL SELF-GOVERNMENT

FILIPINO self-government began in the *barangays*, the local political units of the pre-Spanish Philippines. During more than three centuries of Spanish rule a small number of Filipinos played an indispensable although narrowly controlled part in the government of the municipalities with which the Western conquerors replaced the *barangays*. The rapid extension of political power to the people of the Philippines which has marked the American regime in the Islands occurred first in the municipalities, then in the provinces, and finally in the insular, or, as it is now called, the national government. Local government, therefore, meaning government in the municipalities and provinces, has deep roots in the Philippines. These units, especially the municipalities, are the most natural, the most nearly autochthonous areas of political action in the Archipelago.

Until recently, at any rate, the instinctive interest of nine-tenths of the Filipinos has centered in the government nearest at hand and most intimately affecting their personal interests, for better or for worse—the government of their respective municipalities. The province came next, the nation last. During the past forty years, and especially since the organization of the Commonwealth, consciousness of and loyalty to the national state has been steadily increasing among the provincial masses. But the municipality and the province still bulk larger in the thoughts of the majority of the people than the cities, counties or states of the United States do in the minds of most Americans. The barrios, municipalities and provinces are the arenas in which leaders and families fight for power; and almost every voter is a partisan of one faction or the

* *The notes of this chapter begin on p. 902. Subject matter notes are indicated by an asterisk.*

other. National political figures are local heroes and the champions of their towns and provinces in Manila. For the common man political favors or oppression come most often from the mayor, the chief of police, the justice of the peace or the local boss. In time of typhoon or flood, the provincial and municipal officials are the immediate dispensers of relief, although they may be aided by national funds and supervised by agents of the national government. Local government, of major importance in every country, is of primary interest to most of the citizens of the Philippines. The municipality is the governmental unit in which the Filipino expresses most completely his distinctive political personality.

On January 1, 1939, there were in the Philippines 49 provinces, 936 municipalities, 261 municipal districts, and 9 chartered cities.[1*] Three more cities have since received charters. The provinces vary in area from Cotabato, with 9,620, to Batanes, with 74 square miles. In population, they range from Cebu with more than a million inhabitants to Batanes, where some 9,500 people dwell on the group of rocky, wind-swept islands stretching north from Luzon towards the Japanese dependency, Taiwan. Ten provinces have less than 100,000 inhabitants; six between 400,000 and 500,000; and five between 500,000 and a million. All except nine "special" provinces have a uniform form of government, although all are classified into salary range groups upon the basis of their governmental incomes. The special provinces were organized in 1901 in frontier areas or in territory largely inhabited by non-Christians. The central government exercises greater control over them, and their people are more closely under the tutelage of the local officials.[2] Originally their officials were appointive instead of elective. As a special province develops, its organization and relations with the central government gradually approach those of the regular provinces in character. The theoretical goal is the elimination of all the special provinces. Members of the National Assembly are now elective in all the special provinces, and only in the Mountain Province, Lanao, Bukidnon, Cotabato and Sulu are the governors appointive.

Territorially, the municipalities and municipal districts resemble the New England town, rather than the American city. Each includes a principal urban, or quasi-urban area, the *poblacion*,

in which is located the *presidencia*, or city hall; and the *barrios*, which are rural or semi-rural areas somewhat like the townships[3*] of our middle western states. Many barrios have a center or several centers of population which in their physical aspects bear some resemblance to American villages. The total area of the municipalities, municipal districts, and chartered cities comprises the total area of the Philippines.

Municipalities and the chartered cities (except Manila, which in 1939 had a population of 623,492) vary in population from less than two thousand to seventy times that number; and municipal districts from less than a hundred to more than 35,000. It should be kept in mind, however, that in most municipalities the rural population greatly outnumbers the urban. In the Philippines, as in many parts of Europe, most of the peasants live in villages, going to and from their fields for work. These villages are the centers of the barrios which surround the *poblaciones* of the municipalities.

From the outset America proceeded in the Philippines upon the Anglo-Saxon conviction that among any people real political freedom must rest upon a foundation of sound and active local self-government.[4*] Philippine local government during the Spanish regime had been the utter negation of the principle of local autonomy. This denial of control over their local affairs was one of the important causes of the Filipino revolt against Spain, and the first Philippine Commission gathered abundant evidence that the demand of Filipinos for local self-government was ardent and general.[5]

The constitution of the Philippine Republic provided that there should be a system of provincial and municipal government "upon the basis of the most ample administrative decentralization and autonomy." [6] Referring to the provisions of the Malolos Constitution regarding provincial and popular assemblies, the Commission declared:

> A mere reading of these principles for the regulation of provincial and municipal administration in the Philippines discloses the fact so often observed by the commission in other connections that the political ideal of the Filipinos coincides with the political practice and tradition of the Americans. Are not the principles which Aguinaldo's constitution lays down for the regulation of the administration of local affairs the principles actually in operation in the town and

county councils of our own States and Territories? They are precisely the principles which American administrators would seek to realize in the Philippines. As in their bill of rights, so again in their demands for provincial and municipal autonomy, there is complete harmony between the aspirations and needs of the Filipinos and the desire and capacity of the Americans to satisfy them.[7]

In 1900, then, both American administrators and Filipino leaders were agreed that a system of strong and independent local government should be established in the Islands. Forty years have raised serious question as to whether the local autonomy to which the Filipino leaders aspired is what the country really needs at this stage of its political development. These four decades of provincial and local government afford an example of the extreme difficulty of altering the ingrained political habits of a people, especially in that part of government which touches them most closely. On the other hand, even though the goal of 1900 has not been completely attained, the radical change actually accomplished in the character of local government and the speedy Filipinization of its personnel constituted a remarkable political transformation.

In addition to the development of local autonomy, Americans and Filipinos had three other objectives in view when they established new governments in the provinces and municipalities in 1901. These were Filipinization, democratization, and good government. Unlike the decentralization of authority, these goals were attainable, the first wholly so, the second and third partially. Some knowledge of the steps by which they have been approached is almost essential to an understanding of present-day Philippine political problems and gives a measure of the progress achieved in these basic units of government during the American-Philippine partnership.

The necessity for the administration of the territory captured by the American Army from the Filipino insurgents gave rise to the formation of the first local governments under the American regime. These were established in a number of municipalities in August, 1899, by direction of the Military Governor.[8] In January, 1900, this official created a board composed of two distinguished Filipino jurists and three American army officers to formulate a general plan of municipal government. The statute which this

board reported was promulgated in March, 1900.[9] Many municipalities in those parts of the Islands under American control were organized under it, and it became the basis of the permanent general municipal law enacted by the Commission in 1901 and since known as the Municipal Code.[10] Thus, municipal government in the Philippines was organized in accordance with a plan which represented both American and Filipino workmanship and ideas. While the Municipal Code was being prepared, the Philippine Commission was also working on a general provincial act which was passed almost simultaneously.[11]* Under these two laws, with modifications and amendments, the local governments of the Christianized part of the Philippines were organized and are still operated. In 1916 both of these statutes, with some amendments, were imbedded in the Administrative Code.

The Provincial and Municipal Laws of 1901 did not create any new political entities. The old Spanish provinces and *pueblos* with their names, boundaries, and property were simply reorganized and given added powers. Consequently, some of them today have a history more ancient than that of any American city or state. The municipalities possess, broadly speaking, the status and powers of American municipal corporations. The provinces are likewise bodies corporate, with functions and powers greater than those exercised by American counties and less than those of the States of the Union. In tracing the development of local self-government, it will be necessary first to sketch the evolution of the organization of the provinces and municipalities, after which their actual operation will be discussed.

The government of a regular province consists of an elective governor, a provincial board composed of the governor and two other elective members, and a number of administrative officials. The original Provincial Code provided that the provincial board should be composed of the governor, the treasurer, and the supervisor (engineer, or director of public works), and vested in it, or in its members individually, most of the important governmental powers. The law also created the offices of provincial fiscal (prosecuting attorney) and provincial secretary, the latter official also being secretary of the provincial board, although not a member of it. All of these officials except the governor were at first appointed

by the Philippine Commission, but later, with the exception of the *fiscal*, were either elected or selected under civil service regulations. The governor was elected for a term of two years by the municipal councillors of the municipalities, who, in turn, were chosen by the people under a limited franchise. At the outset the two appointive members of the board, constituting a majority, were usually Americans. Practically all of the Governors, *fiscals*, and secretaries were Filipinos. Under this arrangement the control and direction of local government remained in American hands.

The responsibilities which were placed upon the new provincial governments and their place in the general governmental scheme of the Islands were set forth by the Philippine Commission in their report for 1901.

> The first function of the provincial government [the Commission declared] is to collect, through the provincial treasurers, all the taxes, with few exceptions, belonging to the towns or the province. Its second and most important function is the construction of highways and bridges and public buildings. Its third function is the supervision, through the governor, of the municipal officers in the discharge of their duties. Within certain limitations, the provincial board fixes the rate of levy for provincial taxation.[12]

In practice it turned out that the most important political work of the provincial government was the supervision of the governments of the municipalities. To this end the governor, all but invariably a Filipino, was required to visit every municipality in his province at least once every six months. Upon these visits of inspection he was bound to hear complaints against municipal officials, and was empowered to suspend any official whom he discovered to be guilty of maladministration. Final action in such cases was taken by the Commission, after a fair hearing. The provincial treasurer, an American, played a somewhat similar and vitally important role in supervising the administration of local finances. Later the provincial board was given a considerable control over the municipal councils, whose orders and ordinances it scrutinized, and might disallow upon grounds of illegality.

Before discussing the manner in which this new system of provincial government actually worked, it will be advisable to outline the organization of the municipalities with which the prov-

inces were so closely concerned. These units were designed to be both more autonomous and more democratic than the *pueblos* of the Spanish regime had been. The chief municipal officials were the president, or mayor, the vice president, the municipal council, the secretary, and the treasurer. The size of the council, whose members receive no pay, and the maximum salaries of the officials were fixed proportionately to the size of the several municipalities, which were grouped in four classes upon the basis of population.[13]* In 1925 municipal revenue was made the basis of classification and a fifth class was added.[14] The mayor, the vice mayor and the council were elected directly by the qualified voters every two years, while originally the secretary and the treasurer were appointed by the mayor with the advice of the council.

The municipal franchise was extended to three classes of persons: males twenty-three years of age or over of at least six months legal residence in the municipality who (1) had held local office prior to the American occupation; (2) owned real property to the value of 500 pesos, or paid not less than thirty pesos in taxes annually; or (3) were able to speak, read and write English or Spanish. Under these qualifications the electorate closely approximated the small groups of Filipinos who had comprised the *principalias* in the *pueblos* during the Spanish regime. An attempt made by the Commission in 1901 to ascertain the proportion of electors to inhabitants in the towns then organized showed that in 390 municipalities with a total population of 2,695,801 there were a total of 49,523 persons who had qualified as electors, or 18.37 electors to 1,000 inhabitants.[15] In the municipal elections of 1903, 150,081 persons out of a civilized population of 6,623,804, about 2.44 per cent, qualified as electors. Of the electors approximately 72 per cent actually voted.[16] In 1905 the proportion of electors was slightly smaller, but of those who qualified more than 90 per cent cast their ballots.[17]*

Considering the political history of the Filipino people, the ignorance of the masses, and the fact that their country was prostrated, disorganized, and demoralized by five years of revolution which was ending in guerilla warfare, the surprising thing is that their first attempts to operate the American-Filipino system of local government turned out as well as they did. The masses of

the people, the electorate, and the provincial and municipal officials in many cases failed in precisely the ways in which all of the circumstances seemed to make it inevitable that they should fail. The outstanding, dominant fact, however, is that the system as a whole succeeded. Under it and through it was accomplished the remarkable program of material, social and political development which reached every Christian part of the Islands, and of which Americans and Filipinos are so justly proud. And despite the stabilizing, vitalizing, and guiding influence of the Americans in the provincial governments and in Manila, the municipalities were practically placed in the hands of the Filipinos themselves in 1901. From the outset more than 99 per cent of the municipal officials were members of the native race.

It is, perhaps, in the large amount of supervision exercised over the municipalities by the provincial and the insular authorities that the process of local government in the Philippines differs most strikingly from that in America. This centralization is a heritage from the Spanish regime. It is the antithesis of the local autonomy which the Americans and Filipinos desired to introduce. Centralization, however, has proved to be very difficult to reduce both because it is an ingrained Filipino practice and because it has served the necessary purpose of keeping the less advanced municipalities and provinces at least up to a minimum standard of honesty and efficiency. The first report of the Philippine Commission declared: "The idea of 'intervention,' which is foreign to American practice, is fundamental to the whole political life and thought of the Filipinos. Acquired from long experience with Spanish methods of government, the idea has taken such a firm hold on the mind of the Filipinos that they find any kind of government inconceivable without it." [18]

In the Spanish days "intervention" meant that the municipal government of Cervantes, a week's journey from Manila, could not hang a new door on the *presidencia* without *first* obtaining the approval of some official of the central government. Under the new dispensation, supervision meant that the Cervantes officials must decide themselves whether they have authority to hang the door and if so, whether public policy demands that the power be exercised and the door hung forthwith. After the door has been

hung the question whether or not the Cervantes officials possessed the power may be passed upon by the provincial and perhaps the insular government. If the act was in excess of the legal authority of the local government, it may be annulled. But if the local authority possessed the legal power to perform the act, neither the provincial nor the insular government can annul it on the ground that the power was unwisely used.

So far as possible, in accordance with the McKinley Instructions, the practice of intervention was avoided during the American regime. From the outset the local governments were given the widest powers consistent with the lowest allowable minimum of good government, and the power of supervision was, in most instances, confined to the disallowance of acts which exceeded the legal authority of local officials. In other words, municipal and provincial officials had to make their own decisions within their respective legal spheres, subject to subsequent correction if they exceeded or abused their powers. In the application of the law the policy was, in the words of the Philippine Commission, "to exercise the supervisory control required by law in such a manner as to develop and encourage local initiative and standardize administrative methods and practices." [19] In 1916 when the central power of supervision passed into Filipino hands, the first Filipino to exercise it declared: "The policy of the executive bureau has been to give the fullest possible recognition of the autonomous nature of the provincial and municipal governments." [20]

During the early period when Filipinos were first struggling with the new powers and responsibilities thrust upon them by the provincial and municipal codes, this "supervisory control" was largely kept in the hands of American officials. The gradual elimination of this foreign assistance tells a story of progress that is too often overlooked in discussions of the development of self-government in the Philippines. Under the original system practically all of the municipal governments in the regularly organized provinces were completely manned by Filipinos. American supervision began in the provincial boards. These bodies, it will be recalled, at first were composed of a Filipino governor, elected by the municipal councils of the province, and the treasurer and the supervisor, both Americans, appointed by the Philippine Commission. Thus

the wide powers of control over the municipalities possessed by the provinces, as well as the extensive constructive functions of the provincial governments, were exercised under American direction. After 1903, authority to appoint the municipal treasurers was taken from the municipal council and vested in the provincial board, and the board was given power to annul municipal ordinances and the executive orders of the municipal president when in conflict with the general law. By this extension of authority the powers of the provincial board were materially increased.[21*]

From the very beginning, however, Filipino-American friction developed at the lowest point of American control, the provincial board. As a contemporary observer declared, "The provincial treasurer was the particular *bête noir* of the provincial governor and in time he was regarded as the malign influence on the board to which every evil of the province might be safely attributed. Remedies which it was sought to apply to abuses in the local government lost much of their effect by being attributed to the influence of the American members of the board." [22] By 1907 friction had become serious. For this reason, and because the Filipinos had already gained much experience in administration, the American supervisor or engineer was in that year eliminated from the board and replaced by a third member (the other two being the governor and the treasurer) to be elected directly by the voters of the province. This third member was always a Filipino. At the same time it was provided that the governor should be popularly elected instead of chosen by the municipal councillors.

The result of this increase of Filipino autonomy was thus described by the Philippine Commission:

> This innovation in the constitution and selection of provincial boards has been an advantage both to the insular and the local government. On the one hand it has removed all causes of friction between the municipal president elected by the people and the two members of the board named by the executive. On the other it has imposed upon the provincial governor and the third member the responsibility for the well-being of the province and has removed from the insular government much of the responsibility for conditions of purely local concern. Provincial governors realize that they are on trial to test their ability to preserve order within their respective jurisdictions

and to prove their capacity for local self-government. The advice of the provincial treasurer is now accepted with good grace, as to the necessity for the collection of taxes, as to economy in the expenditure of public moneys, and as to related matters coming as it does by way of counsel from the minority instead of a determination by an American majority of the board.[23]

No further change in the composition of the provincial board was made until 1915. In that year, however, the treasurer was removed from the board and replaced by a member known as a *vocal* appointed by the Governor-General and chosen from the municipal presidents.[24] The board then consisted of the governor and the "third member," who were elective, and the *vocal.* In an attempt to retain the influence of the treasurer over the board in money matters it was at the same time provided that the board should obtain his opinion in any matter implying the levying or collection of taxes or the expenditure of public money. The opinion, however, was to be in the nature of advice only and full power and responsibility for action rested with the board. At this time about two-thirds of the provincial treasurers were Filipinos. In 1916 the *vocal* was made elective, thus giving the voters of the province the right to choose all of the members of the provincial board. Filipinization and democratization of the provincial governments thus proceeded simultaneously.

From 1901 until 1932 the supervision of the insular government over the local units was exercised through the Executive Bureau. Until 1916 this Bureau was a part of the office of the Governor-General, in whom final authority over its activities was vested. The Bureau was directed by the executive secretary, who was an American. During this early period, consequently, final supervisory control over the provinces and municipalities lay in American hands. In April, 1916, however, a Filipino was appointed executive secretary, and when the new Administrative Code came into effect in 1917 the Bureau was transferred from the office of the Governor-General to the Department of the Interior. At the same time the Secretary of the Interior was given the final authority over the provincial and municipal governments which had previously been vested in the Governor-General, and the heads of all departments (except that of Public Instruction) were required

to be citizens of the Philippine Islands. Thus was completed the transfer of authority in local government from American to Filipino hands, subject still to the ultimate supervision and control of the Governor-General. It is to be noted, in this connection, that these changes did not reduce the amount of centralization. They simply replaced by Filipinos the Americans who had controlled the centralizing machinery. Subsequently centralization has tended to increase rather than to diminish.

The prime functions of the Executive Bureau were to give unity and uniformity to the administration of provincial and municipal government throughout the Islands, and to see to it that provincial officials did not exceed or abuse their legal authority. The methods by which these functions were performed show clearly the existence of a degree of centralization far beyond anything to be found in the States of the Union. The central government possessed extensive disciplinary authority over local officials. In addition, the provincial code required that all provincial ordinances and executive orders must be sent to the Executive Bureau, together with a list giving the titles of all municipal ordinances and orders. From 20,000 to 30,000 provincial resolutions were examined annually, of which a very small number, usually less than 100, are disallowed. As a rule the Bureau found it necessary to send for copies of less than 100 municipal ordinances or executive orders, of which from 15 to 30 were returned for amendment or annulment. This system of administrative review in many instances made it unnecessary for the government or individuals to secure the invalidation of *ultra vires* acts of local bodies through long and costly judicial proceedings. It is hardly to be doubted, too, that knowledge that each of their acts would be scrutinized in the Executive Bureau prevented in the Philippines a great deal of the costly carelessness which characterizes local legislation in the United States. Its tendency to check deliberate abuse of authority is obvious.

The Executive Bureau also exercised an extensive control over local finance. Within certain limits it controlled the budgets of the provinces. Each province must submit before the beginning of the year a list of the personnel proposed, showing all salaries and allowances. This list, locally termed a *plantilla*, was subject

to disapproval in the Executive Bureau and could be amended during the year only with the consent of the bureau. This form of control arose from the fact that in the early days a large proportion of the municipalities and many of the provinces were inclined to follow the Spanish custom of spending all of their income for the salaries of political officials and none for public works, education, or other services.[25*]

Additional financial control is provided by the conditions under which loans are made from the insular treasury to the provinces and municipalities. Advances will be made only for public improvements, such as presidencias, markets, school buildings, hospitals, ferries, and so forth, which meet standard, detailed requirements as to character, location, design, and construction. The loan act also renders the procedure of the local authorities as to bids, contracts, inspection and finance subject to insular approval. As the normal municipal income is rarely sufficient to carry on the building program which almost every Philippine town aspires to achieve, this sort of control has proved far-reaching and effective.

Municipal income arises chiefly from a proportionate allotment from the internal revenue collected within the municipality. It is also derived from license fees and other relatively unimportant local taxes which may be increased or diminished within narrow limits. Until 1923 municipal bonds in limited amounts might be floated, with the approval of the Executive Bureau. Since that year, however, each municipal bond issue must be authorized by special act of the Philippine Legislature.

The Executive Bureau also supervised the assessment of property for provincial and municipal taxation, and heard appeals from the assessments of local officials.[26*] The Bureau also controlled the provincial treasurer, the chief financial officer of the province. The treasurer collects the insular, provincial, and practically all of the municipal taxes within his province. He scrutinizes and may compel the revision of municipal budgets, subject to appeal to the provincial board, and exercises wide powers of supervision over every phase of municipal finance. Under the Commonwealth, administrative authority over the provincial treasurers has been transferred to the Department of Finance. The law also provided

that provincial and municipal requisitions upon the bureaus of printing, supply, and certain other central purchasing agencies should pass through the Executive Bureau. Thousands of these requisitions were approved and a few disapproved each year.

This rather tedious enumeration of the methods by which the Executive Bureau kept the local governments in tutelage has been made because there seems to be no other way of conveying to Americans, who are accustomed to an entirely different system, a clear conception of the relationship between the provinces and municipalities and the insular government. The slightest experience in practical politics will suggest how these legal means of control may be expanded and used for political ends, especially in a country to whose people local autonomy is a new and strange conception.

For the execution of these and many other supervisory powers the Executive Bureau maintained a division of provincial agents, created in 1919, charged with the inspection of provincial and municipal governments. These agents were constantly in the field and gave the Bureau first-hand information upon which to base its multifarious decisions regarding local affairs. The responsible heads of this remarkable office, however, were not entirely dependent upon the reports of the provincial agents for knowledge of provincial and municipal conditions. The chief, the assistant chief, and other officials exercising powers of decision were men who had worked up in the service. They had visited most of the provinces, knew the local officials and in many cases had studied local problems of sanitation, education, roads, finance, and politics on the ground.

In view of its powers and central position it is perhaps inevitable that the Executive Bureau should have become a very important factor in Philippine party politics. The permanent personnel of the Bureau sought to keep clear of partisan connections and influences. Just how far they succeeded is difficult to state with certainty. The Secretary of the Interior, however, found and still finds that his office is a sort of clearing-house for the national and provincial leaders of his party. A former secretary often told his friends that upon assuming office he had been disappointed and disillusioned to find that his time and energy

were largely taken up with "making politics." He could not escape the demands of the governors and *presidentes* who gravitated to his department. A stroll down the second-floor corridor of the picturesque old *Ayuntamiento* and a pause in the Secretary's anteroom would always enable one to greet two or three provincial governors, numerous *presidentes*, and other political figures from every part of the Archipelago. From many standpoints this connection between national and local politics and local government is bad in theory and practice. In discussing the amount and character of central control over the provinces and municipalities, however, this element of political influence cannot be left out of account.

Another factor in the power which the Executive Bureau exercised for three decades can hardly be appreciated by one unfamiliar with the development of local government in the Philippines and with its operation today. Reference is made to the prestige of the Bureau and especially of its chief. This official was recognized throughout the Archipelago as one of the outstanding members of the government. The tradition of power and greatness which attached to the office goes back to the days of Arthur W. Fergusson and Frank W. Carpenter, the first two executive secretaries who, between them, served from 1901 to 1913. Both were administrators of the highest ability. Men of strong character, tireless energy, unlimited courage and a thorough knowledge of the Philippines and the Filipinos they furnished a large part of the driving force and the judgment that made the dubious experiment of local self-government the success that it became. Mr. Fergusson died in office in 1908. Mr. Carpenter was made the first Governor of the Department of Mindanao and Sulu in 1913 and performed a truly wonderful work in this turbulent empire.[27]

After 1913 the Executive Bureau was headed by Filipinos of the first rank. Among them were Jaime C. DeVeyra, afterwards Philippine Commissioner in Congress; Ignacio Villamor, who later became President of the University of the Philippines and subsequently a Justice of the Supreme Court; Francisco Enagé, subsequently President, *pro tem*, of the Senate; Antonio de las Alas, later Chairman of the Appropriations Committee of the House of Representatives, and a member of the Murphy and Quezon Cab-

inets; Dr. José P. Laurel, who became successively Secretary of the Interior, Senator and member of the Supreme Court. The imponderable forces, which play so large a part in the actual operation of any government, all operate to increase the power of an institution with such a tradition behind it.

In the reorganization of government effected in 1932, the Executive Bureau was abolished and its functions and powers placed directly in the office of the Secretary of the Interior.[28] Since then they have been modified in detail; but in broad terms, the control over the provincial and municipal governments formerly exercised by the Executive Bureau is now vested in the Secretary of the Interior.[29]

Extensive as the supervisory powers of the Department of the Interior are, they are not the only or even the chief means by which the central government exercises its authority within the provinces and municipalities. As has already been explained, the departments and bureaus of the national government operate directly upon the people of every portion of the Archipelago through their own agents. The district engineer, provincial commander, division superintendent of schools, district auditor, district health officer, and so forth are regarded as a part of the provincial government, yet are the subordinate of their bureau chiefs and departmental heads in Manila rather than of the provincial governor. This arrangement reduces enormously the sphere of local government. In some of the non-Christian provinces it rendered the position of the provincial governor almost impossible, and during the Murphy regime steps were taken to strengthen the position of this official.[30] The governors periodically protest against this situation upon the grounds that while they are held responsible for the administration of their provinces, the actual control over most of the governmental services within their bailiwicks is vested in Manila officials.

Commenting upon an informal statement made by President Quezon in 1938 to the effect that he would like to see the provincial authorities clothed with authority commensurate with their responsibilities, the *Manila Daily Bulletin* reported:

> This statement of the chief executive was said to have been made in response to the clamor among the governors now in convention

in the city that they be granted adequate supervisory powers over the other provincial officials, such as the district engineers, district health officials and finance officials including treasurers of the provinces, with a view to coordinating official action.[31]

The likelihood that the action desired by the local officials will be taken, however, may be judged by the following excerpt from an address made to the governors and mayors by the Secretary of the Interior at the final session of their convention.

Speaking on a point raised by Governor Tomas Confesor of Iloilo with respect to the relation between the governor and officials under other departments in the provinces, Secretary Quirino told the governors that the provincial board is the supreme authority in the provinces and that it is the government in the province. The provincial board or the governor can call the provincial treasurer, the division superintendent of schools, the district engineer, the district auditor or any other official pertaining to other departments in the provinces for conferences on any official matter *and ask for their advice.*[32]

Despite Manila supervision, to a considerable degree the quality of Philippine local government has been determined locally. When it is recalled that provincial boundaries often follow ethnographic, historical, and geographical lines the expression of localism seems natural and inevitable. It is also found, however, even between the different Tagalog provinces around Manila, or between various localities within the same province. The relative wealth or poverty, progressiveness or conservatism of provinces or municipalities is clearly reflected in their public buildings, roads, schools, the type of men in office, and in the operation of their respective governments. Manila seeks to assure the maintenance of certain minimum standards. Above this minimum the greatest variation exists, and, as might be expected, there are some localities in which both Americans and Filipinos have failed to secure at all points what the majority of both races agree to be the lowest possible minimum of decent government.

A number of illustrations may, perhaps, be the best way to bring home to the reader the most common and most serious type of weakness in Philippine local government. If they are drawn from the past, it is not because more recent examples could not be found. One example may be drawn from Nueva Ecija. This

province in North Central Luzon, an hour's ride from Manila, has just as distinct a personality as Virginia or California. Lying between rich, thickly settled rice plains to the north and south, it includes within its borders wide stretches of sparsely populated country. Its population is mixed, because numerous settlers, many of them squatters, have recently immigrated from the Ilocano and other provinces. In the days of Spain this was a turbulent area and during the revolutions against that country and the insurrection against the United States it was a stronghold of rebellion. Portions of the province strongly suggest the frontier, even today.

Such an environment is admirably adapted to the development and persistence of bossism, and Nueva Ecija has long been known as a center of *caciquismo*. For years the political machine of the province was under the control of General Manuel Tinio. General Tinio, a "hero of the revolution" and a born ruler, was as absolute a boss as ever dominated any ward, city or state. A distinguished member of the Philippine Senate described to the author one of his own experiences with this *cacique's* organization. He said, in substance:

> I was called to Nueva Ecija to defend certain men who were accused of the murder of one of General Tinio's henchmen. No local lawyer dared to handle the case. I found that although the province was full of witnesses whose testimony might have cleared my client I couldn't get one of them into court. They didn't dare to come and testify in the case. Tinio controlled the entire government: the courts of first instance, the justices of the peace, the chiefs of police and the police forces, the mayors and the councils. These, together with a tremendous money power, were in his hands. No one dared to stand up against him.

General Tinio passed from the scene. The conditions in Nueva Ecija which he helped to create have not so quickly disappeared. Following the abolition of the Court of Land Registration and the general breakdown of the machinery of land registration which occurred during the Harrison administration, an organized gang of land robbers obtained a large measure of control over the governmental machinery of the province and used it to despoil homesteaders and oppress tenants. The most discouraging element in the situation was the almost total absence of any body

of public opinion in Nueva Ecija or elsewhere to drive from public life the politicians, high and low, who were lined up with the despoilers. With such a background, it is not surprising that Nueva Ecija has been one of the centers of the agrarian discontent which has been the most serious domestic problem with which the Commonwealth has had to deal.

Another case of oppression with governmental connivance or acquiescence illustrates the difficulties which beset the central government, whether represented by an American Governor-General or a Filipino President, when it seeks to make its standards effective in a distant province. This incident was recounted to the author by Governor-General Wood. General Wood said, in substance: "The last time that I was in Cagayan [33*] I found a human brute going up and down the river with a boat load of thugs robbing and abusing the people. 'Why don't you go to the authorities?' I asked them. 'It would be useless; he is their friend,' they replied. 'Why not let me know?' I inquired. 'You are far away; and when you have gone we will be punished.' "

Still another example of petty tyranny, this time occurring in a rich Tagalog province and actively participated in by officials of the government itself, is related because it is so typical of the way in which political power has been abused from time immemorial in the Philippines. The story will be told in the restrained language of the Supreme Court of the Philippine Islands, from which tribunal the victim finally received protection from persecution. In rendering its decision in the case the Court declared in an opinion concurred in by all the justices who sat on the case:

> Aurelia Condé, formerly a municipal midwife of Lucena, Tayabas, has been forced to respond to no less than five informations for various crimes and misdemeanors, has appeared with her witnesses at hearings on no less than eight different occasions, only to see the cause postponed, has twice been required to come to the Supreme Court for protection, and now, after the passage of more than one year from the time when the first information was filed, seems as far away from a definite resolution of her troubles as she was when originally charged.
>
> Philippine organic and statutory law expressly guarantee that in criminal prosecutions the accused shall enjoy the right to have a speedy trial. Aurelia Condé, like all other accused persons, has a right

to a speedy trial in order that if innocent she may go free, and she has been deprived of that right in defiance of law. Dismissed from her humble position, and compelled to dance attendance on courts while investigations and trials are arbitrarily postponed without her consent, is palpably and openly unjust to her and a detriment to the public. . . .

On the one hand has been the petitioner, a woman of humble station, without resources, but fortunately assisted by a persistent lawyer; on the other hand has been the Government of the Philippine Islands, which should be the last to set an example of delay and oppression in the administration of justice.[34]

The Court ordered that the Provincial Fiscal of Tayabas should abstain from further attempts to prosecute the accused for acts set forth in previous informations, that the charges should be dismissed, and that the costs be assessed against the respondent fiscal. It also intimated that the Attorney General would be expected to take disciplinary action against this official. Persons familiar with Philippine history will, perhaps, perceive a certain irony in the fact that the persecution of Aurelia Condé by tyrannical Filipino office holders reproduced in almost every essential detail the famous case of Doña Teodora Alonzo, the mother of Dr. José Rizal, who suffered similarly at the hands of Spanish officials and courts during the boyhood of her famous son.[35*] Rizal's biographers make much of the incident as one arousing the determination of the youthful Filipino to make an end to Spanish oppression. It is not unnatural to believe that unless the official villainy and injustice of which the Condé case is an example can be controlled, they may, like Spanish misgovernment, produce among Filipinos of today forces of revolt which will imperil the state. President Quezon has for years waged a vigorous war against abuses of the judicial power, or the use of the power of the courts to favor the rich to the disadvantage of the poor.[36]

When greed, brutality and power are combined as they have long been in some parts of the Philippines, one need not be surprised at occurrences of this kind. It is inevitable, however, that they should shock the sensibilities and create doubts as to the capacity of the Filipinos for democratic self-government. When the authority of the United States, wielded by such a man as Governor-General Leonard Wood, was unable to prevent or to

punish violations of the most elementary and fundamental rights of citizens, question inevitably arises as to whether the forces of democracy are making headway against the powers of tyranny and anarchy in the Islands. More specifically, the question is asked, "Can a system of local self-government under which such things happen be considered as anything but a failure?"

If it be postulated that anything materially short of perfection is failure, then local self-government in the Philippines is failure indeed. But, so is local government in New York, Georgia, the United States, France, and every other part of the world. The standard of perfection will hardly do. Yet nine out of ten Americans unconsciously apply this standard when thinking or writing about the Philippines. They commonly commit a second equally serious error in judging Philippine institutions: that of basing their conclusions upon the unusual, the bizarre, and especially the shocking facts of Filipino life. The writer could cite numerous instances in which cruel, avaricious Filipinos have used the powers of government to exploit ignorant, credulous, superstitious Filipinos. He could do much the same sort of thing, however, about people living in various States of the Union. Americans would at once realize that any general conclusions as to American institutions based chiefly upon such incidents would be ridiculously false. Many of them seem unable to use the same sense of perspective when viewing the Philippine scene.

A third common error in estimating the worth of political institutions in the Philippines, or in any foreign country, is the tendency to cast those institutions against the background of America, *and of America today*. Such procedure can only produce results quite out of touch with reality. Despite the vigorous domination of American administrators for the first fourteen years of our regime in the Philippines, and the constant infusion of American ideas and ideals for nearly half a century, the political institutions of the Islands are still (and always will be) in large part the natural product of a tropical, Asiatic people who for three centuries were governed by Spaniards. This is especially true of local institutions, which touch the common people most intimately. President McKinley realized that he was dealing with an alien race when he instructed the First Philippine Commission that

it "should bear in mind that the government which they are establishing is designed not for the satisfaction or the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippines, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishments of the indispensable requisites of just and effective government." McKinley's viewpoint should not be lost by Americans who today seek to evaluate the government which McKinley's agents and their successors established in the Philippines.

Despite inevitable abuses of the sort that have been described, misgovernment, tyranny, and dishonesty are the exception, not the rule. The majority of local officials are honest and reasonably efficient. Personal and property rights are, in most localities, safe. Provincial and municipal finances are in most provinces sound and conservative. The instruments of public service, such as roads, schools, markets, municipal buildings, provincial capitols, hospitals, jails, artesian wells, health centers, and so forth, are increasing in number and in some districts improving in quality. In material equipment and in the number and quality of services which they perform for the public, the best of the local governments of the Philippines compare favorably with those of the autocratically governed Oriental colonies of other nations.

During the Harrison regime, when Filipinos were completely in control, with scarcely a pretense of American supervision and inspection, the quality of local government declined. This was especially true with reference to the public health service as it affected the people of the towns and barrios, and the machinery for furnishing titles to land. But it should not be forgotten that compared with the colonies of Japan or of the Netherlands, local government in the Philippines is government by the people for the people. In Formosa, for instance, the police make the rounds once a year and compel every householder to move everything out of his home and give the place a thorough cleaning. This is autocracy. In the Philippines "clean-up week" occurs once each year. Posters, printed propaganda, newspaper feature stories, and speakers are sent to all parts of the Islands. A vigorous campaign is carried on through the public and private schools. Municipal,

provincial, and insular contests are conducted. Local and national pride is aroused. The intelligence and patriotism of the people are appealed to. A nation is educated in community cleanliness and sanitation. This is Democracy. Democracy in the Philippines is not as efficient as autocracy in Formosa. But few Americans or few Filipinos would exchange the former for the latter. Thus it is irrational to make efficiency the sole, or even the chief, test in judging local government in the American possession.

But even on the basis of efficiency, as has been indicated, the showing of the Philippines is not discreditable. Most authorities would, I believe, agree with Governor-General Wood that the Government of the Philippines performs more services for the people with less proportionate expenditure than any other government in the world. Most important of all, the people are becoming better equipped to govern themselves. They are becoming more generally educated, and control is passing into the hands of young citizens who have been trained in the new Philippines. These young men are more independent in politics and in every other relation of life than their forbears. They are less under the thumb of the local *caciques*, less enthralled by the bonds of local prejudice and tradition. Their rising influence and the manner in which it is exercised furnish the best possible evidence that local self-government up to the limit, and perhaps a bit beyond the limit of safety, has been a good school for self-government in the Philippines.

Local government in the Philippines, when considered in its historical background and actual environment, on the whole compares favorably with that found in many parts of the United States, although it must be admitted that this statement is not high praise. The chief points at which the comparison is unfavorable arise not out of the form of government, but out of the composition and organization of Filipino society. One short generation has not completely dissipated certain unfortunate qualities that are handicaps to good government everywhere and that have been accentuated by the Filipino heritage of tradition and experience. A considerable number of the 15 per cent of the people at the top are still able to use the agencies of local government to control and exploit some members of the 85 per cent at the bottom. This

is a serious shortcoming. It is a fault that cannot be eradicated in a day, because its roots lie deep in the soil of Philippine history. Two comments may pertinently be made upon its existence, however. The first is that roots of good government planted by Americans and Filipinos are already sinking into Filipino society and are beginning to choke out the worst evils descended from other days. The second is that the existence of this evil use of political power, which peculiarly touches the imagination of Americans, should not blind us to the remarkable success which, by and large, has been achieved by Filipinos in applying to the local problems of an Oriental, tropical society the most difficult kind of Occidental self-government.

In supplement to the observations which have already been made upon the prestige which formerly attached to the now abolished Executive Bureau, a few words might have been added with reference to other offices and officials of local government. The provincial governor is, of course, the great local official. His legal authority reaches into every *barrio* in his province and at the same time makes him the intermediary between the municipalities and the central government. His political position as the titular, and frequently the actual head of his party in the province gives him additional power at home and, if his party be in control at Manila, increased weight with the executive departments and the legislature. The provincial governors are, in point of fact, extremely important factors in Philippine party organization.

In addition to these advantages, the governor is almost invariably a man of substance with influential family and business connections. He is apt to be a natural leader and is virtually certain to have served a political apprenticeship in lesser provincial and municipal elective offices. He probably is also a man with a political future. The list of former governors reads like a bluebook of Philippine politics. This office has been the stepping-stone of almost every one of the small group of men who have reached the inner seats of power in the national government, beginning with President Quezon and Vice President Osmeña. One-third of all the men who were elected to the Philippine Senate between 1917 and 1935 were ex-governors.

The history of the office explains its importance. In the

troublous times which followed the insurrection it was the provincial governors who, among the Filipinos, bore the brunt of the battle in restoring normal conditions throughout the country and introducing the new and strange political system of the Americans among their people. Many of them made remarkable records of constructive achievement. Sergio Osmeña and Manuel L. Quezon, then governors of Cebu and Tayabas, respectively, were representative of this type. Others used their positions more or less openly to resist the penetration of American practices and ideals and, like General Tinio, became local tyrants whom few Filipinos dared resist. Whichever course they followed, the provincial governors were usually the outstanding Filipinos of their respective localities. And because of the intense localism which then dominated Filipino life, this meant that they were the most important of all Filipinos to a very large proportion of their constituents.

To this day the governor is regarded by a large proportion of the people of his province either as an enemy or as a personal guide, philosopher and friend. To him go his followers for advice regarding family and business affairs, to get a relative out of jail, or to ask for jobs for themselves or their *parientes*. Among the poorer classes the governor's authority is still thought of as having no limit, and he is often besought to intervene in judicial matters and otherwise to exert arbitrary power in behalf of faithful supporters and their friends. Sometimes he still does these things.

Within his smaller domain the municipal mayor occupies a position somewhat analogous to that of the governor within his province. It must be said, however, that in general the mayors, especially those of the small municipalities, have not been men of as high standing, relatively speaking, as the governors. The municipal councillors have, in the majority of cases, been important persons in their several communities, and, as Judge Elliott points out, the fact that the office is honorary seems to add to its dignity. Councillors are elected at large, but in practice one is chosen from each barrio. He represents this ward in the council and, as in the days of Spain, is responsible for conditions in his district. He is empowered by law to appoint a lieutenant to assist him in the performance of his duties in the barrio.

The functions of the other provincial and municipal officers

have been mentioned. They are now permanent employees selected and retained under the provisions of the civil service law. The provincial treasurer for years occupied an anomalous position, in that as treasurer he was responsible to the Executive Bureau, while as collector of taxes he was answerable to the bureau of internal revenue in the Department of Finance. This dual control was not conducive to good administration and the legislature was repeatedly urged to eliminate one of the treasurer's superiors. This substantial reform was finally accomplished during the Commonwealth period, the provincial treasurer being placed under the administrative authority of the Department of Finance. Prior to 1916 the secretary of the provincial board was of necessity primarily a politician, despite the fact that he held a qualified civil service status. In that year, however, the governors were given private secretaries at public expense, the provincial secretary thus being relieved of the necessity of being primarily the governor's political "man Friday." [37*]

The municipal treasurer acts as recorder and clerk of the council and is the custodian of municipal records. In the smaller municipalities he is usually assigned additional duties and often becomes a veritable village "poo-bah." His traditional position in such communities has been excellently described by Professor O. Garfield Jones, a keen American observer who was familiar with provincial life in the Philippines two decades ago.

> The treasurer in the smaller municipalities is a greater force for progress in these backward Philippine communities than any one official in American counties or cities [Professor Jones states]. He corresponds more to the town clerk in the smaller English cities. As secretary, treasurer, accountant, auditor, postmaster, and collector of insular, provincial and municipal taxes, he is invariably the best educated man in these outlying municipalities. He is the repository of both official and community custom and tradition. His permanent tenure gives him a practical knowledge of the temper of the local community, while his official and extra-official contact with the higher authorities keeps him familiar with the latest improvements in official procedure and municipal development throughout the province and throughout the "archipelago." [38]

A survey of the Fifth Philippine Legislature, a typical one, reveals the close relation between local and insular officeholding.

In the Senate, every member but one had previously held public office. Ten had been provincial governors; three, members of provincial boards; four, municipal presidents; seven, municipal councillors; four, provincial fiscals. Of the 25 members, 19 had sat in the lower house. Among the members of the House of Representatives 8 had been governors; 9, members of provincial boards; 22, municipal presidents; 23, municipal councilmen; 5, municipal secretaries; 3, provincial fiscals; and 14 had held other provincial or municipal offices. The First National Assembly included 12 former governors, 9 provincial fiscals or assistant provincial fiscals, and a considerable number of other former provincial or local officials. Needless to say, these legislators were still men of political power "back home." Councilmen, mayors, provincial board members, governors, then, are prospective members of the national legislature; and the legislators are, to a large extent, former local officials.

On the whole, it can scarcely be doubted that the important position of the local elective officials is favorable to the development of stable and representative government in the Philippines. In the Malayan empire of the Netherlands, the Dutch have preserved and ruled through the hereditary native aristocracy. This is not an unnatural form of control, but it has failed to educate the mass of the people in the processes of representative government either as electors or as popularly chosen officials. Above all, the Dutch system does not create a political environment in which national political leaders of the modern type can develop. In certain parts of India the natural rulers of the people have refused to cooperate with the British in local government. In other colonies the men to whom the masses naturally look as their leaders have been ruined or thrust into the background by the foreign rulers, while local political power or influence has been placed in the hands of artificially created puppets.

America has neither made these mistakes nor suffered these misfortunes in the Philippines. From the very beginning of the American regime the institutions of representative local government have been the hands of the natural leaders of the Filipino people. Some of them have inherited power from generations of forbears who held municipal offices during Spanish days. Others

have gained it through wealth, intellect, energy, or the gift of oratory. There never has been any general abstention from political activity on the part of those who naturally would rule. No class has been thrust into or kept out of public office by American power, although the sovereign authority has opened doors to individual merit which otherwise might have remained closed.

There are marked similarities between the current development of local government in the Japanese dependencies and that which occurred in the Philippines during the Spanish regime and the first decade of American sovereignty. In Chosen and Taiwan the Japanese are modifying old forms of government and slowly extending political power to the native local communities. In its rigidity of centralized control their system is fundamentally like that so long followed by Spain in the Philippines. When observed at close range the early results of limited self-government in Chosen are found to be not dissimilar to those with which American administrators in the Philippines had to contend between 1900 and 1910. The Japanese can no more "give" the Koreans decent self-government out of hand than the Americans could "give" it to the Filipinos. Much less so, because the Filipinos had already enjoyed three centuries of experience with the form of government over which they were given increased control after 1901. To listen to Viscount Saito, the great Governor-General of Chosen, or Baron Den, Japan's liberalizing procounsul in Taiwan, discuss the local councils and other native officials of their respective domains was almost like seeing for a second time a film of the early experiences of American administrators with Filipino local officials. Japan is proceeding much more slowly than did the United States. But her problem is more difficult even considering the dissimilarity of her goal, which is the assimilation of her dependencies into an undemocratic imperial system.

As in Anglo-Saxon history, local government in the Philippines has been the field upon which the people have most successfully resisted the imposition of alien authority. The result is that local government in the Philippines has the virtue and the defects which arise from its being fundamentally a *natural* government. Its form may be alien and the new procedures and standards introduced by the Americans unfamiliar. But it has been

worked by genuinely representative Filipinos who have made it in a real sense a Filipino government, as it has touched the masses of the people. This was true even when, before 1913, the final power of decision in most important matters was retained by American officials. It was true during the regime of Governor-General Wood, whose leadership revitalized Philippine administration from top to bottom and exercised tremendous influence in fostering the spirit as well as the form of American government throughout the Archipelago. Between the Wood administration and the inauguration of the Commonwealth, provincial and local government steadily became more Filipino in character, except that Governor-General Murphy exercised a real control over local finances. Since 1935 the energetic and stern supervision of President Quezon has made the provincial and municipal governments more "American" than they had been for many years, if efficiency and a regard for the interests of the common man are regarded as being more typically American than Filipino characteristics. Local government in the Philippines may not be wholly democratic as Americans conceive democracy; but it is genuinely representative of the ideas and the other forces which dominate Filipino life.

CHAPTER XII *

INCREASING CENTRALIZATION

IN THE provinces and municipalities as well as in the national government the first half of the Commonwealth decade has been a period of readjustment and reorientation. Yet, except that a number of the important municipalities have been created chartered cities, no fundamental change has been made in the organization of either local unit. The elimination of the partial control of the Department of the Interior over the provincial treasurers and finance and the concentration of full authority over these officials in the Department of Finance accomplished a long-needed reform. The abolition of the cedula tax has necessitated readjustments in taxation. The machinery of administration has been tightened up here and there. The chief executive officials of the municipalities are no longer to be called municipal presidents, but mayors, the title "president" being reserved for the head of the national government. Local government has been affected in numerous ways by the administrative reorganization which has occurred in Manila. The Filipinos, however, except in the establishment of a small number of chartered cities, and the reorganization of the Province of Romblon, have not used their new freedom from American restraint to make any organic changes in this great sphere of governmental activity. Nevertheless, there has occurred a marked increase in the control actually exerted by the Chief Executive over all units of local government. The resulting decrease in local autonomy may turn out to be one of the most portentous governmental developments of the period between 1935 and 1942.

One attempt at radical departure from past practice in

* *The notes of this chapter begin on p. 905. Subject matter notes are indicated by an asterisk.*

provincial and local government illustrates how governmental procedures of *a priori* excellence may not stand up in practice. An experiment with a "State Police Force," instituted in October, 1936, failed and was abandoned two and a half years later.[1] From the standpoint of local self-government, this failure is significant and in some ways hopeful. During the whole of the American period, the municipal police were a joke and a scandal. In a large majority of cases they were the political henchmen, and in too many instances the personal *muchachos* of the *presidentes* and local bosses. Underpaid, only partially trained, and poorly equipped, in some places changed every few months in order that more of the faithful might be rewarded, they often served the reigning local *cacicque* rather than the public. In numerous instances they were instruments of oppression rather than agents of the law. As the *Manila Daily Bulletin* declared early in 1937:

> Up to this time the town police forces have constituted one of the most serious weaknesses in the whole government structure. As a result the enforcement of law often was weak, and still worse was the fact that in many instances the so-called agents of law and order were on the other side. Inefficiency often was the explanation, but domination of the police force by the town's political boss in many cases led to corruption worse than inefficiency.[2]

Through the Philippine Constabulary the Department of the Interior exercised an ineffective supervision over their affairs. For years American Governors-General had desired to place them under the control of the central government. Because the municipal police were cogs in the Filipino political machine this reform could never be accomplished. When the State Police Force was organized, the well-nigh universal inadequacy of the local law enforcement agencies was succinctly explained by the Secretary of the Interior, who declared:

> Although the municipal police had been performing this function [law enforcement], it could not be depended upon because of its well known inefficiency which was but the result of its defective organization. It was under the supervision and control of local elective officials and it is not astonishing that it was constantly subject to political interferences.[3]

Furthermore, until the late 20's in the vast majority of municipalities an efficient police force was not absolutely necessary so far as the suppression of crime was concerned. In most communities there was no criminal element. Usury and gambling were the commonest violations of the law and as a rule they had no immediate effect upon the public peace and order. In certain districts, as for instance some parts of the Province of Cavite, cattle rustling was a fairly common occupation—and sport. Robbery in band was not unknown. In other areas the smuggling of narcotic drugs was frequent. These offenses, however, were dealt with by the Constabulary and the secret service of the Department of Finance. Crimes of violence were not uncommon. In most cases, however, they were not committed by habitual criminals as incidents of their business, but by good citizens who were temporarily made desperate by unrequited love, conjugal unfaithfulness, or the loss of the dearest of a Filipino's possessions, his land. The author recalls that in 1926 he was a guest at a luncheon at the Palawan penal colony which was served by ten waiters, seven of whom were convicted murderers. Except during a bitter hour of passion every one of them had led a perfectly normal life and any citizen would have been quite safe in entrusting his life and property to their care.

Within the last twenty years, however, the problem of law enforcement has become more difficult in the Philippines. In this matter the Islands have become Americanized, at least to a degree. In certain districts, especially the provinces of central Luzon, hopeless tenant farmers, dispossessed settlers, the victims of the usurer and the *cacique* have found leaders, some of whom are trained communists or natural exploiters, and have often resorted to purposeful violence. The resulting disorder and unrest created an atmosphere in which landless men with predatory instincts were encouraged to commit crimes which they thought would pay. Manila was growing up, too, and organized gangs of criminals operated in Tondo and from dives and roadhouses in the countryside adjacent to the metropolis. In short, there was a widespread and ominous disintegration of these forces which from time immemorial had made most Filipino communities models of public peace and order.

With the new situation the comic opera municipal police were unqualified to cope. They could not curb the violence to which modern conditions and in some instances their own brutality in the service of the local bosses gave rise. The day after the disorders at Tayug in 1931 the local police chief made himself a national character by explaining that when the shooting began he had run the twelve kilometers to the next town. His failure to return to the scene of murder and arson suggested that the plea that he had run for help was something of an afterthought. During the Sakdal troubles many of the municipal police were at home under their beds. A conspicuous exception was a youthful peace officer of a Cavite municipality. Learning that a mob of several hundred Sakdals had captured the provincial governor and were marching him to his capital city, this true *Caviteño* seized a shotgun, dispersed the rebels and rescued the *gobernador* single handed.

Months before the Commonwealth was inaugurated in November, 1935, threats against the lives of the men who were to be its leaders were daily occurrences. The presidential campaign left bitterness that was openly expressed in ways little short of sedition. In October, 1936, a series of bomb outrages terrified Manila. Violence occurred during labor troubles in several cities and in connection with strikes against bus companies. All these conditions added up to cause the nationalization of the forces of law and order in the form of the State Police Force. The force was headed by a Commissioner of Public Safety and three assistant commissioners. Its personnel was brought under the civil service law. Members of the local units were to be residents of the municipalities in which they served. The provincial, city, and municipal police appropriations as of 1936 were continued from year to year and consolidated into a national fund to which the Commonwealth government made an additional contribution. The state police were to be put on an efficient basis by the Commissioner and his staff, but in operation within the several units of local government they were to be under the supervisory control of the local chief executives. As Commissioner President Quezon appointed the Honorable Leon G. Guinto, a national figure who, as a former governor of the important Province of Tayabas and

Undersecretary of the Interior, had enjoyed a wide experience in administering both local police forces and the Philippine Constabulary. Commissioner Guinto added to his already extensive practical knowledge by an extended survey of police methods in the United States.

The State Police Force was well conceived, well planned, and ideally headed. Yet it failed. When asked why, a leading Assemblyman replied: "Well, it was a good scheme. But the local people wanted to run their own police forces." An American answer, this, and a correct one! Whether the luxury of local control over local police can continue, remains to be seen. The municipal police and provincial guards were vastly improved by Commissioner Guinto's ministrations. The Constabulary is always standing by and not infrequently is ordered to take over the police functions of a municipality in time of emergency. The Philippine Army is in the background and behind that organization looms the Philippine Division of the United States Army. No revolt has the slightest prospect of success in the Philippine Commonwealth; nor will any succeed in the Republic—as long as the army is loyal. But the day to day enforcement of the law and preservation of the peace in the thousand Philippine municipalities is a problem which is still to be solved in a manner which meets the minimum standards of first-rate local government. Because the control of the police force is such a vital element in local politics, especially in the Philippines, these standards in local law enforcement will not be attained until the general level of local politics and government has been elevated to a point far above that existing today in many provinces and localities.

One reform in local government which would arouse the envy of every American state governor was instituted during the administration of Governor-General Frank Murphy and has been pushed forward by the Commonwealth officials. For many years prior to 1933 there had been no means by which the Insular Government could effectively exert its legal authority to keep provincial and municipal finances on a sound basis. The result was mounting provincial overdrafts, debts and financial instability. Faced with the necessity of financial retrenchment, Governor Murphy threw the whole power of his office behind the efforts which the

Honorable Teofilo Sison, the able Secretary of the Interior, was making to deal with this problem. A committee of provincial treasurers, with the technical assistance of the late Joseph E. Mills, financial adviser to the Governor-General, conducted a survey of local finances and devised a new set of monthly report forms which would show at a glance the precise status of the finances of the provinces and their subdivisions. When anticipated tax collections were not realized or expenses increased unexpectedly, the responsible local official had to explain why, not after the end of the fiscal year, but at once. Personal letters of commendation or exhortation went from the Chief Executive to provincial governors and treasurers—and to the press. This use of publicity was an effective method of securing local cooperation.

The need for the reform and the vigorous action taken to secure it are revealed in the annual report of Secretary Sison for 1933. The Secretary declared:

> This survey revealed that in many cases the estimates of income were highly inflated; that some appropriations did not cover the entire calendar year; that provinces have purchased and carried in stock, under suspense accounts (Supplies and Materials, A-5), equipments without appropriations therefor, contrary to law and regulations; and that long overdue obligations, some of which are over five years old, pertaining to cadastral costs and election expenses mostly, have not been taken up in the accounts, thereby concealing or hiding overdrafts and showing fictitious, instead of real, balances of funds. The provincial governors and the provincial treasurers of the provinces having inflated estimates of incomes and appropriations for less than the entire calendar year were called to Manila for conferences at which it was decided to revise downward their budget estimates and appropriations for the remainder of the year. As a result of said budget readjustments, all the provinces, with the exception of Antique, Batanes, Iloilo, Masbate, Misamis Occidental, Nueva Ecija, Pampanga, and Rizal, effected slashes in salaries and reductions in automobile allowances and per diems. The salary reductions ranged from 1 per cent to as high as 50 per cent. The reductions authorized by the Provinces of Batangas, Bohol, Capiz, Laguna, La Union, Negros Occidental, Tarlac, Zambales, and Sulu were refunded at the end of the year, there being sufficient funds to cover same. The monthly administrative analysis submitted to this Department revealed the fact that every month from June to October the local officials were exerting sincere and earnest efforts toward reducing, if not entirely eliminating, the existing overdrafts.[4]

The Murphy-Sison campaign also produced a marked increase in tax collections. The result was that at the end of 1933 only ten provinces had overdrafts and even these ten had made excellent records so far as the operations of 1933 were concerned, their overdrafts being due to the accumulated deficits of previous years. These remarkable results were achieved in the midst of a severe economic depression. Under the Commonwealth there has been no relaxation of the standards of financial administration which were established in 1933. On the contrary, more effective financial controls were extended to the cities and municipalities. On December 31, 1937, despite the fact that they had met heavy and unexpected election expenses, all but two of the 49 provinces, and all but 63 of the 1180 municipalities and municipal districts, closed the financial year with surpluses in their current funds.[5] In the jungle of American local government how many states could match this record? How many American governors, officials who are held responsible by public opinion for good government throughout their states, can in a moment secure an accurate and up-to-the-minute picture of the financial situation in every county and municipality within their jurisdiction? How many state legislatures have such information before them when they are enacting laws concerning local government? Achievements of this character in the twilight zone of local government are not front-page news, but they furnish a part of the answer to the oft-repeated question: "Can the Filipinos really govern themselves?"

Never in Philippine history have provincial and municipal officials been subjected to such exacting supervision by the chief executive as President Quezon has bestowed upon them during the past five years. Governor-General Wood exercised a salutary influence for good local government. He made frequent inspection trips through regions not usually visited by ranking officials from Manila. Governors, *presidentes* and the provincial representatives of the insular bureaus sought his approbation and feared his criticism. Other Governors-General sought to keep in personal touch with provincial affairs. They lacked the administrative staff which Mr. Quezon has developed, however; nor did the Filipino "grapevine" bring them the mass of information that daily reaches Mr. Quezon. No Governor-General ever disciplined half as many

provincial governors as has President Quezon, and large numbers of erring lesser local officials have been brought to book by him. The President's policy with reference to officials who fail to meet the responsibilities of their office is well illustrated by statements in his administrative order suspending the provincial governor of Samar for acts of oppression and misconduct. The order states, in part:

In the face of these findings which convict Governor Arteche of repeated acts of abuse of authority in a systematic persecution of his political enemies and other equally serious offenses, as extravagance in the use of public funds, mismanagement of the provincial jail, and deliberately planning to deprive provincial board member Vicente A. Dira of his right to attend sessions of the provincial board, it was the opinion of the said former Secretary of the Interior that because the offending official is elective he should be treated with more leniency than if he were an appointive official, and therefore recommended that Governor Arteche be publicly reprimanded instead of imposing a more drastic punishment.

. . . The present Secretary of the Interior is of the opinion that Governor Arteche should be suspended for one month and therefore so recommends.

While the case was still in the hands of Secretary Quirino, I visited Samar and had occasion to confer with some of the complainants as well as with the respondent governor and I have come to the conclusion that the findings of the investigator of the Department of the Interior concurred in by Secretary Sison and Secretary Quirino were in accordance with the facts in the case.

Abuse of authority is a very serious fault in any public official, whether appointive or elective, and the higher the authority, power, and position of the offending official the greater the fault. Particularly should this Government be rigid with offenders of this sort, because we are in the early days of self-government and toleration of this kind of offense on the part of public officials by the Chief Executive may have serious consequences in the future. I am, therefore, in full agreement with the recommendation of the Honorable Elpidio Quirino, Secretary of the Interior.

I hereby order the suspension of Honorable Pedro R. Arteche from the office of governor of Samar for a period of one month, effective immediately, and hereby warn him that a repetition of this offense will subject him to removal from office.[6]

Besides making himself the terror of slack, dishonest, or tyrannical officials, President Quezon has repeatedly journeyed through

the far places of the Archipelago, explaining the duty of every citizen to make a personal contribution towards honest and efficient government. His addresses and informal talks upon this subject are sound expressions of the principles of democratic government and excellent examples of the forensic skill which is an important part of the equipment of every Filipino leader. Although the Philippines is the land of orators, no man has ever swayed the Filipino people as does Mr. Quezon. The author has seen a provincial multitude of five thousand stand for an hour and a half in a cold drizzle, hanging upon his every word. He shows his crowd that he knows every quirk and turn of the Filipino mind, disarms his auditors by admitting that he shares their weaknesses (but is seeking to rise above them for his country's sake), and preaches the gospel of self-discipline and self-sacrifice with the fervor of a camp-meeting evangelist. Regarded by millions of his countrymen as a God-sent combination of Washington, Jefferson and Bolivar, this remarkable man's influence in the Philippines is incalculable; and that influence is tirelessly used to elevate the standards of political life in that sphere where the interests of the common man are most intimately touched—the sphere of local government. Neither words nor deeds, however inspired, will eradicate ancient national evils in a decade, or in a generation. But since 1935 when the Filipinos assumed full responsibility for their local government the campaign for good government and good citizenship which was begun more than four decades ago has been continued upon as high a plane as ever before and, in the opinion of the author, with marked success.

Prior to 1936 Manila and Baguio were the only chartered cities in the Philippines. The government of "The celebrated and ever Loyal City of Manila" was established in 1571 and in 1595 the city received a royal charter.[7] Soon after the American occupation of the Philippines the foundations of the present government were laid in an act of the Philippine Commission which was modeled upon the congressional law providing for the government of Washington, D. C.[8*] The government consisted of a Municipal Board, a mayor appointed by the civil governor with the consent of the Philippine Commission, and five administrative departments. The board was composed of three members ap-

pointed by the Civil Governor with the consent of the Commission, one of them being elected president by the Board itself. As a vehicle for the expression of local public opinion, an Advisory Board consisting of thirteen appointive district members was established. This body, however, was usually at loggerheads with the Municipal Board and in 1908 it was abolished.[9] At the same time the Municipal Board was reconstituted to consist of three appointive members, two elective members chosen by the voters of each of the city's two Philippine Assembly districts, and one member *ex officio*, the city engineer. The Governor-General was empowered to appoint a seventh member to break a tie. This injection of popular representation into the Municipal Board was criticized at the time as the surrender of Manila to demagogues.

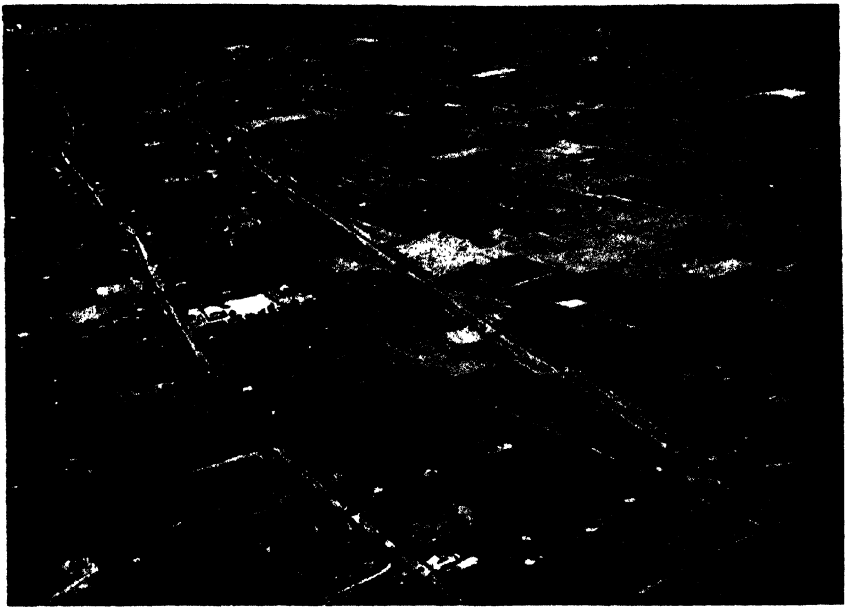
The present charter, which was embodied in the *Revised Administrative Code* of 1917 (Chapter 60), further applied the principle of local self-government to the capital city. The Municipal Board, which consists of ten members, is elected at large for a term of three years. It has most of the ordinance making and financial powers ordinarily vested in the council of a large American city under the old mayor-council type of government. The position of mayor corresponds with that of the chief executive of such a city. Both the Mayor and the Municipal Board, however, are subject in many matters to the control of the national government, exercised through the Secretary of the Interior or the President of the Philippines in much the same way that the provinces and municipalities are kept under the tutelage of the central government. Also, as in the provinces, a number of the bureaus of the national government function in the capital. Manila accounts are audited by the Auditor General and the Bureaus of the Treasury, Justice, Internal Revenue, Public Health, Education, and Prisons and the Purchase and Supply Office perform services for the people of the metropolis which in the United States are largely or wholly municipal functions.

Operating with the bureaus of the national government, however, are Manila's departments of engineering and public works, police, law, finance, assessment, city schools, and fire department. The mayor, departmental heads and their immediate assistants are appointed by the President of the Philippines, with the consent

of the Commission of Appointments of the National Assembly. Lesser officials and employees are selected by the mayor, subject to civil service rules. The mayor may suspend or remove any city official or employee not appointed by the President (subject to an appeal to the Secretary of the Interior) and may recommend the removal of any presidential appointee.

No city government organized as is that of Manila could be expected to operate smoothly or efficiently. In any political environment the popularly elected council would be almost certain to place itself in opposition to the appointive mayor and other officials and to resent national control as contrary to the principles of representative democracy. In Manila this inevitable antagonism is intensified by a number of local conditions. Not only is the mayor appointed, but until the inauguration of the Commonwealth he was appointed by an alien Governor-General, a circumstance which made him vulnerable to attack by any demagogue who wished to make political capital out of the race and independence issues. Friction between the Municipal Board and the National Legislature and its leaders frequently arose from the fact that the latter were always *Nacionalista* while Manila is traditionally a stronghold of the opposition party or parties. By a mighty effort, inspired by President Quezon himself, the *Nacionalistas* captured a majority of the seats on the board soon after the inauguration of the Commonwealth. In 1941, however, most of the *Nacionalista* candidates were defeated. Finally, Manila politics has been conducted at the level of the twenty per cent of the city electorate that is lowest in political morality and intelligence. A few of the members of the Municipal Board have been men of brains and character. As an organ of government, however, the Board has not risen very far above the level of the *cochero* vote, and the self-seeking political forces to which it has often been subservient.

The replacement of the American Governor-General by a Filipino President and the capture of a majority of seats on the Municipal Board by the Coalition failed to terminate the long-standing friction between the Board and the national government. The President of the Board denounced the President of the Philippines as a dictator, just as some of his predecessors in office had attacked American Governors-General. The appointive Mayor

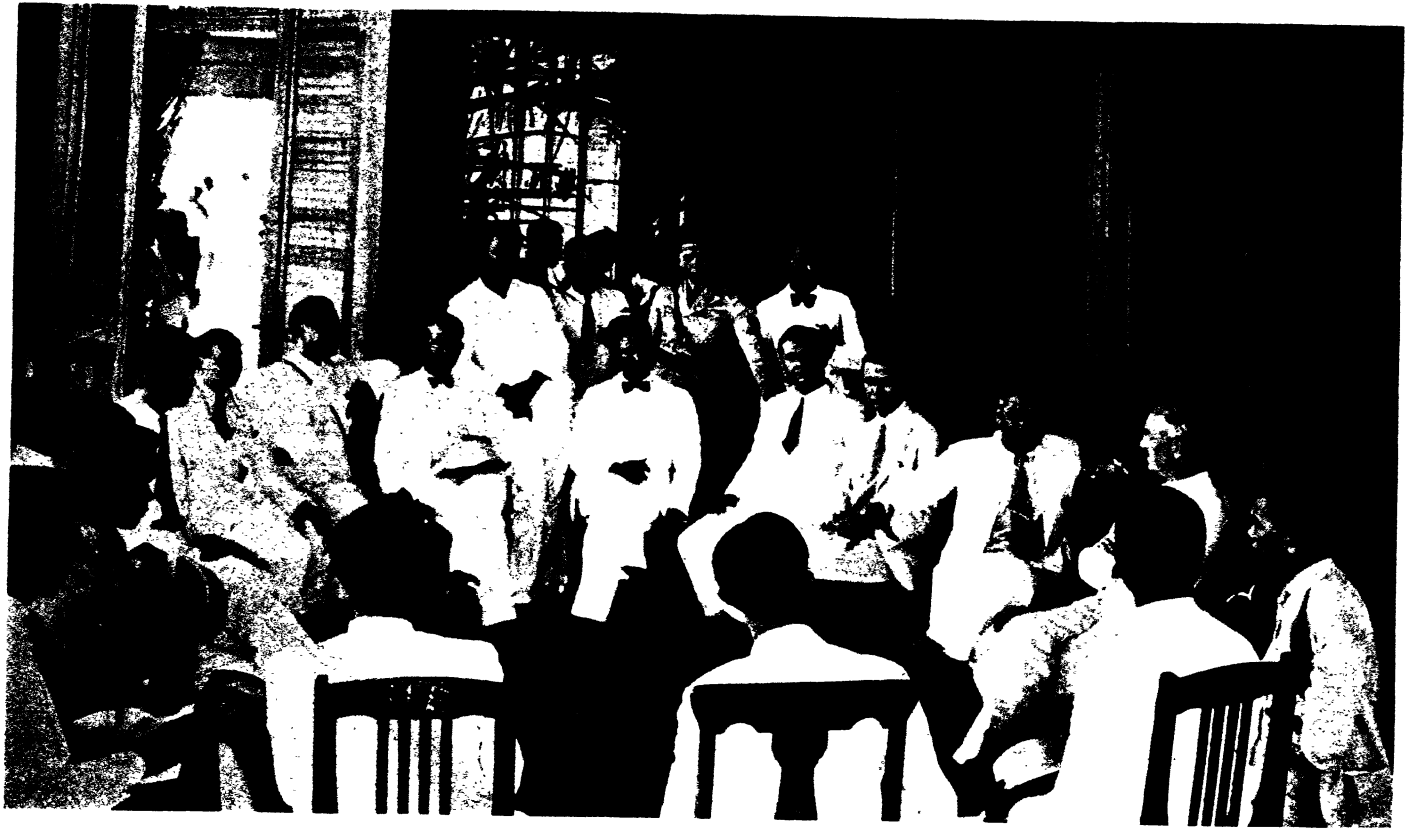


BARRIO HOMES AND FIELDS, BATANGAS PROVINCE



Photo by Charles W. Miller

A FISHING BARRIO



INSULAR, PROVINCIAL, AND MUNICIPAL OFFICIALS, NUEVA ECIJA, 1935

was no less at loggerheads with the elective council after November 15, 1935, than he was before that date. Typical of the relations between the elective city officials on the one hand and the mayor and the President on the other is the following statement made by the President of the Municipal Board in reply to reported Presidential criticism:

> My answers to this is that it was virtually impossible to do much on account of the continuous conflict between the mayor and the municipal board. Realizing this, the board several times approved a resolution requesting that the present mayor be replaced by another with whom the board could get along.[10]

When the Board demanded that the mayor be made an elective officer, it was informed that President Quezon concurred in the view of the Secretary of the Interior that "in view of conditions now prevailing in the city" the position should remain appointive.[11] From time to time movements have been initiated in the National Assembly to abolish the Municipal Board and establish a city manager or commission form of government in Manila. Finally, in February, 1940, several of the majority members of the Board fell out and in a public session of that body accused each other of various improper acts.[12] After a preliminary investigation by the Department of the Interior in the course of which the official records of the Board were destroyed or mutilated, President Quezon suspended the eight Nacionalista members of the Board, pending a thorough inquiry to determine whether they should be dismissed from office. The incident focused public attention upon the deficiencies of the Board and strengthened the demand for a reorganization of the government of the metropolis.

The fact is that the creation of an elective board was a sop to the theory of democratic, representative government and to the Harrison policy of rapid Filipinization. The existence of such a body *vis-a-vis* the appointive mayor and in face of the wide control exercised over the City of Manila by the national government is unsound in theory and has produced unfortunate results in practice. Nor has the Municipal Board been genuinely representative of the Manila electorate. Harmony between the Board and the mayor could be secured by making the latter's office an elective

one. Such a change, however, would make it even more difficult than it now is to guarantee that Manila shall be given the sound and efficient government which the Commonwealth's capital and metropolis must have. On the other hand, in the absence of some national emergency it would be hard to deprive the Manila electorate of the right to vote for the Municipal Board. Once a measure of self-government has been granted to a people it is very difficult to withdraw it, no matter how premature the grant may have been. The sort of criticism to which such action would be subjected is illustrated by the following statement of a prominent member of the National Assembly regarding proposals to govern Manila entirely by appointive officials:

> We speak of democracy, of the need of advancing its cause, and yet here we would deprive the people of Manila of their right to vote. I do believe we ought to go slow about the whole affair for haste might result in disaster, not only to the city government but to the people of Manila and their right to exercise popular suffrage.[13]

Filipino leaders would not be comfortable under charges that they were taking "backward steps" by depriving their own people of the measure of self-government established by Americans.

The abolition of the elective Municipal Board is made more difficult to justify by the undeniable fact that Manila has undergone a wonderful development under its present form of government. It would be much easier and pleasanter for the national government to rule the city without having to deal with the chosen representatives of its inhabitants. That the metropolis would be better administered by an appointive commission seems probable. Yet since 1898 Manila has increased in population from 220,000 to nearly 625,000 and, if its slums be forgotten, has become one of the most beautiful, healthiest, and safest cities in the Far East. The "Burnham Plan," a comprehensive scheme for the development of the capital proposed by the late Daniel H. Burnham, who visited the Islands in 1905 at the request of the Secretary of War, has in the main been adhered to.[14] The city has been provided with one of the finest athletic plants in the world. The water supply of the metropolitan area is the best in the Orient. Although the sewage system is inadequate, the Commonwealth

is extending it. Since the inauguration of the Commonwealth, the permanent maintenance of the charm and historical significance of the Walled City has been guaranteed by regulations regarding the construction or alteration of buildings therein. Beautiful Dewey Boulevard is being extended around the shore of Manila Bay to Cavite, as was originally planned. New streets, highways and residential areas are being opened up. The University of the Philippines is to be transferred to the heights behind Manila, as Burnham planned. More parks and recreation areas, which were a part of the Burnham Plan, are projected. True, many of these improvements have been made by the Commonwealth, rather than by the city government. Judged by its achievements, the government of Manila, in part national and in part municipal, has been far from a failure, and while the easiest way to improve it probably would be to eliminate its elective element, it is by no means certain that this would be the best method.

If any appointive official can secure good government in Manila under the difficult conditions which have been described, the present mayor, the Honorable Eulogio Rodriguez, may be expected to do so. Unlike most of his predecessors, Mayor Rodriguez is not only an experienced administrator, but is also a veteran politician of more than ordinary ability. Formerly governor of Rizal, the province which surrounds Manila, and later a representative from Rizal in the House of Representatives, Mr. Rodriguez dealt with the Manila politicians for years as well as with his own constituents. As Secretary of Agriculture and Commerce he was one of the strong men in the Murphy and Quezon cabinets, and subsequently performed a difficult task in the management of the Government's important Rice and Corn Corporation. Besides being a politician, Mr. Rodriguez is a successful business man. Starting in life without financial, social or political backing, he has made his way to the top by hard work and iron determination as well as by the more common political talents. He has an extraordinary fund of practical experience and common sense and a rare understanding of the viewpoint of the common people. If, with the support of President Quezon, Mayor Rodriguez cannot make the Manila system of government work satisfactorily, it will be safe to say that this cannot be done.

For years prior to 1936 a number of the larger municipalities which are also provincial capitals had been seeking to attain the status of cities. Under the Commonwealth eight of them (Bacolod, Dansalan, Cavite, Cebu, Davao, Iloilo, San Pablo and Zamboanga) have been granted special charters by the National Assembly. Two other cities have also been created. One of them, Quezon City, is planned as an outlet for overcrowded Manila. Located between the height of land east of Manila and the Mariquina River it is adjacent to the new site of the University of the Philippines and has an area more than twice as great as that of the national capital. The project is being developed by both public and private capital and, in the language of the *Manila Daily Bulletin*, "This dream city is expected to be the country's greatest monument to the administration of President Quezon." [15]

All the officials of Quezon City are appointed and can be removed by the President of the Philippines, including the members of the council, which is composed of the mayor, the vice-mayor and three other councilmen.[16] There is no Democratic nonsense in the charter of Quezon City, but as long as this project is in the hands of the able and well-known citizens who were placed in charge of it by President Quezon the "dream city" will be well administered. Tagaytay is still largely in the blueprint stage. It represents, however, an effort to develop a health and summer resort on a high plateau overlooking Lake Taal, some fifty kilometers southeast of Manila.

The charters of the other new cities bear a general resemblance to that of Manila and to each other. The mayors and the chief administrative officials are appointed by the President of the Philippines. The councils or municipal boards are either elected by the city voters, entirely appointed by the President, or partially elective and partially appointive, with the appointive members in the majority. By various devices, such as the itemized veto of financial measures, the provision that if no budget is adopted by the council, the previous year's appropriations are automatically renewed, and a continuation of the wide powers which the Secretary of the Interior and the President have over municipal governments, effective control over these cities has been placed in the hands of the national government. In the case of Davao the Presi-

dent is given an appointive majority of the municipal council.[17]* The Dansalan city council is entirely appointive, Dansalan being in the heart of the predominantly Moro province, Lanao, and the administrative center of Mindanao and Sulu.[18]

There seems to have been an assumption that the chartered cities created by the Commonwealth would enjoy a greater measure of autonomy than the same communities possessed as municipalities. The *Manila Daily Bulletin,* for example, congratulated Bacolod upon the "added prestige and increased autonomy" which its inauguration as a city gave to it.[19] In actuality, the change has enormously increased the power of the national government over these key cities and hence over the country as a whole. The authority of the President to appoint and remove the mayor (the mayors of municipalities are elective) and the other chief administrative officials, combined with the control of the Secretary of the Interior over many of the acts of the council and other parts of the administration, can be used to make the city governments little more than extensions of the President's office. The reality of the President's power is attested by the fact that in spite of the strength of local sentiment in the Philippines President Quezon has not hesitated in some instances to appoint as mayor an expert administrator who was not even a resident of the city whose government he was to head.

President Quezon himself has frankly recognized that the new city charters mark no progress in the direction of democracy. In an address delivered upon the occasion of the inauguration of the City of Iloilo [20] he justified the reduction in local autonomy and democratic control upon practical as well as theoretical grounds and in terms which by implication recognized some of the difficulties and failures of municipal government in the Philippines and carried significant implications as to the future of local government there. "I am not prepared to say positively," the President declared, "that, from the standpoint of democratic principles, the creation by the National Assembly of these new cities is theoretically, at least, a progressive step. The question is open to discussion and volumes could be said and written in support of either side."

The President then submitted a number of "facts" in support of the policy which had been followed. First, he declared:

That the law which provides for the appointment, instead of the election, of the mayor will free the new cities from the influence of partisan politics in the administration of their affairs and in the execution of their laws. Thus the efficiency and impartiality of the city government, in the administration and execution of its laws and ordinances, will be better insured.

The second point which the President made was:

That the people of the city thus created have not lost control of their local government, because the city council is still elective, and retains the power to pass ordinances, impose municipal taxes, and appropriate municipal funds as before.

In the third place, Mr. Quezon pointed out that when the Philippine Government was still completely controlled by the American Philippine Commission the governments of Manila and Baguio were constituted exclusively of appointive, as distinguished from elective, officials. This fact was cited by the President, "in case criticism against what has been done by the National Assembly should come from either local Americans or certain Filipino quarters." The denial of the franchise to the citizens of Washington, D. C., and the appointment of the French *prefects* were also referred to.

The President's sixth point was a fundamental one, going to the basic legal relationship between the local and central governments in the Philippines. Mr. Quezon stated:

That, under the constitution, ours is a unitarian—as contrasted from a federal—state. The duty to execute all laws is vested in the American governors-general, under legislation enacted by the former American Commission. The Chief Executive of the Philippines always has had, and has exercised, control and supervision over all the provincial and municipal officials. In making, therefore, the mayors of Iloilo, Cebu, Zamboanga and Davao appointive, instead of elective, officials, no substantial change has taken place in the ultimate control and administration of public affairs in these cities, since that ultimate control has always been placed in the hands of the American governors-general. In other words, the National Assembly simply made the form conform to the substance in the management of local governments.

Finally, President Quezon pointed to the growing demand for nonpartisan city government in the United States, declared that in the Philippine provinces and municipalities the election issues were solely based on personalities rather than on principles, and took the position that because the local governments have no power to deal with questions of national import the discussion of such questions amongst local candidates "is purely academic."

Stripped of their political sugar-coating and historical casuistry the President's arguments boil down to two propositions. First, that increased centralization of authority over Philippine cities will give them better government because it will remove the administration of their affairs from partisan politics. Second, that under the unitary system of government which exists in the Philippines the national chief executive does and should control all local officials.

In his selection of mayors, President Quezon has kept himself free from considerations of party and appointed men of proven ability and high standing. Illustrative of his policy was the selection of the Honorable Santiago Artiaga as the first appointive mayor of Zamboanga and later of Davao. For many years Mr. Artiaga had been city engineer of Manila where he had made a great record of constructive achievement and had remained entirely outside party politics. After giving the city government of Davao a good start, Mr. Artiaga was transferred to the governorship of Bukidnon, a frontier province essential to the Commonwealth's plans for the development of Mindanao. Another President, however, acting upon different principles or under political necessity, from which President Quezon thus far has been entirely free, might use his authority over these cities for different purposes. Obviously, the increased national control over their affairs might be used to enmesh them even more completely in national politics than they have been in the past. Their governments might be made little more than adjuncts to a presidential political machine. There is every evidence that the transformation of the larger municipalities organized under the Municipal Code into chartered cities is a fixed policy of the Commonwealth government. If this policy is carried to its logical conclusion, there will

be no urban areas of genuinely local self-government left in the Philippines.

The implications as to the future of local autonomy that are found in President Quezon's Iloilo address and the policy which it justified are of great significance. In the case of Manila, the Americans necessarily started by placing the government of the city under the control of the Governor-General through an all-appointive government. The goal, however, was democratic, autonomous municipal self-government. Twenty-five years ago a great step was taken in this direction by the establishment of the elective municipal council, and between that time and 1936 the actual participation of the Governor-General in Manila affairs diminished to the point at which it only occurred occasionally and under unusual conditions. Since the inauguration of the Commonwealth, the trend has been in the opposite direction. The President was reported in the press to have directed that not a Manila policeman should be appointed without his approval.[21]

In the provinces and municipalities the American purpose was likewise to proceed as rapidly as possible towards local autonomy and democracy. As the provincial Filipinos increased their capacity for successful self-government the direction from Manila proportionately decreased as long as the Executive Bureau was headed by an American and the Department of the Interior was effectively under American control. When these administrative agencies passed into Filipino hands the tutelage of local officials by Manila increased—but it was Filipino, not American, control that was being exercised. Governor-General Wood did in particular cases concern himself with local affairs, but always through the officials of the proper Department. After the Wood administration the intervention of the Governors-General into the affairs of the provinces and municipalities again decreased, with the exception that Governor-General Murphy set up and exercised controls which rehabilitated local finances.

Under the Commonwealth Manila supervision has not only rapidly increased, but it has been personally exercised by the Chief Executive to a degree previously unheard of. The reasons for the latter development are, of course, that the Chief Executive is now

a Filipino elected by Filipino voters; and that the first Filipino chief executive happens to be a man who has the will and the ability to utilize all of the wide powers of the Presidency to govern, in small things as well as great. Thus, as power has passed into Filipino hands the trend towards the autonomous and democratic control over local affairs which was the distinguishing characteristic of American policy with reference to local government down to 1913 seems to have been reversed. How far the tide will run in the opposite direction remains to be seen.

The trend which began immediately after the inauguration of the Commonwealth was well described by an editorial in the *Tribune* early in 1937.

> With the inception of the Commonwealth [this newspaper declared] the relations between the central government and the provincial administration have undergone a drastic change. The nature of this change has been more than hinted in various official pronouncements, and its general trend has been indicated by the legislation passed in the last session of the National Assembly. This legislation, as is well known, has tended to centralize authority and to concentrate its bulk in the hands of the Chief Executive.[22]

In 1940 the process of taking local government out of the hands of local elective officials was extended to a whole province in a law which abolished the provincial and municipal governments of the Province of Romblon and substituted therefor four "Special Municipalities" so organized as to be almost completely under the control of the Commonwealth President.[23] This act provided for the continuation of the province as a "territorial" unit for certain purposes and as a National Assembly district, with the Secretary of the Interior as ex-officio governor. The mayor of each of the four "Special Municipalities" is appointed by the President with the consent of the Commission on Elections of the Philippine Congress and holds office at the discretion of the President, unless in the general elections for local offices following his appointment a majority of the electorate of his municipality should vote against his continuation in office. In that event the President will appoint another mayor. The four municipal councils are elective, but their powers are narrowly limited. In case they fail to agree with the mayor on the annual budget (submitted by him),

the budget of the preceding year shall be considered reenacted. As in all provinces and municipalities a large proportion of the public services are conducted by the local representatives of the bureaus of the National Government.

The provincial government of Romblon was abolished because the province could not pay its way. Yet many Filipinos were not slow to ponder the significance of the experiment. The reactions of those who were alarmed by it were well expressed in a *Tribune* editorial entitled "Is Romblon the Beginning?" inspired by a letter from Pedro Abad Santos, the leader of the Socialist party. This editorial throws so much light upon the cycle through which local government in the Philippines seems to be passing that it is reproduced in full, as follows:

Concern over the new set-up in Romblon is expressed by the Socialist leader, Pedro Abad Santos, in a letter to this department. He writes:

"Let me express my appreciation of your well taken comments concerning the abolition of elective municipal governments in Romblon. I do believe that this was a most reactionary step. When the Americans upon their occupation of the Islands wanted to implant democratic institutions here (for only under democracy can capitalism develop freely) the first step they took was to set up local self-governments by having the people of the towns they occupied elect their public officials, where this was possible. Later the Philippine Commission following the instructions of President McKinley completed the organization of elective municipal governments. This shows that the Americans, who have had a long experience in democratic government, believed that sound democratic institutions must begin with and have as their foundation local self-government.

"Even under the semi-feudal rule of Spain, local officials in our towns were elected, though the voting was limited to the principal residents (principalia) of each town. These officials were the only elective ones under that regime.

"In all the government, local officials are in the closest contact with the people. In fact, the great majority of the masses are interested in no government but their local government. That is why it is all important that local officials be chosen by the people, so that they may enjoy the full trust and be more responsive to the needs of their constituents.

"If the people of the other provinces let the people of Romblon be deprived of their right to elect their local officials without a strong

protest, it will not be long before elective municipal governments will be abolished throughout the country.

Sincerely,
"PEDRO ABAD SANTOS."

The reader will notice that Don Pedro's concern is not so much over the single instance of Romblon, but over the possibility that the precedent established by the Festin bill may open the way for similar restriction of autonomy in other provinces. This is the same concern that we expressed. The abolition of local government in Romblon and the new system of elections by which the people of Romblon may vote only for or against the candidate of the government and no one else, asks of the Filipinos not only whether they are prepared to take a backward step in democracy in Romblon, but also whether they are prepared to take the same step in other provinces.

Whether or not the present system is of the choosing of the people of Romblon will be answered in the next elections for the Assembly in that province. Should the people reelect the man who introduced the bill, then it would be a sign that they approve of retracing the progress they have made towards democracy. That election should be of national concern.[24]

At their annual conventions both the governors and the mayors have protested against the diminution of their powers and have demanded authority commensurate with their responsibilities.[25] In general, President Quezon has expressed sympathy for their views, and in some particular matters he has aided their cause.[26] The demand for good government, however, creates a pressure for the centralization of authority which it is hard to resist; and Mr. Quezon is determined that the Philippines shall be well governed, not only in Manila but in every province, municipality and barrio throughout the Archipelago.

Furthermore, and in the long run this may be the determining factor, the centralization of authority in Manila and its concentration in a few hands is the traditional method of administering government in the Philippines. It would, therefore, be natural for the present trend to continue and perhaps to become more marked as the Islands proceed further and further from the period of American control. Conditions, indeed, may virtually compel the national authorities to use all of the authority which they have to maintain a minimum of good government in some portions of the Islands. That public opinion would support such an exercise

of power is at least indicated by the following excerpts from an editorial in one of the leading Manila newspapers:

> As things stand, there should be no haste in the introduction of changes limiting the control of the central government.
>
> For one thing, democracy has not developed a type of successful leaders in the municipalities. One effect of this is that the local governments are at times run upon what momentum they have acquired.
>
> On the other hand, democracy has on occasions wished upon this local governments [sic] a type of executives who are almost illiterate or who have no conception whatsoever of the problems and responsibilities of local administration.[27]

The same editorial states that "there is enough evidence to warrant a pessimistic viewpoint regarding the progress in our municipal administration." Abundant evidence that many municipal and some provincial governments are what is commonly called "rotten" can be found in President Quezon's statements and official actions during the past five years. Yet, considering the great improvement in local government which has occurred in the Philippines as a whole during the past four decades it would seem that *The Tribune's* pessimism is not wholly justified, provided that the basic conditions which made that progress possible are to be continued for, say, the next forty years. On the other hand, there is grave doubt as to whether the reasonably good and democratic government which has been developed in many of the provinces and municipalities of the Philippines has as yet been deeply enough rooted to live through a period of serious adversity.

Almost certainly whatever democracy of the Anglo-Saxon type has been developed in the Philippines cannot long survive if the reduction of local control over local affairs which has been characteristic of the Commonwealth shall long continue. Granting that Filipino professions of a desire for political institutions of the American model are sincere, one wonders whether those who control the Commonwealth are not betraying by their acts a fear that reasonably good government can be maintained in their country only by a sacrifice of the kind of democratic institutions which "must begin with and have as their foundation local self-government."

PART TWO

POLITICAL PARTIES AND NATIONAL LEADERSHIP

CHAPTER XIII *

INSTRUMENTS OF LIBERTY

POLITICAL parties, like all other social phenomena, are the resultants of many forces. In form and function they are as different as are the peoples among which they appear. Less completely the product of deliberation embodied in law than governments, they usually reflect more truly than other political institutions the historical events and human characteristics that have brought them into being. Particularly is this true in dependencies. There, as the dominant state places the subordinate people in a constitutional and administrative straitjacket, the people themselves fashion their party system as a loose robe woven from native materials and designed to facilitate unrestricted action. Under such conditions parties become vehicles for more untrammeled political self-expression than is possible in those parts of the government that are established by law and, to a greater or lesser degree, controlled by foreigners.

Yet, although the political parties of a dependency are more completely native in character than the legally constituted government under which they exist, their objectives are largely determined by the relations between the dependency and the metropolitan state. So, also, although to a lesser extent, are their methods. Consequently, while the party system of a dependency provides the best available view of the political characteristics of the local people, the image that it reflects is not wholly a true one. The reflection is distorted because the principal political purpose of the dependent nation is usually to alter fundamentally the government under which it lives and not merely to order its public affairs wisely within the bounds of an accepted political system; and be-

* *The notes of this chapter begin on p. 906. Subject matter notes are indicated by an asterisk.*

cause in the accomplishment of this purpose the political leaders must deal with exterior forces which they cannot control no matter how completely they may secure the support of their own people. Thus in dependencies political parties, as all other political phenomena, are moulded by a combination of spontaneous native forces and external pressures. It is in their parties, however, that subject peoples find the freest sphere of political action. Through parties they work for the objects closest to their hearts. In parties they express their true political personalities more clearly than in any other field of action.

In these circumstances the most realistic approach to the study of parties in a colony is from the viewpoint of the subject people, not that of the dominant nation. From the Filipino point of view, Philippine parties, until the establishment of the Commonwealth, were primarily the instruments of liberty rather than of government. The great goal was independence and except in the case of the Federalist Party all other objectives were subordinated to it. The historic mission of the political societies that sprang up during the latter part of the Spanish regime was to wrest personal liberty and, towards the end of the period, national freedom from a foreign sovereign, not merely to secure prosperity and good government within the existing system. Some of the members of these historic organizations are still active in Philippine politics; all of the older leaders can remember the days when *La Liga Filipina* and the *Katipunan* were the backbone of the "national effort" for independence that has been the vital element in Philippine political life since the middle nineties. To a people who are so near such a background, parties appear very differently than they do in a country which for generations has been securely independent. Not until long after the Philippines has been firmly established as an independent state will Filipino parties and the people's attitude towards them cease to be affected by their historic role in the struggle for national freedom.

Paradoxically, the first Philippine political party, in the strict sense of the term, had as its goal not independence but statehood in the American Union. Hence, its name, the Federal Party, or *Partido Federalista.* An examination of the circumstances in which it existed, however, suggests that entirely too much significance

has been attached to the fact that the *Federalistas* were the advocates of statehood as the ultimate solution of Philippine-American relations. The party was primarily interested not in eventual statehood, but in immediate peace. Peace could be had only by the unconditional acceptance of American sovereignty. For the goal of independence, therefore, statehood was substituted as the best national status obtainable from a nation that could not be successfully resisted by force of arms.

But the *Federalistas*, at least their leaders, knew full well that either independence or statehood was for the distant future. The immediate tasks, as they saw it, were to end the war, resume the normal activities of peace, and work with the conquerors for the present, as well as the future, welfare of the country. These conservative upper-class leaders realized, however, that in view of the sacrifices which the nation had made for independence, the popular support which was necessary for the accomplishment of these immediate tasks could be obtained only by offering the people an alternative to independence which they could consider without losing their self-respect. The advocacy of incorporation into the United States was not, therefore, a free choice of policy, but a forced one. At least, it was the price that the more conservative of the Filipinos, some of whom had been members of Aguinaldo's Revolutionary government, paid for the reestablishment of peace and the opportunity to participate in the government of their country.

Founded in December, 1900, three months before the capture of Aguinaldo at Palanan, the Federal Party accomplished a prodigious and gallant work in aiding the American authorities to bring the insurrection to an end and establish civil government in the Islands. As long as Mr. Taft was Governor, appointments to governmental positions, from the Philippine Commission down, were made almost exclusively from its ranks, and prior to 1906 the Commission effectively prevented the organization of any party advocating independence.[1]* With such support from the government, the party spread rapidly among the war-weary Filipinos. Its Secretary reported that in May, 1901, there were 290 organized Federal committees scattered throughout the Island, with a membership of more than 150,000.[2]* Prior to 1907 the franchise

was highly restricted and most of the local elections, including those for the provincial governorships, were won by *Federalistas.* Hence, during this period the party enjoyed a virtual monopoly of governmental power, so far as power was granted to Filipinos.

Not improperly, the years from 1900 to 1905 have been called by Dr. Maximo M. Kalaw the "period of suppressed nationalism." [3] They might equally well be denominated the period of reconstruction and modernization, for it was during this time that the great fundamental acts upon which the new governmental and social structure of the Philippines rests, were enacted and put into execution by the Philippine Commission. In this constructive work the *Federalistas* played an indispensable role. It was this task which held the party together and commanded the attention and energy of its leaders. Until the end of the period approached the political issue of American-Philippine relations was dealt with chiefly because the party had to take some stand upon it.

After peace had been attained and reconstruction successfully begun, however, the situation was radically changed. During 1906 the theretofore suppressed nationalists launched a number of parties dedicated to immediate or early independence.[4*] Early in 1907 these organizations were combined into the *Partido Nacionalista* and preparations were made to appeal on a national scale to the semi-popular electorate that was set up for the elections to the first Philippine Assembly. As early as 1905 the *Federalistas* had abandoned the statehood plank in their platform, substituting therefor a proposal for ultimate independence. Their leaders had discovered that the suggestion of statehood for the Philippines was as unpopular in America as it was among the Revolution-conscious masses of their own countrymen.[5*] It was easy for the *Federalistas* to make the shift from statehood to independence because incorporation into the American Union had never been a matter of vital principle with them, but merely a policy of political expediency. In January, 1907, the party was rechristened the *Partido Nacional Progresista* and entered the campaign advocating further economic, social and political progress along the lines already laid down by the government as a necessary preparation for independence. In short, the moment that its mission of initiating peace and reconstruction had been accomplished and freedom of politi-

cal action and a semi-popular electorate established in the Philippines the Federal Party dropped all ideas of American statehood and became the conservative nationalist and independence party in the country and in the Philippine Assembly.

The elections of 1907 ushered in a new era in Philippine politics. Prior to that event no Philippine party could rest its claims for power upon that most substantial of all political foundations, the mandate of the people. The central government that conquering America had established in the Islands was purely authoritarian. The appointive Filipino minority members of the all-powerful Commission and the Federal Party that they headed did not derive their strength from a free electorate, but from the favor of the foreign sovereign. Nor were their powers in the government more than advisory.

When Secretary of War William Howard Taft inaugurated the Philippine Assembly in October, 1907, however, he brought into being a legislative body endowed with substantial powers and controlled by a well-organized nationalist party that had just won a striking victory at the polls. In addressing the newly elected Speaker of the Assembly as the "second man in the Philippines" (which meant the first Filipino in official precedence), he recognized as the presiding officer of the lower house of the legislature the individual who occupied that position because he was the president of the majority party therein. The line of authority ran from the Speaker through the majority of the Assembly to the majority party caucus, thence to the national organization of the party, and finally to the electorate that had entrusted the *Nacionalista* party with power. Thus from the first instant of authoritative Filipino participation in the Insular Government the political party was regarded by the Filipinos and recognized by the sovereign state as a legitimate, indeed indispensable, medium for making that participation effective.

The position thus accorded to parties in the Philippines was more or less taken for granted by both Filipinos and Americans. One has only to recall, however, the slow historical development by which parties attained such a place in England and America, to say nothing of the hole and corner role of native parties in other contemporary dependencies, to realize that the Filipinos

spanned in one amazing leap a great phase in the development of the democratic process.

The events of the following decade of government under the Organic Act of 1903 further strengthened the role of the party system in the Philippines and brought it to a more definitely recognized position of power and responsibility than it enjoys even in the United States. For the Filipinos this decade was a period of struggling, driving nationalism. Having met with defeat on the field of battle, they utilized the Assembly as a forum from which to proclaim the cause of independence, and as an instrument to wring the last possible degree of autonomy out of the existing governmental arrangement. One party, the *Nacionalista*, was in power throughout the period. Each election gave it an increased majority until after 1912 it held sixty-two out of the eighty-one seats in the Assembly.[6] The party succeeded in identifying itself with the "sacred cause" and associating its one important opponent with lukewarmness, defeatism, even treason, towards independence. Its leaders boldly assumed that they spoke for their people and after 1912 were recognized by the American Governor-General as representing the Filipino participation in the government.

The extent to which the *Nacionalistas* went in demanding that the sovereign power accept in practice the full implications of the party system that it had allowed to develop were well illustrated by a statement made by Speaker Osmeña during a struggle between the Commission and the Assembly over the election of one of the resident commissioners in the American Congress. Election by both the Assembly and the Commission was necessary for the choice of a resident commissioner. The Assembly and the Commission agreed upon the reelection of Mr. Quezon. The Commission, however, insisted that the second resident commissioner again be Mr. Benito Legarda, a prominent *Democrata* who was particularly objectionable to the *Nacionalistas*. The *Nacionalista*-dominated Assembly refused to elect Mr. Legarda. The resident commissioners, Speaker Osmeña declared, held essentially political offices and were representatives of the Filipino people. The Assembly and its majority party, therefore, had the right to name them. "In all political matters," Mr. Osmeña insisted, "the politi-

cal parties should at least be consulted. Either the sphere of action that by right belongs to the political parties should be recognized, or they are superfluous and should be dissolved. No one, however, doubts that in a government such as ours the political parties are necessary." [7]

This argument would seem to be based upon the assumption that the Assembly and its majority party possessed certain rights or powers which were implied by the very fact that a party system had been established in the Philippines. Since the Commission refused to recognize the validity of such an implication and the Assembly refused to yield, no election of the second resident commissioner was possible.[8]* The incident, however, illustrates both the position that the party system had assumed in the Philippines and the type of conflict that is apt to arise during a period when a dependent people has been granted some political power and is eagerly reaching out for more.

But although the *Nacionalistas* were frankly an independence party and lost no opportunity to increase Filipino power in the government by open or subtle encroachment upon the legal prerogatives of the Commission, they were not mere obstructionists. On the contrary, they accepted the grant of legislative power that had been made to the Filipino people, and determined by using it wisely to demonstrate their country's fitness for complete self-government. Taking the position that they were responsible to the voters, the party as a whole and its individual members sought to make a record of constructive achievement that would receive approval at the polls.

The predominant position achieved by Mr. Osmeña as the Speaker of the Assembly and the president of its majority party, tended to accentuate and make publicly manifest the fact of party government in the Filipino chamber of the legislature. So also did the attacks of the opposition parties upon the *Nacionalistas* and their leader. Indeed the originally pro-American *Progresistas* in the Assembly were soon opposing measures agreed upon by the *Nacionalistas* and the American-*Progresista* Commission and accusing the majority of connivance with the foreigners and lukewarmness to the cause of Filipino self-government.[9] Thus the minority parties responded to the forces that usually operate in a

system of party government and played the conventional role of an organized opposition both within the legislature and during electoral campaigns. This role was well understood in the Philippines. From the very beginning of the Assembly the minority was granted facilities for performing its function of criticism, and Philippine political literature is full of references to the duty of the opposition to "fiscalize" the activities of the majority.

From 1907 to 1922, save for the defection of one group, the Nacionalist Party presented a united front to the American elements in the Philippine Government and to its native political opponents. While the minority groups passed through a number of transformations, yet on the whole their record is also one of comparative stability. In 1914 a third party, the *Partido Democrata Nacional,* was formed by General Teodoro Sandiko, an important Revolutionary leader, with a membership drawn from dissatisfied *Nacionalistas* and *Progresistas.* The seceding *Nacionalistas* were left-wing radicals who declared that the party was an oligarchy dominated by Speaker Osmeña, subservient to the Americans, recreant to the cause of independence and indifferent to the welfare of the people. General Sandiko and his followers criticized the *Nacionalistas* for breaking down the separateness of the three branches of the government, advocated the initiative, referendum and recall as instruments of popular control, demanded a sterner insistence upon early independence, and advanced a program of social justice and economic development. They were joined by the more radical *Progresistas* and in 1916 secured two seats in the Assembly which later became the House of Representatives of the first legislature under the Jones Law. In the same legislature seven representatives were *Progresistas* and six were independent, leaving the *Nacionalistas* with seventy-five of the ninety seats in the lower house. Twenty-one of the twenty-two elective senators were *Nacionalistas,* and of the thirty-two elective governors, three were *Progresistas,* seven independents, and twenty-two *Nacionalistas.*[10]

These results were a continuation of the trend that had begun with the elections for the first Assembly. The *Nacionalistas* had been getting stronger and the *Progresistas* weaker. The latter now realized that unless they could rid themselves of the political curse

of having descended from the "pro-American, anti-independence" *Federalistas*, they were doomed to early extinction. In these circumstances it was natural for the two minority parties, the *Progresistas* and the *Terceristas*, or *Democratas Nacionales*, to combine. This they did in April, 1917, forming the *Partido Democrata Nacional*, which was to be the opposition party until 1931.

The decade between 1907 and 1917 was marked by a striking development of the party system without, as well as within, the Insular Legislature. Events during this formative period determined that the principal Philippine parties were to be national in character, rather than regional, provincial, factional, or ethnographic. Considering the natural division of the Archipelago into a number of distinct regions, the strong provincial consciousness, the tendency of the Filipinos to break into small groups following personal leaders, and the historic existence of sharply differentiated ethnographic groups, an opposite development might easily have occurred. As it was, party organization paralleled the governmental structure. National, provincial and municipal councils or committees were established; the latter resting upon ward or barrio groups. Delegate conventions and popular mass meetings were held in each of the jurisdictions. The caucus developed after the American style and throughout the Islands the local political leaders became experts in party organization and management.

Public officials, whether local or insular, campaigned under the national party banners, publicly defending party actions and seeking popular support for party policies. The people thus became accustomed to the idea and adept in the practices of party rule. Party leaders became genuinely national figures. Parties were made a powerful instrumentality for overcoming the divisive forces in Philippine society and developing the diverse inhabitants of the country into a unified people conscious of Philippine nationality and determined to achieve Philippine independence.

All the developments that have been briefly sketched have been more or less taken for granted by the Filipinos themselves and by others. Upon deliberate consideration, however, it would seem that these people exhibited very remarkable political skill in moving so rapidly from the repressive and purely authoritarian government of Spain to a political system in which parties of the

modern, Western type should function so normally and effectively both in the operation of the government itself and in the furtherance of the national ideal. Obviously, such a development would have been impossible had the sovereign state sought to discourage nationalism and repress native efforts to acquire power and hasten independence by lawful means. America's avowed purpose in the Philippines, however, was up to a certain point identical with that of the Filipino nationalist leaders: to create a unified people who should govern themselves by democratic processes. Until 1913, at any rate, the United States sought, therefore, not to thwart the Filipino nationalists but merely to guide them and keep them from outrunning their own experience and the political development of the people as a whole.

With the advent of the Wilson administration the brakes were largely released and the nationalist leaders were given practically a free hand in the development of a native extra-legal political system for the actual operation of the government established by American law. The political parties had already taken very definite form and were a vital part of this system. However, it should not be forgotten that even during the Wilson-Harrison regime the final control of the Philippine government remained in American hands. The political parties, therefore, were unable to direct and could not be held responsible for the whole of government in the Islands. Furthermore, party policies were shaped primarily with reference to the overshadowing issue of independence rather than to the normal problems of Philippine life. To a considerable extent, therefore, Philippine parties were abnormal as compared with modern parties in an independent state.

The reorganization of the Philippine Government after the enactment of the Jones Law in 1916 profoundly affected the development of party government in the Islands. In 1913 President Wilson had appointed to the Philippine Commission not only a majority of Filipinos, but a majority of *Nacionalistas*, and from the day of his inauguration Governor-General Harrison had sought the "advice" of Speaker Osmeña upon every important question of government. The upper house of the legislature and the executive branch of the government were thus informally but effectively brought under the control of the majority party. At

the same time, the authority of Mr. Osmeña, not only as Speaker of the Assembly, but as president of the *Partido Nacionalista*, was greatly extended and more definitely recognized. Whereas prior to 1913 the American Governor-General had resisted the efforts of the nationalist leaders to assume more governmental powers than were granted to them under the express terms of the Organic Act of 1902, Mr. Harrison cooperated, not to say conspired, with them to place the government as completely as possible in their hands.

Inasmuch as until the latter part of 1916 there existed only one party that counted, one elective legislative body and one supreme majority leader, the Harrison-Osmeña policy was relatively easy to carry out, and resulted in the establishment of something that on the surface, at least, looked very much like responsible party government under the direction of the president of the *Partido Nacionalista*. It thus happened that when through the Jones Act the Filipinos were granted a greatly extended share in their government, a definite theory of party government and party leadership had been developed and applied in the Islands. The *Nacionalista* Party and its leader were instruments ready-prepared to use effectively the powers newly received and to reach out for that portion of governmental authority that had been retained in the hands of the Governor-General.

The complications that were introduced into the situation by the creation of the elective Senate as the second chamber of the Philippine Legislature and the election of the "number two" *Nacionalista*, Manuel L. Quezon, as the president of the upper house were for the time being overcome by the political genius of Speaker Osmeña. The Speaker was a keen student of governmental institutions the world over. He decided that the most practical way to continue the unity of Filipino action and to extend Filipino control over the executive as well as the legislative branch of the government was to establish through practice a system of quasi-parliamentary, responsible, party government within the framework of the Jones Act. The first step in this process was to overcome the difficulties presented by an elective upper chamber that was bound to become conscious of its own powers and prerogatives. Unity of action between the two legislative chambers

was secured through the joint caucus of the *Nacionalista* members of both houses. On December 23, 1916, this body recognized Speaker Osmeña as the party leader "in order to secure in the legislature and in the government of the country, a united and responsible actuation of the elements of the *Nacionalista* party." [11*] Mr. Osmeña thus continued to exercise the functions of leadership in both the legislative and the executive branches of the government. Two years later in order further to regularize his position and make it more truly responsible by bringing it into the open, the Speaker secured from Governor-General Harrison an executive order creating a Council of State.[12] This body was composed of the Governor-General, the members of the Cabinet, the Speaker of the House and the President of the Senate. Its original functions were those of an advisory council, and its avowed purposes were to provide a bridge between the executive and legislative branches of the government and to centralize all governmental authority and responsibility in one body that should be responsible to the electorate through the majority party.

Actually, these attributes of sovereignty were centered largely in one man, for upon his election as vice president of the Council the Speaker attained a place in the governmental structure that corresponded with his titular rank as the second official in the Philippines and the head of the Filipino participation in the government. Inasmuch as Governor-General Harrison tacitly accepted and usually acted upon the Filipino theory that virtually complete control over their own affairs should be placed in their hands through a quasi-parliamentary system of government, this meant that leadership not only of the House of Representatives, but of the entire legislature and of the executive branch of the government was concentrated in Mr. Osmeña.

During the four years following the passage of the Jones Act the sphere of Filipino, and therefore of *Nacionalista*, control over the government was enormously increased. The executive branch of the government was reorganized in 1917 by the Philippine Legislature. Of the six department heads, all save the Secretary of Public Instruction, a presidential appointee, were to be appointed by the Governor-General with the consent of the Senate, and the understanding was that appointments would be made for three-

year terms from the party that had been victorious in the triennial elections. The further assumption was made that the secretaries were politically responsible not to the chief executive, but to the majority party, and to make this responsibility effective they might be summoned before either house of the legislature for examination concerning their official activities. The authority of the Governor-General over the administration of the government was further restricted by legislative provision that the six executive departments should be under the "direct control" of their respective secretaries exercising their functions under the "general" supervision and control of the Governor-General.[13]

All other appointments made by the Governor-General, save those of senators and representatives from the non-Christian provinces, were likewise to be subject to senatorial confirmation. But as party leader, Mr. Osmeña was consulted by Mr. Harrison and by his *Nacionalista* colleagues regarding appointments before nominations were made, and thus the Speaker maintained a strict control over patronage. The budget was passed upon by the Council of State, before submission to the legislature and the legislative leaders on the Council were able to guarantee its enactment into law. When the government acquired the Manila Railroad, established the Philippine National Bank, financed sugar centrals, operated coal and cement plants, and otherwise entered the business field, many lucrative jobs and large sums of money were placed at the disposal of the party. These business ventures were placed under the control of the Board of Control, composed of the Governor-General, the President of the Senate, and the Speaker of the House. The fate of all ordinary legislative proposals was decided by the Council of State.

This system, as Mr. Quezon later declared in a famous letter to Speaker Osmeña, "put the executive and legislative powers of the government of the Philippines in the hands of two men. I say two because all this was allowed to go on with my knowledge and consent, or at least with my tolerance. Thus there was created without provision that would authorize it, and merely with our consent, not as legislators, but as members of the same party, a truly supreme authority over the Cabinet and the legislature."[14] Here, then, was a system of quasi-parliamentary government de-

veloped under the American flag by a dependent people, in order to adapt to their peculiar needs a constitution embodying American rather than Filipino political ideas and granting them less control over their own government than they believed themselves entitled to.

Through this system the Philippines was, to a very large degree, governed by the *Partido Nacionalista*. That the party during this period commanded the support of a majority of the electorate there can be no doubt. In 1919 the *Nacionalistas* won twenty-one out of the twenty-two elective seats in the Senate and seventy-eight out of the eighty-two contested seats in the House of Representatives. They also elected all but one of the thirty-six elective governors. On the other hand, the preponderance of the *Nacionalistas* among the voters was not so overwhelming as is suggested by the number of elective positions won. The total number of votes cast for all *Nacionalista* candidates (not the total number of voters, which was smaller) was 1,059,853, while the votes cast for all other candidates totaled 897,299. The *Partido Democrata* alone totaled 421,507 votes for its various candidates, although it succeeded in electing only one provincial governor and four members of the House of Representatives.[15*] This disparity between voting strength and electoral success indicates, among other things, the skill with which the party in power utilized its position to secure the maximum political benefit from the votes at its command. It also makes the success of the *Democratas* in the election of 1922 less surprising.

Until after the end of the Harrison regime the Philippine government was conducted in accordance with the Osmeña formula and the party and national leadership of the Speaker was not seriously challenged. After 1916, however, two forces were in operation in the Philippines which were almost inevitably destined to come into collision with Mr. Osmeña and his system. One was the Philippine Senate, the other, Manuel L. Quezon. Restlessness in a position of subordination was inherent in the characters of both the institution and the man. When Mr. Quezon was chosen as the President of the Senate, revolt against the leadership of the Speaker of the House became merely a matter of time. The time arrived when the return of the Republican party to power, the rec-

ommendations of the Wood-Forbes Report, and the appointment of General Leonard Wood as Governor-General terminated the era in which the Osmeña system had developed, and made it certain that so far as control over the executive was concerned, quasi-parliamentary government was at an end in the Philippines. So also was any possibility of early independence, the hope of which may have exercised a restraining influence upon many of those who were dissatisfied with the *Nacionalista* regime.

In December, 1921, Senate President Quezon publicly launched his revolt against the leadership of Speaker Osmeña. Early in 1922 he organized his followers as the *Colectivista* party. Among its founders were included a majority of the *Nacionalista* senators and numerous *Nacionalista* members of the House of Representatives. To its banner soon flocked many of the younger Filipinos. They felt that the Osmeña system was essentially undemocratic and too conservative to meet the needs of the times. Mr. Quezon, fresh from his American triumphs, impetuous, impatient at the restraints of caution and tradition, had vigorously championed their views. To many of them he was already a national hero. The *Colectivistas* were likewise joined by many of the enemies which the old party and its chief had inevitably acquired during fifteen long years of power. The Quezon forces were further strengthened by other voters who believed that the *Nacionalistas* had governed unwisely at home and failed in their independence campaign abroad. Aligned against the *Nacionalistas*, also, were the *Democratas*, heartened by the schism in the majority party, rejuvenated by the vigorous leadership of Claro M. Recto and other younger men, and provided with campaign ammunition by the Wood-Forbes Report.

During the campaign the two paramount issues were the record of the party in power and the leadership question. Concerning the former, the *Philippines Herald* declared:

> We must not forget that the Nacionalista Party is being taken to task for all the blunders in the administration of the Government. The loss in the National Bank, the depletion of the insular treasury, the alleged scandalous graft heard of by all—these and many more things are laid at the door of the party in power, justifiably or not. Even the hard times prevailing, the increase in taxation, are attributed to the party holding the reins of government.

The great political battle of 1921-1922, however, was primarily over the leadership question. In reality there were two issues at stake: how Filipino leadership should be exercised in the government, and who should be the leader. True, President Quezon and Speaker Osmeña both repeatedly declared that there was no personal contest between them for the first position in the Filipino portion of the government. Each offered to withdraw in favor of the other in case his own conception of the leadership should be accepted. Yet in the very nature of the case the struggle between the two could not be wholly impersonal; certainly it was far from being so between their respective followers.

Upon the principle at issue, President Quezon attacked the *Nacionalista* domination of the government under the direction of Mr. Osmeña in his capacity as party president. He declared the control exercised by the party to be unwise and improper because it subverted the distribution of powers provided by law, placed in the hands of a non-official person authority legally vested in particular officials and organs of government, and resulted in the establishment of an autocratic rather than a democratic political system. He and other Senators were particularly concerned because they felt that they could not properly abdicate to anyone the responsibility for the confirmation of appointments laid upon the Senate by the Organic Act.[16*]

The most vivid presentation of Mr. Quezon's views on the subject was made in an address to the students of the University of the Philippines. Beginning with a carefully prepared and dispassionate discussion of the abstract principles involved, the Senate President characteristically ended up by giving his young auditors an unvarnished and forceful statement of his views. The first duty of any party in power in the Philippines, Mr. Quezon declared, was to wrest power from a reactionary Governor-General by exercising executive functions that a liberal Governor-General would delegate to the departments.

> I maintain [he said] that we can only wrest away the governor's powers through legal means and not through a machinery, or caucus meetings of senators and representatives.
>
> If you accustom the people to recognizing persons not duly constituted by law, you are making trouble for the future. What

right has a leader to tell the senate what appointments should be proposed? The leader, be it the speaker or anybody else, is nobody before the law.

At this time we should tell the people to recognize their duly chosen representatives, to respect the law and the constitution. It is paramount that we have a government of laws and not of men. Don't listen to arguments, for it is silly. That a party break is a menace to Philippine independence is nonsense.[17]*

Needless to say, Speaker Osmeña denied categorically President Quezon's allegation that one-man rule had been established in the Philippines. Leadership within the party and the government was necessary, the Speaker said. Although extra-legal everywhere that it existed, party leadership was not illegal. It should not be, and in his case had not been, dictatorial. The role of the leader was to direct not to dominate, to guide not to dictate, to advise not to command. As president of the *Partido Nacionalista* he had sought to provide united and responsible direction for the Filipino elements of the government. This direction could not have been absolute or arbitrary, since as leader he was acting in an essentially representative capacity and was constantly subject to the control of the majority party, both within and without the legislature, on the one hand, and to public opinion in the country on the other. Leadership of this type did not destroy democracy, but sought to secure it by cooperation and not by dispersion, by order and not by anarchy. Responsible, centralized leadership was necessary in order to retain the autonomy that had been secured under the Jones Law and to achieve national independence. For such party leadership Speaker Osmeña wished to secure popular sanction in a national election. "Virtually I am *de facto* leader of the ruling party in the government at present," he declared. "I have been tacitly considered as such. I want it now to be defined and put squarely to the people." [18]

The battle between the Quezon and Osmeña wings of the *Nacionalista* party was fought in a manner typical of the Philippines. There, more often than in most places, things are not what they seem, events proceed by indirection, and purposes are shrouded in a swirling mist of principles, theories, intellectual circumlocutions and emotional outpourings. In this instance the terms *unipersonalism* and *collectivism* were coined, defined, redefined and interpreted

not only by the leaders of the two groups, but by their followers throughout the Islands. In the press and on the stump orators and pamphleteers loosed torrents of words and a flood of literature upon the theories of government and constitutional principles involved, or made to seem involved. The *Democratas,* meanwhile, continued to attack both *Nacionalista* factions for having conducted an administration that was corrupt, inefficient, autocratic and indifferent to the welfare of the people. The campaign was the best political show ever staged in the Philippines. The politicians and the people enjoyed it hugely, for as the Irishman loves a shindy so does the Filipino revel in a *balagtasan,* or battle of wits.

Usually in the Philippines, however, there is an astute individual or group proceeding through the dust and turmoil of battle directly to a predetermined objective. In this case the gentleman with a purpose was Senate President Quezon. While the disputation over constitutional theories had raged within and without the legislature, he and his friends in the Senate had actually wrecked the Osmeña system by ceasing to follow the Speaker's leadership in appointments and legislation.[19*] The verdict at the polls completed the destruction of Mr. Osmeña's position as the majority leader. It also, for the moment, ended the *Nacionalista's* fifteen-year monopoly of power and left a situation in which no party possessed a majority in both chambers of the legislature. In the House of Representatives the *Colectivistas* had thirty-two seats, the *Democratas* twenty-six, and the old-line *Nacionalistas* twenty-one. The two "liberal" parties had about equally divided the half of the senatorial seats that were open to contest, but as most of the holdover *Nacionalista* senators threw in their lot with the *Colectivistas,* President Quezon now commanded a majority in the upper house.

The elections of 1922 were hailed as a triumph for democratic government in the Philippines. An aroused electorate had repudiated the party which had been in power during the Osmeña-Quezon-Harrison administration (although Mr. Quezon himself had been nimble enough to dodge the blow); demonstrated the existence of a powerful liberal sentiment in the Islands by the election of a majority of "liberal" candidates; made the *Democrata* Party an opposition to be reckoned with; and revealed the exist-

ence of a large amount of political independence and a growing public opinion in the Philippines. American political institutions, particularly the party system, although transplanted to the Far Eastern tropics, had functioned with textbook precision to secure the rule of the people—at least this seemed to have happened.

Unfortunately, however, this supposedly happy outcome was not the end of the story. President Quezon had covered only half the distance to the objective that he must have had in view. He had unseated Speaker Osmeña as the Filipino leader, but had not as yet himself mounted the saddle. He had destroyed the *Nacionalista* majority and the organization by which it kept the wheels of government moving smoothly, but had not replaced it with any other means of utilizing effectively the controlling governmental powers that now rested in Filipino hands, and prosecuting with unity the cause of independence.

The steps by which the remaining half of the journey towards the Quezon goal was made were taken not amid the ballyhoo of an appeal to the electorate, but in the comparatively quiet recesses of legislative and party organization. In order to organize the newly elected House of Representatives it was necessary for two of the three parties among which its votes were fairly evenly divided to combine, or at least to reach a working agreement. The *Democratas* and *Colectivistas* had presented very similar platforms during the campaign and it was generally expected that they would cooperate in the legislature to give effect to the popular will as expressed at the polls. It was soon discovered, however, that this expectation was not to be realized. The working agreement was not between the two "liberal" parties but between what turned out to be merely the two wings of the old *Partido Nacionalista*. Nor was there any doubt as to who controlled the *Nacionalista-Colectivista* combination. Speaker Osmeña had abandoned the House for the Senate, but Mr. Quezon was reelected president of the upper chamber and had at his command a majority of the senatorial votes. After an intense ten-day struggle over the organization of the House of Representatives a Quezon protégé, the Honorable Manuel Roxas, a first termer from Capiz, was made Speaker. Experienced *Nacionalistas* were chosen as chairmen of the rules and the steering committees. On the face of it,

Mr. Quezon had gotten the better of this bargain. Moreover, Mr. Roxas proved to be a man of brilliant intellect and powerful personality. Fully utilizing the power and prestige of the Speakership, he eventually contributed substantially to the establishment of the Quezon leadership in the lower house.

Although the *Nacionalista-Colectivista* alliance was denounced as an "outrageous betrayal" of the people's trust,[20] the leaders of the two groups advanced cogent arguments to justify it as the least unsatisfactory solution of the deadlock caused by the tripartite division of the House of Representatives. Despite their differences, the *Colectivistas* and the *Nacionalistas* were far nearer to each other in their political principles and their views upon current public questions than either was to the *Democratas*. It was possible for the leaders of the two groups to work loyally together in the new relationship that had been established at the polls, while it was doubtful whether a harmonious and stable union could be established between either the *Colectivista* or the *Nacionalista* leaders and the men who were at the head of the *Democrata* Party. Furthermore, the *Nacionalistas* accepted the verdict of the voters to the extent of becoming the junior partner in the new combination, Senator Osmeña declaring that his party left to the *Colectivistas* the directing power and responsibility in the government.[21] This relationship was further elucidated by Senator Osmeña when, on February 8, 1923, the Senate confirmed two *Nacionalistas* and three *Colectivistas* as members of the new cabinet. At that time the *Nacionalista* leader declared in the Senate that his party believed

> that we have observed a conduct in line with the public verdict in the last general elections. The appointment of two of our colleagues to the new cabinet was made at the initiative of the other wing of the coalition in the legislature.
>
> Our party, realizing its position in the government, has refused to take a directing responsibility in the administration. But we deemed it our duty to render cooperation, sincere, decided and prompt, for the general weal. Hence our acceptance of the offer for our participation in managing the affairs of the government. We will, however, remain true to our share in the task, which is that of mere cooperation and not direction, which by popular will, has been entrusted to the other faction of the coalition.[22]

President Quezon confirmed the statement of the *Nacionalista* chief, declaring: "We assume with the Governor-General full responsibility for the formation of the new cabinet. As a result of the last elections, we have been entrusted with the mission of directing the affairs of the state and we will not shirk that responsibility." [23*] The *Democrata* floor leader, however, criticized the inclusion of *Nacionalistas* in the Cabinet on the grounds that it disregarded the dictum of the people in the last elections, and placed the Osmeña group in a position where they could participate in the direction of the government without assuming responsibility.[24*]

Both the *Nacionalistas* and the *Colectivistas* refused to accept Governor-General Wood's plan for including *Democratas* in the Cabinet, declaring that a tripartite cabinet would destroy party government and make it impossible for the people to hold anyone responsible for the administration of national affairs.[25] The *Democrata* leaders, on the other hand, agreed to accept membership in a coalition cabinet as proposed by the Governor-General.[26] For being willing to abandon their role of opposition and cooperate with General Wood in an arrangement that would have tended to make the Cabinet responsible to the Governor-General instead of to the legislature and the people, the *Democratas* were severely attacked at the time and for years to come. Nor did General Wood escape criticism for having yielded to the demands for a *Nacionalista-Colectivista* cabinet and thus effected "an alliance with the oligarchy he condemned" in the Wood-Forbes Report.

However [as the *Manila Times* pointed out] the chief executive could not fairly be taken to task for what is nothing but the result of the general scheme of the Philippine Government which has been wrung from Congress by the Filipinos themselves. . . . That General Wood should refuse to incur the fate of Governor Reiley of Porto Rico, is but natural. . . .

The two great Philippine leaders are still President Quezon and Senator Osmeña. These two men did not conclude their peace until the protracted deadlock in the Legislature bid fair to seriously affect the work that it was up to that body to do, as well as the prestige of the whole Government.

The *Colectivista-Nacionalista* combination placed the Democratas definitely in the minority. The Governor-General had no choice but to work with the majority.[27*]

In these circumstances the first session of the sixth legislature began its labors in October, 1922, under the qualified and none too secure leadership of President Quezon. As the session progressed, the ineffectiveness of the law-making body painfully demonstrated the unsatisfactory character of the situation that had developed. The *Democratas* were now a powerful opposition and prosecuted violent warfare against practically every measure introduced by the majority. They were not infrequently assisted by a very effective guerilla force comprised of more than a dozen young *Colectivistas*. These representatives had misgivings about the hasty reunion with the party which they had so recently been denouncing in their campaign speeches. In the *Colectivista-Nacionalista* combination the latter organization exercised a degree of power that made them uncomfortable. Many of them resented the personal impotence which usually is the lot of the first-term member in any legislative body. Before long the members of this group were out of hand and were speaking and voting with the *Democratas* whenever they felt like it.

For the first time since the organization of the Assembly in 1907, no party or individual dominated the lower house of the Philippine Legislature. Before the beginning of the session an American observer in Manila asked President Quezon whether there was not a possibility that the next Speaker would develop into political stature comparable to his own and that of Mr. Osmeña and thus change the ruling Filipino diarchy into a triumvirate. "No! No!" he exclaimed. "There is no man in the House. No leader. This lack of leadership in the House will present one of the most serious problems of the next legislature. Only Osmeña's absence from the House will reveal what he really was there." [28]

In time Speaker Roxas approached in political stature the two older statesmen and became one of the "big three" in Philippine politics. Concerning the first session of the Sixth Legislature, however, President Quezon had spoken with the words of a prophet. For the first time in its history, too, the lower house lost that dignity which had been so favorably noticed in the Wood-Forbes Report, More than once books and other missiles as well as epithets were hurled across the floor of the chamber. Worse yet,

from the practical standpoint, the legislature proved to be unable to perform properly its duties as a law-making body.

Two days before the expiration of the one hundred days to which the annual sessions of the legislature are limited by the Jones Act, only two bills had passed both houses. Two or three more were added to the list before the final session began. This session lasted from 3:00 p.m. until 7:00 a.m. During these sixteen hours twenty-eight measures were put through both chambers. Some of them had never been introduced before, and in a few cases members had to vote upon bills of which they had never even seen copies.

Despite this hectic eleventh-hour activity, many measures of the utmost importance to the political, economic, and social welfare of the people had not been voted on, and the Philippine resident commissioners in Congress had not been elected. Consequently, after consultation with Messrs. Quezon and Roxas, Governor-General Leonard Wood called a special four-day session. At this session he submitted a list of eighty-nine bills, grouped as "most important," "very important," and "important." General Wood appealed to the legislature to pass these measures for the good of the country, and called attention to the fact that most of them had already been long before both houses.

At the end of the four days, so few of them had been acted upon that a second special session was called. Its meetings were marked by bitter party warfare and much guerilla activity. The session ended in another all-night sitting, and resulted in the passage of some thirty-seven of the eighty-nine bills originally sent in by the chief executive. In the bright sunshine of the "morning after," President Quezon and Speaker Roxas motored out to Malacañang to talk it over with the Governor-General. At the suggestion that another special session might be advisable, they threw up their hands. The fact was that the House had gotten beyond the control of the majority leaders. They begged for time to rest, think things over, and whip their forces back into a state of discipline.

The fiasco of the first session of the Sixth Philippine Legislature is simply the logical sequel of the events of the preceding fifteen years, and of the elections of 1922. The long period of

semi-personal political rule had ended and no effective party organization and leadership had been developed to take its place in guiding and controlling the business of the lower house. The legislature, created by law, functioned erratically and ineffectively because the party system, an extra-legal but vitally important part of the Government, was in a state of confusion. The result was that the will of the people as expressed at the polls was thwarted by the politicians who still controlled both the legal and extra-legal parts of the machinery of government.

After the legislature had adjourned, many Filipinos expressed keen dissatisfaction with the political developments of the session. They complained that the battle which they had won at the polls had been lost in the legislative halls and in the private offices of the politicians. They proclaimed persistently and loudly that the post-election reunion between Messrs. Quezon and Osmeña and their respective followers in the legislature had nullified the expressed will of the people. They said that there were just two differences between the old regime and the new: in the former the bosses had been Osmeña and Quezon, while in the latter they were Quezon and Osmeña; in the old legislature there had been no opposition, while in the new one the *Democratas* aided by young *Colectivistas* who could not stomach the reunion with the defeated *Nacionalistas,* had been vociferous critics of the majority.

It was generally recognized in the Philippines in the spring of 1923 that this situation was a dangerous one for the coalition parties and their chiefs. Certainly Mr. Quezon had not yet made himself secure in the position of leadership from which he had ousted Speaker Osmeña. The ablest editorial writer in Manila expressed perfectly the general feeling when he wrote:

> "An' two men ride a horse," says Shakespeare, "one must ride behind." Señores Quezon and Osmeña are riding the same horse. Formerly Señor Quezon sat behind. Now Señor Osmeña sits behind. It is, of course, possible for the man who sits behind to hold the reins. To a certain extent, also, the man behind has the man in front of him at his mercy, and can easily dismount him by a sudden movement. But Señor Osmeña is not interested just now in upsetting Señor Quezon. Both are watching the horse, which, it seems, is growing restive under the double burden.

In June, 1923, the special correspondent of *The Christian Science Monitor* in the Philippines wrote:

> Every indication points to the conclusion that Señores Quezon and Osmeña have made up their minds to forestall a Democrata victory in 1925 by bringing their respective followers back into the common fold. Such action would drive many of the enthusiastic young Colectivistas into the Democrata camp. This accession of strength might be great enough to enable the present opposition to defeat even the combined parties of the majority.

The electoral struggle, however, was not to be postponed until 1925. The selection of Senator Pedro Guevara as Resident Commissioner to the American Congress caused a vacancy in the fourth senatorial district. The *Democratas* prepared to contest the seat and to make the election a national test of strength between them and their opponents. They nominated Judge Juan Sumulong, the outstanding figure in their party and one of the ablest and most respected public men in the Philippines. They perfected the most nearly complete organization that they had ever had in this or any other district. They prepared to pour money and speakers into the campaign from all over the Archipelago. In the general election of the preceding year they had won a majority of the votes in the district.

Up to the middle of July the coalitionists had neither a candidate nor an issue worthy of the name although the election had been postponed twice in order that they might find one, or both. The *Nacionalista-Colectivista* reunion had been legislative only. President Quezon had discovered that while many of his young compatriots, trained in the new Philippine schools, had followed him out of the old party they would not march back into it with him. A defeat in the fourth district would have a dangerous effect upon the future of his party and of Senator Osmeña's. Yet defeat stared the coalition in the face.

At this critical juncture only one move was open to the majority if they were to turn defeat into victory, win the crucial senatorial contest and line up the Filipinos behind the leaders and the parties in power. That move was to make Philippine autonomy and independence the major issue in the campaign, and to appear before the people as the defenders of their liberties against "Amer-

ican encroachment" and *Democrata* indifference. An opportune clash between the Secretary of the Interior and the Governor-General over the reinstatement of an American detective on the Manila police force provided an ideal occasion for such a move and it was quickly made.

In spectacular protest against alleged excessive and illegal interference by Governor-General Wood in the government of the islands, the coalition Council of State and the Mayor of Manila resigned their offices. The ex-Mayor, the Honorable Ramon Fernandez, an able, wealthy, and popular Filipino, at once became the coalition candidate in the fourth senatorial district, and all patriotic Filipinos were urged to rally to his support. The old party and its young ally had secured an issue and a candidate that were expected to be sure winners.

The election occurred early in October, 1923, and Mr. Fernandez defeated Judge Sumulong. His majority, however, was so narrow that the conclusion is inevitable that had the autonomy-independence issue not been injected into the campaign, the *Democratas* would have carried the district. It should not be understood that Judge Sumulong was avowedly for General Wood and against independence in this struggle. To have taken such a position would not have been good politics—besides which, the *Democratas* had by this time become an immediate independence party.

They were, however, the less aggressive party in defending "the rights of the Filipino people" from encroachment by the foreigner and were branded by their opponents as supporting the Governor-General. Their candidate was not seeking "vindication" for having sacrificed his office to defend the liberties of his country. The old leaders made a spectacular appeal to "patriotism," a "last refuge" in the Philippines as elsewhere, and their appeal was not in vain.

The tactics by which President Quezon and his friends won the special election of October, 1923, were not new in the history of Philippine politics. Indeed, the independence issue was the principal basis of the unhealthy monopoly of power enjoyed by the *Nacionalistas* from 1907 until 1922. Many of the younger Filipinos frankly recognized and deplored this fact. They declared, more-

over, that the situation could not be altered as long as the question of independence remained unsettled.

These gentlemen were right. As during the World War the masses and the classes of every nation felt that they must forget party and class divisions and unitedly support their government in its struggle for national existence, so the Filipino people felt that regardless of everything else they must stand behind their leaders in their fight for national freedom. Division upon the normal issues of party warfare might weaken them against the common enemy; a Filipino attack upon Filipino statesmen or their measures was akin to treason. Under these conditions the development of a normal party system in the Philippines was impossible.

The events of 1923 convinced Messrs. Quezon and Osmeña and their followers that the time had arrived to bring the *Colectivistas* and *Nacionalistas* back into one closely knit party. Experience had shown them that reunion was necessary in order to give them a firm hold over the legislature, to stem the rising tide of *Democrata* power, and to block the vigorous efforts that Governor-General Wood was making to regain and exercise the powers that had been abdicated by his predecessor in office. Indeed, the fusion of the two factions was clearly foreshadowed as early as January, 1923, when the leaders publicly buried the hatchet in the course of a joint speaking tour through Mr. Quezon's home province, Tayabas.[29*] The formal reunion was accomplished in April, 1924. The new party was called the *Partido Nacionalista Consolidado*, and plans were made for the creation of an organization that would reach into every political jurisdiction in the Archipelago. Most significant of all, Mr. Quezon was elected the president of the reunited party and Mr. Osmeña the vice president.[30*] The political journey of the Senate President was completed. He had reached his goal.

The cynical view of the leadership fight is that it was merely a struggle for the domination of the government carried on between Messrs. Quezon and Osmeña behind a facade of high-sounding talk concerning principles that had little connection with reality. That the personal rivalry of the two *Nacionalista* chieftains was a factor in the struggle can hardly be doubted. In the opinion of the writer, too, it is true that once President Quezon was firmly

established as the president of the reunited *Nacionalista* party and the first man in the government, there was substantially as great a concentration of actual power in his hands as there had been in those of Speaker Osmeña for some time prior to the break between them.

Granting all of this, the victory of the Quezon conception of leadership did have an importance that should not be underestimated. The successful *Colectivista* attacks upon "unipersonal" leadership vested in the head of the majority party, the insistence of Mr. Quezon that power and responsibility should formally rest where it had been placed by the Organic Law, and the decisive defeat of the great protagonist of the parliamentary as opposed to the presidential or congressional system of government may well have changed the entire constitutional and political development of the Philippines. It seems not unlikely that had Speaker Osmeña and his system of leadership remained unchallenged, or if they had been sustained by the people, the parliamentary type of government would have been permanently fixed upon the Philippines and been written into their national constitution when the time came for it to be drawn up and adopted by the Filipinos themselves. As it has turned out, thus far at least, government in the Islands has followed the American rather than the European type.

There is another aspect of this first great struggle between Messrs. Quezon and Osmeña that is worthy of comment. Despite the magnitude of the prize and the sternness of the battle, the contest was kept upon a plane that was high above the personal and the petty. To many Americans the frequent protestations that each leader made of his admiration and respect for the other, and of his willingness to yield the first place to the other in case an agreement could be reached regarding the principles at stake, seemed to be far-fetched, insincere and purposeless. Yet the politeness with which these gentlemen fought had at least two practical results of real importance. In the first place, although Speaker Osmeña was defeated, he was not put in a position where he could not, with self-respect, subsequently collaborate with President Quezon in the government. What the working partnership of these two men, the greatest Filipinos of their generation, has meant to their people cannot be overestimated. In the second place, the

example that the two national leaders set by scorning to descend to personalities or to cheap political clap-trap cannot have failed to have elevated the tone and character of politics throughout their country.

Finally, it should be added that the Quezon success was a victory for the younger, more progressive, more fully Americanized members of the *Nacionalista* Party. It brought fresh blood into the political arena and was the beginning of a break away from the controlling power of the older politicians who had reached maturity during the days of the Spanish domination.

Between 1922 and 1926 the *Democratas* performed brilliantly the function of an opposition party. They demanded that the Council of State be abolished and the doctrine of the separation of governmental powers be more strictly applied; they criticized the majority for placing the government in the field of business and attacked it for dishonesty and inefficiency in the management of the government enterprises; they questioned the sincerity of Messrs. Quezon's and Roxas's independence campaign, charging that while in the United States heading the third independence mission, these leaders had abandoned the cause of absolute, immediate and complete independence, favored the Fairfield Bill (which they opposed at home), and agreed to cooperate with General Wood. During this period the *Democratas* enjoyed the best leadership in their history. Judge Juan Sumulong, the party president, was universally respected for his courage and disinterested regard for the public welfare; Representative Claro M. Recto, Sumulong's chief lieutenant, captivated the popular imagination by his brilliant intellect and aggressive, audacious spirit.

Despite the reunion of the two wings of the *Nacionalista* Party and the charges of disloyalty to the national cause that were hurled against them, the *Democratas* made a good showing in the elections of 1925—surprisingly good in view of the situation into which they had been forced. In the legislature the coalition had ridden over them rough shod, denying them proportional representation on committees and otherwise manhandling them. Although Governor-General Wood had desired to give them some representation in the Cabinet, he had found this course to be politically impossible. The majority even struck at them by

severely curtailing insular financial aid for the city of Manila, a *Democrata* stronghold. Of patronage the *Democratas* had none, their financial resources did not compare with those of the party in power, and in the main the election machinery was under the control of the *Consolidados*. Worst of all a number of their traditional policies coincided with those of Governor-General Wood. Thus, the performance of their legitimate function of opposition laid them open to the charge of siding with the American chief executive in the constitutional struggle which after the resignation of the Council of State in August, 1923, had become the burning political issue of the day.

Despite such handicaps *Democrata* candidates in 1925 received nearly half as many votes as the *Consolidados*, retained twenty-two of their seats in the House and increased from five to eight their representation in the Senate. Moreover, the *Democratas* held on to eight of their ten provincial governorships, and in a number of other provinces lost only by narrow margins. In both 1922 and 1925, they carried the metropolitan districts of Manila and Cebu for both their local and insular tickets. Other *Democrata* victories occurred in the more advanced and better educated districts where the common people were relatively free from coercion and other improper influence.[31] Such a showing is evidence that there is more hardheadedness among the Filipino electorate than it is usually given credit for. The volume and quality of the support accorded to the *Democratas* led contemporary observers to believe that they were in the field to stay and that they were strong enough to perform the indispensable functions of an opposition party, or to take over the government should the majority group lose the confidence of the people.[32]

During the next three years, however, the *Democratas* lost forever their opportunity to remain a powerful opposition with some hope of eventually turning out the party in power. Early in 1926 the directorate of the party agreed with the *Nacionalista Consolidado* leaders to form the "National Supreme Council," a body organized to unite all Filipino groups and interests to protect the rights of the country from further invasion by American "imperialists" as represented by General Wood, the more reactionary Americans in the Islands and the Congressional proponents

of the Bacon Bill providing for the permanent separation of Mindanao and Sulu from the rest of the Philippines. The National Supreme Council was established for the "high direction of Filipino policy in all that concerns the campaign for independence, all matters which may affect the relations between the United States and the Philippines, and the administration of the interests of the country in general." [33] It was, in fact, intended to be a government within the Filipino portion of the Government of the Philippines. It proposed to direct the actual use of all the political authority legally vested in the Philippine Legislature and, so far as possible, in every Filipino office holder.

The organization established by the Council paralleled that of the government. National, provincial and municipal "solidarity committees" included all the elective officials in each of these jurisdictions. In Manila was set up a National Advisory Committee of twenty-five members to prepare plans for the government and general development of the country and the attainment of independence. Fifteen subcommittees were attached to the National Advisory Committee, each responsible for recommendations concerning some important aspect of Philippine life, ranging from public works and communications to women's organizations. These special committees were composed of the leading men and women of the Islands, each being preeminent in some particular field of endeavor. Proposals agreed upon by the National Advisory Committee and the Supreme National Council were to be passed on to the legislature for enactment into law. The Supreme National Council itself was composed of five "*Consolidados*" and an equal number of *Democratas*, and eight out of the ten were members of the legislature. As among the ten were included the presiding officers and the majority floor leaders as well as the minority leaders in both houses, the control of the Council over the legislature was self-evident.[34]

There can be no doubt that defense of the "national ideal" was one of the ends sought by those who created the Supreme National Council. And although the rapid growth of this organization may in part be attributed to the almost universal inclination of the Filipino to clamber upon any gaudy bandwagon or adopt any vogue that is cleverly prepared to catch the popular fancy,

yet the Council was a remarkable expression of the national will to resist any effort to withdraw political liberties that had once been enjoyed in the Islands or any threat to the national ideal of independence. Naturally, it would have been hard and perhaps politically dangerous for the *Democratas*, who had never entirely lived down the stigma of their *Federalista* lineage, to refuse to enter this national patriotic movement. Perhaps their decision to join the Council was influenced by the promise of certain public offices, including one of the resident commissionerships in Washington. Whatever their motives in joining, or the purposes of the *Consolidado* leaders in creating the Council, the practical effect of the union was that the *Democratas* abdicated their position of independence and abandoned their functions as the opposition party in the Philippines. A strong minority within the group never accepted the arrangement made by the leaders. Dissention soon appeared among them, and when the promised offices were not forthcoming, the discipline and cohesion of the party almost disappeared.

Likewise on the *Nacionalista* side, the virtual disappearance of effective opposition resulted in the formation of blocs based upon personal interests and animosities. This "situation is a chapter in our political history of which our people can not be very proud," declared the *Philippines Herald* editorially on August 5, 1926.

> For in the welter of recriminations and counter-recriminations, of moves and counter-moves, not one single principle stands out as an issue between the two warring factions, not one problem of national significance lies at the parting of the ways between the Soriano-Lacson bloc and the Aquino-Paredes group. The whole thing is simply a personal quarrel between the leaders of both sides, with mutual spite as the underlying factor, the overruling motive.

Lamenting the disappearance of the "national unity which is so essential to our common cause," the same paper two days later faithfully described the political chaos that had already followed the establishment of the coalition. The *Herald* declared:

> A glance at the political horizon shows signs of division in several important quarters at the same time. There is, in the first place, the deep line of cleavage between the National Supreme Council and the Veterans of the Philippine Revolution. Then, there is the quarrel

in the lower house between two factions of the Nacionalista Consolidado party. Again, the division in the Democrata party between coalitionists and anti-coalitionists is not without significance, for the leaders of the opposition to the understanding with the majority party are continually busy organizing their forces. And lastly, the utterances of Senator Osmeña at the banquet tendered him last Wednesday have aroused the ire of the leaders of the Democrata party, which attitude threatens to create still another source of trouble.

The Osmeña "utterances" that the *Herald* referred to had been made at a great public banquet tendered the Senator from Cebu upon his return from a mission in the United States. Various portions of his address, especially his approving references to the vital part played by the opposition parties in Canada and the United States, were interpreted by the *Democrata* leaders as veiled thrusts at them for entering the coalition and abandoning their true function of opposition to the *Nacionalista* majority. Bitter replies were made and although Mr. Osmeña denied any thought of casting aspersions upon the coalition and President Quezon vehemently declared his party's loyalty to it, it was apparent that real unity between the two parties was a thing of the past—if, indeed, it had ever really existed.[35] The Osmeña utterance did not at once kill the coalition. Together with the National Supreme Council, it gradually faded away, disappearing entirely shortly before the elections of 1928.

During the turmoil caused by Senator Osmeña's speech, Dr. José S. Reyes, an able political scientist who had been the Senator's secretary in America, issued a statement concerning this party union that might well stand as its epitaph. Dr. Reyes declared:

> Although the Philippine question had never been in more unfavorable position than it was last year, still the situation was not of a character which warranted a step that other nations have taken, if at all, usually only in the midst of war.
>
> On the part of the majority party it was a faint-hearted abdication of responsibility.
>
> On the part of the minority party it was suicide without sufficient cause.
>
> It has erased party lines and substituted for them purely personal quarrels and government by blocs.

It has left the country without the possibility of an alternative government.

In the United States, intelligent opinion regards it as proof of lack of understanding of the essential principles of democratic government.

It has not succeeded in truly uniting the country. Whatever unity seems to have been attained is artificial, and like most delusions, had better not exist.

If it succeeds it will be the greatest single backward step in the political field we have taken in a generation because we would have to begin over again the establishment of political parties with definite programs and platform.[36]

The disorganization of both parties was increased and the futility of their coalition finally was made evident to all when Governor-General Wood knocked out the million peso "independence fund" that had been largely at the disposal of the party leaders, and was upheld politically and judicially in his interpretation of the constitutional powers of his office. Messrs. Quezon and Osmeña, however, were able to arrive at a *modus vivendi* with Colonel Stimson when the latter became Governor-General early in 1928. The arrangement was a compromise between the Wood and the Filipino positions. Despite the fact that it involved an abandonment of some of the extreme ground that had been taken by the *Nacionalistas*, it took the edge off of the defeat which the leaders had sustained at the hands of General Wood and greatly increased the power and prestige of the party.

In the campaign of 1928, the *Democratas* were thus practically forced into attacking the majority for their policy of cooperation with the new Governor-General, even though they did not themselves actually advocate non-cooperation. They were outdone in this attack by a group of die-hard *Nacionalistas* who joined the Honorable Isauro Gabaldon, long a stalwart in the party, in accusing the majority leaders of treason to the cause of independence. Mr. Gabaldon and his followers were overwhelmingly defeated and the *Democratas* likewise met with disaster at the polls. The party failed to elect a single one of its senatorial candidates, its membership in the lower house was reduced from twenty-two to sixteen, and its six-year control over the city of Manila taken from it.[37*]

The subsequent history of Philippine parties is significant chiefly because it justifies the conclusion that the party system of the Islands is still organized and still functions primarily with reference to just two things: the independence issue and the personalities of a handful of leaders. Between 1928 and 1931, the *Democratas* sought in vain to regain the strength that they had lost by joining the majority parties in the National Supreme Council and declaring politics adjourned in order to resist what Filipinos regarded as the reactionary administration of General Wood. Late in 1930 the directorate of the party formally proposed the immediate dissolution of all political parties in the Islands in order that the people might be entirely united in supporting the *Ang Bagong Katipunan*, a non-partisan, all-embracing patriotic society that Speaker Roxas had organized in order to save the Philippines from American "imperialism." This proposal apparently had been initiated in all good faith by Dean Jorge Bocobo of the College of Law of the University of the Philippines, an almost fanatical *independista* and a political innocent. It was taken up by Representative Recto, who was anything but innocent of political guile, and supported by General Aguinaldo for reasons of his own. Dean Maximo M. Kalaw vigorously attacked the plan, largely upon theoretical grounds. For several weeks the academicians and the politicians filled the newspapers and public forums with long-winded disputations upon the subject. So far as the politicians were concerned, the debate was play acting, there being not the faintest chance that the all-powerful *Nacionalistas* would relinquish their hold on the government and abandon their responsibility for the conduct of public affairs.[88*] In this instance as in so many other incidents that have occurred in Philippine politics, however, a fanciful proposal was given the appearance of importance and accorded an apparently serious place in the discussion of public affairs. It would seem to one who has lived through several such comedies that the Philippine public would receive with extreme scepticism almost any proposal emanating from political quarters. There is little evidence, however, of the rapid development of any such critical sense among the electorate.

So far as the *Democratas* themselves were concerned, the dissolution proposal of 1930 was no idle gesture. Left in its old

position of impotence by the elections of 1931,[39*] and further discouraged by the resignation and political retirement of its president, Senator Juan Sumulong, the party in its convention of October of that year seriously considered dissolution, hoping thus to clear the way for a new and stronger opposition. It was decided, however, to postpone action until the following February, the hope being that faced with the alternative of doing or dying the old organization might reorganize and reinvigorate itself.[40*] The majority leaders, who doubtless realized that the disappearance of the *Democratas* would be the signal for efforts to draw their borderline followers into a new opposition party, praised the decision of the convention and even suggested that greater facilities, including public funds, be placed at the disposal of the party as an official opposition.[41]

Such efforts at artificial respiration, however, could not overcome the strangling effect of the fundamental political situation upon the minority party, and in February, 1933, the *Democratas* threw up the sponge. Opposition to the resolution to dissolve the party came chiefly from the Manila *Democratas*, headed by the Honorable Gregorio Perfecto, a former representative from the metropolis. The attitude of this group is understandable, for Manila had always been a *Democrata* stronghold and the party members there stood to suffer a severe political loss through the dissolution of the national party of which their organization was the strongest part.[42*] Mr. Perfecto and his associates and Senator Ruperto Montinola refused to recognize the action of the convention, and kept alive at least a rump of the party until February, 1935. This particular Humpty-Dumpty had been pushed off of the political wall, however, and thus far has not been put together again as an independent, separate party. Nor were the ex-*Democratas* able to form the new opposition against the Quezon-Osmeña-Roxas combination for the creation of which the old party had been sacrificed. Once again, however, events which turned upon the all-devouring independence question were to change the face of party politics in the Philippines, provide an opposition from within the *Nacionalista* ranks, and cause a complete realignment of parties and politicians.

CHAPTER XIV *

THE POLITICS OF INDEPENDENCE

THE chain of events which produced this revolution in Philippine politics began when the Philippine Legislature prior to the dissolution of the *Democrata* Party in October, 1931, despatched another independence mission to Washington. As had been the case with all previous missions, the Ninth Independence Mission was composed of leaders from both of the major parties, the purpose being to symbolize, both at home and in America, Filipino unity upon the independence issue. At the head of the mission were the veteran Senator Osmeña, president *pro-tem* of the upper chamber, and the Honorable Manuel Roxas, then at the height of his power as Speaker of the House of Representatives. President Quezon, the third member of the "big three" in Philippine politics, remained in Manila to watch the home front of the independence battle and direct the Filipino participation in the government of the Islands. A *Democrata* senator and a prominent representative from the minority party, and the *Nacionalista* floor leader of the house completed the mission. The group contained, therefore, three out of the five members of the informal council which, under the chairmanship of the President of the Senate, constituted the "leadership" of the majority party and the Filipino participation in the government.

Thus, to America in quest of an independence bill, the authorship of which Mr. Quezon's own experience had shown to be the greatest political asset that any Filipino could acquire, went the Senate President's old rival for the national leadership and the ambitious and able Speaker of the House of Representatives. Furthermore, the mission was not bound by specific instructions, but,

* *The notes of this chapter begin on p. 912. Subject matter notes are indicated by an asterisk.*

upon President Quezon's suggestion, was given a vote of confidence and granted "entire freedom" to act as its judgment dictated under whatever conditions it might find in the United States.[1]* Looking back with all the advantages of hind-sight, it is difficult to understand how the Filipino leaders could have failed to foresee the political dangers of this situation. During the nearly two years that this group labored in Washington, they were associated with the two Philippine Resident Commissioners in Congress, the Honorable Pedro Guevara and the Honorable Camilo Osias, both *Nacionalistas.* The latter, a man of vigorous intellect and tremendous drive, ranked with the two mission leaders in the long and difficult negotiations that finally produced the "independence" law known as the Hare-Hawes-Cutting Act.[2]

The story of the internal political struggle that arose in the Philippines over this effort to settle permanently the relations between the United States and its Oriental dependency cannot be completely told from the documents now available. However, the effects of the episode upon Philippine politics are clearly discernible and enough is known of it to throw a great deal of light upon the nature and role of parties and political leadership in the Islands. The events connected with the formulation of the law and the subsequent decision of the Philippine Legislature not to accept it also reveal the tremendous burden placed upon Philippine statesmen by the necessity of dealing with the delicate problem of metropolitan relations, at the same time that they are conducting a government and seeking to develop sound economic, social and political institutions within their own rapidly changing country.

As the "Osrox" (Osmeña-Roxas) mission proceeded to work out with Congressional committees the details of an act that would provide for Philippine independence, it became evident that while Congress was ready to sanction the separation of the Philippines from the United States, it would do so only under conditions that probably would work great economic hardship on the Islands and perhaps render illusory the independence that they had so long sought.[3]* When this situation became known in Manila, President Quezon publicly expressed misgivings as to the kind of legislation which the mission was proposing to accept. Soon there developed serious differences between the mission in Washington and the

Nacionalista leaders in the Philippines. As negotiations continued in Congress, it became increasingly difficult to reconcile the rapidly diverging views of the two groups. Manila and Washington were too far separated in space and in spirit to make mutual understanding easy, and neither side clearly possessed the power to compel agreement by the exercise of legal authority. Had the trans-Pacific radio-telephone service then been in operation the situation might have been very different.

As the head of the *Nacionalista* Party and of the Filipino participation in the government, President Quezon undoubtedly felt a measure of responsibility for the negotiations that the agents of the legislature were conducting with American Congressmen. Messrs. Osmeña and Roxas, on the other hand, believed that in view of the open instructions given them by the legislature, it was their duty to secure the best law obtainable under the conditions that actually faced them in the United States. Each side sought to sway the other by a lavish use of the cable and radio. Unfortunately, however, their minds never really met in agreement as to many important provisions that were written into the law which was slowly being formulated, or even upon the question whether the Philippines should continue to press for immediate Congressional action. Nor was there agreement as to the extent to which the mission was obligated to accept the guidance of the national leader and his party colleagues on the other side of the Pacific.

The Philippines, in short, was conducting what amounted to diplomatic negotiations with another nation without having clearly defined the respective powers and responsibilities of its negotiators in the distant capital and in the government at home. The leaders in Manila and those in Washington were both operating under the extra-legal system of agreements and conventions which had been developed to enable Filipinos actually to exercise some of the powers of government which are executive in nature and hence, under the Jones Law, were legally vested in the American-controlled executive branch of the Insular Government. These informal institutions were in themselves inadequate for the task that was undertaken, and for once the Filipino leaders were unable to overcome this handicap by those compromises and understandings that are the essence of statesmanship. The chief handicap to agree-

ment was that of distance, and it was too great to be overcome.

Thus the mission decided that it could not accede to President Quezon's wish that it should return to the Philippines for consultation before the legislation that it was promoting should reach a definitive stage in Congress; and Mr. Quezon was not in a position to order them to come.[4]* The Washington group disregarded instructions from the majority caucus not to accept less than certain minimum economic conditions—conditions which Congress certainly would not have granted—and in other ways guided its course by what it conceived to be the necessities of the situation in America rather than by the fears and desires of Mr. Quezon and his legislative followers.[5] Finally, in December, 1932, President Quezon cabled the group that inasmuch as there was no chance of obtaining a law granting satisfactory economic conditions, they had better press for immediate independence, and if that were impossible of attainment, to drop their efforts until the Democratic Party should have come into power early in 1933.[6]

The mission, however, declined to subject its judgment to that of President Quezon. Messrs. Osmeña and Roxas and their colleagues explained the Congressional situation as best they could, remained in Washington and continued their work. They felt that the American pressure groups which were fighting Philippine economic interests were becoming more powerful, that Congressional feeling was becoming less rather than more favorable towards granting independence under generous economic conditions, and that if they declined to accept the best terms then obtainable, something even less desirable would be forced upon the Philippines at a later date. The mission also believed that were they to back out now, many Senators and Representatives with whom they had worked and who had fought their battles for them in Congress would feel that they had been "let down" and thereafter would be slow to take up the cudgels for the Philippines.

Perhaps most important of all, the Hare-Hawes-Cutting Bill did set a definite date for independence and provided that meanwhile the government of the Philippines should be as completely autonomous as was possible while the United States still retained sovereignty over the Islands. In short, the mission believed that the

bargain that it was about to strike was the best obtainable at the time, and better than any that was likely to be secured in the future.[7] Messrs. Osmeña and Roxas and their associates therefore decided that duty demanded that they make every effort to secure the enactment of the Hare-Hawes-Cutting Bill and then seek to persuade their countrymen that the measure was the best obtainable and that it should be accepted.

During the many months that President Quezon and the mission were seeking to reach an agreement upon the merits of the independence proposals which were being considered in Washington, political developments in the Philippines were driving them further and further apart and making it increasingly difficult for them to reconcile their respective positions. The Filipinos, like many other peoples, subscribe to the proposition that politics ends at the water's edge. In the Philippines as elsewhere, however, the operation of this patriotic principle is limited by the fact that neither parties nor politicians can abdicate responsibility for external policy and therefore must utilize the usual means of political action in an effort to make prevail the particular external policies in which they believe. In the Philippines, too, the fact that the head of the Filipino participation in the government, until the inauguration of the Commonwealth, occupied a position that rested only upon somewhat hazy constitutional understandings and carried rather indefinite powers made it almost impossible to prevent the differences between Mr. Quezon and the leaders of the mission from growing into a struggle over the leadership of the *Nacionalista* party and hence of the government and the nation.

As news of the course of affairs in Washington reached Manila, Mr. Quezon was not the only one to express apprehension as to the outcome of the mission's efforts. Following the President's cue, other stay-at-home political leaders began to criticize the Washington group. Still others came to the defence of the mission and before long, discussion of the subject reached the proportions of a national debate. Unfortunately, not all of the debaters exercised the restraint that President Quezon showed in his public utterances. Some of the political and personal supporters of each side descended from principles to personalities, and by the

end of 1932 the discussion had engendered a bitter factional struggle within the *Nacionalista* Party.[8]*

Meanwhile, another development had occurred in the Islands that had an important bearing upon party alignments and the political position of the *Nacionalista* missioners who were refusing to accept unquestioningly the guidance of the party leaders in Manila. In November, 1932, the Philippine Legislature passed an act providing for the extensive reorganization of the executive and judicial branches of the government.[9] In the application of this law more than 1,000 civil servants were dismissed (with gratuities) and many readjustments of bureaus and their personnel were made. The political adherents of Senator Osmeña and Speaker Roxas declared that the Quezon faction was taking advantage of this opportunity to purge the public payrolls of friends of the absent missioners and, so far as possible, was replacing them with *Quezonistas.*

Senator Benigno Aquino, majority floor leader of the upper chamber, was sent to Washington to convince the mission of the error of its ways. The legislative envoy, however, promptly went over to the "Osrox" position. In the course of an interchange of cables with the majority legislative group, he sent the following message, which illustrates how far apart Manila and Washington were drifting:

> I interpret Quezon's silence as due to resentment. I reiterate that 90 per cent Quezon's points of view are incorporated in bill approved. We believe that when we come back and you are informed of all the facts he will endorse the bill as we believe you also would. I wish to complain against premature judgment. If you succeed [sic] Quezon from prematurely and unnecessarily committing himself we will save the country.[10]

Senator Quirino replied to the wayward Aquino that the majority in the legislature unanimously endorsed President Quezon's attitude and believed that "we can save the country better by permitting free expression by the people of their convictions upon so transcendental a question." [11] During this period many other signs of an approaching party split appeared, and near the end of the year a definite legislative group openly prepared to back the

Osmeña-Roxas-Osias combination against President Quezon and his followers.

After the Hare-Hawes-Cutting Bill had been passed by Congress, but before it had been vetoed by President Hoover, public debate upon the measure itself and upon the conduct of the mission in virtually disregarding the advice of the head of the party and the other leaders in Manila reached fever heat. In the course of a blistering attack upon the bill before the Independence Commission (the members of the Philippine Legislature meeting as the Commission) on December 29, 1932, Mr. Quezon characteristically brought the division over the party leadership out into the open.

> If my opposition to the bill will cause a split in the party, let that split come [he cried]. I don't care whether it comes or not. If my opposition to having a fictitious independence bill will result in all of the Nacionalistas leaving me, well and good. And if my refusal to accept a bill that I cannot honestly accept will make the entire Filipino people turn against me, I have nothing to say. I will face anything, just so long as I know that I am sustaining my convictions which, I believe, are for the best interests of the Filipino people.[12]

This outburst came after a prominent senator had defended the mission and, in effect, attacked the Quezon leadership. By this time it was apparent to all that the differences over the proposed independence bill had developed into a struggle for the control of the *Nacionalista* Party and the government. The *Democrata* Party having dissolved, there was no organized opposition and new political lines were drawn upon the leadership issue and that of approving or disapproving the work of the independence mission. A hasty trip which President Quezon made to Washington in the spring of 1933 having failed either to reconcile the views or to assuage the injured feelings of the contesting groups, the return of the "Osrox" mission to Manila in June, 1933, was the signal for a finish fight in the legislature and before the people upon the now inseparable issues of the national leadership and the acceptance or rejection of the Hare-Hawes-Cutting Act.

In contrast with the Osmeña-Quezon leadership contest of 1922, this political battle royal was fought without gloves. President Quezon was accused of having double-crossed and betrayed the mission by breaking his promise to consider the proposed legis-

lation on common ground until it should become acceptable. Instead, Senator Osmeña declared that after having approved by cable each important step taken during the long negotiations in Washington, the President had made a complete *volte face* in refusing to accept the measure as a whole.[13] As the struggle proceeded, Mr. Quezon was further charged by the Senator from Cebu with using his political power to force the decision as to the bill into the legislature, which he controlled, instead of permitting the people to speak through a national plebiscite; with ignoring the desire, the feeling and the rights of the people; and with politically terrorizing those who were in favor of acceptance.[14] Attacks of a more personal nature which were made upon the Senate President by members of the Civic League For the Acceptance of the Hare-Hawes-Cutting Law further embittered the struggle, particularly as those attacks were not repudiated, but, in Mr. Quezon's opinion, accepted tacitly or explicitly by Senator Osmeña and Speaker Roxas.

The assault which was thus made upon Mr. Quezon's leadership was deemed by him to make it necessary for the leadership question to be settled as a part of the decision upon the Hare-Hawes-Cutting Act, although, he declared, he had hoped that the latter matter might be decided separately from the "extraneous" issue of his own position. Therefore, on July 19, 1933, he presented his resignation as president of the *Nacionalista* Party to "the body, which according to our practices and the sane principles of representative democracy has the authority to determine who shall be at the head of our national leadership—the Senators, Representatives and Provincial Governors of the majority party." [15] The resignation, of course, was not accepted. On the following day, Mr. Quezon presented to the senate his resignation as the president of the upper house, "Since, according to our practices also, it is the Senate which carries out the decision of that body [the majority caucus] by giving it its official sanction. . . ." [16]

In his address of resignation, President Quezon made what is probably the clearest and most authoritative statement that has ever been enunciated concerning the character of the national leadership that by 1933 the Filipinos had established by extra-legal but genuinely constitutional understandings, and the relationship

between that leadership and the majority party in the Philippine Legislature. Said President Quezon:

> According to our constitutional practices, in our dealings, both with the Chief Executive in the Philippines and the Government in Washington, the President of the Senate is the official spokesman for the majority in the Legislature, and therefore, for the people.
>
> In thus speaking for the majority of the Legislature and for our people, the President of the Senate does not act alone. He is advised by a council, constituted by the Speaker of the House of Representatives, the President pro-tempore of the Senate and the majority floor leaders of both Houses (the Secretaries of Department may be consulted if and when the Governor-General expresses no objection thereto). Our national leadership is thus placed in a council headed by the President of the Senate. This council is at all times subject to the control of the majority in both chambers of the legislature, which has the right to change the council, its President, or any of its members at the pleasure of that majority. Hence the council is bound to submit its decisions to the approval of this majority, or, in case of doubt, as to the views of the majority upon any important question, to obtain beforehand the views of this majority.

Having thus stated the theory under which the Filipino participants in the national government of the Philippines were working, Mr. Quezon declared that the other "most outstanding" members of the council of leadership, in conjunction with the League For the Acceptance of the Hare-Hawes-Cutting Law, had dragged into controversy his acts as leader of the council and made "false and absolutely groundless charges" against him, thereby making it impossible for the council, as constituted, to perform properly its functions of national leadership.

> What then [he inquired] is the situation in our national leadership? It is divided against itself. And what is worse, the President and members of the council are suspicious of one another's purpose and actions. Under such a situation there can be no common counsel and harmonious action in the direction of public affairs. As the matter stands it is hard to expect that we will assume joint responsibility for our decisions. On the one side are Senator Osmeña, President [pro tempore] of the Senate, and Senator Aquino, floor leader of the Senate, and Speaker Roxas and floor leader Sabido of the House, and, on the other, I, the President of the Senate and President of the council of our national leadership. I cannot submit my judgment

to them, nor should they submit theirs to mine. They have all, expressly or impliedly, charged me with selfish, capricious leadership.[17]

Hence, Mr. Quezon's resignations and, neither of them being accepted, his subsequent action in forcing a complete reorganization of the "council of leadership," and, consequently, of both houses of the legislature.

This purge began with the displacement of Senator Osmeña as president *pro-tempore* of the senate and vice president of the *Nacionalista* Party, and of Representative Roxas as Speaker of the house of representatives. The reorganization extended downward through the majority floor leaders to the chairmanships of the committees of both chambers. Unable to dismiss Camilo Osias as Resident Commissioner, the majority caucus sought unsuccessfully to compel his resignation by withdrawing its confidence from him. Naturally, the ousted officials were replaced by loyal adherents of President Quezon. Speaker *pro-tempore* Quintin Paredes, representative from Abra, succeeded Mr. Roxas as Speaker, while Senator José A. Clarin of Bohol became president *pro-tempore* of the senate. Both selections illustrate the political astuteness of President Quezon—for although he was at pains not to seem to dictate either choice, there is little doubt that his influence was decisive in both elections. Senator Clarin was an amiable political veteran who was much loved in legislative circles. He could be relied upon never to talk back to his chief, and as for controlling the senate, Mr. Quezon was in a position to do that without help from the president *pro-tempore*.

The Speakership required a different type of man. No one not possessed to an unusual degree of brains, experience and a fighting heart could be expected to control the house of representatives, and it was necessary for Mr. Quezon's plans that the lower chamber should be kept well in hand. Mr. Paredes was known as one of the ablest lawyers in the Philippines and before entering the legislature in 1925 had served as Fiscal of Manila, Solicitor General, Attorney General and Secretary of Justice. Of independent and determined character, it was evident that he would not be a "yes man" to anyone, and that, like his predecessor as Speaker, he might some day get beyond the control of his party chieftain. The political wisdom and courage shown by the Paredes selection

was well rewarded, for until the dissolution of the house of representatives upon the inauguration of the Commonwealth, Speaker Paredes led that body with marked ability and with loyalty both to the public interest and to the national leader.

During the national debate over the Hare-Hawes-Cutting Law which had preceded the meeting of the legislature on July 17, 1932, the Osmeña-Roxas-Osias group and their supporters had become known as the *Pros*, while President Quezon and his followers were called the *Antis*. After the reorganization of the *Nacionalista* Party and the legislature had placed the *Antis* in complete control of the situation, the *Pros* definitely organized themselves as a minority group. Under the chairmanship of Senator Osmeña, with ex-Speaker Roxas as second in command, they decided important matters of policy in a regular caucus, voted as agreed upon, and although still regarded as a minority faction of the *Nacionalista* Party, began to play the part of an opposition in the legislature and the country. Meanwhile the former *Democratas* had aligned themselves with one group or the other. The most important accessions to the ranks of the Quezon faction were Representative Claro M. Recto and Judge Juan Sumulong, while Representative Gregorio Perfecto, long a powerful figure in Manila politics, threw in his lot with the *Pros*.

Between July and mid-October debate over the Hare-Hawes-Cutting Act continued, in and out of the legislature. On October 17, 1933, the legislature by concurrent resolution declined to accept the measure.[18] In the legislature, the victory of the *Antis* under the Quezon leadership was complete. However, the *Pros* declared that the legislative decision had been made under the political coercion of the Senate President and was contrary to the wishes of the people, who would make their will felt in the general election which was scheduled for June 5, 1934. President Quezon, however, did not allow himself to be placed on the defensive. Within a month he was on his way to Washington at the head of a new mission that was bound to steal the headlines, whatever it might or might not do about independence.

The Quezon mission was charged by the legislature with the three-fold task of thanking Congress for its "noble purpose" in enacting the recently rejected "independence" law, of explaining

the Filipino objections to this measure, and of petitioning the President and Congress for further legislation that would grant Philippine independence under conditions which would not imperil the stability of the country.[19] Although invited to do so, Senator Osmeña declined to accompany the group, incidents arising out of his refusal bringing about an open break in the personal and political relations between himself and President Quezon.[20]*

On April 30, 1934, the mission returned bearing the Tydings-McDuffie Act. The destructive economic provisions of the Hare-Hawes-Cutting Act were included without change in the new measure, which was virtually identical with the rejected law, except that it contained provisions looking to the withdrawal of the American armed forces from the Philippines after independence had been achieved. The new law was accompanied, however, by a formal assurance from President Roosevelt that he was confident that if "imperfections and inequalities" were found in the law, they could be corrected at a later date. On the day following the mission's return, the thirty-sixth anniversary of the Battle of Manila Bay, the Philippine Legislature unanimously accepted the law, the *Pros* proclaiming it as their own creation and the *Antis* claiming credit for having transformed the measure from a death warrant to a charter of liberty.[21]*

In the great game of politics, as in any other sport, nothing is more important than timing, and the timing of this dramatic denouement to the long struggle over the independence law was perfect. The acceptance of the Tydings-McDuffie Act occurred less than six weeks before the general election that was to determine whether Mr. Quezon and his adherents or Mr. Osmeña and his were to control the government of the Philippines during this crucial period of the nation's history.

In preparation for the election of June 5, 1934, the *Nacionalista Pros,* on December 17, 1933, definitely separated themselves from the *Partido Nacionalista Consolidado* and formed the *Partido Nacionalista Pro Independencia.* Senator Osmeña was chosen the president and former Speaker Roxas, vice president of the new party. At the same time, the *Democrata Pros* held a convention and elected a new directorate headed by Mr. Gregorio Perfecto. The election, which was bitterly contested throughout the Philip-

pines, resulted in an overwhelming victory for President Quezon and his followers. Of the eleven senatorial seats which were contested, the *Pros* won only three; of the eighty-nine elective memberships in the House of Representatives, they secured but nineteen; and of the forty-eight provincial governorships, all but four went to the *Quezonista* candidates.[22]

Thus the people put the seal of their approval upon the decisions of the legislature as to the national leadership, the rejection of the Hare-Hawes-Cutting Act and the acceptance of the Tydings-McDuffie Law. Manuel L. Quezon, as the president of the *Nacionalista Consolidado* Party and of the Senate, stood forth as the unquestioned leader of his people. His victory may be properly taken as expressing popular approval not only of his policies, but also of his theory as to the nature of the "national leadership" which had been established in the Islands through the processes of constitutional growth.

The election of 1934 provided two surprises for the people of the Philippines. One was the extent of the Quezon victory, the other the strength shown by the *Sakdalistas,* a proletarian party that for a number of years had been developing in the Tagalog provinces of south-central Luzon. The majority of the *Sakdalistas* were poor provincial people who had traditionally been below the horizon of organized party politics. At the most their political function had been to vote for or against candidates chosen by parties in whose affairs they had little or no voice. Many of them did not possess the educational or property qualifications upon which the franchise was based. Enough of them voted in the 1934 election, however, to elect three members of the House of Representatives, one provincial governor, and numerous municipal presidents, vice presidents and councillors.

The Sakdals were distinctly "agin the government." They accused the established parties and their leaders of having sold out the Philippines by means of a fake independence law in order to join with the American imperialists in perpetuating the heartless exploitation of the Filipino masses. Of this iniquity, the Sakdals said, the Quezon-Osmeña combination had long been guilty. Their platform called for immediate and genuine independence, the elimination of high salaries, waste and graft from the government,

the reduction of taxes, and economic reforms drastic enough to end the poverty of which they were the victims.

The Sakdal leaders were obscure persons, and the success of the party at the polls in the regions that were chronic hotbeds of discontent occasioned more surprise than alarm among the general public. Only those national leaders whose ears were most closely attuned to the discontented murmuring among the masses were seriously concerned at this unexpected show of political strength. Here was a potential opposition based among a class which heretofore had been virtually excluded from organized participation in the government. However, when the legislature met, the two Sakdal representatives from Laguna were counted among the majority and assigned committee chairmanships. The country had as yet gained no inkling of the real strength and character of the new proletarian party.

The one serious defeat that the Quezon forces suffered in the 1934 election was in the City of Manila. In this important constituency, the ancient stronghold of the *Democrata* Party, the *Democrata Pros* played an important part in carrying the day for most of the minority candidates. *Democrata* strength in the metropolitan area was further emphasized by the election of Judge Juan Sumulong, a *Democrata Anti,* as Senator from the district of which Manila was a part.[23] This resurgence of political power in a group that had long since been officially dissolved as a party and whose former leaders had been fighting each other as the allies, respectively of the *Pro* and *Anti Nacionalistas,* was a surprising revelation of the vitality of the old *Partido Democrata* and the hold that its leaders had upon the voters of the metropolis of the Philippines. Obviously, such vote-getting power was attractive to the two major parties and within a year both of them had affected reorganizations that formally fused with them respectively the last remnants of the old *Partido Democrata.*

The fusion of the *Nacionalista Consolidados* and the *Democrata Antis* who had been allied with them occurred on August 18, 1934. The new entity recognized the old minority party by calling itself the *Partido Nacionalista-Democrata* and electing Senator Sumulong as its third vice president, President Quezon, and Speaker Paredes and the Honorable Mariano J. Cuenco of

Cebu being, respectively, the president and first and second vice presidents. The party also approved a platform of sixteen planks that covered most of the more important political issues of the day.[24]

The fusion of the *Nacionalista* and *Democrata Pros* occurred February 9, 1935, the resulting party being given temporarily the cumbersome title of *Partido Nacionalista-Democrata Pro-Independencia.* The Honorable Gregorio Perfecto, leader of the Manila *Democrata Pros* and president of their national organization, was made vice president of the party, Senator Osmeña being elected president and former Speaker Roxas, second vice president.[25]* Although this party held only a small minority of the seats in the legislature, it included among its members a strong preponderance of the first-rate political talent of the Philippines. President Quezon had won an impressive victory at the polls, but he was still faced by an opposition so powerful that it constituted a dangerous threat to his supremacy, and at the very least could make his domination of the government difficult and incomplete.

The election of 1934 was the last major political event in the Philippines that was oriented to the system of government established under the Jones Law. Thenceforth parties and politicians acted primarily with reference to the problems connected with preparations for the establishment of the Commonwealth or that were expected to arise after the new government should have been inaugurated. The Filipinos in whose hands rested the destiny of their country had indulged in the luxury of an unrestrained fight over the conditions and leadership under which the next great step towards independence was to be taken. After the acceptance of the Tydings-McDuffie Act had been unequivocably ratified by the electorate, the embattled chieftains on both sides were faced with the immediate necessity of constructing and operating the government provided for by that law, for which both groups were responsible. The task was sufficiently difficult and dangerous to cool quickly the hot fires of partisan conflict, at least among most of the outstanding men who headed both groups. Considering the basic conditions which from the beginning of the American regime had controlled the party system of the Islands, and the particular lines upon which that system had developed, it

was, perhaps, inevitable that leaders of the recently estranged *Pros* and *Antis* should now take steps to resume close cooperation for the realization of the national ideal.

In point of fact, for the small group of men who dominated both parties, and especially for Messrs. Quezon and Osmeña, reunion presented few serious difficulties. Indeed, nothing stood between these two veteran statesmen save injured feelings. They were colleagues who had divided sharply upon an issue that was now closed. There never had been any difference between them as to the ends of national policy, and the question of means had now been settled by an external force (the American Congress) which neither could control and by an internal authority (the Philippine electorate) which both recognized as superior. Strangely enough, too, the settlement with the sovereign state was regarded by both as the best that their country could obtain.

Furthermore, in contrast with the situation which existed when the *Colectivistas* had separated from the *Nacionalistas* in 1922, no difference of principle or policy separated the respective parties of Messrs. Quezon and Osmeña. Both parties were for independence and both had accepted the Tydings-McDuffie route to this goal. Except for the small ex-*Democrata* minority in each, both had identical views—the views of the "haves"—upon domestic social, economic and political problems. Both parties were thoroughly opposed to and more than a little in fear of the numerous and increasing body of citizens, mainly the "have nots," who were "radical" in domestic matters and who felt that the acceptance of the Tydings-McDuffie Act was a betrayal of the sacred cause of independence. These people, a few of whom were organized in the Sakdal, Communist, and Labor Parties and other minor groups, had never counted very heavily in Philippine politics. As it became probable, however, that the stabilizing force of American authority would be withdrawn from the Islands within a comparatively short time and under trying conditions, these politically forgotten men assumed a larger, and none too pleasing, place in the consciousness of those who controlled the major political parties. Thus, after June, 1934, nothing of importance kept the Quezon and Osmeña wings of the *Nacionalista* Party apart; a number of powerful forces tended to drive them together.

The fusion of the *Pro* and *Anti Democratas* with the two major parties, respectively—two steps towards the process of political consolidation that were to occur—has already been mentioned. Concurrently, other events prepared the way for the unification of those elements in the nation which were to organize the Commonwealth and control it during its formative years. On July 10, 1934, only a little more than a month after the fiercely fought general elections, the voters were called upon to choose delegates to the convention that was to draft the Commonwealth Constitution. Although the elections for the convention were not nonpartisan in name, they were virtually so in fact. The convention itself carried on its work on a national rather than a partisan basis and produced a constitution concerning which there was no division between the two majority parties.

Interestingly enough, the president and two vice presidents of this memorable assembly were former *Democratas,* while the member who probably exerted the greatest influence in shaping the constitution that it produced was former Speaker Roxas, one of the three dominant leaders of the minority party. This successful collaboration, in the supremely important task of drafting the fundamental law of the approaching Commonwealth and the Republic to be, clearly revealed the absence of any genuine differences between the two major parties and effectively paved the way for a reunion between them. The Sakdals, on the other hand, were bitterly opposed to the establishment of the Commonwealth, and sought to prevent it by staging a violent uprising against the government some two weeks before the scheduled date of the plebiscite on the Constitution.

The ground for the reunion of the two major parties was skillfully prepared. Before the end of 1934 an apparently spontaneous movement to secure their immediate coalition, which it was hoped would continue during the early years of the Commonwealth, was launched by a "group of independent citizens," headed by Don Miguel Unson, a former secretary of finance who had retired from active politics and stood high in the confidence of the public. "We will soon face very grave problems," Don Miguel declared. "The situation is critical and we cannot afford to waste our energies in petty quarrels and dissensions. What we need is

unity, so that we may have the best services of our best men at a time when we can ill afford to waste any of them." [26] After nearly two months of preliminary discussions between the Unson group and the politicians, accompanied by sufficient publicity to accustom the public mind to the idea, a manifesto urging coalition signed by sixty-six representative citizens was presented to President Quezon, the president of the majority party, and to Senator Osmeña, head of the opposition. Both expressed themselves as being favorably inclined towards the idea, but declared that the decision would have to be made by the properly constituted authorities of the two parties.[27]

Then followed four months of public debate participated in by many of the leaders of national opinion. As is usually the case when political affairs are argued in the Philippines, much of the discussion was theoretical, turning upon the general relative advantages of a two-party system as contrasted with a government of all the talents. The most notable contributions to the debate were made by President Quezon in a reply to the Unson manifesto, and in an address before the *Nacionalista* convention that authorized the coalition; and by Senator Juan Sumulong in a signed statement entitled, "After the Coalition, the Deluge." The political history recited and the arguments advanced in these documents explain the advantages that are sought and the dangers that are inherent in the peculiar party system under which the Commonwealth is now governed.[28]

Replying to Mr. Unson, President Quezon frankly affirmed that he had "always been partial to a coalition whenever special circumstances that confront the country require it as an imperative necessity, either for the proper functioning of government or for obtaining unity of criterion and action in matters vitally affecting the nation." He then briefly recited the causes of the three party coalitions that had been resorted to between 1922 and 1935, pointing out that in each case the end of the coalition was realized.

> In none of the cases mentioned above [the President continued] has the need for unity of action of all political parties been as great as in the new and difficult situation which the country is about to confront. Now more than ever do we need common counsel and oneness of objectives and views of the political parties and of other

living elements of the nation if we must come off triumphant in the final decisive test to which we are subjected. I believe, therefore, that this coalition is not only convenient, but absolutely necessary. That is, as long as it does not mean the disappearance of political parties. Each may continue existing even within the coalition.

In the address with which he persuaded a reluctant party convention to assent to a political union which was distasteful to many of his most influential followers, Mr. Quezon put the case for the coalition even more strongly. Speaking before a mighty gathering at the Rizal Memorial Stadium on June 16, 1935, he declared:

> We are beset from every quarter and at every point by danger and with serious difficulties, and tried men are required to overcome them: and let us not forget that this new nation of ours is being born when the whole world is almost in turmoil, when grave social, economic and political problems are challenging the minds and hearts of men, and the very foundations of civilized society seem to be giving way. In this critical period the country needs all the wisdom, statesmanship and patriotism of which our people are capable, and the men who are to be entrusted with the responsibility of leading the nation through out of [sic] its present difficulties should be chosen regardless of any other consideration, except ability, honesty and loyalty to the people and to the cause of good government. . . . Recent occurrences in America and all over the world, including the Far East, as well as our own country, have more than ever convinced me of the necessity of marshalling all of the resources of the nation, both human and material, to meet the gigantic task before us.

Senator Sumulong's statement is a powerful exposition of the view that the coalition of the two major parties would foster the development of an oligarchy rather than a democracy in the Philippines. The great *Democrata's* fundamental arguments can be briefly outlined. The struggle over the Hare-Hawes-Cutting Law between the two wings of the *Nacionalista-Consolidado* Party, Judge Sumulong declared, degenerated into a contest of "whether Osmeña or Quezon should direct our public affairs, thus reducing to a factional quarrel the consideration of one of the most vital matters that has ever been submitted to our people for consideration." Many Filipinos regarded this perversion of their political parties as offensive and dangerous. However, "even those who were most offended and most mortified forgot their anger when they began

to perceive that the abnormal political situation might bring about the desired disintegration of the political oligarchy which had completely dominated our national politics for a quarter of a century."

This oligarchy, Judge Sumulong declared, had been at times headed by Osmeña and at other times by Quezon, but had always been managed by both in association and in community. The people, he said, seemed satisfied to tolerate the recent overflow of political passion in exchange for the permanent liquidation of the reigning oligarchy. They felt that the Osmeña group would benefit by performing the functions of an opposition for a number of years. After that, if the Quezon group were to be "relegated to the regenerating seats of the minority," then "there would have been concluded an essential chapter in the political education of our parties and of our political figures."

The proposed Quezon-Osmeña reunion, on the other hand, would mean the restoration of the "feared and detested oligarchy," which would become more formidable and dangerous than the one recently dissolved. The result would be a continuation of the "farcical representative government" of the past. In this situation there would develop a revolutionary opposition. Indeed, Senator Sumulong warned, such an opposition had already manifested itself in the growth of communism and the phenomenal spread of Sakdalism which had occurred since it had become evident there was to be no genuine opposition party. In these circumstances, the Senator declared, "it is an inescapable national duty to prevent the disappearance of the present Osmeña minority."

The veteran liberal's arguments for policies which he believed would foster the development of genuinely democratic institutions in the Philippines were strengthened by the picture which he drew of the politically helpless position of the masses of the Filipino people.

I do not wish it understood [he wrote] that I favor a political status quo in the belief that the existing majority and minority parties represent all the legitimate interests of the country, or because I feel an irrepressible aversion towards sakdalism and communism. In reality, I am of the belief that the majority and minority parties represent almost exclusively the intelligentsia and what we would call the Philip-



THE HONORABLE EULOGIO RODRIGUEZ



THE HONORABLE JUAN SUMULONG

pine plutocracy, and that the needy classes have no representation in these parties, and for this reason they have neither voice nor vote, even only as minorities, in the formulation of governmental policies. This belief has often made me wish to see in the legislative and executive branches of the government authorized spokesmen of the laboring class, be they called socialists, sakdalists or communists.

Within a few days of the appearance of *Despues de la Coalicion, el Diluvio*, the bloody Sakdal uprising of May 2-3, 1935, gave tragic emphasis to Judge Sumulong's warning that proposals to restore the Quezon-Osmeña "oligarchy" were paving the way for rebellion.[29] This futile attempt of the "needy classes" in the vicinity of Manila to overthrow the government spectacularly bared the discontent that all knew to exist. The episode, however, and the political events which followed it, strengthened, rather than weakened the movement to unite the parties that represented what Judge Sumulong called the "intelligentsia," or "Philippine plutocracy." From May 2, 1935, until after the inauguration of the Commonwealth on November 15, 1935, thought of the possibility of political violence and assassination was never absent from the minds of those who were responsible for government in the Philippines. As the months passed, justly or unjustly, this possibility came to be associated with one of the political groups which contested the first Commonwealth election. Fear of violence from a proletarian minority that felt itself without effective representation may therefore be considered as one of the causes not only of the party coalition of 1935, but also of many other actions which have subsequently thrown political control over the Philippine Commonwealth into the hands of a very few men.

The proposed party coalition, however, was not easily to be achieved. True, Senator Sumulong was the only figure of first-rate national political importance who openly opposed it. The cynical said that he was the only one who would not be numbered among its beneficiaries. But among the second string national party leaders and further down the line, especially in the provinces, opposition was widespread and determined. Feeling that they did not need the political aid of the minority party, many members of the victorious majority saw no reason for giving them a voice in the government or a share of the spoils. Many *Nacionalista-*

Democratas preferred that Judge Sumulong rather than Senator Osmeña should be teamed with Mr. Quezon as their presidential candidate. Particularly were the *Antis* from Cebu, where the powerful and reactionary Cuenco family had been made the spearhead of a bitter assault upon Senator Osmeña's leadership in his own province, determined that the veteran Visayan should be excluded from the Commonwealth Government that was in the making.

In the minority, too, there was great reluctance to join hands with the *Quezonistas*, and many of the small group of thinking citizens who are not much concerned with politics regarded the coalition with cynicism and dread. Delegates to the Constitutional Convention returning from the provinces reported fear that the proposed union of the parties would remove the "fiscalizing agent" from the government and create a situation in which those in authority could too easily abuse their power.[30] For years the people had been taught that a strong opposition party is necessary to successful government in a democracy, and they could not be untaught in a day.

Yet there can be no doubt that there was also a widespread demand that the recognized leaders of the people forget their differences and join hands in order to insure the cooperation of all the vital forces of the nation during the first years of the Commonwealth. As President Quezon later declared:

> Resolutions were passed by Municipal Councils as well as by civic and social organizations, including labor unions, demanding a coalition of the two great political parties as the most practical means of obtaining this unity of effort. Before the Constitutional Convention adjourned the cry of national unity was taken up by the League of Provincial Governors. Without regard for party affiliation and voicing the prevailing sentiment in their respective provinces, these spokesmen of our local governments unanimously joined in the general appeal for national unity.[31]

How far the "prevailing sentiment" of the Filipino people was spontaneously in favor of the proposed coalition will always remain a matter for speculation. Those familiar with Philippine politics are aware that a few men in Manila can almost overnight secure an apparently spontaneous clamour for almost anything from every municipality in the Archipelago; and that a week later

they can produce an equally unanimous demand for the exact opposite. Certain it is that while the clamour for the party union may have been induced by the Manila moguls, the opposition to it was largely spontaneous and genuine. Be that as it may, no one can reasonably claim that the coalition was accomplished by a few leaders without the public's knowledge and apparent approval. Few subjects have been more widely debated in the Islands.

In the end, the influence of the dominant leaders of both major parties was too strong to be overcome. On June 16, 1935, in separate conventions composed of delegates from all parts of the Islands, both parties approved a coalition for the purposes of carrying out an agreed program of government during the formation of the Commonwealth and of electing Messrs. Quezon and Osmeña, respectively, as the first President and Vice President thereof. The arrangement, however, did not extend to candidates for seats in the first National Assembly, and each party retained its own name, organization and separate identity. What was accomplished, therefore, was a coalition for certain specified purposes and not a fusion of the Osmeña *Nacionalista-Democrata Pro-Independencia* and the Quezon *Nacionalista-Democrata* parties into one.

The avowed purposes of the coalition of June 16, 1935, were twofold: to secure agreement among the ruling elements of the nation upon a program of government for the Commonwealth and the future Republic, and to place the execution of that program in the hands of the same national leaders who, since 1907, had directed the campaign for independence and controlled the Filipino participation in the affairs of the country. The most discerning appraisal of what had been done that emanated from a spokesman for the ruling class was given in the following editorial from *The Times*, an independent newspaper of Iloilo:

> As a result of the formation of the Quezon-Osmeña ticket, the parties decided to form a coalition on a platform of government designed only to prepare the country for the task which the establishment of the Commonwealth entails.
>
> The platform tried to meet the responsibilities of the new regime as comprehensively as possible, the principal aim being the final establishment of a Philippine Republic for which a rounded program of national development is simply enunciated. This program includes national defense, government structure, public finance, a free and

independent judiciary, purity of suffrage, a civil service free from politics, revision of public schools system, maintenance of a health service, solution of labor and social problems, development of Non-Christian provinces, an economic program and the creation of a food and scientific research institute. . . .

The Quezon-Osmeña ticket has not only a formidable team but a formidable platform. However, the success of this team and platform will depend upon the amount of support they will get really from the ranks and files of the majority and minority parties. It is true that Mr. Quezon and Mr. Osmeña were able to push through the coalition in the national conventions of their own parties, but that was carried through the stiffest opposition ever faced perhaps by the two leaders on the part of their followers in their long political careers.

They have achieved what they wanted; and they propose the establishment of a government that is to be free from partisan politics during the formation period of the future Philippine Republic. Will they achieve the cooperation they aim at? They have made their respective parties approve of their own candidacies, but the aspirants to the seats of the National Assembly have been left to shift for themselves. Evidently, the country is faced with a novel political experiment to demonstrate whether a coalition in high places without counting on the support of the basic elements could succeed or not.[32]

This shrewd and realistic editorial, when considered in the light of the character of the party system and the institution of "national leadership" that had developed in the Philippines between 1907 and 1935, provides a basis for understanding the type of government that is now in operation in the Philippine Commonwealth. President Quezon has been under the necessity of "achieving" and maintaining, by one means or another, the "cooperation" aimed at by the coalition of 1935. By some his government is called an oligarchy; others refer to it as the "Quezon dictatorship."

These catchwords mean little. They explain nothing of the realities of government and politics in this nation in the making. President Quezon, Vice President Osmeña, and their associates are not administering the Commonwealth in accordance with their personal whims or by the procedures of opportunism or by mere expediency. They are applying the basic principles of a political system that for thirty years was beaten out on the anvil of Philippine experience. It is quite true that this system concentrates enormous powers in the handful of men who direct its operation. But he is blind to the facts of Philippine history who does not realize

that this concentration of power was deliberately and skilfully provided for both in the Philippine Constitution and in the long-established extra-legal political instrumentalities through which that constitution is being translated into actual government; and that the system as a whole has been sanctioned by an overwhelming majority of the Filipino people acting through the forms of self-government provided by law and established custom. The system may or may not be "democratic" from the standpoint of other peoples. But it is a Filipino system, and he is rash indeed who asserts that thus far both the system and the men who are applying it in the Government of the Commonwealth have not received the steady support of a large majority of the Filipino people.

CHAPTER XV *

THE UNREPRESENTED MINORITY

THE coalition between the two major Philippine parties on the eve of the Commonwealth removed almost the last vestige of organized opposition from the government of the Islands.[1]* Between them, the two wings of the *Nacionalista* Party that had been in power since 1907 had swallowed the dismembered carcass of the old *Democrata* minority and then joined hands to organize and control the government under the new Constitution. One of the justifications of this step towards the reunion of the *Pros* and the *Antis* had been the assertion that it would clear the field for the development of a genuine opposition party. The attempts that have subsequently been made to establish such a party constitute an interesting phase in the development of Philippine political institutions and aid to an understanding of the Commonwealth government as it now exists.

The road of political opposition has been a thorny one in the Philippines. Prior to 1905 opposition and sedition were so closely allied as to be almost indistinguishable. From 1907 on, the *Gran Nacionalista* Party virtually monopolized political power and the fruits thereof. There are five main reasons why this party in the several forms which it has assumed has maintained its dominance for a generation. First, and foremost, it seized and skilfully exploited the issue of national independence. Second, it contained, say, nine-tenths of the national leaders of first-rate ability. Third, it entered into a constructive partnership with the American element in the Philippine government, thus being in a position to claim a share of the credit for the remarkable achievements of the period. Fourth, it enjoyed all the political advantages that are the

* *The notes of this chapter begin on p. 915. Subject matter notes are indicated by an asterisk.*

fruits of long continued control of government, especially in the Orient and in states steeped in the Latin tradition: among them, patronage, control over the electoral machinery, the administrative departments and, to a lesser extent, the courts; access to ample political funds; and superior prestige. Fifth, owing to the peculiar situation in the Philippines, the opponents of the majority party lacked those issues upon which real and vital opposition parties are usually built: sectional feeling (which existed but did not coincide with party lines), politico-religious questions, urban *versus* rural interests (the only large city was normally opposition, but the Islands are overwhelmingly rural in character), the tariff (legislation concerning which was subject to American approval), organized labor *versus* capital (there was little industrial labor and the agricultural laborers were virtually unorganized during most of the period), and foreign affairs.

Under such conditions it is not surprising that no Philippine minority party has ever turned itself into the majority. Nor is it surprising that as the years passed President Quezon and his followers developed great skill in absorbing opposition groups. As the *Manila Daily Bulletin* put it, editorially, when the country was rocked with the discussion of the proposed coalition of 1935:

> The Quezon strategy for many years has been that of swallowing the opposition when it bothers him to any serious extent. The strategy has worked smoothly and bids fair to work effectively in this instance. For years political party history in the Philippines has been a record of mergers, consolidations, coalitions and reconciliations.[2]

As has been seen, so far as the absorption of the Osmeña minority was concerned, the "Quezon strategy" did work quite effectively, as was anticipated by the *Bulletin*. However, the resumption of the ruling Quezon-Osmeña partnership on the eve of the withdrawal of active American authority from the government of the Islands brought into action factors that heretofore had played but little part in party politics. These factors were, first, the "needy classes" which Judge Sumulong had declared to have no representation in the major parties and "either voice nor vote, even only as minorities, in the formulation of government pol-

icies"; second, certain of the Revolutionary leaders who had fought against Spain and America and had subsequently virtually withdrawn from politics and the responsibilities of public office.

Thus, at a critical period in Philippine history, there were injected into Philippine politics two new and disturbing elements. These newcomers to the party political game could not be readily absorbed by the dominant parties. As represented by the Sakdals and Communists, they came from the other side of a deep political, social and economic chasm, and had already shown that they were ready to resort to violence in order to overcome the handicaps placed upon them by the existing political system. As represented by the Old Revolutionaries, the new participants in party politics were men who could supply the leadership which the disfranchised masses lacked, but could lead only through the technique of force that had given them supremacy a generation ago and by appeals to the emotions and ideas of a dead past. Here were the materials from which a real opposition party might be made. The danger was that if defeated at the polls, especially by means which it considered unfair, some of the elements in such an opposition might proceed from ballots, with which they had enjoyed little experience, to bullets and bolos, by the use of which they had once attained power.

Of the two elements of the Philippine population which were outside of and genuinely opposed to the "union of all the vital forces of the nation" as represented by the new Coalition, the "needy classes" presented the most serious problems to the constituted national leaders. By far the largest portion of them are rural laborers—the "common *taos*" who as tenant farmers, renters or virtually landless workers eke out a miserable living from the rich Philippine soil. These people constitute a depressed minority which has been largely left behind in the march of Philippine progress. Astonishingly ignorant, for the most part unable to use effectively any language save their local dialect, and economically helpless, it is they who are the most complete victims of the local *cacique*, the remorseless usurer and the exploiting political or religious charlatan. It is they who, as Speaker Roxas so often pointed out in the days of *Ang Bagong Katipunan*, have suffered the most from the increase in the cost of living that has occurred during the

American regime and benefited the least from the economic advantages of the American connection. As has already been indicated, too, this part of the population feels itself set off from the more fortunate classes by a relative freedom from Spanish or Chinese blood. They think of themselves as the real people of the country—the "Filipinos of heart and face."

Throughout Philippine history the classes that have been described have constituted a menace to the public order, a source of anxiety to the rulers of the day. It must have been men like these who so often rose against the Spanish tyrant and later formed the bulk of the army of the Philippine Republic that resisted annexation by the United States. More recently, they had participated in two local uprisings which, although easily suppressed, were indicative of widespread agrarian unrest and illustrated the ease with which political and economic discontent can be translated into subversive action. One of these outbreaks occurred in two provinces of northeastern Mindanao in 1923-1924. There the local members of a secret society known as the Colorums attacked the Constabulary and sought to seize the government. Nearly a year elapsed before the movement was suppressed by a Constabulary expedition that killed some 135 "fanatics" in a series of quasi-military engagements. During this period serious alarm over the Colorum movement was felt in various areas of agrarian discontent as far north as Nueva Ecija, a trouble spot in north-central Luzon, where the group "planned to overthrow the government and had a carefully mapped-out scheme to divide the spoils if they succeeded." [3]

The Colorum troubles were attributed by the authorities to religious fanaticism. So were those caused by Tangulans, another secret organization of discontented peasants, that was reported by the Constabulary to have come into existence in Bulacan late in 1927.[4*]

The seditious activities of this group culminated in the Tayug uprising of 1931. An experienced American observer of Philippine affairs wrote contemporaneously regarding the outbreak at Tayug:

> An armed band of several hundred *taos* captured one of the chief towns of northern Luzon. Disarming the large Constabulary garrison and hacking their officers to pieces, the rebels burned the

Constabulary barracks and the post office, looted the city hall, destroyed the land records there on file, and held possession of the city for some 24 hours. Filipino officialdom was almost unanimous in attributing this savage incident entirely to religious fanaticism. . . .

I doubt, however, if you could find ten Americans in the Islands who do not believe that the poor peasants who rose against constituted authority at Tayug were rebelling chiefly against "caciquism," agrarian oppression, and Constabulary abuses. One Filipino newspaper strongly expressed this view, and Tomas Confessor, the ever outspoken Director of the Bureau of Commerce and Industry, told his people that this was the case, adding that dangerous discontent based upon oppression and injustice existed over large areas of the plain of central Luzon.[5]

This was not the official view of the government, however, and the manner in which the episode was dealt with, once the actual uprising had been suppressed, deepened rather than allayed the discontent which had caused it. Quoting further from the contemporaneous account already referred to:

If there was ever a public event that demanded a thorough investigation by a fearless and impartial body whose findings would be received with confidence, the Tayug case was it. Demands were made for such inquiry. But what happened? The conduct of the Constabulary was probed by the higher officials of that organization. The agrarian aspect of the case was looked into by the Under-Secretary of Agriculture and Natural Resources who, until recently, has been director of the Bureau of Lands, and the final governmental pronouncement on the incident was made by the secretary of the Interior, whose department is responsible for public order. The verdict was "religious fanaticism."

The reasons why the Filipino leaders did not wish the Tayug incident to be investigated by a body containing the appropriate members of the Governor-General's staff of advisers are obvious. Such an inquiry would inevitably be pushed into the whole realm of the oppression of the poor peasant by the local boss, the usurer, the Constabulary, and the local official. The fact that the machinery for the registration of land titles is years behind in its work and that the rich and influential "land grabber" is taking advantage of this situation to despoil the homesteader and small farmer would come up for consideration. The bitter and dangerous discontent of large numbers of peasants in many parts of the central plain of Luzon would be revealed. Here is a situation that many people believe would be extremely perilous should the support of American authority be with-

drawn from the Government of the Philippines. Indeed, one of the highest officials in that Government, a Filipino, declared to the writer that the Tayug incident should not be called an agrarian uprising because the term might very well give rise to similar outbreaks elsewhere in the Islands.

Now it may be that Filipino officialdom is right. Perhaps the ignorant *taos* of Tayug burned, looted and murdered merely as an expression of religious emotion, and in an attempt to appropriate for their own use the legitimate property of their betters. If so, an impartial investigation participated in by Americans whose professional future does not lie in the hands of the Filipino politicians would have established the fact and restored a badly shaken public confidence in the security of public order in central Luzon. If not, such an investigation would have laid bare the fundamental causes of this incident, revealed the extent of the discontent, and indicated possible remedies. On the evidence now available, however, it seems apparent that the Filipino leaders do not wish such an investigation, and that the Governor-General deems it wise not to force it upon them. That Colonel Davis is not unaware of the seriousness of the agrarian discontent of which Tayug was a symptom was shown when in his annual message of 1931 he characterized the land problem as "dangerous," declared that "the relations between landowners and tenants are a potential source of grave danger to the future" and warned the legislature that "an oppressed peasantry" is the "greatest danger" to any country.[6]

To the outsider, the most astonishing thing about the Colorum and Tangulum episodes was the ignorance and credulity of the participants. That a handful of unarmed, unorganized peasants could have expected to overthrow the government of the Philippines and attain independence from the United States seems almost incredible. It will be remembered, however, that people of this same type still believe in the miraculous powers of the *anting-anting*, enchanted trees, holy wells, and self-styled St. John the Baptists, Virgin Marys, and even Jesus Christs.[7*]

Several times each year the Constabulary, police or public health officials find it necessary to suppress the activities of charlatans who are using these time-tried devices for exploiting the ignorant and the superstitious. In 1927 a self-styled "Emperor" who assumed the euphonious name Flor Intrencherado, set up a kingdom on the rich and populous Island of Negros. It was estimated that he gathered some 10,000 dues-paying followers, to many of

whom he sold grandiloquent military and civil titles and to whom he promised freedom from taxes and a division of the landlords' property. Bloodshed resulted when these deluded people sought to seize a number of municipalities. Flor Intrencherado was subsequently adjudged insane, and spent the rest of his life in the Insular Psychopathic Hospital where he never tired of expounding to inmates and visitors his social and political theories and, upon occasion, bedecking himself in the glittering regalia of his imperial office. Where such ignorance is combined with serious grievances against society and a feeling that only by violence can justice be obtained, the way of the dangerous political agitator is easy and an uprising which the more sophisticated citizen would at once recognize as patently hopeless is always a possibility.

The Sakdal uprising that occurred on May 2-3, 1935, in the provinces surrounding Manila was made possible by the basic conditions that have been described. A number of factors, however, differentiate it from former disorders and give it such significance that it cannot be lightly passed over in any serious study of Philippine political institutions. As "great oaks from little acorns grow," so in the Philippines in a surprising number of instances important public events spring from small seeds of purely personal resentment, ambition or fear. In the case of the Sakdal movement the seed was the dismissal of a minor employee of the Philippine Senate, Benigno Ramos, for flagrant and repeated insubordination in inciting and persistently encouraging a strike of pupils in the Manila public schools. Deprived of his position at the instance of the President of the Senate, Ramos, who had already shown his antagonism to the constituted authorities, now dedicated his somewhat remarkable energies to the double purpose of destroying Mr. Quezon and his political associates, and overthrowing the political system for which they stood. At the time there seemed no probability that this discharged placeholder could become a serious menace to public order, and little public attention was paid to him or the organization which he founded. The Argus-eyed Philippine Constabulary, however, misses no political agitator, least of all one who has openly expressed animosity towards "the *Presidente*," and from 1930 on the Constabulary maintained a constantly expanding file regarding Ramos and his activities. This file, which was later

utilized by members of the Governor-General's staff, a mass of other unpublished official documentary material, and a fund of personal knowledge gained in dealing officially with the Sakdal problem have supplemented published accounts of Sakdalism in the preparation of this discussion of the subject.

Benigno Ramos's political activities must have begun immediately after his dismissal from his post on the paid staff of the Senate. They followed the standard pattern of subversive agitation in the Philippines: the organization of a secret society, the collection of dues and the publication of a newspaper. Just when the society was launched is not known. Its printed organ, however, first appeared on October 13, 1930, and was called *The Sakdal.* This word, in Tagalog, means "to accuse," or "to strike," and the original purpose of the society and its paper was to accuse high governmental officials before the public of acts which Ramos declared to be detrimental to the country and especially to the common people. These "accusations" were so virulent and vituperative that in December, 1931, the paper was temporarily excluded from the mails. By this time Ramos's organization must have had many members, because the Constabulary reported: "The Tangulan's uprising on the night of December 10, 1931, which was nipped in the bud, was precipitated by the influence of the 'Sakdal' publications, as evidenced by the fact that some of the Tangulans who were arrested that night turned out to be Sakdal leaders." [8]

In the early days of the Sakdal movement, Ramos's tactics seemed to have been influenced by the non-cooperation movements in other parts of the world that were then receiving much publicity. He urged his followers not to participate in the government, not to vote in any election and not to pay their cedula taxes.[9*] Whether Ramos was really involved in the abortive Tangulan uprising is not known. By 1933, however, the Sakdal movement had taken on a new form. At a convention held on October 29, Ramos's followers were organized as a political party, with a constitution and by-laws which, the Constabulary report states, "served at the same time as the platform of the party.

In this document [the report continues] through the leaders, particularly Benigno Ramos, the Sakdalistas accused the party in power of failure to obtain our coveted freedom during the 26 years

of their administration. That our present political leaders have been insincere and inattentive to the demands of the poor and thus have caused their discontent and misery. Because of maladministration the moneys of the people have been squandered and wasted. Small salaried employees have been discriminated against. That the political moguls are the ones who are causing the people to fear independence.[10]

It should be added that from the beginning the Sakdals also advocated a drastic reduction in the taxes paid by the poor, a more even distribution of property, and a forced division of the large landed estates, especially those of the Church.

During the public discussion of the Hare-Hawes-Cutting and Tydings-McDuffie laws the Sakdals violently attacked those measures and the Filipino leaders who advocated their acceptance. It was probably during this period that the movement spread with great rapidity from Bulacan and other provinces north of Manila to Rizal, as well as Laguna, Tayabas, Marinduque, Batangas and Cavite, which ring the metropolis to the east and south. When the electoral campaign of 1934 came on, the Sakdals presented candidates for two Senatorial and two Representative seats and for many provincial and municipal positions. Although they held some large public meetings, most of their campaigning was carried more directly to the barrio folk. Small gatherings at outlying centers were harangued by the flickering light of oil flares. In secluded nipa houses, neighborhood groups were talked to intimately and with a touch of that conspirative secrecy for which mankind everywhere has a weakness. The Sakdal organizers went personally and thoroughly into the lowest strata of the population. They appealed to people whom the local leaders of the dominant parties often disdained, ignored or patronized. As Dean Conrado Benitez later wrote: "Our local legislators have become independent of the ordinary means of living. They are sort of divorced from the common suffering of the masses. In other words, they are out of contact with the people they are supposed to represent." [11]

With such lowly citizens the agents of Benigno Ramos made the most intimate contact. In virtually all cases the subjects of their propaganda were hard working, family loving people who exemplified the fine basic qualities that are typical among the Filipino masses. The majority of them, however, were ignorant

and credulous. They were desperately worried about earning a living for their women and children and genuinely concerned over the welfare of their country. Among them, therefore, it was easy for political agitators to sow and cultivate the seeds of discontent.

Dissatisfaction with the government and the ruling politicians was first impressively expressed by the *Sakdalista* vote in the 1934 election. Three members of the House of Representatives, one provincial governor and many local officials were elected by the party. Many other Sakdal candidates received strong support at the polls. Considering the tremendous electoral advantages possessed by the parties in power, this success was a remarkable demonstration of political strength. It was, indeed, sufficient to surprise the general public and to alarm the more thoughtful of the established leaders. This uneasiness was caused not merely by the apparent birth of an opposition party which was really beyond the control of the dominant classes, but more particularly by the widespread popular endorsement that the bitter attacks of this group upon the ruling party, its leaders and its policies apparently had received.

"In all of the public meetings of the Sakdalistas," the Constabulary reported, "the most salient points brought out by the speakers were: (1) that the Sakdalista party would secure complete and absolute independence for the Philippines as promised in the Jones law not later than December 31, 1935; (2) that the high government officials and the party in power have been abusing the poor people, that they (the high officials) have enriched themselves so much that they really do not care for independence; (3) that when the Sakdalistas get into power all taxes would be abolished; and (4) that the Philippine constitution written in accordance with the Tydings-McDuffie law is not a real constitution, hence they would vote against it." [12]

The Chief of Staff might have added that the *Sakdalistas* spiced their meetings by unleashing the full power of their oratory and their imaginations in unrestrained personal abuse of the established leaders, especially Mr. Quezon. The ignorant *taos* were regaled with lurid descriptions of the private life of the chief object of Benigno Ramos's animosity. In many meetings, these libelous attacks were supported by the distribution of reproductions of

two photographs. One, taken in Hollywood, showed the Senate President apparently enthralled by a well-known movie star. The other depicted a very statesmanlike Ramos in earnest conversation with President Roosevelt, presumably on the subject of Philippine Independence. The first picture would be recognized by the sophisticated Filipino as being routine Hollywood publicity. By the time the Sakdal orators had elaborated upon it, however, it seemed anything but innocent to their credulous barrio auditors. The second photograph showed the contrasting manner in which the "real leader of the people" had spent his time and their money in America. Few, if any, realized that the Ramos picture was a clever fake, and that their hero had gotten no farther than Japan when, with money contributed by his humble followers, he had started for Washington to secure "independencia" from the American government. Constabulary reports recounted that after this pictorial document had been distributed and explained in barrio meetings a large proportion of the crowd would usually join the Sakdal ranks. The effect of such a campaign, systematically carried on for months and years among uninformed and unsophisticated people, was just what was expected. It created distrust of the dominant leaders as a group and centered this feeling, with an added sentiment that in some individuals was akin to hatred, about the personality of President Quezon.

Sakdal propaganda, however, was not confined to the lowest strata of the population. To the more prosperous and intelligent classes a broader and more rational program was presented in a more sophisticated manner. Thus, when Benigno Ramos was interviewed by the *Philippines Free Press* after the elections of 1934 had made him a subject of national interest, he declared:

> If the Sakdalistas are growing, it is not because we preach revolution as some people mistakenly believe. As a matter of fact, we are against revolution and against violence. If all the Filipinos were Sakdalistas, the country would not need any constabulary soldiers or policemen, because Sakdalism is based on peace, on the free development and moral perfection of the individual.
>
> The people at present are degraded by actual conditions. We want to help them. Things in the Philippines are not what they should be. We are not against foreigners, but we believe that Filipinos should be first protected instead of giving all protection to foreign

people here. It is a common saying that we cannot help others unless we can help ourselves, and we cannot help ourselves as long as we are under subjection.

That is why we demand independence, and to prove that we are in earnest our Sakdalista representatives are pledged to resign if the country is not granted independence by the end of 1935. We want to give an example to the people that we mean what we say and not act like Quezon and Osmeña whose sole concern is to keep themselves in power and who are in fact enemies of Philippine independence. At present the Filipinos are very much like a plant which is trying to grow and develop under another plant. The Filipinos cannot, of course, attain full development and growth under such circumstances.

As regards our program, we want the United States to give us "complete, absolute and immediate independence" as promised in the Jones law; rejection of the McDuffie-Tydings law, which is nothing but a means of evading the Democratic promise of independence; abolition of cedula tax and revision of land taxes; investigation of all friar lands in order to find out why they are growing in area; formation of a Filipino army to be composed of 500,000 young and healthy men; teaching of native dialects in all public schools and their use in the courts of first instance; retention of public lawyers to defend poor clients without fees; paying representatives and senators on session basis, ₱10 to representatives per day of session and ₱15 to senators, the senate president and the speaker to receive ₱20 each per day of session.

Reduction of salaries of highly paid officials and increase in the pay of teachers, policemen, laborers, constabulary soldiers; and adoption of the American system of voting by the use of machines so as to do away with the numerous election frauds committed here. These are some of the things we stand for and for which we make converts. We fight only for things that are reasonable. Given the chance, we expect to make good.

These doctrines and a program of this kind were bound to appeal to many Filipinos who possessed sufficient education or property to enjoy the franchise and who wielded some local influence. Sakdal votes, therefore, did not come exclusively from the most depressed groups.

The Sakdal appeals to the people contained four basic ideas. The people were told: first, that they were being oppressed and exploited by selfish politicians who were enriching themselves at the expense of the masses; second, that in order to continue this

exploitation the leaders in power had abandoned the cause of independence, which now was championed only by the Sakdals; third, that the establishment of the Commonwealth would kill independence forever and perpetuate the rule of the oligarchs, who would turn the resources of the country over to the foreigners in order to share in the loot and receive the continued protection of American bayonets; fourth, that if it were popularly supported, the Sakdal party would obtain a genuine independence not later than December 31, 1935.

The new party thus appealed to three of the strongest political emotions known to man: nationalistic patriotism, racial antipathy, and class antagonism. For a generation the first two sentiments had been recklessly exploited by the *Nacionalista* leaders as the Open Sesame to office and power. By the acceptance of the Tydings-McDuffie Act and the development of complete American-Filipino cooperation, which reached its highest point during the Murphy administration, the old parties had abandoned these potent political weapons, at least in their crudest and most effective forms. This was an act of statesmanship—even though it was long overdue and was forced by the decision of America to rid itself of the Philippines. It did, however, make it possible for individuals and groups that had been left outside the old political system to seize the outmoded shibboleths and use them against the parties which had made them politically effective. Benigno Ramos and his associates did precisely this. Furthermore, they added to the slogans "immediate, complete and absolute independence" and "the Philippines for the Filipinos," the theretofore suppressed issue of class feeling. The combination proved to be effective, first in vote getting, later in arousing a small section of the more ignorant masses to violence against the government.

Given the background of the Sakdal movement, it is easy to understand why the uprising of May 2-3, 1935, occurred at that particular time. The Quezon victory in the 1934 elections and the subsequent Quezon-Osmeña coalition had made it evident that there would be no real opposition party within the existing pattern of Philippine politics. The Commonwealth Constitution had been approved by President Roosevelt on March 23 and it was a foregone conclusion that the instrument would be accepted by the

Filipino people at the plebiscite, which had been set for May 14. Thereafter, the establishment of the Commonwealth would follow in short order and, in the Sakdal view, the ruling group would be securely entrenched in power for at least a decade. An uprising before May 14 might delay or prevent the plebiscite and perhaps make it impossible to proceed with the establishment of the Commonwealth. That the Sakdal leaders had the slightest hope that their unarmed and unorganized followers would be successful in seizing the Philippine government seems incredible. That they gambled upon creating sufficient disorder to prevent the execution of the Tydings-McDuffie Act is quite probable. Indeed, there is no other rational explanation of their action in launching their peasant followers upon such a patently hopeless rebellion.[13*]

In order that its bearing upon subsequent political events in the Philippines may be understood, the salient facts about the uprising itself should be clearly apprehended. Briefly, it consisted of the efforts of partially armed mobs to capture the municipal buildings and seize the governments of at least fourteen towns which lie on a rough arc which extends around Manila from Gapan, Nueva Ecija, to Cavite, in the province of that name. Gapan is approximately ninety kilometers north of the metropolis and Cavite about thirty kilometers southwest of it. In eleven of these towns the municipal officials, in some cases aided by very small detachments of Constabulary, dispersed the mobs with little or no bloodshed. In three municipalities the Sakdals succeeded in seizing the *presidencias*. Within a few hours the buildings were retaken by Constabulary forces and the rebels killed, captured, or put to flight.

In these three engagements fifty-nine *Sakdalistas* were killed and thirty-six were wounded; the Constabulary casualties were four killed and eleven wounded. Fifty-three Sakdals lost their lives and nineteen were wounded in one action, that at Cabuyao, Laguna. Because the uprising occurred during the night (May 2-3) and under conditions of great confusion the total number of persons directly involved is not known. A rough estimate based upon official accounts, however, is that all-told the fourteen mobs numbered between 5,000 and 7,000 men and women. How many other *Sakdalistas* were on the prowl that night ready to strike at the exist-

ing government should the uprising develop as they had been told it would will never be known. The Constabulary estimate of the total membership of the Sakdal Party was 68,000.[14]

These figures in themselves demonstrate the utter futility of the Sakdal uprising and the pitiful gullibility of those who were persuaded to participate in it. No informed and thoughtful person could believe that the government of 15,000,000 people could be seriously threatened by scattered mobs of ignorant peasants totalling less than 10,000 and representing an organization much less than 100,000 strong. On the other hand, the ease and despatch with which this widespread assault upon constituted authority was suppressed reveal the ability of the Philippine government to defend itself against an unexpected attack by its own citizens.

The Constabulary headquarters was surprised by the suddenness and extent of the uprising on the night of May 2. Communication between Manila and most of the territory in revolt was broken by the cutting of telegraph and telephone wires. The Acting-Governor-General, the Secretary of the Interior and a number of other members of the Cabinet were far from Manila on inspection trips. Even the Chief of the Constabulary had departed that very evening on an inter-island steamer that could not be reached by wireless.[15*] Yet by the middle of the following morning the Constabulary, directed by an extremely capable chief of staff, had established complete military control over the entire area involved. Only at Cabuyao and Santa Rosa did the troops meet with any threat of real resistance, and in both places the mobs that fired on the soldiers were dispersed within a few minutes. The tragic slaughter at Cabuyao revealed the fate that almost certainly awaits rebellious *taos* who may challenge by force the authority of the government.[16*] Virtually unarmed and without military organization, the *tao* has no chance against the peace forces of the state. In the past this fact has not prevented his revolting against what he conceives to be misgovernment, and probably will not do so in the future. But as long as the Constabulary and the new Philippine Army remain loyal he has no chance of success.

Disquieting, however, to those who are responsible for the maintenance of law and order in the Philippines, is the secrecy

with which the Sakdal rising was accomplished. Although some of them were gravely concerned over the widespread agrarian discontent in central Luzon, the Filipino members of the Cabinet and other high governmental officials had no inkling of what was about to happen. Yet, some of these men are natives of the places where mobs formed and feel that they are still in close touch with the people of their provinces. Despite the thousands of people and extensive territory involved, information that the revolt had been planned for the night of May 2 reached the intelligence section of the Constabulary only on the morning of that day. Two weeks after the event only a few of the men who had actually engineered the uprising had been arrested, and the government never has been able to identify more than a small proportion of the individuals who organized and directed the revolt. The presumption was that the Sakdal leaders in the Philippines were executing orders transmitted to them from Tokyo by Benigno Ramos. Certainly the country was flooded with printed propaganda from Japan. The entire operation, however, was carried on behind a veil of secrecy which never has been wholly lifted. Nothing could more clearly suggest the chasm between the classes in the Philippines, or the danger of revolt that is faced by the minority of "haves" that rule the majority of "have nots." By training and arming a Philippine "citizen army," a considerable portion of which must of necessity come from the dissatisfied classes which promoted and participated in the Sakdal uprising, President Quezon has shown courageous confidence in the ability of these people to understand that his program of "social justice" is intended to improve their position.

Of political significance also is the success with which the promoters of the uprising convinced many of their followers that Japan would aid them against their native "oppressors" and assist them to throw off the domination of the United States. These poor dupes were told that Benigno Ramos had arranged that when they attacked the government Japanese troops would be landed from war vessels and that they would be supported by a great fleet of Japanese airplanes. As the mobs marched against the *presidencias* of provincial towns they eagerly scanned the sky for the promised reinforcements.[17] This expectation is a fair measure of the igno-

rance and credulity of the rank and file of Ramos's followers. More than this, however, it reveals that Filipinos are willing to turn to this Oriental neighbor for aid and comfort against their own government and against the Westerners who have so long been sovereign in their country. In this instance there is no evidence that any agent of the Japanese government encouraged or sanctioned the expectation that Japan would come to the assistance of Filipino rebels. But what a fertile field is the Philippines for the preparation of one of those modern minority movements that can so easily be fanned into a revolt and then made the basis for a fascist intervention!

If the Sakdal uprising was an example of the gullibility of the Filipino *tao*, it also was a revelation of his historically demonstrated willingness to fight for what he conceives to be his country's welfare, for his political rights, or to avenge personal insults and injuries. Immediately after the disorders of May 2-3 an investigation into the uprising and its causes was made by a committee of able and disinterested members of the Malacañan advisory staff. These Americans talked with a large number of the humble peasants whose misguided patriotism had landed them in jail and with many other individuals who had participated in or possessed first-hand knowledge of the revolt. Each man or woman was interviewed alone, assured that his story was desired only in order that the Governor-General might know what had really happened, and promised that whatever he said would be regarded as confidential. There is every reason to believe that the confidence of these simple people was thus won, and that their statements were substantially true. Furthermore, their stories were in such complete agreement with each other, and with known facts, that extensive fabrication or outside instruction was virtually impossible.

Upon the basis of these interviews, and of other evidence gathered during two weeks of intensive investigation, the committee reached the following conclusions as to why these men and women had joined what they had been told would be a national uprising and sought to seize the government:

Fundamentally, the uprising of May 2 and 3, 1935, was due to political factors of long standing. Filipino leaders have advocated immediate independence for thirty years. A belief that immediate inde-

pendence would be delayed and perhaps permanently lost by the establishment of the Commonwealth Government, was fostered by radical leaders and found expression in opposition to the Constitution, the Commonwealth Government, and to the group of Filipino political leaders who are supporting the Constitution and the Commonwealth.

. . .

The Committee has been unable to find any evidence of Communism or radical socialism. The Sakdal leaders have taught their followers to believe that they have been betrayed by the Filipino political leaders and that the Filipino leaders who formerly advocated independence now support the Constitution and the Commonwealth. The rank and file of the radical wing of the Sakdal party now believe that the establishment of the Commonwealth Government is a move to establish and maintain in power a group of Filipino leaders who represent the upper classes and who will oppress the lower classes. They believe that immediate independence would enable the economically depressed classes to eliminate these leaders from politics.

Economic and social factors did not operate to bring about the uprising, other than that the poor economic and social status of the people served to accentuate dissatisfaction with existing political conditions and opposition to the Constitution and the Commonwealth Government.[18]

Other contributory causes of the uprising were listed by the committee, some of them political, others economic. One grievance arose out of the suppression of free speech. The people had been told that they were oppressed in that the Sakdal Party was not allowed to hold political meetings. In the Province of Laguna there was ample basis for this accusation. The provincial governor had prohibited meetings of this party, even on private property. When his order was brought to the attention of the Acting Governor-General and the Secretary of the Interior, the Governor of Laguna was at once directed to rescind it and instructed not to forbid any political meeting unless he had reasonable grounds for believing that it would cause an immediate disturbance of the public peace. The governor did rescind the order, but much delay had occurred and this action did not allay the resentment that had been caused.

Failure on the part of the government adequately to explain the Constitution to the barrio people also contributed to their dis-

satisfaction. True, many of them could not have read the document even had copies of it been placed in their hands, nor could they have understood it if it had been read to them. They were swayed, however, by their radical leaders, who told them that the Constitution would deprive them of their rights as free citizens, that no effort was being made to acquaint them of its contents, and that the plebiscite was being rushed so that orderly opposition to the Constitution could not be organized or made effective.

Many of the Sakdal rank and file believed, too, that with the coming of independence they would be better off economically and socially—that the country would be governed for their benefit instead of for the benefit of the existing upper classes. That these people did not have any very clear idea as to how this change was to occur did not make their belief less genuine.

A few statements that are typical of many made to the committee show the naïveté and genuineness of many of the Sakdals, as well as their belief that independence would be worth almost any sacrifice. One resident of Cabuyao, a man of twenty-two who had never been to school and could not read or write, declared:

> The Chief told me to come into town and help capture the municipality. When we captured it we would have independence. Juan de la Cruz, our leader, said that we could capture it without trouble. I don't know anything about the Constitution. I don't know what the Commonwealth is. They told me independence would be a good thing. No cedula to pay, or a cedula for a peseta. . . . I didn't read the Sakdal because I can't read. I joined the Sakdals and paid them altogether a half peso. [His income was not more than five pesos per month and he had a wife and child to support.] Juan de la Cruz was the collector. He said the money was to be used to get independence and that it was a good thing.

Another prisoner at Cabuyao, a man of forty who had gone to school for two years and could read and write, stated:

> We came in because we understood if we captured the town we could have independence. We expected no opposition. The Jones Law promised independence, so we came in to take it. I don't want the Constitution because it is only a promise. I'm opposed to the government of the United States. I have no objection to the way we have been treated, but we want liberty. We were forbidden to hold a meeting at Mamatid. The Governor-General heard of it and

said we could hold it. If we have independence we can take the land from foreigners.

Another young man of Cabuyao, who had finished the fourth grade of the public schools and was more prosperous than many of his fellow Sakdals, gave an excellent statement of the motives that moved him to revolt:

I don't know anything about the Constitution. I am opposed to the present administration because of the principles of our leaders. They are against it, so am I. I was denied the right of free speech and assembly on April 6th. Our leaders tell us that foreign business kills the business in the Philippine Islands. I think it better to have our own government. . . . Ramos was in Japan making arrangements for assistance in arms and men to take over the government and get independence. . . . Ramos would come with a hundred airplanes and men and ammunition on the morning of the third. They said the Scouts and Constabulary would assist in taking over the government. I am a Sakdal. I gave them about two pesos. Under independence I would pay no taxes. No cedula. Business would be in the hands of Filipinos.

A woman leader who had been through the fifth grade in the public schools and was the mother of five children told a story that illustrates how independence has been made to seem the open door to easier conditions of living. She said: "We cannot send the children to school without money. Times are bad. What mother wouldn't send her children to school if she could." Then follows an all too common tale of exploitation by a rapacious landlord, an inefficient, or possibly fake surveyor, a usurer and a shyster lawyer. As a result of being bled by these vampires, "We haven't been able to pay the land tax for four or five years. My husband was put in jail because he had no cedula. We are against the Constitution. We are against the leaders because they promise us independence and never get it. We think there is no hope for us in our hardships without independence." This woman was "home, putting her children to sleep" when she was called upon to join the mob at Cabuyao.

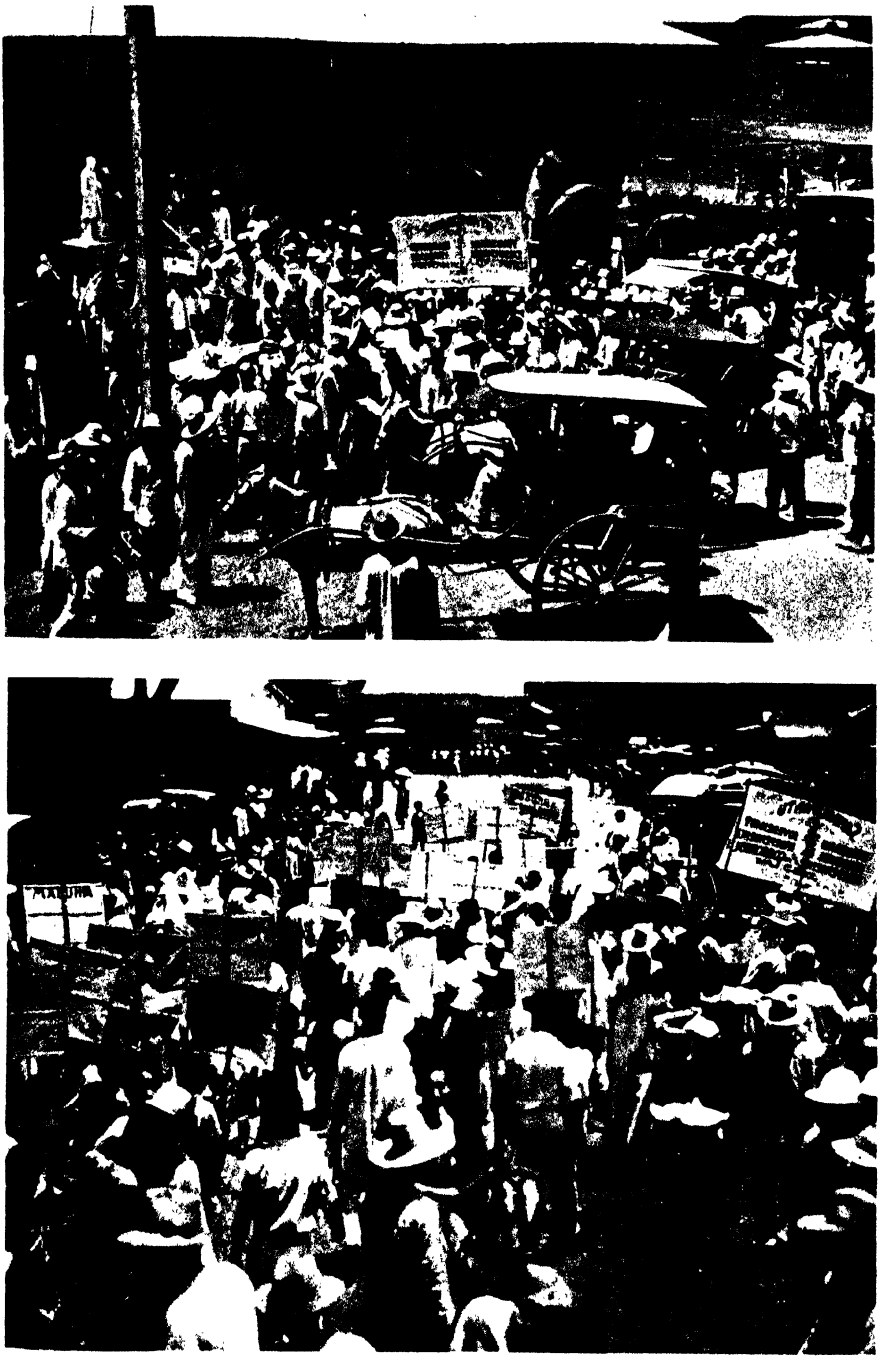
Another man with a second grade schooling expressed the sentimental desire for independence that Filipinos share with the people of every nation: "I want immediate independence," he de-

clared. "I want our country to be free so we can show ourselves on equal terms with other countries. I am opposed to the present leaders because they put in the Commonwealth. I don't want it. It would be sweet to my heart to have independence even if I with my children should suffer every kind of hardship." This man also expressed a feeling that was shared by many of his fellows when he said: "We didn't settle this like they do in America with the ballot because in America they count the ballots fairly. Here I have no confidence in the ballots being counted." He ended his statement by expressing a trust in the beneficent effects of "independence" that was as sincere as it is touching: "Under independence they [the ballots] would be counted because everyone would purify himself inside."

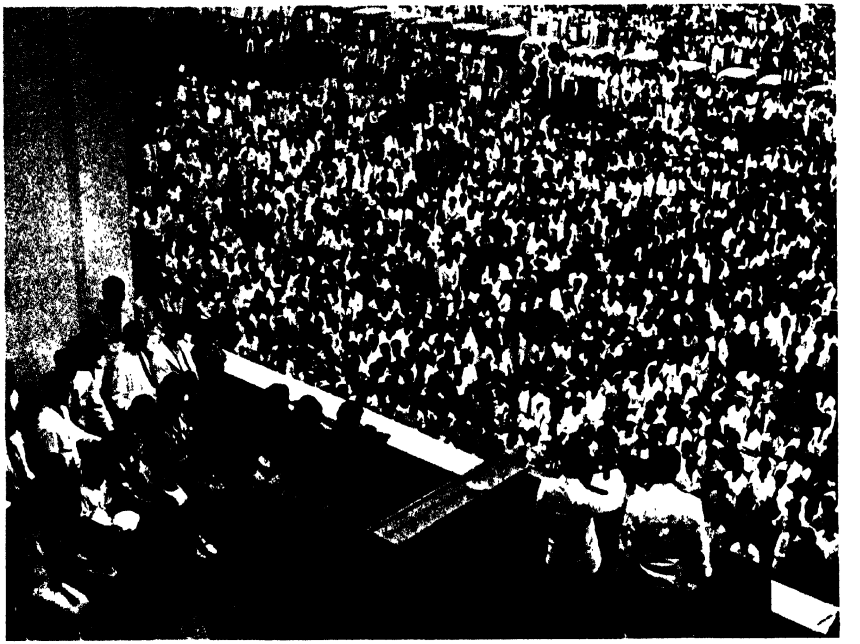
Other statements regarding independence repeat the same ideas in slightly varied form:

> If the Filipinos keep quiet the Jones Law will be put aside and the Commonwealth put in. Under independence I believe that we would have better business and better harvest because it would be our own.
>
> . . .
>
> I oppose the Constitution because we want independence. It is a good thing because living will be easy under independence.
>
> . . . .
>
> We were told if we had independence it would be easy to make a living. . . . If we had succeeded we were just going to have independence, but I don't know what that is.
>
> . . .
>
> I'm poorer now than before. No chance to make money. I am opposed to the Constitution. Ramos says it is no good because under it we are not given independence. Every election they renew the independence promise, but we never get it. . . . We asked the *Presidente* to turn over the municipality so that we could show the American people that we really want independence. . . . Our chief told us that we had independence. I went to sleep happy and peaceful because we had independence.

One of this man's companions, however, was not so happy at what "independence" had brought him. He said:



A SAKDAL DEMONSTRATION, NUEVA ECIJA, 1935



Cebu City



Catbalogan, Samar

Thursday night we were invited into town by our leaders, who told us we had independence. They told us there would be no head breaking. The Constabulary came and shot at us. The Constabulary say the Sakdals shot first. I don't know, I had my head on the ground. If every day of independence will be like this I go out and hide.

The statements quoted are typical of the attitude of countless thousands of Filipinos towards that "independence" which for forty years has been represented to them as synonymous with national honor and personal happiness. Upon hundreds of occasions over a period of fifteen years the author has heard similar sentiments expressed by Filipinos in all parts of the Islands. Never, however, has he heard the faith of the common man in this magic word so convincingly and dramatically expressed as it was a few days after the Sakdal uprising by a prisoner in the provincial jail at Malolos, Bulacan. This man had been a leader of the mob that captured the *Presidencia* at San Ildefenso. He was about forty-five years of age, had been through the first four grades of the public schools, and before he was arrested had made a fair living as a small-town tailor. His bearing and speech were marked by that combination of grave dignity and courtesy that is so common among his people. His cellmate was his son, a handsome youth of eighteen or twenty, who had likewise obeyed the call of the Sakdal chieftains.

After a long conversation concerning the events which had brought this father and son to their unhappy situation, I pointed out to him the futility of the revolt in which he had participated, the lives that it had cost, the grief and suffering that it had caused, and the ruin that it had made of his life and that of his boy. "Do you think it was worth it? Aren't you sorry that all this has happened?" I enquired. "No sir," he replied, "I am not sorry. We have shown that we have rights. We know that we have rights and are willing to die for them. We have shown America that the Filipinos want their independence. I do not care if we go to Bilibid for a long time. I do not care if we were killed."

There was no bombast in this statement. No reporter was present to advertise the speaker as a patriot and a martyr. This Filipino Nathan Hale was not running for any office and had never been a "politico." He was representative of hundreds of

thousands of his compatriots, however, the poor, unknown, individually inconsequential people who are as willing as was any Revolutionary American to die for their country, and who in the end will rise against oppressors, whether foreign or Filipino.

That oppression and abuse by local *caciques,* whether officials, landlords or usurers—and the three are sometimes combined in one person or family—was one of the causes of the Sakdal uprising is not doubted by those who know intimately the life of the area affected. As has been stated, significant events in the Philippines in a surprising number of instances arise from distant, obscure personal motives. As a rule only the initiated few can trace the connection between the initial cause and the ultimate effect. Seldom, indeed, is an American official able to do so. The investigators of the tragic incident at Cabuyao, however, stumbled upon one of the sinister chains of events which in this community led from persecution to revolt. The issue of the "Free Filipinos," a violent propaganda sheet published in Japan by Benigno Ramos, many copies of which were received by residents of Santa Rosa and Cabuyao shortly before May 2, 1935, contained a photograph dated December 9, 1933, which pictured six men in striped prison garb working on a public road. The photograph appeared under the caption, *In the Land Where People Are Like Horses—With Documents of Slavery.* Underneath the picture appeared the following explanation:

This picture was taken secretly while these unfortunate people were working on the streets. In the Philippines people are obliged to pay cedula (poll) tax, or document to prove that they are slaves of American domination. Failure means that the two pesos will become four pesos with the court's fees. For each cedula a man is put in jail and forced to don the cloth which is only ordered for the criminals, as you see in the picture. The cedula is a tax originated by the Spanish domination, and because the Filipinos are still under white domination so the cedula is still maintained despite the people's unceasing protest. Even if the people could afford to pay, they volunteered themselves to be put in jail as a silent but vehement protest against this slave-document.

The six persons whose likenesses appeared in this photograph were identified as leaders of the uprising at Cabuyao. One of them, Juan de la Cruz, was the outstanding fomenter of unrest in the

municipality and was killed while leading the mob that captured the *presidencia.* Another, Dominador Algabre, belonged to the family that was most prominently connected with the local *Sakdalistas* and aided in directing the revolt. The police court records of Cabuyao for 1933 show that all six of these Sakdal leaders had been convicted of non-payment of the cedula tax and sentenced to the payment of a monetary sum, or in lieu thereof to imprisonment for terms ranging from five to ten days. The imposition of striped prison garb in such cases was prescribed by orders and instructions of the Executive Bureau in the Department of the Interior. The public records also show that out of more than five hundred cedula tax delinquents of the locality final court action was taken against only twelve.

Why were these twelve citizens selected for ignominious punishment? Was it because they were Sakdals? Had they run foul of the local *caciques* by standing up for their rights, and by their resistance to oppression threatened the whole system of *caciquism?* Did the local satraps feel it necessary to put them in their proper place? Investigation failed to disclose the answer to these questions. Juan de la Cruz had been killed behind the wall of the Cabuyao Church. Others knew that they would have to live in that community after the Commonwealth had put the government in the hands of the Filipinos against whom they had revolted. The circumstances that led up to the public humiliation of these six are unknown. But the connection between their punishment and the attack upon authority that left seventy-two dead and wounded *taos* in the Cabuyao churchyard is plain enough.

Were the incident of the six tax delinquents unique as a cause of unrest in the Philippines, it would not be worthy of serious consideration. Far from being unique, however, it is an excellent example of the abuse of power, political and economic, that is still an integral part of the organization of society in many parts of the Philippines, and of the reaction ultimately produced by such abuses. During forty years of American sovereignty *caciquism* has been reduced in extent, softened in its methods, and morally discredited with a growing proportion of the people. It still exists, however, because it springs from roots of character and custom that are too deep seated to be destroyed in one generation, or in

two. But the victims of this system are increasingly determined to end it.

Speaking of the Tangulan uprising at Tayug in 1931, the late Governor John C. Early, who knew the common people of the Philippines as well as any American, declared that probably the chief cause of that outbreak was agrarian abuses, one of the most common manifestations of *caciquism.*

> Take away a man's land and he is desperate [Governor Early said]. This is an old condition in that region. Other parts of Pangasinan, Tarlac and Nueva Ecija are just as bad. The whole of central Luzon is ready for an uprising. It needs leadership only. Sandiko [General Geodoro Sandiko, an officer in the Revolution of 1899, leader of the tenant farmers of Bulacan, Vice President of the Constitutional Convention] has said that land troubles in central Luzon would not be settled as long as the Americans remain, but will soon be dealt with after they leave. The Americans, General Sandiko says, have too much respect for property and property rights. Let the United States get out, and the oppressed will soon right things with the bolo.[19]

The Sakdal uprising was a blow against *caciquism* as well as for independence. In the minds of the masses, *caciquism* is linked with the American domination, whether under the Jones Law or the Commonwealth. Messrs. Quezon, Osmeña, Roxas, Paredes and their associates have been pictured to the *tao* as the "slaves" and the "super-servants" of the Americans, traitors who wish to continue American rule in order that under the protection of American bayonets they and their class may exploit the masses of their own people. The "have nots" have been told and many of them believe that once America withdraws they can deal with their own "tyrants." They would prefer to improve their lot by ballots, but if effective political action is rendered impossible by the elimination of any genuine opposition party and by controlled elections, they are ready to resort to bullets and bolos. This is the political lesson to be drawn from the Sakdal uprising which, so far as the rank and file is concerned, was a tragic gesture by humble, misled men and women who risked their all in order to defend their rights as citizens and perform their duty as patriots.

CHAPTER XVI *

THE FIRST PRESIDENTIAL ELECTION

THE Sakdal uprising of May 2-3, 1935, failed to alter the plans of the government for the plebiscite on the Constitution. This election, held as scheduled on May 14, resulted in an overwhelming approval of the organic law of the Commonwealth. Moreover, the revolt destroyed any chance the *Sakdalistas* may have had of assuming the role of a genuine opposition party in the first Commonwealth elections, which were to be held on September 18, 1935. Study of efforts to develop such a party, therefore, turns after May 2 from the organized proletariat, as represented by the Sakdals, to the Old Revolutionaries who were also seeking to gain control over the Commonwealth government, or at least to establish themselves as the leaders of a strong opposition political party.

Of the Revolutionary Heroes—those who led in the Filipino struggles against Spain in 1896 and against the United States three years later—only two remained as first-rate national figures. These were General Emilio Aguinaldo, known to all the world as the President of the first Philippine Republic and commander of the Revolutionary forces, and the late Bishop Gregorio Aglipay, one time Chaplain General of the Philippine Army and subsequently the founder and "*Obispo Maximo*" of the Independent Church of the Philippines. Neither had participated in the national political leadership after the destruction of the Republic. Both now stepped forth from the pages of history determined to wrest control of the approaching Commonwealth from the statesmen who had dominated the country during the three decades between the surrender at Palanan and the acceptance of the new Constitution.

There had been little in the post-Revolutionary career of the

* *The notes of this chapter begin on p. 917. Subject matter notes are indicated by an asterisk.*

General or the Bishop to indicate that they were qualified to guide the destiny of the nation during the critical period of the Commonwealth. After Aguinaldo had taken the oath of allegiance to the United States in 1901, he retired to private life and devoted his energies to the development of his large hacienda in Cavite. He did not, however, pass into obscurity. Through the years he became a sort of permanent first unofficial citizen of the Philippines. His mansion on the shore of Manila Bay some kilometers from the capital, if not a national shrine, was at least a residence of more than private significance. On the ceiling of its great *sala* was painted the flag of the Republic, and there it was allowed to "fly" during the years when the law prohibited its display anywhere in the Philippines. Twin cannon pointing out over the bay recalled the military exploits of the General. In Manila another imposing residence was presented to the ex-President by popular subscription. A grateful nation conferred an annual pension of ₱12,000 upon its hero, presumably for life. Official and unofficial visitors of rank recognized his position by calls of ceremony, which may have been of greater political significance to him than to them. His own people paid him a deference with which no other was honored. He was, in short, universally recognized as a living symbol of his country's armed struggle for nationhood and independence.

Until 1935 General Aguinaldo, on the whole, played with fidelity the symbolic part that had been assigned him by general consent. While many of his associates embarked upon political careers by plunging into the huge task of remaking the country in collaboration with the Americans, and at the same time continuing in the political field the struggle for independence, Aguinaldo shunned political activities and party affiliations. Only at times of crisis did he raise his voice in national affairs. Then he spoke to urge caution and self-restraint. During the bitter struggle between Governor-General Wood and President Quezon, the General openly gave his support to the American chief executive and warned his people against a course that might end in noncooperation or even violence. Then, as at other times, he seemed to feel that he occupied the position of an elder statesman comparable to that of the Japanese Genro. He may have done so in

the minds of many of the people, but while the Genro are consulted by the Japanese government about all matters of supreme national importance, the Filipino political leaders consulted Aguinaldo about nothing. He stood completely apart from the political parties, the legislature, the cabinet—from all of the political system that was developed under the American regime. Hence, while he enjoyed a certain amount of influence as a venerated figure, he possessed no actual political power. The writer well remembers Mr. Quezon's attitude in 1926 towards Aguinaldo as a possible political opponent. "Let him put his cause before the voters, and I will put mine before the same judges," the Senate President said. "I will beat him in every district in the Islands." There could, indeed, be no doubt that in a struggle to be decided at the polls the retired general would have no chance against one of the most successful politicians of our time.

But would the ex-President's bid for power, should it ever be made, necessarily be decided at the polls? In the minds of many Filipinos, especially those who had lived through the Revolutionary period, there lurked a disturbing doubt upon this point. Justly or unjustly, it is widely believed in the Philippines that Aguinaldo rose to supreme power in the Republic by causing the removal of his chief political rival, Andrés Bonifacio, through the instrumentality of a drum head court-martial; and that at a later date he maintained himself in command of the army by procuring the assassination of General Luna when the latter seemed to be threatening his hold upon the troops. Nor has the older generation forgotten that during the struggle with the United States wavering Filipinos were kept in line by savage terrorism that was at least sanctioned by the President of the Republic. Not infrequently was heard the prediction that should the United States prematurely withdraw from the Islands, "The bloody sword of Aguinaldo will wave again." In these circumstances, it is not surprising that there existed in the country a latent fear, especially among the older people, that conditions might arise under which the depressed masses, many of whom believed that in the absence of the American Army they could right their wrongs with the bolo, would seek to seize the government of an independent Philippines under the leadership of the Revolutionary generals.

Whatever fears of this sort existed were implicit in the record of General Aguinaldo and in the character that has been attributed to him by some of his countrymen. Doubt that in a free Philippines political differences would always be settled by peaceful methods also grew out of the fact that complete faith in the efficacy of the institutions of representative democracy can hardly be instilled in any group that was born in a tyrannical autocracy and reared in an atmosphere of physical violence. This had been the lot of those Filipinos who had lived through the last decade of the Spanish domination and the first few years of the American regime. By no overt word or act had Aguinaldo given ground for suspicion that he would ever again aspire to political power, let alone seek to seize it by violence.

At one time or another almost every political party and many politicians had attempted to exploit for their own purposes the name of the Revolutionary leader, but always without success. Aguinaldo's only national affiliation was with *Los Veteranos de la Revolucion Filipina*, the G.A.R. of the Philippines. Aguinaldo's *Veteranos* were avowedly non-political, and actually were not controlled by any party. For the most part they were still the followers of their old chieftain and most of their leaders were bound to him by close personal ties. Although by 1935 their numbers and influence had diminished, they still mustered thousands of members, organized in 546 "departments" scattered throughout the Archipelago. Although past the prime of life, many of the *Veteranos* were persons of national or local influence. Obviously such an organization might take a significant part in any struggle for power upon which its leader might embark.

In 1923 at a reception in Malacañan, the official residence of the Philippine chief executive since the latter part of the Spanish regime, Aguinaldo was chatting with an American friend. Indicating the rooms adjoining the great central hall, the General explained that he had once lived there for a number of months—as a prisoner of war. "Ah, General," the friend observed, "someday you may again live in Malacañang!" With an intent look which betrayed that the remark had struck home, Aguinaldo replied, "*Quien sabe, Amigo.*" It seems probable, indeed, that the President of the Philippine Republic of the past had never ceased

to regard himself as the natural choice of the people for the first position in the Republic of the future. By establishing the date of independence as 1946, the Tydings-McDuffie Act placed the presidency of the second Republic beyond the probable reach of a man who in 1935 was already in his sixty-sixth year. If Aguinaldo's destiny was to be fulfilled, he must become the first President of the Commonwealth. Perhaps later the date of independence might be advanced and the Republic reestablished before the expiration of his six-year term.

Although of lesser stature than Aguinaldo, as a national figure Bishop Gregorio Aglipay had also played an important part in the life of his people. A priest of Rome in the days of the Spanish domination, he defied the ecclesiastical hierarchy and was excommunicated. As Chaplain General of the army of the Philippine Republic, Aglipay more than once fought in the trenches alongside Aguinaldo's soldiers, and he was one of the last of the leaders to submit to American rule. Later, he organized and became the head of the Philippine Independent Church, whose members came to be known as the *Aglipayanos*. Based upon aggressive Philippine nationalism, the *Aglipayanos* in 1903 claimed a membership of some 3,000,000 communicants. The census of 1918 estimated their membership as 1,417,448; that of 1939, as 1,573,608. Although strongest in the Ilocano Provinces, the home territory of Monsignor Aglipay, the Philippine Independent Church has congregations throughout the Philippines. Most of the *Aglipayanos* are drawn from the humbler classes.

In 1935 whatever political influence Bishop Aglipay may have had was not much broader than the membership of the religious organization which he headed. In viewing the alignment of the people with reference to the political issues of 1935, however, it should be remembered that this church was founded upon the intensely nationalistic feelings of the Filipino masses and that the large majority of its members are from the less educated and prosperous classes of society. This means that in 1935 the *Aglipayanos* as a whole probably were receptive to propaganda based upon charges that the dominant national leaders had accepted a "fake" independence in order to retain their political power and continue their exploitation of the masses of the people.

Upon the eve of the Commonwealth, therefore, the only political opposition to the Quezon-Osmeña coalition was that offered by the Revolutionary general and the Revolutionary-nationalist bishop, and their respective followers. This opposition was of a very different character from that which is found in the normal, democratic state. Its leaders were not politicians and had enjoyed no previous experience in either politics or governmental administration, in the modern sense. Neither of them had behind him any party organization. Neither commanded any considerable funds. Neither possessed the experience or imagination necessary to create a national political program in terms of the needs of a modern state. Neither was familiar with the procedures and techniques which are necessary for the execution of such a program.

As political capital, Aguinaldo and Aglipay shared the ideal of independence, the issue that for four decades had completely dominated Philippine politics; and their historical association with the Philippine Republic. These Revolutionary leaders who had been completely dissociated from the government were also in a position to become the political beneficiaries of all of the disillusionments, disappointments and antipathies that the controlling statesmen and parties had accumulated during almost two generations of power. Their followers, in the main, were drawn from those classes which had been below the level of effective participation in the government of their country and which had benefited the least, or at any rate the least obviously, from the progress of the American era. Many thousands of such people had lost faith in the government and in the national leaders who controlled it. These disillusioned citizens were ready to turn to personages, ideas and methods of action that were largely those of the old Philippines.

Aguinaldo and Aglipay, especially Aguinaldo, represented elements in the life of the Philippine nation which all Filipinos treasure. The question that was put to the Philippine electorate by their candidacies for the Commonwealth presidency was whether the voters wished their country to be dominated in 1935 by the leaders and the ideas of 1900. In the first electoral campaign for the national offices of the Commonwealth Aguinaldo and Aglipay thus represented the "have nots" as against the "haves," yesterday as

against today, and, in Philippine politics and government, the amateur as against the professional.

That these two relics of the past should have entered upon such an undertaking and have commanded the support of a substantial portion of the nation in it is a remarkable demonstration of the vitality of their personalities and the hold that what they stood for has upon the hearts and minds of the Filipino people. The strength of the candidacies of General Aguinaldo and Archbishop Aglipay for the first presidency of the Commonwealth may be regarded by some observers as indicative of a widespread lack of understanding among the Filipino people as to the nature of the problems faced by modern governments and the qualifications which statesmen must have if they are to deal with them successfully.

In weighing this evidence of inadequate preparation for democratic self-government, however, account should be taken of the fact that a considerable proportion of the support for these two candidates probably came from people who voted for them as a protest against the Quezon-Osmeña combination without any expectation that either the General or the Bishop would be elected. No other means of registering disapproval of the dominant leaders was open to Philippine voters after the absorption of the *Democratas* and the coalition of the *Pro-* and the *Anti-Nacionalistas.* There being no established opposition party to turn to, it is neither surprising nor necessarily indicative of a lack of political judgment that a respectable minority of electors should manifest their dissatisfaction with the existing regime by voting for personal candidates who, however useful they may have been in their proper roles, were unqualified for the particular position which they sought.

The outcome of the first Commonwealth elections, which were held on September 18, 1935, was a foregone conclusion. Few persons doubted that the Quezon-Osmeña coalition would be overwhelmingly victorious at the polls, and the results were those which were generally expected. Nevertheless, this electoral struggle and its aftermath constitute an interesting episode in the political development of the Filipino people. They illustrate the politically unhealthy, possibly dangerous, results which follow the continued

subordination of the numerous issues upon which parties ordinarily divide by the presence of one issue of such transcendent importance that all parties sink their differences and abandon their normal functions in order to unite upon it.

Prior to the acceptance of the Tydings-McDuffie Act, the struggle to secure a grant of independence from the United States constituted such an issue. Once independence had been granted and the date fixed, it might have been expected that at least two independent and vigorous Philippine parties would have been founded upon normal economic and political questions. As has been recounted, however, the need for national unity during the difficult transition period of the Commonwealth replaced the cause of independence as a reason, or at least an excuse, for abandoning efforts to establish a two-party system. A plausible case could be made out for concentrating all governmental power in one party controlled by one man, or at the most by a very small group of national leaders.

Perhaps the dangers of the Commonwealth period are really great enough to justify the Quezon-Osmeña postponement of the establishment of a normal party system. Or, it may be that the habit of swallowing the opposition rather than fighting it has become so fixed that Mr. Quezon and his associates cannot break themselves of it. In either case, the situation illustrates a fact not always fully appreciated, i.e., that even when granted independence a colony cannot quickly or easily rid itself of all the political abnormalities that it has developed during its dependent status. The election of 1935 is significant, too, as a phase of the efforts being made to establish a genuine party of opposition in the Philippines; and as an attempt by the leaders of the old Philippine Republic to gain control of the Commonwealth and of the Republic projected for 1946.

Apparently preparations to run Aguinaldo for the Commonwealth presidency were quietly carried on during most of the last quarter of 1934. The *Partido Filipinista*, organized and directed chiefly by *Veteranos*, was established for the purpose of sponsoring his candidacy, and "Aguinaldo for the Commonwealth Presidency" clubs were set up both in Manila and in the provinces.[1*] Reports were common that repeated political conferences were

being held at General Aguinaldo's home in Kawit. The General, however, more than once declared that he did not belong to the new party, had not encouraged any movement to draft him as a candidate for the presidency, and did not intend to emerge from political retirement.

Nevertheless, he continued his vigorous attacks upon the Tydings-McDuffie Act and made himself the leader of those who desired to campaign actively for its immediate amendment. On December 23, 1934, the Congressional mission then in the Philippines under the chairmanship of Senator Millard E. Tydings made a pilgrimage to Aguinaldo's home, accompanied by the Governor-General and many of the highest officials of the Insular Government. The mission conferred privately with General Aguinaldo, and later Senator Tydings and the General addressed a great crowd of people who had gathered at the home of the Revolutionary hero. Aguinaldo repeated his demands that independence be granted in from three to five years and that reciprocal trade relations then be established between the United States and the Philippine Republic. A petition in the same vein was presented to the mission by the Veterans' Association. Such a meeting as this could not have been held at the home of any other Filipino, not even President Quezon's. The whole remarkable performance —and from time to time there were others of a similar character— could hardly have failed to strengthen both Aguinaldo and his devoted followers in their view that he was a spokesman for the Filipino people who stood apart from and above the parties and the politicians.

The launching of General Aguinaldo's candidacy was at all points an amateur performance. The first five months of 1935 were spent in a somewhat humiliating search for a vice-presidential running mate for him, in seeking to unite half a dozen small opposition groups under his banner, and in securing his formal acceptance of the nomination. In May, 1935, at a great banquet tendered him in Manila he surprised and disappointed his followers by declining to be a candidate. In commenting later upon this unexpected refusal, the *Philippines Free Press* ironically observed that "In declining the 'great honor,' as he modestly called the offer at the time, General Aguinaldo spoke in such a tone of humility that

not a few representatives felt convinced that he was in reality an old hand at politics." The General offered his lack of political experience and financial resources, as contrasted with those of his chief opponent, as reasons for "choosing not to run."

The speakers who have preceded me [he said in part] and a legion of compatriots ask me that I accept the candidacy for the presidency of the commonwealth. My dear brothers: I shall open my heart to you now. I have not been nor am I a politician, a capacity which he must have who would aspire to a position of this nature. After the acceptance of the peace imposed by force, I returned completely to private life, not without following step by step the campaign for our independence on constitutional grounds, and without denying my modest help in these campaigns.

Without being a politician, without knowing the vicissitudes of politics, without financial resources, without possessing the art of creating "issues" which can win me the favor and sympathy of the electorate and the election leaders, without the support of a political organization having ramifications in all the municipalities and provinces of the archipelago, how can you think, my brothers, of making me a standardbearer for an exalted post, and nothing less [than] to clash with the most eminent politician of our country? [2]

Less than a month later, after half a year of "false starts and timid stops," the Revolutionary leader reversed his position and announced his decision to enter the campaign. Speaking to a vast crowd gathered about the historic house at Kawit, Aguinaldo declared:

I believe I said in my speech in the Opera House what I think regarding the presidential candidacy that is offered me. Now, however, against my desires and inclinations, I have no other recourse than to respond to the clamor of the masses who compel me to leave my retirement in my home where I have found shelter for the last 34 years and now continue in the constitutional field that great task started by our two revolutions for independence.

Upon accepting the nomination I can offer no other guarantee but my humble past. If the country thinks that yesterday I was the interpreter and executor of its libertarian aspirations, the people can rest assured that I will not be deviated from the route already traced until we achieve the speedy and final redemption of the fatherland.

My candidacy, therefore, is now placed in the hands of the people who will decide if they approve the quick restoration of the

republic that we founded at the cost of untold sacrifices, *or* if they prefer to continue with the present leadership in our public affairs.

God save my country! [3]

These statements have been quoted for two reasons. Their flowery verbiage conveys something of the atmosphere that surrounds Aguinaldo, the older political leaders of the Philippines, and practically all appeals addressed to the masses of the people. Their substance reveals the General's conception of the role that he had finally assumed: the role of a national saviour called forth by popular demand to battle conniving, wealth supported politicians backed by an all-pervasive organization, and, at a stroke, to restore the historic Philippine Republic. This undertaking, patently hopeless in the Philippines of 1935, had in it elements of the heroic, elements that are a vital part of the character of Aguinaldo and his people. Whatever part motives of personal ambition may have played in Aguinaldo's decision to run for the presidency, the writer believes that in the main it was founded upon patriotism. Were this not the case it is improbable that the esteem in which Aguinaldo is held as a great national figure could have survived such a futile effort to turn back the pages of history. And survive it did, because few of his countrymen doubted the old chieftain's sincerity of purpose in entering the field of politics. Even his active opponents recognized his courage in daring to oppose the all-powerful Quezon-Osmeña combination.[4*] It was, indeed, Aguinaldo's sincerity, his sense of mission, that, coupled with his reputation for ruthlessness in the application of force, caused his campaign to be taken seriously even by those who knew that he could not possibly win at the polls.

In the campaign Aguinaldo and Aglipay ran independently against President Quezon and, ostensibly, against each other. The Bishop had originally intended to support his former commander-in-chief. Later, however, he declared that he had to run "on account of the insistence" of his followers, and that he was "in the fight to win." To "beat Quezon," restore justice, defend the poor, repudiate the acceptance of the "Independence Bill," and secure immediate independence were the chief planks in his platform.[5*] However, bearing in mind that in the northern provinces dominated by the Ilocanos, who are the backbone of the Philippine

Independent Church, there is still antipathy towards General Aguinaldo because of a widespread belief that he caused the assassination of General Luna, the explanation of the Aglipay candidacy given by Secretary Elpidio Quirino is probably sound. "It is easy to understand the candidacy of Bishop Aglipay," declared the Cabinet member from the Ilocano area. "Votes that will not go to General Aguinaldo and which should go to President Quezon, will now be cast in favor of Bishop Aglipay. In this way what General Aguinaldo will lose will not go to Senate President Quezon. There will be many Aglipayan votes, especially in Ilocos Norte and Isabela, also Abra, Ilocos Sur, Cagayan, LaUnion, and Nueva Viscaya." [6*] To put the matter baldly, Bishop Aglipay ran independently because while he could take the votes of a large proportion of his followers away from President Quezon, he could not deliver them to General Aguinaldo. His supporters created an organization, called the Republican Party, to conduct his campaign, but Bishop Aglipay received few votes outside his own Church.

Although the two Revolutionary candidates ran independently of each other, great efforts were made to combine all the other anti-coalition groups under General Aguinaldo's banner. Late in June representatives of the Socialist Party of Manila, the Philippine Fascists, the National Labor Party, the Cigar Makers' Civic League, the Young Philippines, the Radical Party, and other groups sought in vain to reach an agreement under which they should join forces to fight the Quezon-Osmeña combination. Aguinaldo's managers, naturally, sought to unite them with his National Socialist Party. Radical minorities are no easier to combine in the Philippines than elsewhere, however, and the difficulties that beset those who sought to oppose the dominant leaders are well illustrated by a statement made by Representative Alfonso E. Mendoza at a meeting which sought to form a "league of small parties" to be called the "Anti-Coalition Alliance."

> In fighting the coalition [Representative Mendoza said] our aim is to form a vigorous minority in the islands which is essential to every democracy. I agree to the formation of the anti-coalition league if it will be for the purpose of fighting the Quezon-Osmeña combination, but I certainly do not agree to making the league commit itself to carrying the Aguinaldo banner.[7]

Most of these so-called parties, however, were little more than groups of minor politicians aligned behind personal leaders. Even had they been able to unite they would not have made a formidable minority, and they showed no firm purpose to sink their particular purposes for any common cause.

More important than the hopeless effort to fuse these Manila groups into a unified opposition party were the relations between Aguinaldo's National Socialist Party and the Sakdals. On the day following the Sakdal uprising the General requested the postponement of a political banquet planned in his honor for May 4. He declared that the revolt was "regrettable," and "ill advised." Responsible leaders in his circle were reported to have stated that it would now be necessary to discard the Sakdals from the list of his supporters. "This does not mean, however," they were quoted as having said, "that we would repudiate the votes of qualified voters who before the law are as honest citizens as the rest of us." [8]

Shortly afterwards in a statement addressed to "Brother Sakdalistas," General Aguinaldo strongly expressed the view that violence such as that of May 2-3 would injure, rather than advance, the cause of early independence which, he assumed, the Sakdals as well as those of their fellow countrymen whom they had attacked desired to further. Later, the *Sakdalistas* were invited to join the Aguinaldo forces. Celernio Tiongco, former acting head of the party who was then awaiting trial for sedition, sat on the platform at the great Manila meeting at which the National Socialist candidates were "proclaimed."

The Sakdals, however, had been badly disorganized by the abortive revolt. Many of their leaders were either in jail or on the run, while all of them, for the time being at any rate, were discredited because they had led, or rather pushed, their more ignorant followers into a futile revolt in which they had not personally participated. One wing of the party favored a return to their old policy of abstaining from normal political activity; another advocated the support of either Aguinaldo or Aglipay in the Commonwealth elections. Local groups of Sakdals held mass meetings and pledged their support to Aguinaldo, in one case, at least, justifying the recent uprising. The result was that while the Sakdal Party did not formally join hands with the National Socialists, there

was a widespread feeling that Aguinaldo would receive a heavy *Sakdalista* vote. There was also a lurking fear that should the struggle be carried beyond the ballot boxes, many Sakdals would be found ranged behind the old Revolutionary chieftain.[9*]

Once committed to candidacy for the presidency of the Commonwealth, Aguinaldo carried on his campaign with vigor. His running mate, the candidate for the vice presidency on the National Socialist ticket, was Judge Raymundo Melliza of Iloilo. Candidate Melliza was an aged retired Judge who had served on the bench under both the Spanish and the American regimes, and had participated in the revolution against the United States. Like his chief, he represented a past era. A Filipino political commentator declared that "he has been temporarily forced out of retirement in order to give some semblance of respectability to a ticket otherwise devoid of political merit." [10] It may be presumed, too, that the selection of Judge Melliza was a bid for the Visayan vote.

The three main grounds upon which General Aguinaldo appealed to the voters accurately reflected the attitudes and desires of the minority which wished to repudiate the existing national leadership. The General bitterly attacked the Quezon-Osmeña administration; he accused the leaders of betraying the cause of independence and advocated a shortening of the transition period to from three to five years; he charged President Quezon and his associates with neglecting and exploiting the common people and promised to make the welfare of the masses the first concern of his government. "Turn the rascals out! Restore the Republic! Let the people rule!" General Aguinaldo's campaign speeches and statements were variations upon these themes. His "43 point platform" was an elaboration of them.[11] This document, however, except for its proposals that the Commonwealth period be shortened, that a national lottery be established, and that land be taxed upon its productivity rather than its value, might have been adopted by the Coalition itself. For the most part it was either platitudinous or general, expressing aspirations to which all would agree and no one be able to achieve. In this respect, the declaration was not materially different from the average party platform.

Aguinaldo's campaign took him into every important region of the Archipelago. Practically everywhere his local "leaders" were

for the most part *Veteranos*. In most places they turned out fair-sized crowds for their chieftain, but in many cases, especially in the Visayas, it was reported that the people came merely to see Aguinaldo, the historic Revolutionary figure, rather than to support him as a candidate for office. Failure to realize this fact may have contributed to the General's overestimate of the vote that he might expect to receive. Unlike almost all of his compatriots, Aguinaldo is not an effective public speaker. "Aguinaldo, as a campaigner, is a colossal flop," declared the political correspondent of the *Philippine Herald*. "He has no voice that even remotely implies oratory, he has no command of any language that even remotely entitles him to use it atop a platform, and he has no stage presence. His personal appearances, observers say, have lost rather than won him votes." [12] This statement is hardly overdrawn. Furthermore, the military leader of 1900 was equally deficient in the other techniques necessary to bring to his side the present-day Philippine electorate.

As the campaign progressed through the summer of 1935 there was a swelling undercurrent of fear that if Aguinaldo were defeated at the polls—and his defeat was regarded as certain by everyone but himself—his followers would turn from political to other methods of action. Whether this feeling was due to the General's own attitude and statements, or whether it was deliberately created by the Coalition campaign leaders, whose chief slogan was "Quezon or Chaos," observers were unable to determine. Certainly anyone accustomed to read between the lines the hard meaning so often cloaked by soft words in the Philippines had reason to be alarmed at campaign statements frequently made by General Aguinaldo and his followers. Early in July he began to tell the people that there was "a general plan to commit frauds in order to win the election at any cost." He also declared:

> I am satisfied that the present leadership rests on promises of reward and employment, and is strengthened by threats of persecution and revenge. The present leadership is fomenting terrorism.
>
> We fought abuses, tyranny and oppression by foreigners in the past. Our sacrifices would be in vain were we to remain indifferent at this crucial stage to the tyranny and oppression by the so-called leaders of our own people. . . .
>
> A ratification or reaffirmation, through pressure, threats and

frauds, of the present leadership, might give rise, to judge from the attitude of the masses, to public disorders such as those which have taken place in Santa Rosa and Cabuyao, Laguna and San Ildefonso, Bulacan. Today's leader does not seem to give any importance to this warning and receives the reports regarding their occurrence with disdain, because he knows that his leadership has the protection of the American forces. Instead of acknowledging his own fault for these disturbances, he had the temerity of casting the blame on the American Congress.[13]

Throughout his campaign Aguinaldo reiterated the charge that he was being fought by fraud, favoritism and terror. Frequently such allegations were coupled with the prediction that should he be defeated by such methods the people would rise in arms against their "oppressors." He also charged that the provincial and municipal executive officials, "whose primary duty it is to be impartial in matters of election," would "be utilized instruments of the coalition leaders to insure their election." [14*]

Aguinaldo's charges and his intimations that fraud might be answered by force were countered by repeated Coalition accusations that the Revolutionary General was seeking to regain power by terrorism and preparing to reestablish the "brutal dictatorship" of the one-time Philippine Republic. The "radical followers" of the National Socialist candidate were repeatedly accused of declaring that should Mr. Quezon be elected, he would be assassinated before he could take office.[15] On September 11, the Coalition headquarters issued a long formal statement describing the campaign of "terror" attributed to the National Socialists and seeking to prove that violence would not succeed in making Aguinaldo president, even though Mr. Quezon were to be murdered. This remarkable campaign document declared that *Aguinaldistas* had been saying *sotto voce:*

President Quezon will surely be assassinated by an Aguinaldista, perhaps shortly before the election when there will be no time to nominate another candidate, perhaps on election day during the voting, and perhaps immediately after the results of the elections are known. . . .

We have paid little attention to these tactics of the followers of General Aguinaldo until the present because we believe that it merited nothing but disdain. But the matter is reaching an intolerable degree

because it has become the topic of conversation in all parts—in the cines, in theatres, in trains—and in the name of common public decorum and principles we feel obliged to expose such lies to the people.

Then followed a detailed explanation of the circumstances which would make it impossible for either the assassination of President Quezon or an armed rebellion to elevate Aguinaldo to power at the head of a "military regime." Perhaps the most significant aspect of the arguments to prove the impossibility of successful revolution is that they rest fundamentally upon the proposition that the United States would see that the law was observed and violence suppressed by force, if necessary.[16] There is also a statement that the government would "dominate" revolution "as it dominated the sakdalista uprisings"—a clear reference to the fate of the "rebel" *taos* slain at Cabuyao.

The official statement of September 11 is a fair example of the efforts of the Coalition to paint Aguinaldo as a former dictator seeking to regain power. In their campaign to discredit their leading opponent, newspapers owned and edited by Filipinos went as far as the late Dean C. Worcester ever went in picturing the Aguinaldo Republic as a military autocracy based upon force, treachery, assassination and general terror. In an illustrated feature article that is a typical masterpiece of symbolism and allusion the *Philippines Herald* declared:

> There was a day when men wept in the presence of our tattered flags, unfurled in the breeze with all the splendors of our destiny. On that day we forgot our shame and remembered only our pride.
>
> We did not lift the gloomy veil that covered the misdeeds of the past, did not dare disturb oblivion that stood sentinel over the sepulchre of black episodes.
>
> We forgot the repertory of conspiracies, of hypocracies, of treacheries, allowed all these things to fade in the distance of history; we thought only of the glory that those flags evoked—the glory that was wasted and betrayed by the surrender of our armed forces.
>
> We forgot the debasement and thought only of the triumph, the triumph that might have been; we let *Palanan* [where Aguinaldo was captured] alone and recalled only *Pugad Lawin* [a place associated with Aguinaldo's revolution against Spain]; Bonifacio's bolo shown resplendent in our memory; *Tandang* Sora's venerable figure [a Filipino "Mother of the Revolution"] stood in the serene sunlight of our thoughts.

The efforts of Aguinaldo and Aglipay to seize power by the methods of the past, however, now compel the people to "lift the gloomy veil," the editorial continued. "They see in the aspirations of these candidates 'masterpieces of megalomania.' " And:

> If we look around us, we will not fail to read poison in the thought processes of the flatterers of this megalomania. With confusion and foam around them, they are losing their heads, while they froth at the mouth.
>
> Their minds are dark with sedition and blood, their very breaths smell of assassination. They speak of social reform, but in terms of terrorism; they plead for the people when they mean only the mob.
>
> This candidate must withdraw, or there will be anarchy; that man must cease campaigning for his party, or our rivers will be red with blood. Such are their thoughts who say they defend our masses, when all they need is the guillotine to complete our terror and destruction.[17]

In another special editorial entitled "Are Dictators Our Need?" the *Herald* depicted the dictatorial character of the Philippine Republic in words that must have evoked in the mind of every Filipino reader all the charges of misgovernment and bloody tyranny that were leveled against Aguinaldo and his revolutionary government forty years ago. The General was not mentioned by name, but the cartoon which stood above the editorial text left no doubt as to who was being attacked. Allusions, understood by all, were made to the manner in which Bonifacio and Luna were popularly believed to have died. The General was accused of "selling out" for Spanish gold when he and his closest associates left the country in 1896. The head of the erstwhile Republic was even taunted for the "quick surrender of the Revolutionary forces." In the years that followed, by constant struggle in which the old leaders did not participate, the people established democratic institutions and constitutional principles, the editor declared. The conclusion was: "Minds of a court-martial persuasion, and hands used only to the touch of the sword, can but imperil those rights and principles. Let us avoid them." [18]

To the attacks which were made upon his Revolutionary leadership Aguinaldo made no adequate reply. On the platform, in the use of the press, the radio and the whole arsenal of modern

political weapons he was as a child compared with his opponents.[19*] He did declare himself innocent of the deaths of Bonifacio and Luna, and explained that in 1896 he had left the country only when further fighting was hopeless, and had used the Spaniard's money only to continue the revolution. His replies, however, were those of a man definitely on the defensive. To taunts that he had taken the oath of allegiance to the United States, he had a keener answer.

> They [Messrs. Quezon and Osmeña] took the same oath [he said in a formal statement]. The only difference lies in the fact that I took mine while I was a prisoner, deprived of freedom; while when they took their oath, they were holding well paid positions in the Government, gotten under the recommendation of the leaders of the defunct Federal Party.[20]

Aguinaldo lost heavily in these bitter exchanges. Unquestionably he suffered in spirit from the poisoned shafts that were shot at his historic position as the great Revolutionary leader. This suffering bore dangerous fruit in the General's later attitude toward his victorious opponents and their inauguration as the chief executive officials of the Commonwealth. His position throughout was that the charges of terrorism leveled against him were false and slanderous and made to give the semblance of truth to the Coalition campaign slogan, "Quezon or Chaos." Whatever the justification for this Coalition appeal to the people, the nature of the campaign was such that the country approached the election, and later the inauguration of the Commonwealth, with a feeling of dread that permeated all levels of society.

Bishop Aglipay's campaign was very similar to Aguinaldo's. Like the General, he toured the provinces, and most of his active supporters were members of the special group of which he was leader. His platform, he declared, was "simple and practical," its purpose being "boiled down to two things: to attain independence and promote the national welfare."[21] In his speeches the Bishop vied with the General in attacking the Coalition leaders and in offering glittering promises to the masses. As to independence, he outbid Aguinaldo, demanding it at once, rather than three or five years hence. Bishop Aglipay's running mate was a radical, some said a Communist, from central Luzon.

In contrast with the essentially one-man performances of General Aguinaldo and Bishop Aglipay, the Coalition campaign was modern and complete in organization, methods and coverage. The combined Quezon-Osmeña machine reached virtually every barrio in the Archipelago. In the words of the *Manila Daily Bulletin:*

> Almost the entire machinery of the local governments and the cream of Philippine office holders, past and present, are enlisted by the coalition to support its candidates for president and vice-president. . . . The list includes the names of practically all the provincial governors of the Islands, many former provincial governors, members of the Philippine Senate, former secretaries of departments and people who are influential in local and national politics. . . . The municipal presidents and other local officials will be appointed by the national management to direct the local campaign for the coalition candidates. . . .[22]

In addition to the provincial and local governmental officials, the Coalition controlled the election machinery and, where newspapers or magazines existed, the press. It was well supplied with funds, which it spent with a lavish hand. It utilized the radio, the sound truck, the "talking picture," the billboard, the pamphlet and handbill, the mass meeting, the parade. It also established special campaign organizations among particular groups, such as the Pro-Quezon-Osmeña Youth League.

Special efforts were made to carry the city of Manila. For example, two months before election day some 480 "presidents and delegates" from sub-committees in the thirty-three sub-headquarters into which the city was divided were sworn into service in the presence of more than 1,000 party leaders in a colorful ceremony at the national Coalition headquarters.[23]* A little later, the Manila "Pros," the coalition minority party, which dominated the city, held a great organization meeting and were exhorted by their leader, Senator Osmeña, to "exert all effort to give Mr. Quezon the largest vote ever given a candidate for public office." [24] On August 26, some 800 Quezon "leaders" held an "impromptu" rally at President Quezon's house in Pasay. Their chief exhorted them to ignore reports of "Pro" disloyalty to the Coalition ticket and to get out and work for the common cause. Upon this occasion, as at other times, the Manila politicians were pointedly informed that if

they expected the metropolis to fare well at the hands of the Commonwealth government, "they must give the coalition an overwhelming victory." [25] Manila, indeed, has never witnessed a more elaborate political campaign than that with which the Quezon-Osmeña forces sought to establish their hold over the metropolis.

Outside of Manila, the country was divided into districts, for each of which a tried campaigner was made responsible. Speaking parties of nationally known leaders stumped the Islands from one end to the other. The presidential and vice presidential candidates themselves remained in Manila, directing the battle, addressing mass meetings, and reaching the people through the radio and the press. At his Pasay home Mr. Quezon met informally with delegations of party leaders that came from nearly every province in the Archipelago to "pay their respects," pledge their loyalty and receive instructions. In commenting upon the "front porch" campaign of the two Coalition leaders, the *Herald* called attention to a major source of their strength:

> The coalition candidates have a tremendous advantage over the general and the bishop because a great majority of the candidates for the national assembly are running under the banner of the coalition. All these candidates are working heart and soul for the candidacies of both Senate President Quezon and Senator Sergio Osmeña so that whoever may win in any province, either anti or pro, the two coalition candidates are sure to poll a heavy majority of votes. This is the main reason why President Quezon and Senator Osmeña prefer to stay in Manila instead of making a direct-to-the-voter campaign in the provinces.

The Aglipay and Aguinaldo forces had, indeed, only a handful of candidates for the Assembly. This not only meant that the two leaders lacked local support based upon the self-interest of co-party legislative candidates and their friends, but also that the Coalitionists could use against them the argument that even though one of them were elected he would be impotent because the Assembly would be almost unanimously opposed to him.

No wonder that many of Aguinaldo's opponents praised his gallantry in waging battle against such odds! Indicative of the seriousness with which his attack was regarded was the extraordinary effort that the mighty Coalition expended to make certain his

decisive defeat. The mere defeat of the National Socialist candidates, however, was not the goal of the dominant parties. The Coalition spokesmen declared that they hoped that their candidates would poll approximately 80 per cent of the votes, "so that the president-elect could speak with greater authority and feel more sure of the support behind him."[26] Mr. Quezon repeatedly told the electors that he would not accept the presidency unless his majority should be so large as to leave no room for reasonable doubt as to what the will of the people really was. He said that, realizing the responsibilities that would devolve upon the head of the Commonwealth, he felt that whoever should be the choice of the country should be elected with such an overwhelming majority that he could feel at all times that he was speaking for and had the backing of the people, and that it was his duty to work in the interest of the people and no one else.[27] Besides desiring to have an unquestioned popular mandate for the task ahead, it is probable that the Coalition candidate sought a popular repudiation of General Aguinaldo's claims to national leadership that would be so complete as to eliminate him forever as a potential threat to the dominant parties and classes and, possibly, to the stability of the Commonwealth which they were establishing.

Despite the tremendous efforts put forth to annihilate the opposition, and the personal nature of the attacks made upon General Aguinaldo by the Coalition organization, candidates Quezon and Osmeña appealed to the Philippine voters upon a political level that would have been regarded as statesmanlike in any country. The independence question, they said, had been settled by the Tydings-McDuffie Act and its acceptance was no longer an issue. Without bombast, they pointed to the remarkable political, social and economic advances that the country had made under their long leadership. They recalled the broad program of social betterment by which the government was seeking to improve the position of the masses. Their platform called for the continuation and intensification of this effort.[28] The Coalition candidates made relatively few campaign promises; emphasized the responsibilities, obligations and difficulties of citizenship under the Commonwealth; held out no hope for reduced taxes; dwelt upon the necessity for honest, just and economical government

which would be sensitive to the needs of the common man; advocated universal military training for national defense; preached a strong, self-respecting nationalism but promised to protect all legitimate foreign interests in the Philippines; pledged themselves to defend the Constitution and to abide by it as the supreme law of the land. In short, as they sought the mandate of the people to continue into the Commonwealth the leadership which they had exercised for nearly three decades, Messrs. Quezon and Osmeña spoke as mature, liberal statesmen conscious of their responsibilities and determined to meet them squarely. Their words and attitude inspired confidence among those Filipinos who were reasonably well satisfied with conditions as they were, and in the American and foreign communities.

Reassuring also was President Quezon's determination that the election should be fairly and cleanly conducted. "America and all the world," he told the voters, in a typical statement, "are watching the way we will acquit ourselves in this first election under the commonwealth. Let us not lose their confidence in our ability to govern ourselves." [29] When charges were made that officials were improperly hindering the campaign of his opponents Mr. Quezon took steps to put a stop to such abuses of authority. In securing an amendment to the election law that made it possible to give General Aguinaldo the fourth election inspector, he leaned over backwards in order to scotch subsequent complaints that his leading opponent had been unfairly treated.

One of the interesting features of this last campaign under the old governmental system was the use which the Coalition made of one defense against criticism which is available to the native leaders of every dependent country, and which for forty years has been an ever-present aid in time of trouble to Filipino politicians. For the shortcomings of government the "sovereign power" was responsible. Philippine successes, of course, were due to the efforts of the local statesmen. Illustrative of the use of this answer to the Sakdal-Aguinaldo-Aglipay attacks upon the record of the "ruling oligarchy" was a statement made by President Quezon at a great rally of Filipino youth. The statement is not typical, however, as it is much fairer than similar campaign arguments made by lesser Filipino leaders. As quoted, Mr. Quezon said:

We have made great progress during the last 35 years, progress which stands unparalleled in modern history. Of course, our government is far from ideal and it can still be improved. There are injustices in our social organization which must be corrected. This we admit. And in thus making this admission we are asked why we have failed to do in the past that which we promise to do in the future. It is claimed that if it is true that we have the will and the ability to correct the injustices or errors so far committed, why have we not made such corrections?

The answer is not far to seek. We must realize that up to this time we did not have the government of the Philippine Islands in our hands. The so-called party in power is really only a power in name. The real power in the Philippines has been the representative of the Government of the United States, and everyone knows that whenever there has been a disagreement as to policies, either legislative or administrative, the final say and the final power has always rested in Malacañang. Let me not be misunderstood as blaming any governor general in particular for what evils there may be in our government or in our social structure. It is fairer to say that we all had a joint responsibility. What I want to emphasize to the whole nation is that once the government of the Commonwealth is established, all powers of government as far as domestic questions are concerned, will be entirely in the hands of the Filipino people, that is, in the hands of their representatives both in the executive and in the legislative departments of their government. Then it will be our responsibility, sole and exclusive, and we will then have the power to do what we think should be done in order to improve the conditions of the government and to ameliorate the lot of the masses of our people.[30]

President Quezon's words admirably illustrate one of the most unfortunate aspects of the division of authority which has existed in the Philippines since the Philippine Assembly was granted a vital part in the legislative power in 1907. Jointly controlling the government, neither the American Governor-General nor the elected representatives of the Filipino people could be held fully responsible for their public acts and policies. Each could cast the blame upon the other. The use that the Filipino leaders made of this situation was particularly unfortunate because their pleas of avoidance upon the ground of lack of authority were made to an electorate that, on the whole, is not only uninformed and credulous, but also prejudiced by a race consciousness upon which the leaders have not hesitated to play. The development of the democratic process of government would be greatly expedited in

the Philippines were this easy escape from responsibility to be withdrawn from Philippine politicians. However, he is optimistic indeed who believes that during the Commonwealth period, or at any time within the lives of those who are now participants in Philippine affairs, the Filipino masses will not be persuaded that their troubles are due chiefly to the "foreign domination" to which they have been subjected.

Despite widespread fears of Sakdal, *Aguinaldista* or other violence,[81*] the elections were free from any serious disorders. The Philippine electorate, indeed, voted upon this momentous occasion in a more orderly fashion than does that of many a State of the Union when party feeling runs high. As had been expected, the Coalition won an impressive victory. Not only were its presidential and vice presidential candidates elected by large majorities, but not a single seat in the Assembly was secured by the opposition. This result was hailed by President Quezon as a complete national endorsement of his leadership and a mandate from the people to exercise to the full the very wide powers vested by the Constitution in the Commonwealth President.

That this interpretation of the election was sound is scarcely open to doubt. After November 17, 1935, there were few disinterested persons in the Philippines who questioned the proposition that Mr. Quezon was the chosen leader of the people and that as such they expected him to direct their affairs with an authority seldom granted to the heads of democratic states. In no country is the true character of a national office to be found within the four corners of constitutional and statutory provisions. The conception of the Commonwealth presidency held by the first occupant of that office and the vast majority of his people is the product not alone of legal documents, but of many other forces. Among these sources may be mentioned: the Malayan-Spanish idea of the *jefe*, with all the power which that word implies; the "national leadership," an extra-legal but well defined position of great authority which was developed by the Filipinos during three decades of efforts to wrest the control of their government from their foreign sovereign; the demands of the critical transitional period which the Philippines was about to enter; and the unique personality of the dominant statesman of the period, Manuel L. Quezon. In real-

ity when the Filipinos went to the polls to elect the first President of their country they were choosing not merely the chief executive provided by the letter of their fundamental law, but a national leader who would occupy a position expressing their peculiar political genius, reflecting their actual governmental experience, and meeting their pressing needs at a crucial period in their national development. President Quezon's interpretation of his election as a *mandate to govern* was wholly sound.

These criteria, it is believed, justify the further conclusion that the Philippine electorate made the only possible decision open to them if they wished to continue upon the road leading to self-government and independence. The alternatives to Mr. Quezon—General Aguinaldo or Bishop Aglipay—were impossible. Neither of these candidates could have carried on the government of the Philippines of today had he been chosen to the presidency of the Commonwealth. The weakness of the situation from the standpoint of stable democracy was not in the choice made by the people but in the choice presented to them. In point of fact, the coalition of Messrs. Quezon and Osmeña and their respective parties deprived the electorate of any real choice at all.

In seeking stability through coalition, moreover, the dominant leaders and classes in the Philippines exposed themselves to another, although perhaps a less immediate peril: the danger that the dissatisfied minority, permanently unable to effect any real change in their rulers by the ballot, might turn to force. The coalition also made impossible, at any rate for the time being, the institution of a normal system of democratic government in the new Commonwealth, because such a system cannot function unless the voters are actually able to replace the government of the day with another one competent to govern the country.

An analysis of the returns in the November, 1935, election made in the light of the circumstances that have been described gives some idea of the size and character of the unrepresented and dissatisfied minority in the Philippines. Of the 1,021,445 votes cast for the three presidential candidates, President Quezon received 694,104, or about 69 per cent; General Aguinaldo, 179,390, or about 17.5 per cent; and Bishop Aglipay, 147,951, or somewhat more than 14 per cent.[82] In short, despite all the electoral advan-

tages enjoyed by the Coalition and all the efforts put forth by them, more than 30 per cent of the electorate refused to vote for Mr. Quezon and cast their ballots for candidates who, aside from their veteran and church connections, represented nothing except a violent protest against the *Presidente* and all his works. To put it in another way, one elector out of six voted for General Aguinaldo, one out of seven for Bishop Aglipay, which means that one out of 3.2 voted for one or the other of these obviously hopeless candidates. This is a substantial minority, too large a one to be safely left without direct representation in the national government, especially as the majority of these voters are from a fairly definite class which feels that it is being exploited by the groups in power.

Further study of the vote of November 17 yields additional information of political significance. Despite the fact that during the campaign President Quezon was played up by every means known to the modern propagandist as little less than a Malayan demi-god, and Senator Osmeña virtually left in the among-those-also-present class, the vice presidential candidate ran 123,342 votes, or nearly 18 per cent, ahead of the head of his ticket. One's first thought is that this impressive lead probably represents the Visayan vote. The returns by provinces, however, show that Mr. Osmeña's lead over the President was contributed to by every region in the entire Archipelago. Even the Tagalog provinces, except Mr. Quezon's native Tayabas, gave the Visayan candidate for the vice presidency the edge over the Tagalog who was seeking the higher office—some of them a very considerable one. In the City of Manila Osmeña ran far ahead of Quezon. In the northern part of Luzon he received many more votes.

It would be rash to draw too definite or too serious conclusions from this remarkable demonstration of national confidence in the statesman from Cebu. The widespread splitting of tickets that was necessary to produce this result, however, pretty clearly shows both discrimination and independence on the part of the Filipino voter. It proves conclusively that the nation understands and appreciates the great services rendered to it by the less spectacular and very much less advertised partner in the Quezon-Osmeña team. Undoubtedly, too, it reflects an intelligent popular

reaction to the relatively weak and unknown vice presidential candidates of the two other parties.

Looking back to the great struggle over the Hare-Hawes-Cutting Act and the events which led up to the formation of the Coalition, the extraordinary vote which Mr. Osmeña received suggests that had he refused to enter the Coalition and instead put himself at the head of all the anti-administration, anti-Quezon elements in the nation, he might have won the Commonwealth presidency and almost certainly would have established a powerful opposition party which would have constituted a real check upon the Quezon government and offered the voters an alternative to Quezon rule. In deciding that his people at that particular moment needed national political unity more than a strong opposition party under his leadership, Mr. Osmeña acted in accordance with the unselfish patriotism and the modesty which are so conspicuous in his character. Whether he chose wisely is a question which can never be authoritatively answered—unless, unhappily, the future should demonstrate the prescience of Judge Juan Sumulong's cry, *Apres de la Coalition, el Diluvio!*

The tension which existed in Manila and, in lesser degree, throughout the Philippines between the election of September 17, 1935, and the inauguration of the Commonwealth two months later explains in part the decision of Messrs. Quezon and Osmeña to meet the difficulties of the new regime with united forces. The dangers of this anxious period also give at least a partial explanation of the great concentration of power in the hands of President Quezon which has occurred since his assumption of office. The events of these months, too, should be taken into consideration in estimating the seriousness of the political discontent which exists in the Philippines.

After the Sakdal disorders of May 2-3, neither the government nor the public was free for a moment from anxiety lest there be another effort to prevent the organization of the Commonwealth either by a second outbreak of mass violence or by the assassination of President Quezon and, possibly, other national leaders. When Governor-General Murphy and President Quezon returned from the United States on the same boat on June 8, the Constabulary reported a definite plot to kill the latter when he landed on Pier

Seven and extraordinary precautions were taken to protect him. Responsible Filipino officials even urged that the Chief Executive and the Legislative Leader transfer out in the bay from their liner to a launch and then proceed up the Pasig River to the Malacañang Palace landing. It was pointed out to them, however, that this procedure would be unfair to President Quezon because it might be interpreted as indicating that he feared his own people. No one had the slightest anxiety for the Governor-General's safety. It was finally decided to exclude the public from Pier Seven, to accept the offer of the United States Army to turn out the Thirty-first Infantry as a guard of honor to the Governor-General, and to concentrate Constabulary soldiers and police at all points of especial danger between the ship and Mr. Quezon's home. No untoward incident marred the great welcome accorded to the returning statesmen. Subsequently, occasional Constabulary reports and constant rumors of plots against the President's life and the public peace kept the authorities on the alert, and, as the electoral campaign with its thinly veiled threats of violence from the Aguinaldo camp proceeded, anxiety increased.

After the election, apprehension became acute and remained so until after the inauguration on November 15. During the campaign the *Aguinaldistas* had predicted that if the General were defeated by fraud, intimidation and official pressure, blood would flow. No sooner were the results of the balloting known than the defeated candidate publicly declared that all these means had been used to prevent the people from freely expressing their will.

> I have accepted my candidacy to comply with my duty to the public [General Aguinaldo stated] which, I am convinced, desires immediate independence and wants another leadership which will alleviate its present misery. I am also convinced . . . that if the elections had been clean and honest, and if there had not been active official intervention and abuse of power, the result would have been different.
>
> My duty to the public has not been terminated. I do not want to tolerate whatever interference with the popular will may have been committed and which may henceforth cause the insecurity of our institutions and sow the seeds of fratricidal wars in the future.[83]

Coming from General Emilio Aguinaldo, these were ominous words. They were followed by still more ominous events. Nightly

there gathered in the spacious grounds of the famous residence in Kawit representatives of dissatisfied and disaffected communities throughout central Luzon. From half a dozen provinces they converged in a steady stream upon the home of the Revolutionary leader. At one time the Constabulary reported that some 700 people per day were making the pilgrimage in private automobiles, chartered busses and on foot. Every night fiery orators addressed throngs which sometimes numbered a thousand excited men. Police agents repeatedly reported seditious talk and speeches, and threats upon the life of Messrs. Quezon, Osmeña and other leaders. One night, the Constabulary declared, a well-known man volunteered to kill President Quezon for the good of the nation. "Who else," he cried, "will volunteer to give his life in this way if I fail?" Hundreds responded in a roar of approval. Aguinaldo himself sometimes mingled with his followers and often addressed them, always, however, counseling patience and restraint.

At first the government virtually ignored the meetings at Kawit. It could not, however, long shut its eyes to sedition, or refuse the demands for protection received from the distracted officials and apprehensive citizens of the municipality. A force of Constabulary was quartered in the town. The roads approaching the *poblacion* were patrolled by soldiers armed with rifles and a guard was posted before the fateful house. Busses were stopped and their passengers searched for weapons. Visitors of General Aguinaldo were compelled to give their names, which were duly recorded—a procedure always distasteful to men participating in a dangerous game. One night three Constabulary operatives in plain clothes were mobbed on the General's grounds and barely escaped with their lives. The precautions taken to protect President-elect Quezon became more elaborate and could no longer be concealed from the public. A Constabulary detachment was quartered on the grounds of his Passay house and sentinels were posted on all approaches to it. The President's automobile was guarded like that of a Chinese general. In view of these extraordinary precautions it is not unreasonable to believe that during the weeks preceding his inauguration the life of the President-elect was in constant peril.

While these disturbing events were occurring in Kawit, Gen-

eral Aguinaldo was vigorously pressing his cause before the public and appealing for an investigation of the election by American officials. In common with a large proportion of his countrymen, the old Revolutionary leader had an abiding faith in the fairness and honesty of his former foes, and, as many another Filipino politician has done, he came to Americans for justice when he felt that he had been robbed by his own people. "If the American authorities are once aware of the widespread frauds they will not recognize the result," he declared to the press, adding that his "first reaction was to go to the United States and appeal to President Roosevelt." [34] Instead, however, he addressed his initial appeal to Governor-General Frank Murphy. "The irregularities and abuses of power which had won the election for Messrs. Quezon and Osmeña have incensed my followers and are keeping at fever heat the indignation of all lovers of clean and honest government in this country," he declared. "The facts contained in this communication and in the accompanying documents," he continued, "will lead to the discovery of other irregularities which I am sure will alter the result of the last election."

> In the interest of peace, law and justice therefore I respectfully ask your excellency for the suspension of your certification to the President of the United States of the results of the last election, said suspension to last during the duration of an investigation of the frauds committed throughout the Philippine Islands. And I request that the investigator be appointed by Your Excellency and that I or my duly authorized representative accompany him in all the trips that he may make for the purpose of verifying the charges made in this communication. I request also that the man to be appointed as fraud investigator be free from all connection with the officials of the present administration, such a prerequisite being essential to an impartial inquiry into all irregularities denounced herein.

The General's communication ended with a reassertion of his faith in American justice, coupled with an implied threat. "We still maintain an abiding faith in the sense of justice of the American people," he said, "and we believe that some remedy within the law may yet be forthcoming." [35]

This appeal from a patriot who believed that he and his cause had been wronged by an arbitrary government was a disturbing document to be handed to Frank Murphy, who upon more than

one occasion had reminded the Filipinos that he himself was descended from Irish rebels. The course of the American Governor-General, however, was unmistakably laid out for him by the conditions with which law and precedent had surrounded the exercise of sovereign power in this dependency, and by the pressing demands of the situation of the moment. Mr. Murphy did not deviate from this course. He informed General Aguinaldo: (1) that in accordance with law the results of the election had been determined and certified to the Governor-General by the Philippine Legislature; (2) that he, in turn, had certified them to the President of the United States as required by law; (3) that the determination of the results of the election "being apparently a function and prerogative of the Philippine Legislature," as provided by law, he was now referring General Aguinaldo's communication "to that body for such action as it may deem proper"; (4) that he was "directing the Secretary of Justice to investigate the matters set forth in your communication and to institute proper proceedings for the punishment of persons and removal of officials guilty of frauds or other violations of law." [36*]

In explaining his action to General Aguinaldo, Governor-General Murphy declared: "It has been the consistent policy of this office to refer such matters to the proper Departments and other duly constituted Philippine authorities for investigation, action and report, taking independent action only upon failure of the regular authorities to perform their duties in proper manner." In taking this position Mr. Murphy acted upon one of the basic principles recognized by Governor-General Henry L. Stimson after he had established a *modus vivendi* with the Filipino leaders in 1928; that is, the principle that the chief executive would not intervene in matters falling within the jurisdiction of one of the departments of government until all other administrative remedies had been exhausted. Governor-General Murphy's action was also strictly in accord with the letter and the spirit of the Tydings-McDuffie Act.

The "duly constituted Philippine authorities" acted promptly upon the reference of the Governor-General. The legislature referred General Aguinaldo's complaint to the committees on elections in its two houses. These committees met in joint session and

invited the General to appear before them and present his evidence. The Secretary of Justice set up a departmental committee to investigate the complaints. Aguinaldo, however, refused to have anything to do with either body and demanded that his case be submitted to the President of the United States. The joint committees considered bringing him before it by subpoena, but decided that unless he appeared voluntarily they would take no action on his charges. They further declared that even though all the challenged votes were to be discounted there would be no change in the result of the election.[37] The Secretary of Justice prepared to subpoena the General to interrogate him as a part of his investigation, and there was talk, at least, of forcibly bringing him before the departmental investigating committee.

While these exchanges were in progress, the tension caused by the meetings at Kawit continued to increase. General Aguinaldo twice protested to the Governor-General against the surveillance to which his residence was subjected, declaring that he was being subjected to terrorism and the right of his adherents peaceably to assemble without molestation was being violated. It was pointed out to him that peaceable gatherings in the General's grounds were one thing, but that to hold large meetings there in which the assassination of public officials was urged was a different matter. Aguinaldo, however, insisted that he was a restraining influence among his followers and was engaged in preventing violence instead of fomenting it. Eventually an arrangement was made between the General and the Filipino authorities whereby the Kawit meetings were brought to an end.

Meanwhile Aguinaldo had been planning a great demonstration against the inauguration of the Commonwealth to be held in Manila on November 15. Obviously such a proceeding would be fraught with danger and could not be permitted. Even to prevent it by force might cause bloodshed and certainly would be embarrassing. It was the American Governor-General who prevented friction between Filipinos from marring the inauguration of the Commonwealth which placed their country on the threshold of independence. Summoned to Malacañang, Aguinaldo frankly stated that he intended to have from fifty to sixty thousand demonstrators on hand on inauguration day. His purpose, he said, was to

show the Secretary of War and the other American visitors that the people were for him and not for President-elect Quezon and that the election had been fraudulent.

During the course of a long conference, Governor-General Murphy pointed out to the old Revolutionary how ill-advised the proposed demonstration would be and how impossible it would be for the Government to permit it to be held. The inauguration, Mr. Murphy said, was provided for by the law of the United States of the Philippines. The demonstration, if made, probably would cause disorder and bloodshed and interfere with carrying out the law. Therefore, force would have to be used, if necessary, to prevent such a possibility.

The Governor-General also reminded Aguinaldo that the Secretary of War, the Vice President of the United States, the Speaker of the American House of Representatives, and the Governor-General would be very much embarrassed by incidents which undoubtedly would occur should the demonstration be attempted. General Aguinaldo had been friendly to the United States since the days of the Revolution, and the Governor-General hoped that he would not embarrass these American officials at this time. After thinking this statement over for a long time, the man who a generation ago had led his people in a war of freedom against the United States gravely declared that when the Governor-General put the matter to him in this way he would call the whole thing off. There would be no demonstration.

The inauguration of the Philippine Commonwealth went off without a hitch. In its dignified ceremonial the occasion fittingly celebrated an important event in Philippine and American history. The new Government which was launched on November 15, 1935, has been so successful that it is difficult to realize the dangers which beset it at birth. Although General Aguinaldo, as a patriotic citizen, gave his loyalty to the Commonwealth once it was established, the underlying causes of the bitter political struggle of 1935 have not been removed. Necessarily they have been among the forces which have determined the character of the party system and the government which has developed during the Commonwealth period.

The final chapter in General Aguinaldo's appeal to the

Governor-General was not written until after the Commonwealth had been inaugurated. Early in December, 1935, President Roosevelt, to whom the General's allegations of fraud had been forwarded at the General's request, refused to take any action in the matter. Noting that General Aguinaldo had declined to substantiate his charges through the procedure provided by law, and that the committees on elections of the Philippine Legislature had held that the charges whether or not proven were not calculated to affect materially the election results, the President declined to take any action in the case because under the Tydings-McDuffie Act he had no authority to do so. That statute vested in the Philippine Legislature the function of certifying the election of officers of the Commonwealth, and in the President of the United States that exclusively of announcing its results by proclamation.[38]

CHAPTER XVII *

ONE-PARTY GOVERNMENT

CONSIDERATION of the development of political parties since the inauguration of the Philippine Commonwealth naturally falls under three heads: the fusion of the Coalition parties, the "Pros" and the "Antis," to form the new *Partido Nacionalista;* the organization of the new party and the control over it exercised by President Quezon; and the opposition parties. In view of the impermanence of most party coalitions, the bitterness of the political struggle which preceded the coalition of 1935, and the absence of any party of opposition in the National Assembly, it is surprising that the Coalition lasted as long as it did. Its survival during the first two years of the Commonwealth was probably due to two causes: the gravity of the problems which the new government had to solve, and the determination of the leaders of the two groups, President Quezon and Vice President Osmeña, to hold their respective followers in line until the most pressing tasks of national organization had been accomplished and an opportune moment for the next step had arrived.

The groundwork of the new government and its program had been laid by the fall of 1937, and the approach of the provincial and municipal elections set for December, 1937, made it obvious that the electoral relations between the two parties should be put on a more satisfactory and permanent footing. As President Quezon inquired, after recalling that the coalition "was at best only a truce, for each party kept its own organization distinct and intact," and recounting the "many and serious difficulties" encountered in operating the government under such conditions

Why maintain these two independent political organizations when there is at present nothing which can excuse, much less justify,

* *The notes of this chapter begin on p. 920. Subject matter notes are indicated by an asterisk.*

their separate existence, when this existence is a constant source of danger and is a handicap to speedy action both in the executive and legislative fields of the Government? [1]

Not only was there no reason, in Mr. Quezon's view, why the two separate organizations should be maintained. There was a positive demand for their fusion, because this action would facilitate the appearance of a real opposition by making it possible for such a party in the approaching local elections to be assigned one of the three election inspectors who conduct the election in each polling place. In the existing situation, the Popular Front, which it then seemed might develop into an effective opposition party, could not have been given a single inspector, because under the election law only the two coalition parties were entitled to representation on the electoral colleges, one having received the largest and the other the next largest number of votes in the two preceding elections. Therefore, Mr. Quezon concluded:

> Were these two political parties—Antis and Pros—to continue coalesced, although nominally separate, they would, under the law, be the only ones to be represented in the boards of election inspectors in the coming elections, and it would be very hard to convince the country that this is not a deliberate conspiracy to deny the opposition a fair chance to fight in the elections. Political consistency, then, as well as common honesty, demand that Antis and Pros form a single party rather than continue with the Coalition. They have one political platform, they have the same national leaders, and these are the two essential factors that enter into the constitution of a political party.[2]

The steps preceding the decision to fuse the Coalition into a single party are interesting because they illustrate the procedure by which parties operate in the Philippines. Each wing of the Coalition held a number of caucuses presided over by Messrs. Quezon and Osmeña, respectively, and was composed by the party members in the National Assembly and other members of the two directorates who were in Manila. Recalcitrant groups also held caucuses. There evidently was a desire among the Antis to impose conditions which would have postponed the fusion until after the elections and made its duration uncertain. President Quezon, however, according to newspaper reports, informed his followers that if they wanted fusion they would have to authorize

it without conditions and without delay. The recalcitrants yielded. A Coalition caucus under the joint chairmanship of the two party presidents then approved the fusion and provided for a joint convention for the purpose of ratifying their decision. This convention, which was held on September 20, 1937, was composed of some 3,000 delegates. It completed the fusion, adopted an elaborate set of rules for the permanent organization of the party, provided for a temporary directorate, adopted the Coalition platform as its "program of action and government," and selected the simple name, *Partido Nacionalista*.[3]

Thus was ended the split in the dominant party which resulted in 1933 from the bitter struggle over the Hare-Hawes-Cutting Act. Again the respective followers of Messrs. Quezon and Osmeña were united in a single party which had no real rival for political power. In two respects, however, the situation was different than it had been during the earlier political partnerships of these two leaders. First, the Government of the Philippines was, for all ordinary purposes, entirely in Filipino hands and instead of being merely the leader of the Filipino representation in the government, the man who had been the head of the party was now the President of the Philippines. Second, Mr. Quezon separated both himself and Mr. Osmeña, respectively, from the offices of president and vice president of the party. He refused to accept the presidency himself, and with the subsequent selection of the Speaker of the National Assembly as party president and the Floor Leader as vice president Mr. Osmeña no longer held the second position in the party's high command.

The full significance of the elimination of the President and the Vice President of the Philippines from the highest positions in the party hierarchy is not yet apparent. Mr. Quezon's action may mark an interesting step in the development of the "national leadership" which began with the organization of the Philippine Assembly in 1907 and seemed to reach a culmination when with the inauguration of the Commonwealth the "National Leader" became also the President of the Philippines.[4] The Presidency as it exists today can be fully understood only if the growth of this extra-legal position of "National Leader" is kept in mind. The action of Mr. Quezon in separating the presidency of the Philip-

pines from the presidency of the dominant political party may constitute another step in the evolution of the former office.

The statement in which President Quezon announced to the joint convention which created the *Partido Nacionalista* his conception of the proper relationship between the presidency of the Philippines and any political party is so important that it is quoted in full. Mr. Quezon declared:

> I am up to this moment the elected President of the Coalition and the President of the Antis. In this new political organization I desire to take no active part. The President of the Philippines, in my opinion, should not be at the head of any partisan organization. By virtue of his election to the high office wherein the people have placed him, *he is naturally the leader of the party which nominated him, as, indeed, he is the chosen leader of the nation for the term of his office.* But there should be a very clear difference between the work and responsibilities devolving upon the President of a political party, even if it be the majority party, and the President of the Philippines or the head of the Government. I shall belong as an individual to the party which you are about to organize. I believe in the platform which this party is going to adopt and upon which I have appeared before as candidate of the Coalition. As an individual, I believe in every commitment contained in the platform, and as President I am pledged in good faith to carry it out, and it is my firm determination to redeem my pledge, God helping me. As President of the Philippines, I declare my independence from dictation by this political organization that you are about to create, and by any other political organization, and I publicly avow my loyalty to my office and to my country above my loyalty to this party, and I further publicly avow my interest in the public service over and above the political fortune of the party in general or the members composing it in particular. I am, therefore, by virtue of my office incapacitated to be the President of this party, and I ask you to elect one whom you may consider best fitted to be your *titular* head for his patriotism, honesty, ability and his allegiance to the Nacionalista Party.[5]

A careful reading of this declaration would seem to warrant the conclusion that as President of the Philippines Mr. Quezon intended to control the *Nacionalista* Party, but not to be controlled by it. Apparently he proposed to utilize the party as an instrument of government but to allow the routine duties of party management to be performed by another, who would occupy the position of party president. The party was to have a "leader" who

occupied this position because as the party nominee he had been elected President of the Philippines; and a president chosen in accordance with the rules of the organization. Whether or not this statement is in precise agreement with the theory underlying Mr. Quezon's declaration, it describes the situation as it actually existed after the formation of the *Partido Nacionalista* in September, 1937. The President of the Philippines has been "above" party; yet he has absolutely dominated the one party exercising any control over the government.

The position of Mr. Quezon with reference to the *Nacionalista* organization is illustrated by the role he played in the national convention called in July, 1937, to define the party's attitude towards proposed amendments to the Philippine Constitution. Arrangements for the convention were made by the executive commission of the party and the three-day meeting was called to order and guided through its preliminary stages by Speaker José Yulo, the party president. On the third day, President Quezon "consented" to address the convention. Speaking as leader of the party he laid down the course to be followed and it was adopted without opposition. By way of further illustration, in 1938 the legislative members of the executive commission of the party were named by the President; [6] and thereafter the decisions of the commission were made subject to the President's approval and were reversed upon his disapproval.[7] Again, in May, 1939, it was stated in the press that after a conference presided over by Speaker José Yulo in his capacity as president of the *Nacionalista* Party, "President Quezon, in his role of supreme leader of the party in power, has been given full power to set the date for the party convention." [8] Holding no office provided for by the rules of the *Nacionalista* Party, yet Mr. Quezon is time and again frankly revealed as its "supreme leader." In Spanish, an appropriate title for the President's position with reference to the party would be *El Supremo.*

Perhaps the most important single element in the control of any party leader over his followers is the power to decide who shall and who shall not be nominated by the party for public office. In practice this power has been wielded by President Quezon in the *Nacionalista* Party in those cases in which he has

desired to exercise it, or in which agreement could not be reached without his personal intervention. In the Assembly election of 1938 the usual procedure was for the national directorate of the party to proclaim the nomination of official candidates who had been agreed upon by the party organs or leaders within the several constituencies. In case agreement could not be reached by the local committees, a convention might be held (with the consent of the national executive committee) to make the final decision. The most difficult districts, where two or more strong party men wished to run, were declared to be "free zones" in which there would be no official *Nacionalista* candidate, and in which any member might carry the party banner. Thus, the national organization could keep out of local factional quarrels when it desired to do so.

In many doubtful or politically significant cases, the actual decisions as to candidacies were made by Mr. Benigno Aquino, the *Nacionalista* campaign manager. Appeal, however, lay from the campaign manager to the party leader, Mr. Quezon.[9]* And in a number of important cases the negotiations as to who was to run were conducted by the President and the final word was spoken by him. Notable examples are the decision of the President that Mr. José Yulo, then Secretary of Justice, and Mr. Quintin Paredes, Resident Commissioner in Congress, should run in their respective districts, and the part that he played in assuring their election. Mr. Yulo became the Speaker of the National Assembly and Mr. Paredes its floor leader, positions which at the time of the election it was generally understood President Quezon intended them to hold.[10]

The political future of many other conspicuous members of the party was in Mr. Quezon's hands, and no bones were made about it. Witness the telegram sent to the President by Dr. Fermin Caram of Iloilo who evidently withdrew his candidacy after a discussion of the subject between Mr. Quezon and Governor Tomas Confessor: "From the very beginning," Dr. Caram wired, "it has been my desire to place in the hands of Your Excellency the question of my candidacy. I cheerfully abide by your decision telephoned to Governor Confessor. Besides I offer my humble but determined aid to Mr. Montinola." [11]

This desire to "let the President decide" was not confined to individuals alone. The spirit reflected in the following resolution sent to Mr. Quezon by the municipal council of Bajac, Bataan, was widespread:

> Whereas during the surprise visit of his Excellency, the President of the Philippines, to the municipality last February, he has informed the residents of this municipality of his desire to see Assemblyman Teodoro Camacho reelected for another term, . . . Be it therefore resolved that the candidacy of Honorable Teodoro Camacho, assemblyman of Bataan, be and it hereby is launched by this body in representation of the municipality of Bajac.[12]

As for the sitting Assemblymen as a group, Mr. Quezon took the lead in advocating their renomination and election, except in cases where "for considerations of grave importance, I cannot give even implicit consent to the nomination." [13] The effect of President Quezon's withholding his "consent" can readily be imagined. Nor was the "Leader's" influence confined to nominations. He participated in the general campaign and where necessary aided individual *Nacionalista* candidates who were threatened with defeat. In a large proportion of the Assembly districts the *Presidente's cachet* was sufficient to nominate and elect assemblymen.

In the election of 1938 *Nacionalistas* were elected in every one of the ninety-eight Assembly constituencies. Of the ninety-eight, Campaign Manager Benigno Aquino stated that seventy-two were official candidates, twenty-one ran in free-zone districts, and five were "rebel" candidates.[14] In the opinion of the head of the *Nacionalista* machine this was five too many, and it was reported in the press that he recommended to the executive commission of the party that *Nacionalistas* who ran against the official candidates should be disciplined. Among other penalties, the five who were elected should be deprived of any committee chairmanship in the National Assembly.[15] Obviously, through the control of patronage and by other means the party could place an Assemblyman in a position where he could do nothing for himself or his constituency. As for "rebels" in other official positions, the fate in store for them was well indicated by the following excerpt from a newspaper account of Mr. Aquino's report as campaign manager.

In his report he brought out the fact that certain provincial governors like those of Samar and Isabela, and also several municipal mayors, allowed themselves to be swayed by personal preferences rather than by party loyalty, in supporting *Nacionalista* candidates. "We are certain, however," said Aquino in his report, "that when these officials in turn run as candidates, they will understand the error of their ways." [16]

This statement was a plain notice that the *Nacionalistas* who refused to accept the dictation of the party bosses were "finished" politically. To a politician in any country political extinction would be a serious misfortune. In the Philippines it might very easily spell ruin.

During the sessions of the National Assembly the Quezon leadership has been exerted over the Assembly through the Speaker, the floor leader, the party caucus and individual conferences. With rare exceptions the President's will has been controlling in any question which he desired to decide, and in many other matters which he doubtless would have preferred to have nothing to do with. For it should not be supposed that Mr. Quezon wishes to intervene in the ordinary operations of either the Assembly or the party. There can scarcely be a doubt that he would prefer to dissociate himself from the process of securing the action which has been decided upon by himself and his chief lieutenants. The leadership of Speaker Montilla and Floor Leader Romero in the First National Assembly was so weak that both they and other members of the Assembly and the caucus itself ran to the *Presidente* constantly with every type of legislative and personal squabble. Hence, highly efficient José Yulo was transferred from the Department of Justice to the Speakership, and Strong Man Quintin Paredes, the last Speaker of the former house of representatives, was recalled from the resident commissionership in Washington to be floor leader.

The instinct of the Filipino, however, is to turn to his *jefe*, and President Quezon being the big *jefe*, lesser political figures go to him when they can. There seems to be a certain distinction in obtaining the personal decision of the President, even though that decision be adverse. Or, to put it in a more practical way, a politician can be turned down by Mr. Quezon with little loss of

prestige (if the President desires it that way). Indeed, he may make political capital out of his sacrifice of personal or local interest for the national cause as personified by the all-powerful national leader. The mere fact that he has personally conferred with the President in Malacañang is often an asset, while defeat in the Assembly or a refusal from the ruling group there may cause a serious loss of face.

Whether, despite his protestations to the contrary, President Quezon enjoys this exercise of personal power in matters large and small is to a large extent beside the point. The condition which has been described and the position which President Quezon occupies have grown out of the experience and the psychology of the Filipino people. Whatever methods he might prefer to use, their leader must govern by methods which are in harmony with the political personality of his people. It is easy for Manuel L. Quezon to do this, because despite his unique natural gifts and his remarkable experience in American ways of life, he is a Filipino of the Filipinos. No American Governor-General could have governed by the Quezon, the Filipino method. Possibly no Filipino chief executive could govern in any other fashion.

Furthermore, the establishment of the type of leadership which President Quezon exercises is a natural and inevitable result of the grant of complete autonomy to the Philippines. This is what "Filipinization" means, and not merely the replacement of American by Filipino officials. These statements are not made in any spirit of criticism. It would be folly to criticize adversely a system of government because it is in harmony with the fundamental political conditions under which it operates; or to judge an administration by foreign rather than native standards.

The hopes expressed that the fusion of the Antis and the Pros would open the way for a strong opposition party have not as yet been fulfilled. More than the possession of one election inspector out of three is required to secure the development of a national opposition capable of making any headway against the leaders and party in power. In preparation for the local elections of 1937 efforts were made to unite all the opposition groups in one organization called the Popular Front. What the defeat of 1935 had left of General Aguinaldo's National Socialists and Bishop Aglipay's

Republicans, the Sakdals, former Manila *Democratas* who refused to go along when the Pros and Antis were fused, the Young Philippines, the Radical Party, the Communists, a newly organized National Labor Party, a group of dissidents from the Young Philippines who organized the New Philippines Party, a group of dissenting *Nacionalistas* called the *Bloque Popular,* a fascistic group known as the *Nuclio Totalitario Filipino:* these were the principal organizations which it was hoped to weld into a powerful opposition.

General Aguinaldo and Judge Sumulong were the only "Front" leaders who possessed any national prestige. Of the parties only the National Socialists could be regarded as being more than local in character. The Sakdals possessed considerable strength in Manila and in certain regions. Young Philippines, centering about a group of young professional and intellectual leaders, was only the beginning of a national youth party. The others were *splinterparteien* which had little in common save the fact that their leaders were out of office and their dislike of the Quezon administration. The National Socialists, the Republicans, and the Sakdals were the only important groups which remained in the "Front" throughout the campaign, and each of these parties retained its own personality and leaders.

The failure of the Popular Front to unite the anti-administration forces is indicated by the fact that in Manila eight different parties and groups ran seventy candidates in 1937 for the ten seats on the Municipal Board. The result was that eight *Nacionalistas* were elected to this body, the Popular Front and Young Philippines each securing one seat. The Young Philippines councillor, Miss Carmen Planas, the first woman to sit upon the Manila Municipal Board, at once became a national character and has since been an irritating thorn in the flesh of the dominant party and its leader. Never before, however, had the majority party won such a victory in the capital city.

The Popular Front and some of the other minority groups had a number of representatives among the 149 candidates for the post of governor in the 44 provinces which elect their chief executive, and more candidates for the other local offices. Most of the contests were between *Nacionalistas,* however. Every governor

elected, save one independent, was a candidate of this party. Aside from placing one of the daughters of General Aguinaldo as a member of the Cavite Provincial Board, the Popular Front won only a few provincial or municipal contests.

The dismal failure of those who sought to provide the country with an opposition party in 1937 was repeated a year later in the elections for National Assemblymen. Under the leadership of the veteran Juan Sumulong a union of anti-*Nacionalista* groups and parties was formed and christened the Allied Minorities. The members were the Radical Party, the Young Philippines, and the Popular Front. The Popular Front, in turn, consisted of the *Democrata* Party (a Manila faction capitalizing on the name), the Republican Party, the Socialist Party of the Philippines (the parties of Aglipay and Aguinaldo, although neither leader was active in politics in 1938), the Sakdals (a faction of the party which had repudiated Benigno Ramos) and the United Workers of the Philippines. As its name indicates, however, the opposition of 1938 was merely an alliance of separate, independent parties. Its chief objects were to agree upon a common platform and the nomination of candidates to oppose the *Nacionalistas*, and it could not even hold together long enough to accomplish the latter purpose. A month before the election it split throughout the country over the question of the Manila candidates. In addition to the groups affiliated with the Allied Minorities, a number of other small parties participated in the campaign, and a week before the election a merger occurred between the Socialists and the Communists. The outcome of the election, as has already been stated, was the election of a *Nacionalista* candidate in every one of the ninety-eight Assembly districts.

Looking back over the first three years of the Commonwealth, it seems evident that the failure of all efforts to create a powerful opposition party was due to the same causes which made it impossible to organize such a party to contest the Quezon-Osmeña coalition in the presidential election of 1935. First, the various opposition groups had virtually no constructive program to offer that was not already embodied in the platform of the Coalition and later of the *Nacionalista* Party. The principal issues of the various opposition groups were either fictitious, like the independence

issue; of only secondary importance, such as the restoration of the senate (about which the *Nacionalistas* themselves were divided) or the school tax; or partisan and trivial, such as attacks made upon the purchase of the presidential yacht *Casiana,* and accusations that the President was seeking to create a government of *mestizos.* The opposition parties also attacked the President upon the ground that he was creating a dictatorship in the Philippines. Among other dictatorial actions, Mr. Quezon was accused of abridging freedom of speech, the press and assemblage; of improperly interfering with the courts; of making the National Assembly a rubber stamp, or allowing it to make itself one; and of undermining democracy by securing the postponement of the elections. These were serious charges, but evidently the voters either did not believe them, or did not regard them as of first-rate importance.

All of these issues were negative. They did not form a constructive program upon which voters could unite with enthusiasm. An editorial in *The Tribune* of September 15, 1938, well describes the difficulty of creating a unified minority party in such a situation. States *The Tribune:*

> The bickerings which have characterized the activities of the opposition elements in the city show clearly the futility of any attempt to form a strong political organization where there is no vital positive issue to present to the people.
>
> When the arguments and the pronouncements of the leaders of the Allied Minorities are boiled down to essentials, it will be seen that the only point on which they agree is that the administration is wrong. This in itself is hardly enough to win a large degree of popular support. What is more, it is hardly enough even to bring unanimity among the component parts of the opposition on the very important question of who is to be their common standard-bearer in the campaign to unseat the administration.
>
> Hence the organization of the campaign is delayed, and again delayed, while the various segments of the loosely-connected structure are pushing their individual claims to the leading positions on the election tickets.
>
> There seems to be little hope for any opposition movement in the Philippines as long as those concerned in promoting it persist in the negative attitude of opposing, without producing something positive on the basis of which to oppose, the administration.

The second chief reason why the opposition has made little headway since 1935 is that 99 per cent of the money available for political use, of the national and local political leaders of the country, and of the political power growing out of control of the Government are on the side of the *Nacionalistas*. This situation would make it extremely difficult for an opposition to make headway in the Philippines even though it had a first-rate cause, which is an asset that no opposition party or combination of parties has possessed since the establishment of the Pro-Anti Coalition in 1935.

The failure of the various groups which are opposed to the *Nacionalista* regime to unite in a strong opposition party has been the occasion of regret and uneasiness in the Philippines. The almost universal Filipino conception of the value of a vigorous minority was well expressed by the Government Survey Board in its report of 1938. The Board declared:

> In a democratic government the role of the minority party is as important as that of the government or majority party. . . . The role of the minority in the entire scheme of things assumes an equal importance, for the minority constitutes an effective organ for fiscalization of the work of the majority party. The minority also carries the people's representation, and consults and concerts action with the majority as regards certain important legislative proceedings and national issues requiring united action, as instanced in the past by minority participation in the independence missions to the United States. . . . Through these activities the minority contributes in a great degree in the development of an alert, critical and enlightened public opinion which is essential to the maintenance of a wholesome constitutional democracy.[17]

Acting upon this premise, the Survey Board recommended that the legislative minority be granted by law the means with which to carry on its proper functions. It suggested that the Leader of the Minority in the National Assembly be given the same compensation and allowances as a Departmental Secretary, and that the Minority in the Assembly be provided with competent paid personnel, office space, equipment, and other necessary facilities.[18*] The absence of any minority in the National Assembly would have made it impossible to carry out these recommendations even had the Government been disposed to do so. Theoretically,

everyone wanted a strong opposition. Actually, the maintenance of such a party seems to be the one political feat which the Filipinos are unable to perform.

The leaders of one of the minority groups even thought that if an opposition could be secured in no other way, President Quezon ought to create one. Mr. Quezon's own account of his interview with citizens who proposed that he support their party in order that it might the better fight him is presented for the same reason which, he stated, led him to recount the incident, and also because the conference revealed the President's views regarding the proper bases for the existence of a minority party. Mr. Quezon declared:

> I have said that I am in favor of organizing opposition, that is, of the formation of another party, if those who are to compose that party do not agree with the principles, doctrines, and practices of the party in power. The other day some young men came to see me and said: "Mr. President, we are of the opposition. If it is true that you encourage opposition, we ask you to help us." "Why are you of the opposition?" I asked them. "Do you not approve of the present government, of the principles for which it stands?" "It is because you said you desired that there should be opposition," they replied. "You are fools," I told them, "and I am not going to help you to be still bigger fools than you are." This merely to illustrate how we Filipinos are.[19]

The "young men" thus addressed by President Quezon were the leaders of the Young Philippines Party. In the official account of this conference, the President was reported to have expressed himself concerning minority parties as follows:

> The only justification for people to disagree in politics should be a difference of ideas and in fundamental principles of government. . . . I hope there will be a strong minority party, but this idea of merging all opposition parties because they are all against me is terrible. The result would be that, if those opposition groups should succeed in defeating the majority, they would be unable to carry out any policy. It is one thing to destroy a building and another to construct one. You can destroy a building by calling people together and telling them to go ahead and destroy it. But in the work of construction you must have a plan and everybody working on that building must work in accordance with that plan. The opposition must not be maintained merely to defeat the majority. They must

formulate a platform that will give basis for their opposition; and in case they turn down the majority, they must have one objective, one common purpose. . . . You don't expect me to use the power of my office to create an opposition here. I cannot create an opposition; but I shall give any opposition a chance at a fair fight.[20]

By 1940 President Quezon had taken the position that parties are not necessary to democratic government. Further party organization, he declared, should be postponed in the Philippines.[21]

When frantic efforts were being made prior to the campaign of 1938 to find a leader who might unite the "outs," former Justice Claro M. Recto, realist and satirist, replied to a suggestion that he head an opposition party by explaining why he would not do so and suggesting the one basis upon which an opposition could prosper in the Commonwealth. "The report that I am about to form and head an opposition party is preposterous, not to say ridiculous," wrote Mr. Recto.

. . . To carry out this purpose, one need be either a knight errant of the chivalrous age or one who is embittered not against the government but against his own self having long entertained gloomy thoughts of self destruction; and I do not choose to be either.

In totalitarian states to be a non-conformist is to be liable to land in jail or in a concentration camp if not to throw one's self before a firing squad. In a state like ours, which is not totalitarian but republican in form—since we have followed to the letter the requirements of the Tydings-McDuffie Act—to oppose the government is simply to play the flute and act the part of a fool. . . .

There is, in my opinion, only one way of forming a new political party with some possibility of success and that is by making its main purpose to out-Quezon everyone inside and outside the government so powerful and popular is the President. . . .

Let those who are being lured into forming an opposition party be reminded of the story of that sailor who joined the navy in order that he might see the world and spent the remaining years of his life inside a submarine.[22*]

Mr. Recto's advice to would-be oppositionists is more than an excellent example of Philippine political satire. It was sound, practical political counsel as things stood in 1938.

In the local elections of December, 1940, the minorities made a somewhat better showing. In Manila the most important of the opposition groups united under the leadership of Alfonso E. Men-

doza to form the *Democrata-Nacional* Party, put a strong ticket in the field, and won six out of the ten seats on the Municipal Board. Whether this victory means that Manila has permanently returned to the opposition fold remains to be seen. President Quezon's interpretation of the defeat of his party in the metropolis was that the voters had meted out deserved punishment to those responsible for the scandal which had caused him to suspend all of the *Nacionalista* members of the Board.

In the provinces only two minority governors were elected. One of them, Wenceslao Vinzons, a founder of the Young Philippine Party who has been an effective opposition leader since the days of the Constitutional Convention, may become the first of the third generation of national political figures to develop since the institution of the American regime. This group, which will be approaching the major positions of power in five or ten years, have a markedly different background from the political leaders of the generations represented by Messrs. Quezon and Osmeña, or men like Camilo Osias, Maximo M. Kalaw and Manuel Roxas. No one can foresee the extent of their influence, but it is probable that as the older leaders pass from the scene they will modify the party and governmental systems which thus far have remained pretty well under the control of men who reached maturity under the rule of Spain.

Also of significance in the 1940 elections was the strong showing made by the Socialist Party in Pampanga, Central Luzon province, which is the scene of serious agrarian unrest. Running for the governorship, Mr. Pedro Abad Santos, Socialist leader, polled approximately 33,000 votes against the 40,000 received by the veteran *Nacionalista* incumbent, Governor Sotero Baluyot. He ascribed his defeat to the power of money and the fact that 50 per cent of his followers are not qualified voters because they are illiterate. The Socialist Party, however, elected the mayors in 8 of the 21 towns of the province, including the provincial capital.

The increased strength shown by the minority parties in the 1940 local elections is a manifestation of the political vigor which exists in the Philippines outside the charmed circle of power which centers in President Quezon. Yet although the minority opposed to *Nacionalista* rule is a large one, it has been unable to secure any

representation in the national government or to provide an alternative to the *Nacionalistas* should the voters wish to turn them out of office.

Looking beyond the situation which has developed during the Commonwealth, the whole history of Philippine political parties illustrates how difficult it is for the two-party system to prosper in a colony or a marginal state. The Filipinos have sought to import the bi-party system of the United States. They accepted the idea that a strong opposition party is essential to good government in a representative democracy. Twice they seem to have been within striking distance of the establishment of such a party: first, when the *Democratas* made a remarkable gain in strength after the Quezon-Osmeña split of 1922; second, when the majority of the first-rate leaders allied themselves with Mr. Osmeña as Pros after the break of 1933 over the Hare-Hawes-Cutting Act. Upon each occasion, however, the transcendent issue of national independence was used to destroy the opposition as soon as it attained real strength.

Prior to the acceptance of the Independence Act of 1934, for Philippine political purposes "independence" meant simply separation from the United States. Since then the question whether the separation shall occur in 1946 as provided by the law, or at an earlier or later date continues to be one aspect of "independence," and would-be opposition parties have sought to make it a major political issue. To the question whether the Philippines shall be separated from the United States, however, has now been added another aspect of "independence," namely the maintenance of stable government under the Commonwealth and the prospective Republic. The party in power minimizes the old "independence issue" and assumes that the Philippines will be completely freed from American control in 1946, or earlier. It emphasizes the need for national unity in order to maintain sufficient stability of government finally to achieve independence as provided for in the Tydings-McDuffie Act and to preserve it once the Philippine Republic is established. In the name of this new aspect of "independence" the only people capable of forming a real opposition have joined the majority and by so doing have abandoned the best chance which the Philippines has had of establishing the two-party

system. In the same cause are justified the concentration of power in the hands of the chief executive, the more stringent regulation of public discussion on the platform and in the press, the postponement of elections, and other limitations which have been imposed upon free or normal political action.

As a general proposition, it may be said that the Anglo-American party system cannot function normally except in countries in which the form of government is beyond current political controversy and is sufficiently stable so that an opposition party may press home its attack upon the government of the day and by lawful means turn it out of office without danger of provoking violence or subverting the constitution. Certainly a two-party system has not developed in the Philippines. After five years of the Commonwealth it is generally agreed that only a split in the *Nacionalista* Party could produce an effective party of opposition. Both the enormous power wielded by President Quezon and the same basic forces which caused first the coalition and later the fusion of the Pros and the Antis operate to prevent that split. Should Mr. Quezon pass from power another situation might be created.[23*]

Meanwhile the Philippines is becoming further accustomed to one-party and something closely akin to one-man rule. The present political system is being justified upon grounds of expediency, especially those of efficiency and stability in government.[24*] Local democratic self-government is being undermined in the same way. It is only a step from the toleration of a one-party, one-man government as a matter of temporary expediency to its acceptance in principle. This is especially true in the Philippines, where psychological and historical factors are antipathetical to the establishment of what Americans regard as a normal party system. Future historians may record that the decision of Senator Osmeña and his Pro followers to enter into a coalition with President Quezon and the Antis in 1935 marked the end of the Philippine attempt to establish a government operated under the Anglo-American party system. On the other hand, party institutions, as all others, are still in so fluid a state in the Philippines that almost any line of development is possible.

In the Philippines the organization of political parties is

unregulated by law, although their existence is recognized in the statute regulating elections.[25]* This law, as amended during the Commonwealth, is an adaptation of the election laws of the several states of the United States. From the standpoint of party activities, its most important provision is that which regulates the appointment and duties of the board of election inspectors in each election precinct.[26] There are three inspectors who, with their substitutes and a poll clerk, are appointed by the municipal council for a term of three years. Two of the inspectors and the poll clerk are chosen from the party which polled the largest number of votes in the municipality at the next preceding election. The other inspector must be a member of the party which polled the second largest number of votes. The inspectors and poll clerks are persons proposed by the authorized representatives of the national directorates of the parties.

The inspectors are in immediate charge of the precinct polling place and of the conduct of the election therein. They also prepare the registration list for the precinct. The law provides that a permanent list of voters shall be prepared in 1937 and completely renewed every twelve years thereafter. Two meetings of the board of election inspectors are held each year within two months of the regular election for the registration of new voters and the correction of the registration list, and another meeting is subsequently held to complete this task. An appeal from the decision of the board is taken to the competent court.

In virtually every election the selection and activities of the election inspectors has been the cause of far more dispute than any other part of the electoral process. Not only parties, but factions within parties, contend bitterly for the control of these positions. Often mayors or municipal councils are suspended wholesale for violation of the law regarding the appointment of inspectors. Charges of illegality are hurled back and forth and many cases are taken to the courts. Violence is apt to center around the election inspectors. The possession of two of the inspectors is universally believed to give the party in power a tremendous advantage, while a party which has no inspector is not expected to elect many candidates. The assumption is that the inspector is a purely partisan official and will act as such.

Dissatisfaction with the manner in which elections were conducted resulted in 1940 in the adoption of an amendment to the Constitution, establishing a commission on elections to have entire charge of the electoral process.[27] The amendment provides that there shall be "an independent Commission on Elections" composed of a chairman and two other members to be appointed by the President with the consent of the Commission on Appointments. The members hold office for nine years, with staggered terms. They may not be reappointed and may be removed only by impeachment. The chairman receives a maximum salary of ₱12,000 per annum (the pay of a Cabinet Officer) and the other two members ₱10,000. The salaries of the commissioners may be neither increased nor diminished during their term of office.

The powers and duties of the Commission on Elections are set forth in Section 2 of the amendment, as follows:

> The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.
>
> No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

The amendments to the Constitution not having been approved by President Roosevelt in time to become effective before the election of 1940, the National Assembly created a statutory Commission to conduct that election. As commissioners, President Quezon appointed three citizens universally esteemed for their ability, rectitude and regard for the public interest: The Honorable Pedro Concepcion, a retired Justice of the Supreme Court; Dr. Rufino Luna, at the time Undersecretary of the Interior, the Philippines' most experienced administrator of elections; and Judge

José Abreu, a former judge of first instance who has never participated in politics and is one of the ablest lawyers in the Islands.

The elections of 1940 were generally regarded as having been the cleanest and best conducted in the history of the Philippines, and the new Commission was given much of the credit for this accomplishment. After the elections the Commission indicated that instead of leaving the prosecution of violators of the election code to the offended parties, the Commission itself would conduct such prosecutions. It was also suggested that the election law be amended to authorize the Commission to appoint the election inspectors. Such a measure probably would do as much as any one action could do towards raising the tone of the electoral process A suggestion of what might be accomplished by placing the polling precincts in the hands of non-partisan officials was given by the appointment for the 1940 election of a school teacher as a fourth inspector in every precinct. These additional inspectors shared with the Electoral Commission the credit for the clean and orderly conduct of the elections last year.

The Philippines is breaking new ground in the establishment of its constitutionally created Commission on Elections. The Commission is almost a fourth department of the government and its creation is evidence of the determination of the Commonwealth Government to keep pure the electoral process, the fountain head of democracy. Two questions arise, however, concerning this novel electoral device; one theoretical, the other practical. First, is not the enforcement of the law regarding elections essentially an executive function, as all other law enforcement is? Second, what would be the position of the Commission should it ever be confronted with an unscrupulous President determined to keep himself and his party in office at all costs? The officials who actually administer the elections, from the Secretary of the Interior down through the Constabulary to the local councilmen, are for other purposes directly or indirectly under the administrative control of the chief executive. In a majority of instances, too, they would be members of his political party. Even though for the purposes of the election, law-enforcing agencies may be required by the Commission to "act as its deputies," how far would such agencies and the other officials concerned with the conduct of the

elections give the Commission loyal service rather than an all-powerful head of the government? With the support of the President the Electoral Commission should accomplish many of the purposes for which it was created. In the absence of such support, or of the desire of the voters themselves to keep the electoral process clean, the Commission might find itself in a position of relative impotence.

There is no intention to imply that this body will not contribute greatly to the cause of good government, for it may be expected to do so. Even under adverse circumstances it would be a powerful citadel for the protection of the ballot. However, the Commission is only one of many factors influencing Philippine elections and it would be unfortunate if it should be handicapped by a general feeling that with its creation this extremely difficult governmental problem had been solved.

Few changes have been made in the basic organization of Philippine political parties since the creation of the Philippine Assembly in 1907 opened the way for normal party activities. The organization of the present *Nacionalista* Party, which will be outlined, may therefore be regarded as being typical.[28] As in the United States, all persons who agree with the principles of the party and "formally adhere" to it are party members. In practice no ceremony is ordinarily made of joining the party and no dues are charged or membership cards issued. At times, however, groups of members are inducted into the organization with an elaborate public ritual.

The government and administration of the party is carried on by conventions and committees at three levels: the national, provincial and municipal. In the cities and municipalities the convention, which is the highest authority within its jurisdiction, is composed of five delegates from each district electing a member of the municipal council. The convention formulates the local platform and normally nominates the party's municipal candidates. It also elects the municipal committee, which includes a president, vice president, secretary, treasurer and as many members as there are councillors in the municipality. Municipal officials belonging to the party, and party members who are residents of the municipality and hold provincial offices, are *ex-officio* members of the

municipal committee. Sub-committees are formed in the barrios and electoral precincts of the municipality.

The provincial convention is composed of delegates elected by the municipal committees. Like the municipal convention, it chooses the elective members of the provincial committee, the provincial office holders and the National Assemblymen from the province belonging to the party being members *ex-officio*. The powers of the provincial convention and its committee are much the same as those of the corresponding bodies in the municipality.

The national convention is composed of members of the national directorate and three delegates from each legislative district, elected by the several provincial conventions. The national directorate is composed of two delegates from each province elected by the national convention upon the nomination of the several provincial delegations therein, the party affiliates among the members of the Cabinet, the National Assemblymen, the provincial governors, and the president of the Manila Municipal Board. The national directorate elects from its own membership the president and vice president of the party and a national executive commission composed of fifteen members. The president and vice president of the party are *ex-officio* the president and vice president of the executive commission. The national executive commission acts for the directorate in all matters entrusted to it and in other matters, subject to the control of the directorate, when the latter body is not in session. It is the practice of the party to name the Speaker of the National Assembly as its president and the floor leader as its vice president. The rules also provide that the President of the Philippines or, in case of his disability, the Vice President shall, in virtue of his office, be recognized as the "leader" of the party. A special organization is provided for the City of Manila.

As would be expected, the control of the party organization rests largely in the hands of the public officials who are *ex-officio* members of the party committees. These individuals are for the most part career politicians. They utilize the prestige and often the power of their official positions to strengthen themselves and their party within their respective jurisdictions. The close parallel (it is almost identity) between the governmental and the party

hierarchies facilitates the control which the national executive commission and the national "leader" exercise over the subordinate party units. The rules provide that the national, provincial and municipal organizations shall function "autonomously, but always in the relationship of interdependence necessary to accomplish the purposes of the group." [80] In most matters the local organizations do exercise a wide autonomy, the control of the Manila chieftains being exercised principally when it becomes necessary for them to intervene in the selection of party candidates for the more important offices.

In the Philippines politics is an expensive business for most of its devotees. Office holders are expected to contribute a certain percentage of their salaries to the party treasury. This contribution, however, is the least of the politician's expenditures. Although the law provides that no candidate shall spend in his campaign more than one-third of the remuneration for the full term of the office which he seeks, in practice this provision has been a dead letter. It is commonly believed that in certain of the rich provinces candidates for the Philippine Senate occasionally spend as much as ₱50,000 in a single campaign. The author was once informed by a candidate and his political associates that his campaign would cost him more than that. Such expenditures are, of course, unusual, but it is believed that a large proportion of persons running for office do not keep within the law in this matter. A losing candidate is often bankrupted as well as defeated, and one has only to hear the bitter complaints of wives whose politician husbands have depleted the family exchequer and lost the family property to realize what a desperate gamble political candidacy may be to a Filipino who is not backed by wealth.

Although the corrupt and illegal practices provisions of the election law limit the purposes for which campaign money may be expended, these regulations are difficult to enforce. In many districts voters expected candidates to pay their cedula taxes, and regularly allowed them to become delinquent until election time. When two wealthy candidates oppose each other, voters are often relieved of other delinquent taxes, school tuition, or even pressing private financial obligations. Food, drink, and tobacco are ordinarily distributed on a lavish scale, although the provisions of the

new election law prohibit such hospitality at any public meeting or on registration or election days. So accustomed have many voters become to such inducements to vote that in 1939 a bill introduced into the National Assembly to repeal the prohibitions mentioned was justified by the statement that without them a considerable proportion of rural voters would not go to the polls. As in other countries, a local politician is expected to "nurse" his constituency between elections. Perhaps this is one reason why many members of the national legislature find it necessary to assign their salaries to creditors.

Philippine politicians not only have to win their own electoral battles, but also those of their followers. The party hierarchy, from one point of view, is a personal feudal structure extending from the "national leader" to the party workers in the most distant barrios. The defeat of a nationally known supporter of the President who has received his chief's endorsement would be interpreted as a repudiation of the President in the province in which it occurred. A person running for a provincial governorship is often known as "the candidate of" some member of the Cabinet or other national leader. A similar relationship exists between the successive grades of offices right down to municipal councilmen. The higher-ups, therefore, dare not permit the defeat of their henchmen. President Quezon has proclaimed his office to be above party politics, has sought to detach himself from partisan squabbles, and has declared that as President he has no interest in local politics. He has not, however, been entirely successful in separating himself from the local affairs of the organization of which he is *el supremo*. This organization, although resembling its American prototype in many ways, is distinctively Filipino in spirit and, as stated at the beginning of this discussion, is the most distinctive portion of the Philippine political system.

PART THREE

EDUCATION FOR NATIONHOOD

CHAPTER XVIII *

QUALITY OR QUANTITY?

No PHASE of the development of a national state in the Philippines seems more important to Americans than the progress of education among the Filipino people. As a nation, the United States believes that education is indispensable to successful self-government. When America undertook to train the Philippines in democratic political processes it assumed as a matter of course that any people which is reasonably well educated, according to American standards, would be capable of managing its own affairs and determining its own destiny. Our Filipino wards accepted this viewpoint enthusiastically. For forty years they have striven to prepare themselves for independent self-government by supporting and patronizing to the full extent of their means a national school system based upon American principles and until recently directed by Americans. The Commonwealth has greatly extended the public schools and is giving serious consideration to the grave educational problems with which it is faced. The educational system of the Philippines is an important part of the American record in the Islands. Examination of the educational trends which have appeared since the schools passed completely under Filipino control in 1935 affords an additional basis for judgment as to how effective the educational system of the Islands will be as an instrumentality for the establishment of a democratic Philippine Republic during the years following 1946. For these reasons education constitutes a major phase of a study of nation-building in the Philippines.

The importance attached to education by the Filipinos, their conception of the proper objectives of the public school system, and their estimate of the minimum provision which their govern-

* *The notes of this chapter begin on p. 921. Subject matter notes are indicated by an asterisk.*

ment should make for the education of the people are authoritatively expressed in their constitution. This fundamental law provides:

> All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.[1] *

Thus in a far-off, tropical land an aspiring people wrote into its charter of government the educational precept which Americans have carried into every territory which has come under their control since the great Ordinance of 1787 declared that "religion, morality and knowledge being essential to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." In no other area over which the Stars and Stripes has flown has there been established an educational system so distinguished for the boldness of its purpose and for the magnitude of its task. To modify the ancient customs of nearly seventeen million inhabitants of more than 7,000 scattered islands; to give an Oriental people an Occidental education; to equip two score ethnic and linguistic groups with a common language, until recently unknown to all of them; to imbue these diverse groups with a common conception of democracy and the duties of citizens in a democratic state; and at the same time to prepare its students for life's mundane occupations: these are some of the accomplishments which have been expected of the public schools of the Philippines. No other people has ever made such heavy demands upon its educational system; few peoples, if any, have more generously supported their schools. It is in their relation to these facts that the instrumentalities of public education in the Philippines should be considered and their achievements assessed.

The history of public education in the Philippines begins in

1863, when a public school system was provided for by royal decree. Prior to that time education had been a function of the Roman Catholic Church, which without financial aid from the government had established more than one thousand parochial schools in the Islands and maintained academies, colleges and universities in which a few favored youths could obtain a higher education. As a Filipino historian has declared: "The curriculum given in the parochial schools was predicated on the needs of the age, partly academic and partly vocational, and predominantly Catholic. The pupils, both young and old, were taught religion, Spanish, reading, writing, arithmetic, music, and useful vocations and trades." [2] Although the instruction was primarily religious and remained almost mediaeval in type despite the intellectual developments of the twentieth century in other parts of the world, it compared favorably with that given in Spain and was superior to the instruction then available to the natives of other colonies.[3*]

Between 1863 and 1897 the rudiments of a public school system were established in the Philippines. In the latter year it was estimated that some 200,000 children were enrolled in the primary grades. The instruction which they received, however, was so slight and so archaic as to be inadequate as a preparation for life in a modern society. During the revolutions against Spain and the United States even this system of education partially collapsed, and in 1901 when the Americans sought to establish a modern school system in the Islands, they found practically nothing upon which they could build.

They did find, however, that the Filipino leaders were almost a unit in desiring to establish an educational system which would rest upon the fundamental American principles of free public education for the masses and the separation of the church and state. The Roman Catholic Church's hold upon the schools and the failure of the government to provide the masses with the opportunity to obtain a modern education had been one of the chief grievances of the Filipinos against Spain. Although fighting a losing struggle for existence, the revolutionary governments and the Philippine Republic of 1898-1900 exhibited remarkable concern for education. They made every effort to keep the existing schools alive, and developed definite plans for their modernization,

secularization, extension and use as instrumentalities of nationalization.[4] The four great constitutional documents of the period, the Constitution of the Philippine Republic, the proposed constitution of the Island of Negros, the draft constitution prepared in 1898 by Pedro Paterno and other eminent Filipinos, and the constitutional draft prepared by Mabini in June, 1898, all contained provisions intended to liberate the schools from clerical control and make education compulsory, and in the public schools secular and free.[5]

It is difficult for Americans of today to appreciate how advanced these ideas concerning education were for the Philippines of 1900. Yet, as Dr. Barrows wrote in 1903, the American educational plan "would never have been practicable had it not been in fact the demand of the Filipino people themselves."

> Thoroughly American as our school system is, it represents the ideas which theoretically command the desires of the Filipino. His request was for free, secular schools, open to all inhabitants and teaching the English tongue and the elementary branches of modern knowledge. His struggle with Spain had sufficed to teach him that he was limited in thought and action by a medieval system which is no longer recognized as of binding force in the modern world, and this feeling has caused his prompt acceptance of whatever appeared to him or was presented to him as of modern type.[6]

Both American and Filipino historians have dramatized the speed with which the United States proceeded with its task of implanting its own educational institutions in its new possession. The picture of the American soldier, "Krag" rifle in one hand and school book in the other, bringing "civilization" to Uncle Sam's tropical wards is familiar in both countries; and it is a true one, too, for even under the military government an extensive school system was conducted under the direction of army officers. The present educational institutions of the Islands, however, were established by the school law passed in January, 1901, by the Philippine Commission.[7] Under this wise act, frequently amended in detail but continued in its essential principles, Americans and Filipinos have cooperated for forty years in striving towards educational goals upon which, in the main, they have wholeheartedly agreed. Viewed as a whole the period has been one of remarkable achievement, and it is hoped that the recognition of this fact now

heartily given will not be forgotten if in succeeding pages attention is directed not only to some of the accomplishments of the Philippine schools but also to the extent to which they have fallen short of attaining some of their announced objectives.

The fundamental purpose of the Filipino people in helping to create and generously support their public schools has been to forward the establishment of "a self-governing Philippine state, independent and democratic." The Filipinos have believed that "democracy to be stable and enduring requires an enlightened citizenry," and have recognized education as "the bulwark of modern democracy." [8] Like Americans, they have felt that the road to democratic self-government runs through the school house, and the primary function of their system of education has been to facilitate national progress along that road.

In order that the schools may effectively perform this function a number of broad educational objectives have been established in the Philippines. The most important of these goals have been: to wipe out illiteracy; to make English the common second language of all the people; to give every Filipino child at least a modern elementary education designed to develop him as a patriotic citizen and as a politically, socially and economically competent member of society; through a limited number of secondary schools and institutions of higher learning, to develop a body of trained and cultured citizens from which leadership at its various levels may be expected to emerge.[9]* A more recently adopted objective is to make modified Tagalog a common Philippine language.

Opinions differ as to the degree to which these educational objectives have been attained and as to how wisely the public schools have been planned and directed. In 1925 a careful examination of the Philippine school system was made by an educational survey commission composed of nine recognized leaders in American education, which served under the chairmanship of Dr. Paul Monroe. It may be true that the validity of the commission's findings was reduced by its unfamiliarity with Philippine conditions and the devotion of its members to American educational theories which are not yet universally accepted. Nevertheless, the report of the Monroe Survey Commission resulted in marked im-

provements in the Philippine school system and contains many findings which are still of use in evaluating that system.[10*]

In February, 1935, President Quezon appointed a committee composed of Filipino educators and other citizens of national standing to make a survey of education in the Philippines in order that upon its establishment the Commonwealth Government might be prepared to exercise wisely the complete control over the educational system which would then pass into its hands. This committee did not have the resources with which to conduct extensive original investigations. Consequently, in the main, the conclusions and recommendations presented in its report are based upon the technical experience and knowledge of the professional members of the group and the considered views of laymen on the committee.[11] In February, 1936, by executive order President Quezon created the National Council of Education "to advise the Government on educational policies and necessary reforms in the existing system of education." [12] Under the chairmanship of the late Rafael Palma, one-time President of the University of the Philippines, the Council held several score of meetings and made many recommendations concerning educational policy.[13] In 1941 the Honorable Camilo Osias was appointed Chairman of the Council.

Three years later, President Quezon created a third body to advise him upon educational matters. This was a joint committee of the executive and legislative officials who are responsibly concerned with public education. It was directed "to make a thorough study of the existing educational methods, curricula, and facilities, to formulate plans and measures to enable the government to maintain a public school system in accordance with the mandate of the Constitution and to recommend such changes and modifications in the present ways of financing public education as the economic resources of the country may justify." [14*] This committee has not yet reported, but the views of the other three investigating bodies will frequently be referred to.

The creation of the Quezon Committee, the National Council of Education, and the joint executive-legislative committee reflected the feeling of the Filipinos that with the establishment of virtual autonomy under the Commonwealth they should take steps to adapt their educational system where necessary to the needs of



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THE HONORABLE CAMILO OSIAS



Photo from "Philippines" magazine

NORMAL SCHOOL BUILDING, ILOILO

their new status and probable future.[15*] Since 1935 this adaptation has been gradually progressing. In education, as in other national activities, there has been no sharp break with the past. Abrupt and fundamental change has been unnecessary because for years the policies of the Government had been devised in anticipation of the eventual establishment of a situation such as came into existence with the Commonwealth. The real break, if there be one, will come with the transition from the Commonwealth to the Republic.

The accomplishment of the educational purposes of the Philippine Government depends upon three factors: putting a sufficient number of children in school at the various educational levels; keeping them there long enough to give them a fair chance of retaining in later life a reasonable proportion of what the schools have to offer; and providing them with instruction which is good enough to develop in them the qualities sought for. Thus far, with reference to the first two factors the government has fallen far short of the accomplishment of its purposes, although since the inauguration of the Commonwealth the gap between perfection and performance has been greatly reduced. Concerning the nature and quality of the instruction given, experts differ in detail, as is the way of experts. In general there is agreement that the content of the work offered, that is, the curriculum, is reasonably well adapted to the accomplishment of its purposes. But upon the quality of instruction in the crucial primary grades, and especially in the key subject, English, there is a growing weight of opinion on the side of those who believe that quality has been dangerously sacrificed to quantity, particularly since 1935.

Our study of the Philippine schools of today will begin with a discussion of the number of children who are reached by them and the length of time which these young citizens are subjected to their influence. As of November 15, 1939, there were 11,819 schools, 42,016 teachers, and 1,861,861 pupils in the Philippine public school system.[16] In only two states of the Union, New York and Pennsylvania, was the enrollment larger. Even this huge body of pupils, however, comprised only about 45 per cent of the school population of the Philippines, that is of the estimated population of the Islands from 7 to 17 years of age, inclusive.[17*] The significance of this percentage in terms of national educational

achievement may be gauged by comparing it with the proportion of children in school in other jurisdictions. In New York 83 per cent of the population 5-17 years of age are in school, and in Pennsylvania 80 per cent, while in the continental United States as a whole 83 per cent are enrolled. Even in New Hampshire, which has the lowest percentage of school enrollment of any state of the Union, 71 per cent of the children from 5 to 17 years of age are attending school.[18] The proportion of children in school to the school population is not readily obtainable for the Oriental neighbors of the Philippines. In the Netherlands East Indies, however, only 3.2 per cent of the total population is enrolled.[19] In Formosa the percentage is approximately 9.5 [20] and in Korea 4.5.[21] In the Philippines approximately 10.7 per cent [22] of the total population is enrolled in the public schools, and in both the continental United States [23] and Japan [24] about 21 per cent.

The fact that only 45 per cent of the children of school age were enrolled in the Philippine public schools in 1939 should be interpreted in the light of various other facts. In the first place, it is manifestly impracticable from the financial standpoint for this country at the present time, or at any time in the measurable future, to make it possible for all of its children to secure a high school education. Secondly, the consensus of opinion is that it would be unwise under present conditions for the state to seek to educate the great mass of Filipino children beyond the elementary grades. To do so might create serious economic, social and political problems.

President McKinley's instructions to the Second Philippine Commission declared that the Commission "should regard as of first importance the extension of a system of primary education which shall be free to all, and which shall tend to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community." This injunction was heeded not only by the American administrators in the Philippines, but also by the Philippine Legislature, which has never deviated from the policy of concentrating the bulk of insular financial aid upon the first four grades. The principle that primary education is of "first importance" is also recognized in the Philippine Constitution. This fundamental law follows the general precept, "The Government

shall establish and maintain a complete and adequate system of education," with the specific provision that it "shall provide at least free public primary instruction, and citizenship training to adult citizens." [25]

With this background in mind, the Philippines makes a much better showing when one considers the proportions of its children of the three school-age groups which are enrolled in the schools of the corresponding levels. Although only 41 per cent of the children between 7 and 17 were in school in 1938 (45 per cent in 1939), 89.72 per cent of the children of primary school age, 7 to 10 years, were receiving an education in the first four grades during that year. In addition, 27.61 per cent of those of elementary school age, and 7.11 per cent of those of high school age were enrolled in the corresponding grades.[26] If all of the children enrolled in the primary, intermediate, and secondary schools, respectively, were to complete the curricula of these several levels, the immediate objectives of the Philippine schools would be within striking distance. How far this is from being the case, and a number of other problems of the Philippine educational system will be understood by a study of additional data concerning the schools. The following chart and the accompanying table show the classification and curricula of the schools in the Philippine system by years, or grades, and give the distribution of schools, pupils and teachers within the system.

The table on page 472 makes clear the most striking characteristic of the Philippine public school system. It shows that 80 per cent of the pupils are in the four primary grades, 80 per cent of the schools are primary schools, and 80 per cent of the teachers are primary teachers. As an additional 14 or 15 per cent of the pupils are in the three intermediate grades, this means that less than 5 per cent of the 45 per cent of the total Philippine school population who attend school progress beyond the intermediate grades. In the United States more than 22 per cent of the 83 per cent of the enrolled school population proceed further.[28]

In view of the fact that the Philippine Government has always regarded the establishment of primary schools as its first educational objective, this distribution of the school population at the three main levels of public school instruction is not so abnormal

TABLE I

PHILIPPINE PUBLIC SCHOOL SYSTEM, 1938 [27]

Schools		Years	Curricula
Collegiate	Normal and technical schools	14 13 12	Third Year Normal and Trade Normal–Trade–Nautical
Secondary	High schools	11 10 9 8	Academic–General–Trade–Normal Vocational - Agricultural–Home Economics
Elementary	Intermediate schools	7 6 5	General–Agricultural
	Primary schools	4 3 2 1	General

Number of	Schools [a]	Pupils [a]	Teachers [a]
Primary	9,489	1,408,652	26,858
Intermediate	1,316	250,503	9,072
Secondary	114	76,084	1,964
Collegiate	7	3,629	112
Total	10,926	1,738,868	38,006

[a] On November 15, 1938.

as it may at first seem. It is the distribution of the enrollment between the four primary grades that reveals the greatest single weakness of the schools as developed during the period of American control. Thirty-three per cent of the total school enrollment is in the first grade, 55 per cent in the first two grades, and 70 per cent in the first three grades.[29*]

To put these figures in terms of pupil survival and elimination, as the system was working in 1936, of the third of a million children who were entering the first grade each year about 77 per

cent survived and enrolled in grade two, while 23 per cent were eliminated; 62 per cent reached grade three and 38 per cent did not; and 48 per cent enrolled in the fourth grade, while 52 per cent of those who had entered grade one had been eliminated before completing the primary grades.[30] The percentages of elimination were even greater in the upper grades. Contrast this situation with that which prevails in the United States, where 70 per cent of the pupils who enter the first grade and 95 per cent of those who reach the second grade survive through the fourth,[31] and where the rate of elimination is much less in the upper grades as compared with the corresponding grades in the Philippines. In Japan the contrast is even greater, for there more than 99 per cent of the children between the ages of six and fourteen enter and are graduated from the compulsory six-year primary course.[32]

Since the proportions of pupils enrolled in the several grades of the Philippine schools changed very little between 1925, when the Monroe Board of Educational Survey made its report, and 1938, the comments of the Board upon the "appalling" elimination of pupils in the lower grades are of significance in estimating the effectiveness of the system as it had developed up to the latter year. The survey board recognized that it is natural that with a much higher economic standard of living and a century and a half of vigorous support of universal public education, America can keep children in school much longer than can the Philippines.

> Nevertheless the fact remains [declared the Report] that the mass of the Filipino people do not now stay in school long enough to develop for permanent use even the rudiments of an education. . . .[33] Two years of the present instruction give children practically nothing of permanent value; three years serve the purposes of the school but little better. The Commission is of the opinion that four years is the basic minimum, and that this should be raised to five years certainly within the next decade.[34]

The Commonwealth Government has accepted the Monroe Survey's conclusion that a schooling of less than four years is largely a waste of time and money. In August, 1936, the National Council of Education declared: "When, as at present, children either of their own accord or by force of circumstances leave school after one or two years stay without the Government's

making possible and compelling their attendance until they complete the four primary grades, the instruction they receive is of little value to themselves or to the state and is consequently a waste of public funds. . . . The result is inadequate preparation bordering on illiteracy." [35] The Council recommended that compulsory education for at least the first four grades be the goal of the Commonwealth, and that until this should be financially possible a semi-compulsory system which would gradually become compulsory should be maintained.

Recognizing the wisdom of the Council's recommendation, President Quezon in 1938 urged the National Assembly to take the first step towards compulsory primary education by applying the compulsory principle to all children living within a certain distance of a primary school. "A law on compulsory education is deemed absolutely necessary," he declared, "because less than one half of the children who attend the primary schools reach grade four and experience has shown that with only two or three years of instruction the child is very inadequately trained and retains little of what is taught him in the school. It is true that compulsory education is more than the minimum required by the Constitution, but its importance to the welfare of the nation is sufficiently demonstrated by our own experience and that of the older and progressive countries." [36]

The Commonwealth has made considerable progress in providing the additional facilities which are prerequisite to the recommended expansion of the school system. During the three years following 1935 the enrollment increased by more than half a million, a growth almost as great as that of any previous decade. Nearly one-half of this increase occurred in one year, 1938, during which more than 4,000 additional primary classes were opened; and 80 per cent of the increased enrollment was in the primary grades. By 1941 the increase in school attendance since 1935 had mounted to 800,000.

How far this effort left the Philippines from the goal of four years of compulsory education, however, may be appreciated from the estimate of the Director of Education that in order to give every pupil *in school in 1938* an opportunity to finish Grade IV, a total of 13,158 additional classes would have to be provided

during the next four years.[37] Moreover, the surprising increase in the population revealed in the census of that year shows that this was a serious underestimate. Since 1938 further expansion has occurred, the total enrollment having increased by 123,000 in 1939-40, while in 1941 President Quezon stated in his annual message that more than 2,000,000 pupils were in attendance. As previously, however, many new first grade classes were opened, which means that a still larger number of second, third and fourth grade rooms will have to be added if the new students and those previously enrolled are to have an opportunity to complete the primary curriculum.

The only way in which the wastage caused by giving more and more pupils less and less education can be reduced is by a drastic decrease in the number of new first grade classes opened, until the second, third and fourth grades can take care of the pupils prepared to enter them each year. This policy has long been advocated by the school authorities. In his 1937 report, the Director of Education declared:

> If the aim of keeping in school for at least four years those who have enrolled is adopted—and it should be—it would mean the utilization of the greater portion of future extension funds to open Grades II, III, and IV classes to take care of the number of classes needed in each of these grades because of a greater enrolment in the preceding grade. And unless additional classes are organized in the grades above Grade I in each succeeding extension program to take care of added enrolment in Grade I caused by a preceding extension program, the system will forever be predominantly a lower grade primary system.[38]

In 1940 the National Assembly provided by law for a "complete revision" of the public elementary school system.[39] Although the changes required by this legislation have not yet been worked out in detail, it seems probable that when put into effect they will profoundly modify the educational system.

The law provides that the revision shall have the following educational objectives:

> (a) To simplify, shorten, and render more practical and economical both the primary and intermediate courses of instruction so as to place the same within the reach of the largest possible number of school children; (b) to afford every child of school age adequate

facilities to commence and complete at least the primary course of instruction; (c) to give every child completing the primary course an adequate working knowledge of reading and writing, the fundamentals of arithmetic, geography, Philippine history and government, and character and civic training; and (d) to insure that all children attending the elementary schools shall remain literate and become useful, upright and patriotic citizens.[40]

For the effectuation of the objectives thus set forth, a number of changes are to be made in the school system, the most important of which are as follows:

(1) The elementary school curriculum is to be revised.

(2) With the approval of the President, the required age for admission to the elementary schools may be raised from seven to not more than nine years and the elementary course (including the primary and intermediate grades) reduced from seven to not less than five years.

(3) No child shall be admitted into the public schools, except on condition that he shall remain in school until he shall have completed at least the primary course (four years, at present).

(4) Compulsory school attendance through the primary grades is provided for, with exceptions; the chief ones being inaccessibility to a school or the financial inability of the parents to keep the child in school.

(5) To accommodate all children qualified to attend the elementary schools the Secretary of Public Instruction may, with the approval of the President, authorize the holding of two or more complete single sessions a day, or adopt other measures calculated to take care of the largest number of school children.

(6) Public elementary education shall be supported by the National Government, except that chartered cities, where financially able to do so, shall support intermediate classes within their jurisdiction. Extensive readjustments in the disposition of the national revenue are made to enable the National Government to meet the additional expenditures imposed upon it by this act.

The effects of the Educational Act of 1940 upon the Philippine public schools cannot be foreseen at this time. Its objectives seem to be in harmony with the long established purpose of the Philippines to provide facilities for the education of all Filipino

children for citizenship and in the Filipino way of life. How effective the revision will be in attaining these objectives will depend upon the nature of the changes which are made. These, in turn, probably will depend upon the financial means of the Philippine Government in the years to come. The requirement that all children who enter the schools shall complete at least the primary course undoubtedly is sound. The provisions of the law are so flexible that the number of children actually provided for in any one year is largely left to the discretion of the Secretary of Public Instruction and of the President. Likewise the quality and quantity of the instruction given is left to be determined by the same authorities. The door is thus opened for a reduction in quality and an increase in quantity sufficiently great to defeat the avowed purposes of the act and make it impossible for the schools to give a first-rate education, by any modern standard.

It would, however, be improper to assume that such a reduction will occur. The principle of universal, compulsory education through the primary grades is established as a national policy. Presumably, the principle will be applied in a way which so far as the financial resources of the country permit will gradually accomplish, and not defeat, the fundamental purposes of the schools. Whether this presumption is warranted will be disclosed by the developments of the next few years. In the long run, the application of the Educational Act of 1940 and the entire character of Philippine education will be deeply affected by the most momentous change in national cultural policy which has been made since the present school system was established: the adoption of modified Tagalog as the national language. If, as President Quezon is reported to have announced will be done, the national language should be made the medium of instruction in 1946, the educational system would have to be virtually reconstructed. This subject is discussed in Chapter XXIV, *infra*.

Not the least important provisions of the new school law are those which make the National Government responsible for financing elementary education. The plan for school support followed until 1938 provided for three types of financing: (1) Municipal elementary schools were supported by a percentage of the land tax, one-half of the cedula tax, and additional funds voted

by the municipal councils; (2) Provincial secondary schools, agricultural and trade schools were supported by provincial funds, and in the case of academic high schools were augmented by tuition fees; and (3) Insular normal, trade, agricultural, commercial, nautical and other special schools were supported by Insular appropriations. The central government also bore the cost of administration and supervision and paid all American and a considerable number of high ranking Filipino administrators and teachers.

There were two serious defects in this system of school finance. The municipalities and provinces which could not or would not provide adequate funds for elementary education fell below the minimum educational standard set by the state; and as the local revenues and appropriations could not be forecast accurately and fluctuated with economic conditions, there were almost annual "school crises" during which large numbers of prospective pupils clamored for admission until supplementary "aid" was supplied by the central government. Between 1929 and 1936 the depression caused a reduction in municipal revenues and Insular aid to municipal schools rapidly increased. When the cedula tax was abolished in 1937 it became necessary for the Commonwealth Government to appropriate to the municipalities the equivalent of one-half of the previous cedula collections and in 1938 a revision of the distribution of school expenditures between the central and local governments was made.

The new plan [41] provided: (a) that the Commonwealth Government should support all public primary schools (grades 1-4); (b) that the local governments should support the intermediate schools (grades 5-9), allotting all local school funds derived from the real estate tax, the internal revenue allotment from the central government, and other sources; (c) that local governments might levy a tax of ₱2.00 on all inhabitants between the ages of 18 and 60, inclusive, for the support of the intermediate schools; (d) that the City of Manila should continue to appropriate for all school purposes not less than the average amount appropriated during the previous three years; and (e) that local governments should continue to provide sites for all types of schools. This method of supporting the schools proved to be unworkable. The munici-

palities, as a whole, refused or were unable to provide the necessary funds and the schools had to be kept open by national supplemental appropriations. It was commonly said that many municipalities refused to vote the permissive tax because the intermediate schools, being located in the *poblaciones* (central towns or villages), were generally inaccessible to the children of the farmers who live in the *barrios* (scattered hamlets).

The transfer of the financial responsibility for the intermediate as well as the primary grades to the Commonwealth Government, as provided for by the Educational Act of 1940 probably will have at least two advantages. It should make the administration of school finances much easier and result in a greater uniformity in the quality of the public schools throughout the Islands. On the other hand, it may be expected still further to reduce the responsibility of the governments and the people of the local units for their schools and for local public affairs generally. Such a result would tend to accelerate the decrease in democratic local self-government which has been in progress during the Commonwealth period.

Whatever else may be in doubt about the proposal to make the primary grades of the public schools compulsory, it is certain that unless the quality of the schooling given is drastically reduced the expansion would cost a great deal of money. In 1936 the Council of Education estimated that to accomplish this purpose completely the appropriations for current expenses would have to be increased by annual increments which would amount to ₱9,122,000 for the year 1940-41, after which expenditures would only increase in proportion to the growth of the primary school population. This sum would be a formidable addition to the school budget, as it is only a little less than one-third of the total school appropriations for 1937-38. Moreover, it should be remembered that these estimates were for additional annual current expenses only and did not include the enormous capital investment in physical plant which would be called for. It should be also borne in mind that they were based upon a serious underestimate of the population of the Philippines.

Looking into the future, is it probable that the Philippines will be able to carry the added financial burden which would be

imposed by the proposed extension of the present type of education to many thousands of additional pupils? One way in which the expansion might be financed would be by increasing the school appropriations at the expense of those for other purposes. Both comparative data and conditions in the Philippines indicate that such a policy would be unsound. In 1937 the Philippines appropriated nearly ₱28,700,000 for its schools. This sum constituted about 20 per cent of all national and local governmental expenditures for the year,[42] and for some time past this has been about the proportion of the national and local budgets allotted to public education. In 1937 the national government expended approximately ₱18,000,000, or 21.20 per cent, of its total appropriations for school purposes.[43] In the budget estimates for 1941, ₱34,117,050 was requested. This sum was 37.48 per cent of the total proposed regular operating expenditures for the fiscal year of 1941.[44] The percentages for 1937 and 1941 are not comparable, because between those years the national government had taken over a large proportion of the school expenditures previously made by the local governments.

Proportionately to their respective incomes the United States spends a little more, and the Latin American and even the greater European nations very much less, upon their public schools. Philippine school expenditures are proportionately much heavier than those of other Far Eastern states and dependencies.[45*] Compared with other nations, therefore, the Philippines has for years expended an unusually large proportion of its revenues upon its public schools. This fact, together with the newly assumed burden of national defense and the acute need of many other governmental services for increased appropriations, public health being the most notable example, makes it practically certain that further school expansion cannot well be financed by increasing the proportion of the government income allotted to education.

Assuming, therefore, that the educational appropriations have been effectively expended, and this is the case, it is evident that in the past the Philippine public schools could have been more rapidly extended only by robbing other necessary public services of needed appropriations, by decreasing the per pupil cost of education and thereby lowering its quality, or by increasing the national income.

The tremendous expansion of the school system which has occurred since 1935 has been made possible by the temporary increase in Philippine revenues caused by the windfall coconut oil tax income received from the United States and by a serious reduction in the educational expenditure per pupil. Between 1935 and 1938, while appropriations for school purposes increased by about 10 per cent, the enrollment in the public schools increased by 40 per cent.[46] Even during the remaining years of the Commonwealth, therefore, the financial situation does not indicate that a further expansion of public education can be made without a serious sacrifice of quality. The educational outlook for the Republic scheduled to be launched in 1946, when the expenditures of the Philippine Government for non-educational purposes will necessarily rise, will be dark unless the national income can be correspondingly increased.

From the foregoing discussion it should be evident that when judged by the goals set for it, the Philippine educational system has been seriously deficient in the proportion of the nation's children that it has reached and the length of the period during which it has held these children in school. The fundamental reason for the deficiency has been the insufficiency of the national income. In expending the money which was available for education, the Philippine Government has had to choose between enrolling a relatively large number of pupils, more than half of whom would not remain in school long enough to benefit fully and lastingly from the experience, and teaching a smaller number enough to qualify them as first-rate citizens in the kind of state that the Philippines is seeking to become. The choice was made in favor of the former alternative. The Government is now seeking to reduce this deficiency, probably the greatest weakness in its educational system, by expanding its school facilities sufficiently to make possible four years of compulsory primary education of a sufficiently high quality to accomplish the purposes for which the schools exist. Even while receiving millions of easy money from the United States coconut oil tax, the Commonwealth probably lacks the financial capacity to reach this goal. It seems highly improbable that the Republic proposed for 1946 would be able to maintain four years of compulsory education of the type which now exists in the Philippines.

CHAPTER XIX *

SCHOOLTEACHERS AND SCHOOL ADMINISTRATORS

A GENERATION ago it may have been true that the best college was a log with an eager student seated at one end and a Mark Hopkins at the other. In the Philippines of Spanish days, as in America of the last century, there were many obscure provincial *maestros de escuela* who were distinctive personalities, and of whom it can truly be said that "their schools were builded about their persons." [1] These forgotten men, as Vice President Sergio Osmeña declared at the celebration of the tricentenary of the College of San Juan de Letran, the alma mater of many of them, anonymously made a great contribution to the progress of the Philippines.

Modern school systems, however, require more elaborate and more expensive equipment. In the Philippines of today the buildings and grounds of the public schools not only serve the primary purpose of housing pupils and teachers, but also play an active part in educating the children who attend them and the community generally in the new modes of thought and conduct which are gradually modifying the life of the Filipino people. The methods with which they are devised and utilized to this end give a preliminary insight into the actual working of the Philippine school system.

With the meticulous care which characterizes all of its operations, the Bureau of Education has established definite methods and standards in the acquisition and development of school sites and school buildings. "The aim," the Director of Education states, "is to secure a first-class site for every school established in the Archipelago. After the site is acquired and the building is erected,

* *The notes of this chapter begin on p. 925. Subject matter notes are indicated by an asterisk.*

the aim is to make the school the most attractive looking place in the community."

The Service Manual of the Bureau of Education classifies sites as first, second, or third class, upon the basis of size, surroundings, location and various other factors. In every community the people are educated to be satisfied with nothing but the best and to feel a proprietary pride in their schools. Special "efforts have been made to enlist the aid of the barrio (village) people by assuring them of a school and teachers if they would furnish a site and, if possible, a building. This plan is recommended because it gives barrio people a personal interest in the school for which they have furnished the site and because barrio people can obtain a site at a much lower price and with less annoyance than government representatives."

School sites are acquired by purchase, by donation, and from government reservations. It is significant that by far the largest number of them are acquired by donation. In 1917 the government owned 2,824 school sites. By the end of 1923 the number had almost exactly doubled, and in 1938 had increased to 9,393. The number of second- and third-class sites is steadily decreasing and about 80 per cent of the permanent and semi-permanent owned school buildings are now located on "standard sites." [2]

As with sites, so it is with school buildings. "Standard-plans" and "special-plans" have been developed in the General Office of the Bureau of Education providing to the last detail for the types of buildings best suited for every kind of school service under Philippine conditions. Reinforced concrete construction has been found to be the most satisfactory and, in the long run, the most economical. In size the buildings vary from the single-room structure which serves an outlying barrio to thirty-room central schools.

Unfortunately, standard-plan and special-plan permanent construction has never been able to keep pace with the increase in enrollment and this has been particularly true during the past five years. In 1938 there were 894 permanent standard-plan buildings housing 5,666 classrooms, and 253 permanent special-plan buildings housing 1,319 classrooms. In addition, the government owned 3,899 semi-permanent standard-plan buildings housing 8,908 class-

rooms and 1,937 semi-permanent special-plan buildings housing 5,257 classrooms: a total of 6,983 permanent and semi-permanent buildings of high or relatively high quality housing 21,151 classrooms. At the same time, however, the national and local governments owned 6,716 temporary school buildings,[3] many of which were constructed of cheap lumber, with bamboo floors and nipa thatch roof. Frequently the materials and labor going into such structures are voluntarily contributed by the people of the neighborhood in order to secure a new school or an addition to an old one.

During the first half of the last decade a minimum amount of school construction was accomplished, and the expansion which has occurred since 1935 has caused an acute building shortage. Although the appropriation of more than ₱10,000,000 for construction purposes during the first three years of the Commonwealth eased the situation somewhat, many classes are still housed in unsatisfactory rented or borrowed buildings, while a large proportion of the temporary school buildings belonging to the government need to be replaced by permanent structures.[4] As a temporary expedient resorted to during a period of rapid expansion the utilization of inferior buildings even on the scale now reached probably would not seriously lower the level of education in the Philippines. There is danger, however, that if the Commonwealth continues its rapid push towards the goal of compulsory primary education, the construction backlog will become ever greater. As the Director of Education has pointed out, "with the opening of about 7,000 new classes in 1938, the most of which were housed in rented or borrowed rooms, it is obvious that the building problem will not be ended if more financial provision is not made for building purposes." [5] The longer the Philippines continues to expand its educational system by sacrificing quality to quantity the more difficult it is going to be to make the "financial provision" which will be necessary not only for building but for many other purposes, if the standards of the schools are not to become those of a "bamboo" system.

Whatever the size or the character of the Philippine school, however, the building, grounds and equipment are almost always maintained in a condition that cannot fail to have a good effect

upon the habits of life of the neighborhood. Neat, strong fences, well-kept grounds beautified by trees, flowers, and vines, highly productive vegetable gardens, clean walks, rooms and hallways, sanitary toilet conveniences and a pure water supply are the rule. Conditions such as these are taken as a matter of course, but they are achieved and maintained only at the price of unremitting effort.

All except a few of the largest school buildings are low, one-story structures with simple, dignified lines. In the better buildings the desks, tables, blackboards, pictures and other decorations compare favorably with those of the highest types of schools in the United States. The willingness of the Filipino people of every class to tax themselves heavily and to contribute individually for the maintenance of such school buildings and equipment is a striking expression of their acceptance of modern standards of life and of their determination that their children, and through them their country, shall attain a high type of culture. No one at all familiar with Filipino life can doubt the wisdom of such expenditures and their effectiveness in furthering the desired ends.

Although adequate buildings and equipment are necessary in a modern educational system, what is taught and how it is taught are of greater importance. The curricula of the Philippine public schools are basically similar to those followed in the United States. There are, however, two outstanding differences. The first is that in addition to studying the "three R's" and whatever else he may learn, the Filipino child from his first day in school has to labor with a foreign language and to study every other subject in this alien tongue. The second sharp difference is that the curricula are designed not only to give the child an elementary academic education and some training for active citizenship, but also to develop in him habits of living which are not traditional in the home and community from which he comes. Instruction in English begins with the first grade, and throughout the public school system, including the University of the Philippines, all subjects are taught in this tongue. Other differences are that more emphasis than is customary in the United States is placed upon instruction in hygiene and sanitation, citizenship, "good manners and right con-

duct," physical education and vocational (or pre-vocational) training in the elementary grades.

Since 1935, in conformity with the provision of the Constitution which directs that "all schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship," additional time has been devoted to character building and the development of Philippine nationalism. During the same period preparatory military training has been introduced into the schools, beginning with the fourth grade. In other ways the curricula are being constantly modified in order that they may reflect the social and economic changes that are continually taking place and in order that their content may meet the needs of present-day society.[6*]

In the four primary grades only the general or purely academic curriculum is offered, except that in grade four preliminary work is given in gardening as a part of the course in elementary science. There are two intermediate curricula, the general and the agricultural. The general curriculum is offered in all of the 1,323 intermediate schools and as an alternative the intermediate agricultural curriculum may be elected by pupils in farm schools and rural high schools having intermediate grades.

The academic high school curriculum, which is offered in 50 out of the 114 secondary schools, serves as a preparatory course for those who plan to enter a college or university. In 1938 approximately 48,000 out of the 76,000 secondary pupils were enrolled in this curriculum. In a growing number of high schools there is also available a "general" course of study which combines elements of the academic curriculum with portions of the vocational or trade curriculum "in such a way as to produce well-rounded students who have an appreciation and understanding of both the cultural things in life and the world of work." Combining the academic and vocational subjects in a 60-40 proportion, this course is believed to be "more in keeping with modern trends, and especially with the increasing emphasis on the economic development of the country." Some 10,000 students in thirty-seven high schools elected the general curriculum in 1938.

Beside the high schools giving the academic and the "general" courses are the agricultural and rural high schools and trade

schools. In 1938 about 4,600 students were enrolled in the former institutions, which were twenty-five in number. During the same year there were twenty-seven secondary trade schools with an enrollment of more than 9,000 pupils. In 1939 two of the provincial trade schools and two provincial agricultural schools were converted into national schools. These institutions will be, in effect, regional schools and will be adequately equipped and financed. The national agricultural schools are intended to help prepare the Philippines to meet the competition of progressive countries which make a scientific approach to the problems of agriculture. The policy is to place one trade school and one agricultural school of this character in each region of the Archipelago. The national agricultural schools will be coordinated with the National Land Settlement Administration with the purpose of placing their graduates upon the land in regions open to settlement. A home economics curriculum is also provided in the high schools, with an enrollment of about 5,000 girls.

Until recently provincial normal schools on the secondary level were found in many provinces, but with a view to raising teacher-training standards all but three of these have been eliminated and superseded by five collegiate normal schools located in regional centers. In 1938, 721 students were enrolled in the former type of institution and 1,914 in the latter. The Bureau of Education also operates the Philippine School of Arts and Trades, another institution on the collegiate level. The Philippine Nautical School, which was formerly under the Bureau's jurisdiction, has recently been transferred to the Department of National Defense. For many years the public school system has included a school of high quality (although of woefully inadequate size) for the deaf and the blind in which students are taken from the first grade through two years of high school work.

As measured by the variety of the curricula offered, the Commonwealth would seem to meet the requirement of the Tydings-McDuffie Act and the Philippine Constitution that the Government "shall establish and maintain a complete and adequate system of public instruction." The system may be regarded as being "complete" because in the public schools and the University of the Philippines a certain proportion of the youth of the land can

obtain a general education and training for almost any vocation or profession. Whether the system is "adequate" is a question not so easily answered. Adequate for the accomplishment of what purposes, and by what standards of accomplishment? The Tydings-McDuffie Act sets no standards of "adequacy" whatever. The Constitution states certain objectives which the public schools shall aim to attain, and perhaps it would be fair to judge the educational system by the degree to which it seems to be reaching these goals, considering the various conditions affecting education which prevail in the Philippines.

One of the peculiar problems of the Philippine schools has been to plan curricula and prepare study materials closely adapted to Philippine conditions. It is hard to appreciate the difficulties and labor involved in building up a body of such material from zero, as has been done since 1901. Texts, supplementary readers, exercises, flash cards, courses of study, teachers' manuals, and all the paraphernalia and procedures of teaching had to be devised to fit into the background of knowledge and experience possessed by Filipino pupils and teachers, and graded to match student aptitudes and rates of progress at various stages of growth. A judicious balance had to be struck between American and Filipino material. Too much that was alien would make the courses artificial and unrelated to native life. On the other hand, it was the purpose not only of the Americans but of the Filipinos to modify the traditional *mores* of the people by the introduction of certain American ideas, and this could only be done by the development of curricular materials that were basically American. Despite criticism, and there has been much of it from both Filipino and American sources, the educational authorities have been on the whole remarkably successful in this pioneer undertaking.

As time went on the Filipino educators played an increasing part in preparing the curricula and the material of instruction. Soon after the organization of the Bureau of Education the original school books written by Americans for American children were supplanted by texts written by Americans especially for Filipino children. The next stages were the adoption of books prepared jointly by Americans and Filipinos for Philippine use and the introduction of material prepared exclusively by Filipinos. Today

the personnel of the Curriculum Department in the Bureau of Education, which is immediately responsible for curricula and the materials of instruction, is wholly Filipino and brings to its task both the Filipino viewpoint and excellent professional training in modern education.

Until recently most of the textbooks used in the Philippine schools were published in America, even when written by Filipinos. For the purpose of securing this lucrative business, the leading American textbook publishers have maintained highly competent representatives in Manila, most of them men formerly connected with the Philippine schools. It is to the credit of both the publishers and the school system that despite the richness of the prize of a "statewide adoption" and the highly competitive nature of the textbook business there never has been a scandal in connection with the purchase of Philippine school supplies. As much cannot be said of all the states of the Union during the past forty years.

In 1938, "With the aim of producing textbooks better adapted to the interests of the Filipino child, more interpretive of the national spirit and desires of the people, and with content correlated with the curricula," [7] the Bureau of Education started a program of publishing basic texts in language and reading for all elementary grades. Texts for use in the courses for the development of character were next prepared and printed, and it is possible that eventually most of the curricular material will be published by the state.

In order that the children of the masses may not be deprived of educational opportunities through the inability of their parents to purchase school books, the required textbooks in the primary grades of the public schools are loaned without cost to the pupils, while in the intermediate and high school grades they are rented at a nominal rate. Up to 1933 the annual appropriation to replace worn out primary texts and take care of the increased enrollment was ₱600,000. During each of the next four years only ₱225,000 was appropriated for this purpose. As the shortage of texts accumulated, superintendents refrained from condemning books no matter how unserviceable they had become. Thousands of youngsters are now forced to share dirty, dog-eared, incomplete books which

should have been discarded long since. In some schools the lesson is read aloud by one pupil while the others try to learn by ear. In some instances the available books are issued to a number of students for a limited number of days, after which the books are passed on to another set of children.

In 1937 the textbook appropriation was increased to ₱425,000 and in 1938 more than a million pesos was provided for the purchase of texts and supplementary readers for primary classes. Of this amount a little less than half was required for the newly organized classes, leaving the sum available for the old classes ₱43,000 short of the former appropriation of ₱600,000, although since 1932 the elementary enrollment had increased by nearly half a million pupils. Unless heavier appropriations are made for this purpose (for the books purchased for the newly opened classes are already wearing out), and any further extension is covered by separate grants for additional books, the textbook situation will become continuously worse. Nor is the shortage confined to textbooks alone. The appropriations of the Bureau of Education for printing and school supplies have not kept pace with the expansion of recent years. These deficiencies provide an additional illustration of the tremendous cost of the educational expansion which the Commonwealth has undertaken and of the danger that in the absence of a constantly increasing national income this rapid growth may destroy the efficiency of the Philippine schools.[8]

The fact that the schools of the Philippines seek not only to provide their pupils with an academic education, but also to train a large proportion of them vocationally and to modify profoundly the living habits of the nation sets a heavy task for Philippine teachers. The rapid extension of elementary education since the Filipinos took charge of their government in 1917 has made it exceedingly difficult for the teachers to accomplish all that is demanded of them. In 1924, before the teachers trained in the expanding system of normal schools had become available, it was not an overstatement to say that the insufficient supply of adequately trained elementary teachers was threatening the stability of the entire school system. By 1935 the supply of elementary instructors with at least two years of normal training was catching up with

the demand. Since 1935 the newly opened schools have been staffed in an ever increasing degree with unqualified teachers.

More than 46 per cent of the teachers employed for the new classes opened during 1937-38 were only high school graduates and a few had not even completed the high school course. In 1938-39 nearly 70 per cent of those placed in the newly opened classes possessed only a secondary education. About 75 per cent of these beginning teachers had received no normal school training, and a considerable number of the remainder had had no specific preparation for the teaching of small children.[9]

When one recalls that there is hardly a state in the Union in which it is possible to obtain a teacher's certificate without possessing a college education or its equivalent, including a specified minimum amount of professional training, the significance of these figures becomes apparent. As has been explained, the Philippine Government has set a much more difficult task for its schools than that imposed upon the American educational system. Yet it is demanding that this task be performed by teachers who are relatively untrained not only by American standards, but even by the minimum standards which the Philippine Bureau of Education would like to maintain: that is, for elementary teachers two years of professional training beyond the high school, and for high school instructors four years' professional education.

The Director of Education has attributed the current shortage of adequately prepared teachers to the fact that since 1932 the enrollment in the Bureau of Education's normal schools has been steadily decreasing. This phenomenon, in turn, is explained by the further fact that the salaries paid to elementary teachers are so low that they offer little inducement to young people to obtain the costly training which the schools would like to demand of them. In 1925 the average monthly salary of elementary municipal classroom teachers (virtually all of the teachers at this level) was ₱49.75; in 1932 it had risen to ₱54.45; and by 1938 it had sunk to ₱51.85.[10] Meanwhile living costs had gone up and the educational requirements for teachers had been sharply increased. Under these conditions it is not surprising that the Director of Education should have to report that "the current supply of professionally trained teachers for the elementary grades is much less

than the demand." [11] Many clerks and some messengers in government offices receive higher pay. Skilled workmen almost invariably do. The salaries mentioned, in pesos, are roughly comparable to similar pay in dollars in the United States. They are starvation wages; and a first-rate school system, even in accordance with Philippine standards, can never be maintained upon such a foundation.

Even were greater numbers of young men and women willing to secure at least the beginnings of a normal education despite the low salaries offered by the schools, the teacher-training problem would not be solved. The capacity of the existing normal schools is not great enough to meet even the average annual replacement demands, not to mention furnishing replacements for the inadequately trained teachers recently employed or to staff any additional elementary classes which may be opened in the future. Approximately 2,285 teachers were graduated from public and private normal schools in March, 1940, but this number was about 500 short of filling the vacancies caused by routine retirements. More than ₱650,000 yearly for the next ten years, in addition to the present appropriation for normal instruction, would be necessary to provide the schools with a sufficient number of trained teachers to staff all classes.[12]

Some of the end results of the recent lowering of standards for admission to the teaching profession have been forecast by the present Director of Education. He foresees that if continued, it may result in an unfavorable public opinion as to the necessity for adequate professional training for teaching. He realizes that because the number of graduates of teacher-training schools is smaller than the normal annual replacement needs, the untrained teachers are likely to continue in the service for many years and become permanent factors in the teaching corps. Human nature and practical politics being much the same in the Philippines as elsewhere, it is virtually certain that they will do so, no matter how many normal graduates are turned out. Finally, the Director has found that the shortage of trained teachers has made it increasingly difficult to weed out the incompetent and inefficient teachers in the service, since there is no supply of better qualified applicants to take their places.[13]

Finally becoming alarmed at the prospect of being responsible for a rapidly deteriorating school system, President Quezon late in 1939 served notice to the National Assembly that in the future he would not recommend appropriations for the opening of further new classes, even though the local people should provide sites and buildings without expense to the government.[14] This was a step in the right direction, but there is only one solution to the crucial problem of staffing the expanding Philippine schools with teachers qualified to give the type of instruction now called for: far greater and constantly increasing educational appropriations. Where is this money coming from after 1946?

Disheartening as they are, the statistics with reference to the educational qualifications of Philippine elementary teachers do not fully reveal the handicaps under which, considering what is expected of them, individual instructors and the schools as a whole labor. The majority of the teachers come from homes which are uncultured in terms of the culture which the schools seek to impart. They have always lived in families and communities in which most of the academic subjects taught in their classrooms are artificial and foreign. The very language of the schoolroom is a foreign language. Few elementary teachers regularly use English off the school grounds. Their parents do not speak it, and it is seldom heard in their homes, on the streets or in the markets. In the schoolhouse both teachers and pupils function in an atmosphere of "book learning." The rest of their days are spent in an environment which in most of its characteristics is little modified by the educational system of which they are early fruits.

The difficulties of this situation have been increased during recent years by the fact that most of the younger teachers have learned their English and every other subject which they are supposed to know from Filipino instructors, many of whom, in turn, have never had an American teacher. In 1916 nine per cent of the teachers in the grade schools were Americans; in 1926 the proportion was less than one-tenth of one per cent, and since then it has dropped even lower. Seventy-six per cent of the secondary teachers were Americans in 1916; a decade later 48 per cent were still from the United States; in 1936 only forty-three secondary teachers and principals out of 1,497 were Americans. In 1939 only

80 Americans remained among the 38,243 teachers in the Philippine system, and of these nearly half were engaged in administration rather than classroom teaching.[15]

Along with this virtual disappearance of Americans from the teaching force has come an extreme dilution of the American element in the higher administrative positions and the termination of the final authority which Americans exercised over the entire system until the inauguration of the Commonwealth. As recently as 1926, 42 of the 53 division superintendents were Americans, as were the Director of Education, the assistant to the Director, and the chiefs of the more important divisions in the General Office of the Bureau of Education. Until November 15, 1935, the whole school system was represented in the central government by the Vice Governor and Secretary of Public Instruction, the only departmental secretary who was appointed by the President of the United States, and the only American in the Cabinet. Finally, the Chief Executive of the Philippines was an American who was expected, so far as circumstances would permit, to use the great powers of his office to maintain certain minimum American conceptions and standards of education in the Philippine school system. In 1939 only 11 American division superintendents were left in the field, and only five on detail in the General Office. Most of these administrators are veterans within a few years of retirement and when they go they will be replaced by Filipinos. The political and executive control of the school system is, of course, entirely Filipino.

Just what the effect will be of the transfer of the schools from American to Filipino hands cannot be foreseen. The system was American in inception; indeed, as a committee of Philippine educators once declared, "the inception of the plan was too bold to be anything else but American." During the greater part of their existence the schools were vitalized, guided and ultimately controlled by Americans. It was the skill, energy and courage of this pivotal group, coupled with the willingness, quickness and ability of the ever-increasing Filipino element which enabled the schools to accomplish seemingly impossible results. That the elimination of America and Americans from this educational experiment initiated by the United States will be followed by profound changes

in the character of Philippine education would seem to be inevitable, especially as it is occurring coincidentally with the alteration of many other factors which affect the schools.

If from the beginning of the American regime in the Philippines a predominantly native education had been given in the native dialects, as is done in the *desa* (village) schools of Java, the independence which is now impending might not be bringing the country such a serious educational problem. With such a type of education American teachers might long ago have been safely dispensed with, the qualifications of the teachers might have remained low and the school equipment simple, as is the case in the Netherlands Indies. To impart an almost purely native education to the masses of the people, however, while in harmony with the political purposes of the Dutch in their colonial empire, is not conducive to the attainment of the goals which the Americans and Filipinos have set themselves. The Dutch system is not producing among the Indonesians of *Insulinde* the capacity for self-government under modern conditions which is being developed in the Philippines. Most Americans and Filipinos still believe that for the American dependency the Philippine political objectives and the Philippine educational system are vastly preferable to those of the Dutch Indies. The question which both peoples are going to have to answer in the near future is how much they are willing to risk and sacrifice in order to give their joint project a reasonable chance of being carried to a successful conclusion. Partially offsetting the pessimistic conclusions which can justly be drawn from some aspects of the educational situation in the Philippines are a number of circumstances which explain the really remarkable accomplishments of the Philippine schools. Foremost among these factors is the demonstrated intellectual capacity of Filipino children to take on the type of education which is now current in modern nations. The tests given by the Monroe survey and scientific measurements made by the Bureau of Education confirm the conclusion reached by careful non-professional observers that Filipino pupils have the intelligence to do as high a type of school work as that accomplished by American or any other children.[16]

High also among the saving factors in Philippine education stand the devotion and enthusiasm of the great majority of the

teachers and pupils. As a race the Filipinos have a passion for education. The legislature has never failed to respond to any reasonable request for educational appropriations. In 1938-39 the public schools received voluntary contributions of nearly one million pesos. Parents will mortgage their homes and sell their work animals to send their children to school. In the higher institutions of learning many students are self-supporting. Private schools, colleges and universities are filled to capacity, even though some exist solely for the financial exploitation of the popular demand for learning. Earnest, sober effort and a high determination to succeed go a long way towards making up for certain disabilities, under which Philippine education labors.

Although the formal training of many Filipino teachers is not as high as the Philippine educational authorities wish it were, the personal qualities of the teachers as a body, in part at least, offset their deficiencies in education. Even more than in the small town in the United States, the Philippine schoolteacher, who until recently was as apt to be a man as a woman, is expected to be an example of all the virtues as well as a dispenser of knowledge to the young. In his dress, his home and manner of living, his amusements and his personal conduct, he is looked to as an exemplar of the high standards and new habits of life which the schools are seeking to establish. He is also often a civic leader and is usually turned to by individuals and communities in times of trouble or disaster. His teaching burden is heavy, for his classes are large and his hours long. The correction of endless papers and preparation of numerous reports tie him to his job long after his pupils have been dismissed, and often half the night. He is under constant pressure to improve himself professionally by reading and attending conferences and institutes both during the school year and during the long vacation period. The extent to which the majority of Filipino teachers meet these manifold demands at the meager salaries paid them increases one's faith in human nature; and in part explains why the Philippine schools have accomplished so much with so little.[17*]

Another factor which has been of the greatest importance in maintaining relatively high standards of teaching in the Philippines is the remarkable system of supervision which has been de-

veloped by the Bureau of Education. In his report for 1923 the Director of Education stated:

> Our present system of supervision, which has been developed after years of experience with large numbers of teachers of meager attainments, both academically and professionally, is much more highly organized than is commonly supposed by those who have not kept closely in touch with Philippine school work. . . . [In] our supervisory organization, the direct line of supervisory authority and responsibility extends from the Director of Education to the classroom teachers through division superintendents, district supervisors, and principals.
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> By means of an organization of this kind, it is possible for the office of the Director, working through division superintendents, to see that the best and most practicable of tried methods and policies are followed by supervisors and teachers throughout the Archipelago.[18]

The most striking characteristics of this scheme of organization, which still obtains in the Philippine schools, is its high degree of centralization. Nothing like it exists in the educational system of any American state, where diffused authority and a large degree of local independence are the rule.

The immediate head of this far-flung yet closely knit organization is the Director of Education. Considering the size of the Philippine school system and the extent of his control over it, this official is the most powerful school administrator under the American flag. The law commits the administration of the public school system and the supervision of the general school interests of the Philippine Islands to the Bureau of Education and vests in the Director virtually complete control over the Bureau, besides a wide range of additional specific powers over the schools as a whole.[19] Indeed, like the other bureau chiefs in the Philippine Government, the Director is the Bureau so far as the exercise of authority is concerned.

True, he exercises his powers subject to the "immediate executive control, direction, and supervision" of the Secretary of Public Instruction, who is assisted in his work by an undersecretary. The political heads of the Department of Public Instruction, however, have not, as a rule, sought to participate directly in the administration of the Bureau of Education. Even after the Reorganization Act of 1932 explicitly authorized department heads to overrule

their bureau chiefs in the exercise of any power conferred upon the latter,[20] the Director of Education was left in the position of great authority and responsibility which was characteristic of the office of bureau chief during the early years of the American regime. On the whole this situation is sound, provided that the political superiors of the Director possess sufficient force and judgment to play well the role assigned to them. How long the old-time administrative independence of this particular bureau chief will survive in the face of the present tendency to concentrate ever-increasing powers and functions directly in the offices of the other department heads remains to be seen.

The administration of the Honorable Eugene A. Gilmore, Vice Governor and Secretary of Public Instruction from 1922 to 1930, and Acting Governor-General for a considerable part of that time, afforded an outstanding example of the valuable contributions which the head of this department can make to wise policy and sound administration. From the creation of the Undersecretaryship in 1917 until his death in 1937, the late Dr. Alejandro Albert administered this important office to the lasting benefit of his people. Dr. Albert was almost thirty years of age when the United States became sovereign in the Philippines. A graduate of the *Ateneo de Manila* and a licentiate in pharmacy from the University of Santo Tomas, he had received the best education available under the Spanish regime. Although he had served as a chemist in the Spanish Army, he was one of the not too numerous upper-class Filipinos who threw in their lot with the revolutionaries, a course which required independence and courage. From 1900 until 1917 he was a leader in the development of private education in the Islands.

During his twenty years as Undersecretary of Public Instruction, Dr. Albert helped mightily to adapt the new and foreign educational ideas imported from America to the real needs of the Philippines and to secure their acceptance by his people. A quiet, kindly, modest man, yet Dr. Albert was ever ready to fight fiercely in defense of justice or against any species of meanness or dishonesty in his great department. The author vividly recalls his resistance to what he considered unfair discrimination against married nurses in the Philippine General Hospital, his stout defense of

teachers subjected to local political attack, and his courageous support of the Bureau of Education when certain interests sought to coerce it into conforming to an outmoded conception of the proper garb for schoolgirl athletes. His loyalty, frankness and influence with his people made his assistance invaluable to the American Secretaries of Department with whom he served. Among those who knew him well, his personality inspired not only respect, but friendship and affection. It is men like Dr. Alejandro Albert who reveal the strength and fineness of character which distinguished many persons, both humble and powerful, who were nurtured in the Filipino-Spanish culture of the pre-American days. Sufficient time has not yet elapsed to demonstrate whether the new way of life in the Philippines will produce men and women as admirable as were the best of Dr. Albert's generation.

With the coming of the Commonwealth, President Quezon appointed Vice President Sergio Osmeña as Secretary of Public Instruction. Upon the resignation of Dr. Albert, Dr. Gabriel R. Mañalac, who for a number of years had been Assistant Director of the Bureau of Education, was named as Undersecretary. Better selections could not have been made. Mr. Osmeña's qualifications for this position are known to all and he performed invaluable services to national education during the difficult first years of the Commonwealth. Dr. Mañalac reached the undersecretaryship through the Bureau of Education, of which he had been assistant director since 1921. A well-trained and experienced professional educator, Secretary Mañalac demonstrated unusual courage and won widespread public respect when in 1930, as Acting Director of Education, he effectively defended the public schools from an attack made upon them during the exciting days of the *Ang Bagong Katipunan*. In his career and personality he is representative of the high type of permanent officials who are appointed to undersecretaryships of departments in the Philippine Government.[21*]

In common with all other branches of the Government, the Department of Public Instruction is under the supervision and control of the chief executive and is also subject to the authority of the legislature through its general law-making power and its control over appropriations. Although some Governors-General, no-

tably General Wood, greatly influenced the educational system through the general policies of their administrations, none sought to dictate either the policies or the administration of the public schools. Although at times providing for the extension of primary education so rapidly that quantity outran quality, the Legislature and its leaders have likewise refrained from interfering with the details of school administration, except that political pressure has often been exerted to secure the erection of school buildings and the extension of classes with an eye to getting votes.

No statesmen anywhere have a finer record in protecting the public schools from improper political interference than the two men who were the national leaders of the Filipinos during almost the whole of the pre-Commonwealth period, President Quezon and Vice President Osmeña. This record and the known convictions of these gentlemen upon the subject guarantee that as long as they are in power the schools will be kept as free from "politics" as they traditionally have been. On the other hand, President Quezon is exercising a far more active supervision over the educational system, as over every other branch of the government, than any Governor-General ever did. It is to be hoped that the sound division of functions which has been established between the political and the professional officials who are responsible for education will not be radically changed with the changing times in the Philippines.

The center of the great supervisory organization which is controlled by the Director of Education is the Bureau of Education, the general staff of the Philippine school system. Headed by the Director and the Assistant Director, the Bureau is organized into divisions or their equivalent which, in turn, are divided into departments. The titles of the divisions indicate their functions: academic, health education, vocational, publications, buildings, records, and the service divisions found in all bureaus of the Philippine Government. The academic and vocational divisions carry the greatest burden of work and the list of their departments gives a good idea of the pedagogical functions of the Bureau as a whole. The Academic Division has departments dealing with curriculum, measurement and research, elementary education and teacher training, normal schools, secondary schools, music, and physical edu-

cation. In the Vocational Division are the Departments of Trades and Industries (with Supervisors of Industrial Arts and Trades and Agricultural Instruction), and Home Economics. Through continuous research, technical inquiry and a program of tests and measurements of the results of instruction, the professional divisions of the Bureau seek to keep the courses of study, the materials used therein, and the methods of teaching abreast of modern pedagogical practice and in close adjustment to the current needs of the country. Their relations with the field staff are intended to be supervisory and instructional rather than administrative and inspectional in the narrow sense of the term.

The chief instrumentalities through which the Director of Education extends his administrative control into every schoolhouse of the Archipelago are the division superintendents in the forty-nine provinces and the superintendents of schools in the six chartered cities. These are the key men of the great field force of the public school system. It is doubtful whether in earlier days there could have been found in the whole educational world positions which in opportunity, responsibility and interest surpassed those held by the Philippine division superintendents. Writing in 1904, Dr. David P. Barrows, then General Superintendent of Education, declared:

> The division superintendent holds the pivotal position in the bureau of education. He is the immediate head of all school work in his province or division. All teachers and principals report to him and are immediately under his direction. He appoints all municipal teachers. His recommendations are very largely considered in the promotion of American teachers and insular native teachers. . . . He is the representative of the school work before the provincial board, and in eleven cases is a member of the provincial board, the governing body of the province. All correspondence from or to teachers passes through his office. He distributes school supplies and is accountable for the school property of the division to the auditor of the archipelago. He has daily business relations with the provincial board, the *presidentes*, and other municipal officials in every town, with the American teachers, the Filipino teachers, and close personal relations with the entire Filipino population of the province. With him rests to a very large extent the good discipline of the force, the attitude of the teachers toward their duties, and the general efficiency and success of the school work. A large part of his time is spent in travel from town to town, a work not only onerous, but frequently accom-

panied by danger from storms, high water, dangerous seas, ladrones, and epidemic disease. The work makes demands upon every high quality a man may possess. It calls for courage, judgment, tact, and sympathy.[22]

Although the division superintendents have long since ceased to be members of the provincial boards and have lost certain of the functions set forth by Dr. Barrows, they have been given other tasks of equal importance. Their authority and basic duties are specifically provided for in the school law and, subject to the supervision and control of the Director of Education, this statute gives them proconsular powers within their respective domains.[23] In addition, they meet annually at the famous Teachers' Camp in Baguio for the discussion of important matters of educational policy. They direct and vitalize the vacation assemblies, summer schools, normal institutes, classes in supervision and other agencies for increasing the technical qualifications of teachers already in service.

The division superintendents are still the driving and directing field officers of the Philippine school system. In the opinion of the writer, however, greater use could profitably be made of the wide powers of this office and the long tradition of service and authority behind it. The Bureau of Education should more systematically encourage superintendents to assume every proper responsibility, and those who are unwilling or unable to do so should be replaced by men who will. The Government should also modify its penny-wise-pound-foolish-policy of chaining these field administrators to their desks by insufficient appropriations for transportation and clerical assistance.

The division superintendents of schools probably have contributed as much as have any other group of public officials to the great accomplishments of the past four decades in the Philippines. They are the highest school officials in direct contact with the people. During the great constructive days it was the relentless drive of the American superintendents which translated the plans of the educational high command in Manila into action throughout the provinces. To men who knew them and their work "imperialism" connotes something very different from the meaning of this word to the armchair theorist. The success of the

first Filipino superintendent, the Honorable Camilo Osias, who has since achieved further distinction in both politics and education, was a landmark in Philippine progress. It not only thrilled his countrymen but encouraged Americans who were genuinely seeking to aid the Filipinos to become the masters of their own destiny, and opened the door to the further Filipinization of the key positions in the Philippine government.

From the division superintendents, the line of administrative authority runs down to the classroom teachers through the supervising teachers and the school principals. The former are the heads of the several districts into which each division is divided, and their duties in the district are similar to those of the division superintendent in the division. Attached to the office of each division superintendent are a number of division supervisors: academic, industrial and subject (as English). Their duties are to supervise and improve instruction, and in theory, at least, they are teaching rather than administrative employees.[24]

The work of the Bureau of Education falls within two main categories: educational leadership and day to day administration. The Monroe Survey Report severely criticized the manner in which both functions were being performed when the survey was made. "School administration," it declared, "is dominated by clerical routine and clerical accounting and by an absence of professional leadership." Specifically, the Report traced a great deal of the inefficiency in the work of the schools to "the lack of real educational leadership in the Academic Division of the central bureau." [25] The Survey Board's adverse judgments upon many of the broader aspects of the school system also implied serious criticism of the general quality of the leadership under which the system had developed. The narrower criticism was accepted by the Philippine school authorities as being at many points justified, although it was pointed out that a professional and supervisory staff, such as the Report recommended, could be created only with specific legislative appropriations for the purpose.[26] Since 1925 the Academic Division has been greatly developed and it is believed that at the present time the Bureau is providing reasonably effective leadership in the technical processes of education.

Educational leadership in the broader sense, like all leadership,

is a subjective quality, one concerning which opinions may differ widely. Furthermore, some situations demand imaginative, creative leadership and call it forth; other situations do not. The creative period in modern Philippine education lasted a decade or more and produced leadership of a high order. The school officials of those pioneer days were unhampered by many of the restraints usually imposed upon the educational innovator by a public and a staff wedded to tradition and suspicious of change. The old Spanish system had been scrapped. The American political authorities in the Islands gave the educational department a free hand, and the Filipino people, who are singularly hospitable to new ideas, encouraged the application of progressive pedagogy to their schools.

Consequently, as one of the later Directors of Education observed, it was not strange that Philippine educators, untrammeled by pedagogic traditions and pedagogic conservatism obtained in older countries, and privileged to found a new educational system upon almost virgin soil, were able to introduce some of the most modern practical improvements in education into these Islands ten years before they exerted any marked degree of influence on the content and method of education in other countries. This is by no means an overstatement. For a number of years the Philippines led in the adoption of physical, vocational, health and civic education upon a national scale. Moreover, without brilliant leadership a national educational system as bold in conception and idealistic in purpose as are the Philippine schools could never have been conceived and created.

The pioneer period passed. With the advent of Filipino control over the government in 1913 the chief goal became the rapid extension of primary education along the lines already laid down. After 1920, in accordance with the Wood policy of consolidating gains already made and of endeavoring to bring quality up to quantity throughout the Government, and in the face of necessary financial retrenchment, thoroughness and soundness were demanded in the schools, rather than creative imagination.[27*] Progress towards these objectives absorbed every penny available for education and the time and energy of the educational leaders.

Furthermore, the division of authority and responsibility between the American and the Filipino elements in the Government

and the fact that no drastic change in educational policy could even be considered except in relation to its political bearing upon the all-pervading question of independence confined educational leadership within the bounds of the *status quo*. For example, when proposals to experiment with the Philippine languages as the media of instruction were made they were discussed chiefly from the standpoint of their political rather than their educational significance. Independence rather than education was at stake and passion rather than reason was called forth by the suggestion. Thus, financial and political considerations held the schools within a strait-jacket. Educational leadership was restricted to improving what existed rather than creating something new; something, perhaps, more nearly in accord with the economic means of the Filipino people. Let no one believe, however, that maintaining the morale, the discipline, and the educational progress which have marked the Philippine school system have not called for first-rate leadership. Only with leadership of high quality could the schools have achieved what they have accomplished.

In a number of respects the conditions affecting educational leadership in the Philippines have changed since the inauguration of the Commonwealth. Thus far, more money has been available for public education than previously. The handicap of divided authority and responsibility has been removed, or at least greatly reduced. For American influence and control has been substituted the ultimate political authority of the Philippine electorate—a force, however, with which, in the long run, professional educators will find it far more difficult to deal.

To believe that with the inauguration of the Commonwealth educational policy was completely divorced from the independence question is merely self-deceit. Actually, independence in 1946 is not universally regarded in the Philippines as a certainty. Still less is it believed that the United States will leave the Islands with the dismal future that would be their lot were the economic provisions of the Tydings-McDuffie Act to be carried out. The mandatory provision of the Tydings-McDuffie Act that the Commonwealth shall conduct its schools primarily in the English language, in effect prohibits any basic changes in the educational system before 1946. Uncertainty as to the economic and political future

of the Islands makes it impossible to plan a program with confidence that it will be applicable beyond that date. Until the Stars and Stripes are finally hauled down, educational problems will continue to be handled with regard for the future of American-Philippine relations as well as for purely educational considerations. Leadership of the pioneer, creative type is again called for, however, as under the terms of the Educational Act of 1940 the Commonwealth proceeds to revise its entire system of public education.

In severely criticizing the type of administration which it found in the Philippine schools, the Monroe Survey Board brought into the foreground of public discussion a subject which to this day has remained highly controversial. The Survey Report pictured the administration conducted from Calle Recoletos as producing throughout the 7,000 schools of the Islands a standardization and uniformity which were destructive of efficiency and detrimental to the best interest of the pupils. Supervision had degenerated through inspection into espionage; detailed control through a bureaucratic organization which depended almost wholly upon the maintenance of rigid routine was developing; initiative and independence were being destroyed among the teachers, the pupils and the local communities; the development of democratic self-government in the nation was being retarded by the discouragement of educational self-government among pupils, teachers and citizens; teachers were "slavishly literal and detailed in their teaching of the course of study"; the schools were being dehumanized; pupils and teachers were being buried under useless paper work.[28] These were some of the conclusions of Dr. Monroe and his colleagues. They are recalled now because they raised a fundamental question which is still of vital importance and which may become more so as the economic and political changes which are transforming the Philippines are more fully reflected in the educational system of the Islands.

The history of all government proves that highly centralized control over a service that is widely dispersed geographically tends to become bureaucratic, arbitrary, unprogressive and inefficient. That this tendency had manifested itself in the Philippine school system by 1925 can scarcely be denied. Although its evil effects were checked by reforms which resulted from the findings of the

Monroe Survey Report, they are still apparent and to a greater or lesser degree will always be the defects of the virtues of the administrative centralization which characterizes the Philippine schools. They are inherent in that type of administration and must be consciously and systematically guarded against. This does not necessarily mean, however, that the principles of centralization and strict administrative control should be discarded or even greatly weakened. The doctrines of liberty, democracy and individual self-expression must as yet be applied with caution in the Philippine educational system. It would not pay the schools, having imbibed of the heady wine of nationalism and independence, to fly from the evils of bureaucracy to those of chaos.

Philippine school officials have usually justified the detailed control which the central office exercises over the entire educational system, by declaring that it is made necessary by the meager educational and professional attainments, the inexperience and the lack of initiative of a large proportion of the teachers. There are other and deeper reasons for employing this type of administration. One is that highly centralized control was the outstanding characteristic of the Spanish administration under which the Filipinos lived for three hundred years and to this day prevails in every department of the Philippine Government. Theoretically, it may seem wise to replace this type of administration with the processes of democracy: as the Monroe Report tritely remarks, "ability in self-government can only be developed by its exercise." In practice, however, the administrative process cannot be safely democratized more rapidly than self-reliance, initiative, responsibility and a dozen other necessary qualities are developed among the people who man the service administered. These qualities are gradually being strengthened among the Filipino people, but attitudes and habits acquired through centuries cannot be transformed in a generation. Although the generally superior character of the school personnel permits the educational department to progress towards a democratic type of control more rapidly than some other parts of the government, yet in this matter no department can safely get too far out in front of the others, or of the people as a whole.

In addition to being affected by age-old authoritarianism, Fili-

pino teachers and pupils, as a group, are relatively deficient in a number of the qualities which are essential to the successful operation of a modern educational system. Promptness and precision are not worshiped in the Philippines. In a society where politeness, a regard for the amenities of social relationships and the all-pervading effects of family and official influence are as pronounced as they are in the Islands, it is not easy for a teacher to become exacting and unrelenting in his professional relationships whether with pupils or with other teachers. In fact it would be contrary to human nature for him to do so. Yet these sterner qualities are essential to the accomplishment of the objectives which the Filipinos themselves have set for their schools. Since they are as yet insufficiently developed among the masses of teachers and pupils, they must be supplied from above—from the small percentage of leaders who occupy positions of authority in the educational system. In the past, a good deal of the iron in this group has been supplied by Americans. Now that the Filipinos are assuming complete charge any sudden relaxation of the principle of centralized control and responsibility might be a fatal handicap to the Filipino administrators who must hold the rapidly expanding schools to certain minimum standards of efficiency if they are to give the children an education worth having.

The belief that the schools as a whole still require centralized control does not imply a lack of recognition that there are many Filipino teachers who are qualified to exercise wide discretion in the performance of their duties. It would be possible for one who knows the school personnel well to man the schools of a single province with a selected staff within which the principle of professional autonomy could safely be applied. Obviously, where such teachers are found they should be granted as much freedom of action as possible; and to a considerable extent this is done today. Without such recognition of superiority there would be little progress and scant development of leadership within the system. The courageous exercise of discretion in this vital matter should be further encouraged by the central office, by the division superintendents, and so on, down the line to the classroom teacher. Particularly should greater authority and responsibility be devolved upon the Division Superintendents. Any blanket assault upon the

principle of strict supervision and control, however, would seriously injure the schools as a whole.

The type of assault which is meant is well illustrated by one of the Monroe Survey's criticisms. "The development of initiative is almost totally lacking from Philippine classrooms," the Report declared. "The periods of the school day proceed one after another with clock-like regularity. Order and precise adherence to routine inheres in the whole process. One rarely encounters stimulation and direction of pupil initiative. Pupils do what they are assigned to do." [29]

Among people who are familiar with the general conditions of Philippine life criticism of regularity and precision in the schools can hardly fail to provoke a sardonic smile. Those are precisely the qualities which must be developed among Filipinos if their country is to attain the goals which it has set for itself, or even to survive as a nation under the conditions of modern life. The extent to which the schools are operated in a way which cultivates regularity, order and adherence to fixed standards is one of the most admirable characteristics of the system. To weaken these qualities in order to cultivate teacher and pupil "initiative" among a group which, as a whole, is deficient in the background of discipline and exactness, without which initiative is futile, and even dangerous, would be almost criminal folly.

As a race the Filipinos are not only receptive to new ideas, but they suffer from a "bandwagon" proclivity and a very American tendency to accept panaceas and nostrums as cures for the various ills of life. It would be tragic were they to apply under the conditions which exist in their country some of the experiments which have marked the past ten or fifteen years of public education in America. These experiments may be necessary to educational progress in the United States. Some of the results already achieved through them are unquestionably of value. Judged from a large proportion of the products of our public schools who reach the colleges and universities, however—students who are intellectually undisciplined, not well grounded in the fundamentals of any basic field of knowledge, and painfully deficient in the homely habit of work—the changes which are taking place in our schools have not yet produced a system which should be uncritically intro-

duced into the Philippines. In the transitional period through which the Philippine schools are now passing caution and discrimination should mark the acceptance of current American educational theories and practices. Especially should the Philippines beware of weakening too rapidly the principle of centralized responsibility and control which is the backbone of their public school system.

Still another justification for the continuation of a high degree of administrative centralization in the Philippine schools is to be found in the startling differences between provinces and communities in wealth and culture. Many communities, some of them on small isolated islands, some in frontier areas, and others in the heart of advanced provinces, are still so poor and backward that without financial support and rigid control from Manila their schools would deteriorate or collapse. As it is, certain minimum standards are maintained throughout the length and breadth of the great Archipelago. Although naturally the best schools are found in Manila and in some of the provincial capitals, the differences between the most advanced and the most backward schools are far less than those between the several communities in which the schools exist.

In times of economic crisis the steadying hand of the central government has been indispensable to the maintenance of educational standards throughout the Philippines. In many American states the extreme decentralization of authority made it possible for shortsighted communities to compel their schools to absorb an unduly large proportion of the retrenchment made necessary by the economic depression which began in 1929. Schools were closed, teachers laid off, and salaries cut, out of all proportion to reductions made in other branches of the public service. In many localities advantage was taken of the general educational confusion to eliminate professionally trained teachers and replace them with political appointees. Years will be required to regain the ground that the American educational system lost as the result of such practices.

The Philippines underwent a depression which in certain great provinces was as severe as that which swept the United States. Yet during this period of trial the schools were carefully protected throughout the Islands. School appropriations and salaries were

necessarily reduced, but only in proportion to reductions made in other branches of the Government—and in most cases less than that proportion. As a group, the teachers were justly and fairly treated and their rights and interests safeguarded in order that they might be able to render satisfactorily their important service to the state. Such a policy could not possibly have been carried out under a system of local educational autonomy.

CHAPTER XX *

EDUCATION FOR CITIZENSHIP

ONE OF the most distinctive characteristics of education in our time is the degree to which it is being dedicated to the purpose of moulding national character. This fact is less noticeable in those states which are content to maintain their established ways of life and are reasonably well satisfied with their position in the world than in those which are seeking to change drastically their domestic institutions and to secure a more favorable international status. In Russia every other function of the public schools is subordinated to that of creating class-conscious Communists. Germany uses its classrooms primarily to mould its children into Nazis. Fascism is the goal of education in Italy. For half a century the first duty of the Japanese schools has been to teach obedience and loyalty to the Emperor. More recently, even individualistic, state-free China has placed the inculcation of nationalism and a sense of civic responsibility high among the purposes of its educational system. In each of these nations a whole people is to be given an outlook on life which is distinctly different from that of its ancestors. It is also to be prepared physically, intellectually and spiritually to carry out a program of national regeneration and aggrandizement. To do these things, to transform a people within the space of one generation, is the primary function of the schools in a growing number of states which have turned to "totalitarianism," or to something like it, in an effort to solve hitherto unsolvable national problems.

In the democracies, on the other hand, the traditional function of the schools has been to supplement the home in imparting the more formal part of the established national culture to the coming

* *The notes of this chapter begin on p. 926. Subject matter notes are indicated by an asterisk.*

generation and to prepare the youth of the land to participate as free individuals in a national society which is altering its inherited *mores* and position in the world only by the slow processes of natural change. The primary purpose of such educational systems is to develop the individual intellect and character. To mould the people to the specific needs of the state is a secondary objective. In performing both functions the schools, on the whole, seek to preserve the traditional national institutions rather than to destroy or rapidly modify them. Where in the democracies the twentieth century has witnessed an increasing use of the schools as agencies of political and social indoctrination the purpose has been to defend the existing system by producing citizens who believe in it more intelligently and are otherwise better prepared to make it work successfully.

Although the educational system of the Philippines is as close a copy as could be made of its American prototype, it resembles the totalitarian systems in the predominant emphasis which it places upon moulding the national character. Forty years ago the Philippines, under American guidance, set out to modify profoundly its political, social and economic institutions and to prepare to assume an independent position in the world. As many other states have since done, it deliberately planned its educational system to hasten such changes in the national character as might seem necessary for the accomplishment of these purposes.

There is a dramatic quality in the fact that at least two decades before the modern European dictatorships began to educate their children to be efficient automata in totalitarian states, the United States instituted a school system intended to prepare seven million Filipinos to cope with the problems of modern life in what it was hoped would become a self-governing, democratic nation. This was a broader and far more difficult task than that later undertaken by any of the autocracies. In training for democracy a scattered population which had always lived in an autocracy the Americans and Filipinos were required not only to give the rudiments of a literary education to a people who had been cut off from modern ideas, but also to train that people in the processes of modern trade, industry and agriculture and to transform many of their personal habits of life.

Moreover, the groups of Malays who inhabited the Spanish colony called the Philippines were far from being a nation in the political sense. Some of the essential elements of nationality still had to be developed among them. Considering that democracy is the most difficult of all forms of government and that man changes in nothing else so slowly as in his personal habits, it is probably not an exaggeration to say that the task thus assumed was one of the most arduous ever undertaken by one people in dealing with another. The burden which the American-Filipino program imposed upon the public schools was an extraordinarily heavy one. Nor, despite all that has been accomplished, will the task be lighter in the future if the Philippines strives to reach the goal of moral and spiritual regeneration towards which President Quezon and other contemporary leaders are seeking to lead their people.[1*]

Of the many ways in which the public schools have been gradually modifying the national character of the Filipino people seven are of especial interest. From its inception the educational program has been planned to end illiteracy, to give the people a common national language, to develop a spirit of nationalism and democracy, to stimulate the will and increase the ability of the ordinary man and woman to work at some useful vocation, and to build up the health and vitality of the race. The schools have also sought to inculcate high standards of manners, conduct and morality, and have had to deal with the problem of instruction in religion. Within recent years an ambitious program of adult education has been undertaken.

If the development of a literate body politic and the introduction of English as the common language of the Archipelago have been the outstanding undertakings of the public schools of the Philippines, yet the schools have aided in many other ways in the great work of creating a democratic Philippine state. Not least in importance is the part which they have played in developing the sentiment of Filipino nationality. A people which speaks more than four score different languages and is scattered among the islands of an archipelago extending through 1,500 miles of dangerous ocean does not become a nation by blood alone. The Swiss are a nation despite diverse blood, languages, and separating mountains because they possess the other elements of nationhood. They

have a common history which extends back through the centuries, share the common traditions of a great struggle for freedom, venerate the memories of Swiss heroes, and unitedly face present national problems. The polyglot masses that have come to the shores of the American Republic have been made Americans politically in so far as they have become imbued with the American tradition, as expressed in the lives and utterances of Washington and Lincoln, Roosevelt and Wilson, and in the great documents of American law and polity. The Filipino people possess the fundamental basis of nationality in their common blood, but only within the last generation have they become generally conscious of a national history, national heroes, and common aspirations for a national destiny.

Neither Rome nor any other nation was built in a day. Yet the half legendary chieftain, Lapulapu, and Fathers Burgos, Gomez, and Zamora—Filipino priests whom the Spanish executed after the abortive rebellion of 1872—are almost the only popular Filipino heroes who are not contemporaneous with the older men in public life today. Filipinos had no share in the national affairs of their country during the three centuries of Spanish rule; and under that rule the masses of the people were conscious of little from beyond their barrio or provincial boundaries save foreign rulers, priests, traders, or plunderers.

Since the days of Spain no force has been more potent than the public schools in welding the scattered, provincial groups inhabiting the vast Philippine archipelago into a Philippine nation. Almost without exception American schoolteachers have joined with the Filipino leaders in spreading the doctrines of Philippine nationality and patriotism. Their Spanish rulers taught the Filipinos, or sought to teach them, to be ashamed of their race and to regard themselves as inferiors who could never hope to achieve either personal or national greatness. The early American teachers in the Philippines bore the gospel of equality, democracy and love of country into every barrio in the Islands with the zeal of the true missionary. Their seed fell upon fertile soil, soil which had just been liberally watered by the blood of Filipino martyrs who had fallen in the revolutions against Spain and the United States.

As one distinguished Filipino of the younger generation has

said: "They couldn't help teaching us patriotism and love of our own country. They did it with every lesson in American history. When, as a little, barefoot boy, I stood up before the class and recited, 'Give me liberty, or give me death,' I wasn't thinking of Virginia and King George, I was thinking of the Philippines and the United States." In the eyes of the boy's teacher from Kansas, or perhaps Maine, such thoughts were not treasonable. The "American" school system in the Philippines has never sought to teach any other than Filipino patriotism. Loyalty to the United States, yes; but patriotism for the Philippines. Those who dream of empire regard this course as having been one of the capital errors of American colonial policy. American statesmanship, however, decreed that the Philippine public schools should be dedicated to the building of a Filipino nation.

The procedures followed in accomplishing this task are familiar to Americans who have passed through their own country's public school system. For many years the walls of every Philippine schoolroom have been decorated with pictures of Rizal, Mabini, Bonifacio and other Revolutionary leaders. More recently President Quezon has been added to the gallery of the immortals. The life stories of these and other national heroes have been recounted in textbooks and retold by thousands of teachers. The national ideals, economic and political independence, the basic arguments for the immediate independence of the Islands, and the duties of citizenship have been taught for years. Textbooks used from the Batanes Islands to the southernmost school in the Archipelago stimulate juvenile interest in native music, art, games and folklore, and tell young Filipinos that they are of one blood and have a national history and destiny. The Philippine national anthem is heard daily through the open windows of 12,000 school houses before which the Star and Stripes and the Sun and the Stars (the flag of the Philippines) float side by side.

The Constitution of the Commonwealth definitely prescribes that the schools shall "aim to develop moral character, personal discipline, civic conscience, and to teach the duties of citizenship." Acting upon this precept and reflecting the nationalistic mood of the times, the schools have increased their efforts to develop in their pupils the traditional Philippine virtues and to educate them

for citizenship. A simple exposition of the Constitution has been put into the hands of the elementary pupils. "Constitution Day" is celebrated annually in every school in the Archipelago. On November 15, 1940, the fifth anniversary of the Commonwealth, the two million pupils in the public schools took up the study of a series of graded lessons on the achievements of the Commonwealth. Pending the adoption of a "National Code of Ethics and Citizenship," all schools are required to teach a sixteen-point statement of civic and ethical principles formulated by a group of eminent citizens.[2*] The National Assembly has required by law that a "school ritual" to "consist of solemn and patriotic ceremonies and . . . include the singing of the Philippine National Hymn, and the recitation by the pupils or students assembled of a patriotic pledge" shall be observed in all elementary and secondary schools.[3]

The Dutch teach no civics, no conception of citizenship or patriotism in the schools of their marvelous East Indian Empire; in Korea and Formosa the Japanese strive to make little Koreans and Chinese into good subjects of the Mikado; in no other Oriental colony is the avowed object of the public schools the creation of patriots who owe their first allegiance to the land of their birth. Although in the Philippine schools nationalistic propaganda and civic education have been given additional emphasis under the Commonwealth, they have been in the forefront of educational activities since the day upon which the United States supplanted Spain as sovereign in the Islands. It is in this unique characteristic, perhaps, that the "American" educational system of the Philippines has been most distinctively and finely American.

Along with the development of a spirit of Philippine nationality has gone a national indoctrination in the conceptions of Democracy and Industry. Toward the end of the Spanish regime a one-room school for boys and another for girls was found, with the great stone church and convent facing the plaza, in almost every center of population in the Islands. But these schools, in which the catechism, mechanically taught with the liberal aid of the rod, was the chief subject of instruction, were attended chiefly by the children of the upper-class Filipinos, those who lived in the towns where the schools were situated. A very few of the wealthier "Indios" sent their sons and daughters to advanced and

expensive private institutions, somewhat comparable to American boarding schools. In some instances the Church made it possible for poor boys to pass completely through its educational system. On the whole, however, only the children of the wealthy received more than a rudimentary education, a condition which existed in Spain and, indeed, in most countries of the world until the latter part of the Spanish regime in the Philippines.

As has already been pointed out, the Filipino revolutionaries against Spain and the United States were impatient with the failure of the government to progress more rapidly towards the educational goals set in 1863. They repudiated the archaic and undemocratic type of schooling which still existed in their country and planned to establish a modern system of universal education in the Republic of their dreams.[4] This desire coincided with the purpose of the Americans, who proposed to use the schools as instruments of democratization and were determined to extend them as rapidly as possible to the children of the masses.

Describing the democratic principle upon which the new system of education was being founded, the General Superintendent of Education, Dr. David P. Barrows, wrote in 1903:

> The public schools of these islands must be open to all upon a purely democratic basis. This is a point in which, perhaps, there has been more difficulty experienced than with the preceding (that the schools should be public and secular). The cultivated man among the Filipinos, while fairly bursting with protestations of his patriotic solicitude for the advancement of his more humble countryman, is in reality frequently contemptuous of their illiteracy and poverty and actually opposed to any enlightenment which will loosen his hold over them. The greatest danger at present menacing the success of our schools is that, pleased with the capacity and cleverness of the youth of the cultivated class, and desirous of forwarding his success along the higher levels of education, we may forget the primary and essential importance of educating the child of the peasant. If we fail here we fail precisely as our predecessors did. The public welfare and public security demand here, as perhaps nowhere else in the world, primary education for all classes. The race lends itself naturally and without protest to the blind leadership and cruel oppression of its aristocracy. This is what the Spaniard called "caciquismo," and which every measure and plan of the government of these islands should aim to destroy.[5]

In addition to making equality of opportunity in education one of its goals, the new government also used the schools to democratize the Filipinos by dignifying labor. To that end, all school children were required to take at least some vocational courses which required them actually to work with their hands. Such courses were also intended, in McKinley's phrase, "to fit the people for . . . the ordinary vocations of life"—in other words, to earn a living in some socially useful occupation. Naturally, the Filipinos are a reasonably industrious race, considering their needs and their environment. But for three centuries Spain had taught them to feel that labor was degrading and dishonoring.

In an effort to overcome this heritage of contempt for physical labor, every Filipino boy who progressed through the primary and intermediate grades was taught basket-making, carpentry and woodworking, blacksmithing, or gardening; or, as a member of a pig or poultry club, was given an opportunity to raise blooded stock under carefully supervised conditions. The girls received analogous training in sewing, cooking, housekeeping and other domestic arts and crafts. Children in the intermediate grades might pursue a general literary course in which vocational training was incidental, or take a specialized course in agriculture or the industrial or household arts. Farm settlement schools, farm schools, agricultural high schools, trade schools on the secondary level, and eventually a school of arts and trades and a nautical school of college grade enabled a relatively small number of pupils to receive higher vocational training.[6]

One of the two aims of the vocational instruction has been especially related to the elementary grades, the other to the secondary grades.

> In the first group [as explained by the Director of Education] the pupil is given instruction in handicraft, gardening, carpentry, and club work, not for the purpose of giving him a trade or vocation, but in order to enable him to find his natural aptitudes and abilities, and to develop proper attitudes towards the industrial and agricultural activities of his community. Regardless of the occupation which the pupils will follow in after-life, the health, art, economic, social, and moral values which they receive in the elementary industrial classes help them in the development of their character, their general culture, and their civic usefulness.

In the secondary schools the objective of the Bureau is purely vocational in that it gives the student practical training which will help to follow some special vocation.[7]

No phase of the Philippine educational program has been more highly praised and more caustically criticized than vocational education. The Monroe Survey Report declared:

Perhaps there is no feature of the development of the schools more unique or of more far-reaching value than the industrial work. In sewing, lace making, embroidery, basketry, and related forms of weaving, bamboo-rattan furniture making, hat making, gardening, food studies, housekeeping, and woodworking, the schools have developed highly systematized courses which have yielded products of great value, both educationally and commercially. Gardening and food studies have increased the amount and variety of foods and improved the health of the people; sewing, lace making and embroidery work have made marked changes in the clothing and household textiles; cleanliness and neatness in schools, in clothing, in person and within the home are so strikingly evident that one is impelled to admiration; [8] many boys have become so skillful that they are able to produce great quantities of beautiful and attractive furniture. The estimated value of all the industrial products of the schools in 1923 was about 3,284,000 pesos. The effort and expense invested upon this work are amply justified by the improved conditions of life which have resulted.[9]

This is high commendation. Yet the Report went on to declare that much of the vocational work had become formal, mechanical and ill-adjusted to the needs of the community. Some of the training was criticized as being wasteful of the pupils' time. The commercial phase of the industrial work (basketry, furniture, lace and embroidery making, especially) was declared to have been developed to the point where it was in danger of exploiting the children. The youngsters were making vast quantities of office and school furniture for sale to the government and were being kept at this work long after it had ceased to have any further educational or economic value to them. Moreover, they were being taught to make and do things for which there would be no demand in their own communities once they had left school. The work was good, but it was not adapted to the immediate

needs of the country. Consequently, the people were ceasing to support it. On the whole, the instruction in gardening and farming was commended. Both types of instruction, the Commission reported, were being given by inadequately prepared teachers.[10]

The criticisms of the Monroe Report stung the school administration and aroused the people. Both had believed that the Philippines was leading the world in vocational education. The work was rapidly "de-commercialized," too much so in the opinion of the next American expert to pass upon it. In 1928 a Vocational Education Act appropriated ₱50,000 for the development of a new vocational division in the Bureau of Education. When all this money was not spent the first year, however, the legislature shortsightedly reduced the appropriation to the sum previously allotted for the purpose.

Without knowing just what was wrong, the public felt that the schools were not giving the kind of vocational training which the country needed. This uneasiness found expression in widespread criticism and demands for reforms. In 1930, with the financial assistance of the Rockefeller Foundation, Dr. C. E. Prosser, a leading American authority in the field, was brought to the Islands to make a survey of the entire system of vocational education. The Prosser Report contained some praise and a great deal of criticism. The personnel of the Division of Vocational Education was declared to be "pitifully inadequate for its task" of "promoting and developing the industrial, agricultural, home economics and other practical arts training which the Philippines so sorely need." [11] The Division was also said to be poorly organized and not properly articulated with the rest of the administrative organization. As when the Monroe Survey was made, the industrial courses were found to be giving young people a type of training for which there was no demand in real life. Too many teachers lacked practical experience and were over-theoretical in their instruction, while others had received no special preparation in the art of teaching. Equipment was inadequate. Only a small proportion of the students in the specialized courses in agriculture and the industrial arts later entered the vocations for which they were trained. These were a few of the specific deficiencies mentioned.

In more general terms, Dr. Prosser declared:

> The fundamental trouble with the Bureau is that it is trying to operate vocational education as a minor phase or "side show" of a system of general education; control all its details by regular school officials; and apply to it notions which while they may serve for general education certainly do not apply to vocational education if the latter is to serve the needs of the Islands effectively.[12]

The Prosser survey made vocational education first-page news and a frequent subject of editorial comment in the Philippines during a considerable part of 1930 and 1931. A few headlines illustrate the trends of the discussion: "White-Collar Job Seekers Disappointed"; "An Oversupply of Graduates?"; "Aggies Can't Secure Jobs"; "Idle Hordes May Cause Cataclysm"; *"Por Qué No Atraen?"*; "Are We Following a Fad?"; "Is It Vocational?" [13] Three principal problems were raised in this discussion:

"What is to be done with the thousands of young people who have received some schooling and now want 'white collar' jobs?"

"Why do not the vocational courses and schools attract more students?"

"Are we really giving our children *bona fide* vocational training, that is, specific training which will fit the student to perform a chosen work he intends to follow after leaving school?"

When the problem of education came up for systematic consideration after the inauguration of the Commonwealth, these questions were again threshed over by the President, the National Council on Education, the National Assembly, the school authorities, the editors and the public. It is clearly the intention of the Commonwealth to increase the amount of vocational work offered, to improve its quality and to guide into vocational courses a far higher proportion of the young people enrolled in the public schools.

The appraisals, expert and lay, of vocational education in the Philippines suffer from a weakness which afflicts a great deal of the discussion of Philippine affairs. A large proportion of the criticism is just. Many of the shortcomings which have been pointed out exist and should be remedied, as some of them have been. But although the picture may be photographically accurate in most

of its details, it is not a true portrait. It leaves too much out of account and gives the short rather than the long view of the problem and the progress which has been made towards solving it. Much of the acute dissatisfaction with the system of vocational education which is still felt in some quarters arises from a failure to appreciate fully the magnitude of the task and the significance of what has already been accomplished.

The fundamental difficulty which industrial education has faced in the Philippines is that it has operated in a vacuum, or nearly so. It is hard for an American to imagine a country in which there are almost no foundries, factories, mills, machine shops, steam power equipment or electric light and power plants; where 99 per cent of the houses are put together without a nail from purely local materials; where the skilled mechanics and other workmen whom we take for granted are all but non-existent and where there would be no jobs for them could they be conjured into being. Yet such was the Philippines into which vocational education was introduced a generation ago; and while progress towards industrialization has been made, the Filipino people as a whole are still on the further side of an industrial revolution, such as that which occurred in England at the end of the eighteenth century. The public schools have done their part in preparing for such a revolution; but they cannot accomplish it and the most serious difficulties connected with their vocational instruction have arisen from the fact that it has not yet occurred.

In the earlier days, for example, the schools were marvelously successful in training boys to make furniture. There was, however, no furniture industry and little household demand for the articles made in the school shops. Selling its products to itself and to other government entities, the school system became one of the largest industrial enterprises in the country. But few shop-trained boys found jobs. Nor did the students of most of the other industrial arts and crafts taught. No wonder teachers were without commercial machine shop or building experience! No wonder that children were being given a theoretical training for non-existent jobs! No wonder that an "immense majority" of the four or five per cent of the young people able to remain in school long enough to enter the high schools preferred to face the prospect of intellec-

tual rather than technological unemployment! The former at least carried a certain prestige.[14]

Less than thirty per cent of the students who are graduated from the academic high schools go on to college. Of the other seventy per cent very few are prepared for any work that is open to them. Many of those who enter the colleges and universities have to earn all or a part of their expenses. "Most of them believe that 'office work' awaits them," stated the late Professor Henry S. Townsend, who for many years dealt with students as dean of men in the University of the Philippines. Few of them, however, have been trained for any branch of office work and this idea has to be given up.

> This forces upon us the realization that the general course (far the most popular course) leaves the boy no more prepared to make a living than he was when passing the seventh grade. The fact that a considerable number of students are making their way on the training received in the intermediate grades, seems to center responsibility for the helplessness of many students, in the secondary schools, and especially in the "General Course." Graduates of the Commercial, Agricultural, and Trade Courses fare notably better. . . .
>
> I have much less difficulty in securing a proper attitude towards labor than in finding anything worth while that the student can do to the advantage of employers and themselves. Every day students express to me their willingness to do "anything." Yet a few questions bring out the fact that their secondary education has fitted them to do nothing in particular.[15]

In the earlier days of the American regime governmental and business expansion coupled with a demand for employees who could use the English language made it possible for the government service and private employers to absorb a large proportion of the high school graduates and even many who had completed the elementary grades. But these fields of employment approached the saturation point years ago.

Yet in the face of this discouraging situation the vast majority of students still prefer the academic to the vocational courses. It is true that the enrollment in the vocational schools has steadily increased, but it is a matter of common knowledge that a large proportion of the students attending them are there not because they wish to take the vocational work offered, but because the

vocational schools are free, and in some cases provide opportunities for self-support, while tuition is required in the academic high schools.

Of the three chief reasons for this general preference for an academic schooling one has already been given: the difficulty of finding employment in the vocations for which the vocational education is supposed to have prepared students. The second reason is that manual labor, even of the skilled varieties, has not yet been elevated in the Philippines to the place of esteem which it holds in some other countries. Or, to put it in a kindlier way, an academic education carries far greater prestige than vocational training does. Convincing evidence of the validity of this statement is offered by the proposal of President Quezon's Educational Survey Committee that all girls should be required to take home economics as a requisite to graduation from high school because, "*This will do away with the stigma placed upon those who elect the home economics curriculum.*" [16*]

The third and most important reason why the academic are preferred to the vocational courses is one which should be understood in America. Filipino parents of the professional and propertied classes naturally wish their children to maintain a social status at least as high as that to which they are born, and it would never occur to them to train their offspring for any but a professional career. Those of the working classes are determined that if possible their sons and daughters shall move up in the social scale, and this means that they shall progress into occupations which do not involve manual labor. The *tao* does not aspire to have his son follow the carabao through the rice paddies as he has done. The tenant farmer or the city laborer is not raising his boy to be a poor but honest workman. He wants little Juan to become a government employee, or a clerk in an office, or a doctor, lawyer, dentist, pharmacist, teacher, or some other kind of "professional" who will live in a class above that of his forebears. He knows that other boys no better than his have achieved this sort of success. This is his goal and when he sacrifices himself and the rest of his family to keep his boy in school through the intermediate or high school grades, he wants the boy to take those courses which seem to him to lead most directly to it.

Such ambitions are very American and they are very hard for the educational and political authorities to quench. As long as the vast majority of the people prefer to pursue the "white collar" goal, they are going to give their children an academic rather than a vocational education if by any hook or crook they can do so. The most logical arguments and perfect demonstrations of the futility of their course will not change their purpose; for while all the children of the poor and lowly cannot become rich and powerful, a certain proportion of them do so. Only a profound alteration of the economic and social system of the nation can secure a popular acceptance of the idea that the people born at the city laborer's or agricultural worker's level should be satisfied to have their children receive an education planned to enable them better to perform the functions of that class rather than to give them direct access to a higher class. Heretofore the road to success as represented by moving up in society has not led through the shop, the mill, the factory or even the business office; for business is still largely in the hands of foreigners. There are no Filipino counterparts of Edison, the Wright brothers, Steinmetz, Ford, Knudsen, or thousands of locally successful industrialists whose careers inspire American youths to go and do likewise.

The Commonwealth is now seeking to launch an economic development, partially industrial in character, which may in time modify this situation. Until the vocational training offered by the schools opens the doors to careers which the ordinary man can visualize as leading to the top, however, Juan de la Cruz, if he can possibly do so, is going to head his boy along the academic route towards the kind of success which is traditional in the Philippines. Only the economic development of the country can create an environment in which industrial jobs are common and well paid and lead to higher social and financial rewards. The schools may contribute in such a development, but they will never become the primary factor in producing it. As a *La Vanguardia* editorial writer remarked in this connection, the impulse of capital investment and perhaps the aid of a protective tariff, among other things, are necessary for the industrial development of the Philippines and the creation of new industries.[17]

On the other hand, it is easy to underestimate the progress

towards industrialization which has occurred during the past four decades, the contribution which public education has made towards it, and the effect which this development and the rising standard of living which it has made possible for those participating in it have had upon the products of the school system. More than a decade ago an economic survey committee set up by the Bureau of Education presented a partial but realistic picture of the inter-action of economic and educational forces which even then had been operating for twenty-five years. The committee reported:

> In looking over the field as far back as twenty-five years, the committee found a continual progress in the standard of living and in the academic attainment, and it is convinced that the two go hand in hand. The present labor is much more efficient than the labor of twenty-five years ago. The higher standard of living requires a higher standard of wages and more constant labor. The product of the public schools is taught to wear better clothes, to eat more and better food and to live in a sanitary manner, and take proper care of their families. To do this they must labor to supply their needs.
>
> Previous to the organization of the school system in the Philippine Islands, the Filipinos had few opportunities to enter the professions or to take part in government activities, and naturally those who succeeded were held up as heroes and leaders of the race. Humble toil was below the dignity of any one who could read and write. In fact an education was looked upon as a means of living on the labors of others. Even the office chiefs of the old school thought it beneath their dignity to do more than sign their names.
>
> Never in history was a greater effort made to educate a whole race. It is indeed fortunate that the demand for academic instruction was not denied and that industrial and vocational instruction was only introduced as it was found to be acceptable. Indeed education has made vocational education acceptable.
>
> In 1905, any one who passed the fourth grade could apply and usually obtain a clerical or teaching position. In 1915, the fourth-grader was discarded and no longer wanted, but a person who had passed the seventh grade and completed the intermediate course was in the same position that the fourth-grader had been ten years before. In 1925, the high-school graduate was eligible to clerkships and teaching positions, and the seventh-grade graduate was placed in the discard. At present it takes normal school graduation or university graduation to assure the position which was so easy for the fourth-grader to secure twenty-five years ago. As the requirements for clerical and teaching positions were raised, those of lower attainments were forced into the field of labor. As clerical positions were more desirable on

account of the greater remuneration and physical comfort in a tropical climate, it is only reasonable that they should be in great demand.

The change that is rapidly taking place in the character of labor from the unlettered to the literate tends to make labor more honorable and dignified. The pupil from the first or second grade who enters the field of labor and does his humble task well is a credit to the laboring class. The higher the grade of instruction, provided he does his work well, the more he helps in raising the standard and dignity of his calling. . . .[18]

The social and economic processes which are so clearly described in the *Economic Survey Report* are still in operation in the Philippines. During the last few years they have been given a great impetus by the millions which the Government has expended for the purpose of making economic readjustments in preparation for separation from the United States. There is scarcely room for doubt that the development of old and the establishment of new industries, the diversification of agriculture, and the settlement of great frontier areas are being facilitated by the existence of a growing body of workers who are literate, have learned to work with their hands, and have developed standards of living to maintain which they are willing to labor in factory or field. People of this sort are steadily being added to the growing middle class, a segment of the population which will provide an increasing home market for the products of industry and diversified agriculture, and strengthen the political structure of the Philippines.

During the past few years vocational education has developed along two lines: it has become more effective in performing its narrower purpose, that of preparing youths for specific vocations which they will actually follow; and it has improved its methods of giving the coming generation a general knowledge of the world of actual work and of making the country more economic-minded. In the intermediate grades more children are receiving training in gardening, animal husbandry and the arts and crafts. The new "general course" in which high school students are given a combined academic-vocational education is becoming more popular, although it has not yet had time to demonstrate its value. One may wonder how well it will prepare its students to step into actual jobs in industry or business. But in any event only a few such jobs are available in any given year. That the course will make a con-

tribution to the general economic development of the Islands which is now one of the chief objectives of the Government seems very probable.

The Commonwealth has launched a program for establishing in the great regions of the country at least ten national regional agricultural schools modeled along the lines of the famous Central Luzon Agricultural School at Munoz and a minimum of six national regional trade schools similar to the Philippine School of Arts and Trades in Manila.[19] It is planned to emphasize the settlement of the graduates of the national agricultural schools on their own farms and to this end to work in close collaboration with the National Land Resettlement Administration. This project is wholly feasible and if properly carried through, will eventually increase the number of first class, independent farmers and will assist in bringing the public lands of the frontier region under cultivation.

The proposal to establish first-rate national vocational schools in the natural regions of the Philippines is an excellent one. Schools of the types which are planned, however, are expensive to equip and operate. In developing them, as in expanding and improving almost every other branch of the public service, the Government seems to be assuming that its present prosperity will continue indefinitely. If the Filipino leaders and the spokesmen for the American Government mean what they say about independence in 1946, however, this assumption rests upon a very unstable basis.

That the Filipino people desire and are willing to pay for first-rate high schools and that the academic courses retain their popularity despite the campaign to popularize vocational training is shown by the fact that outside of Manila every academic high school in the Philippines is on a tuition basis. In some provinces, practically all the financial support of the provincial high school has come from this source for years. In no province has insular financial aid, which is granted almost entirely through the assignment of a principal and a few insular teachers, been more than a small proportion of the academic high school budget. In the readjustment of school finance which has occurred during the Commonwealth, academic high schools are to be financed entirely by tuition, the provinces are to be responsible for the support of secondary vocational schools, while the National Government will

support the collegiate normal schools as well as the regional trade and agricultural schools.

The policy of placing the responsibility for financing secondary education upon the local governments probably is sound, especially as at the same time the national government has undertaken to support the primary and intermediate schools throughout the Archipelago.[20] It would, however, be unfortunate if this plan or any readjustments which may be made in the future should result in further limiting high school opportunities now offered. The percentage of pupils enrolled in the high schools, 4.51 per cent in 1939, is none too large, especially when it is recalled that only 45 per cent of the total number of children of school age are enrolled in any school. In the United States, where the total public school enrollment is 83.4 per cent of the school population, nearly 23 per cent are found in the high schools.[21] The American proportion of high school enrollment would, of course, be not only unattainable, but also unfortunate in the Philippines under present conditions. As recently as 1900 only 3.3 per cent of the American enrollment was in the secondary schools and in 1910 only 5.1 per cent;[22] figures which suggest that great caution should be used in the interpretation of any Philippine-American comparative data.

Nevertheless, if the Philippines is to continue to have an enlightened and democratic leadership, the door to a high school education should not be closed to the children of the masses and the middle classes—those who cannot afford to pay tuition fees and in most cases live at a distance from the provincial capitals where most of the secondary schools are located. The immediate purpose, however, probably should not be to increase the number of high schools, but rather to improve the quality of those already in operation and to make it possible for intellectually superior children of all classes to attend them. As the Director of Education declared in 1938:

> Intellectual ability is not confined to any one group or class of persons, and education at the secondary levels should not be limited to the small group which can afford it or is favored by residence. It should be available to all students of special aptitudes and capacities. The best minds should be discovered and given further training by the state. It would probably be desirable to extend further the number

of state scholarships in order that deserving poor students can enter institutions of higher learning.[23]

The extent to which the doors to higher education are genuinely opened to the superior children of all classes will be one test of the extent to which President Quezon's enlightened program for social justice is changing the age-old attitude of the "haves" towards the "have-nots" in the Philippines.

Considering the fundamental difficulties with which it has had to contend, Philippine vocational education has been successful. Working in a pioneer field, with financial support which, although generous considering the means of the country, has been sadly inadequate, vocational training has helped to develop the capacity of the Filipino people to perform the economic tasks which a modern nation must perform if it is to achieve the standard of living to which the Philippines aspires. It is true that from the viewpoint of a specialist, such as Dr. Prosser, vocational training has been operated as a "minor phase or 'side show' of a system of general education." Yet this policy has reflected the wishes of the overwhelming majority of the people. The desirability of making vocational training as practical and as closely adapted to immediate local needs as possible is hardly open to question, and the present tendency to increase the importance of this phase of education is undoubtedly sound. But it would be unfortunate if in the present enthusiasm for national economic development vocational training should become the "big top" and general education the "side show" in the Philippines.

The most recent phase of the national effort to elevate the quality of Philippine citizenship is the establishment of a nation-wide organization for adult education. Government sponsored attempts to reduce adult illiteracy and ignorance were begun as long ago as 1908, but not much progress was made until in 1932 at the instance of Governor-General Theodore Roosevelt community assemblies were established (Act No. 4046) for the purpose of raising the level of citizenship and providing the public with information concerning public affairs and a wide range of subjects of practical interest.[24] Under the immediate direction of the Bureau of Education some 9,500 lectures were given, most of them in small communities where the people are not in close touch with

current affairs. Private organizations, such as the Federation of Women's Clubs, the Y.W.C.A., and the Catholic Women's League, took up the work and provided classroom instruction for adult illiterates and distributed educational literature.

This campaign to reduce illiteracy probably influenced the Constitutional Convention to include in the fundamental law of 1935 the requirement that the Government should provide citizenship training to adult citizens.[25] In 1926 the National Council on Education recommended that the adult education work should be coordinated and carried on by a special agency to be established in the Department of Public Instruction. Recognizing that the "citizenship training" required by the Constitution could be variously interpreted, the Council declared: "In our country in which compulsory education is not yet established, adult teaching must adopt the form of a campaign against illiteracy and the elevation of the adult population to effective and intelligent power in the political state." [26] In accordance with the Council's recommendation, the National Assembly in October, 1936, created the Office of Adult Education in the Department of Public Instruction and stated the objects of adult education to be to eliminate illiteracy and give vocational and citizenship training.[27]

In the report of the Director of Education for 1938 there appeared a statement which gives some idea of the importance and magnitude of the task which this new agency has been established to perform.

> Our regional surveys [declared the Director] have revealed one fundamental weakness of Filipino life: ignorance with its concomitants —poverty and civic disintegration. Illiteracy is at the root of this weakness which forms a serious drawback to Philippine culture and progress. To remove the cause requires the formulation and adoption of an educational program which would raise the general intellectual level of the common tao. Until this level is attained, all efforts of the Commonwealth Government to improve the social and economic well-being of the masses will prove futile. Social justice may only shift the balance and allow the perpetuation of injustice by the laboring class. Ignorance and social justice cannot long go hand in hand.[28]

To "raise the intellectual level of the common tao" would require the instruction of the nearly one-half of the population

over ten years of age who were reported as illiterate in the census of 1939. These illiterates, more than five and one-half million in number, are over twice as numerous as the number of pupils enrolled in the entire public school system. For the purpose of attacking the problem which these millions of under-educated citizens present, the Commonwealth is at present expending ₱47,800 per annum, a sum which is slightly increased by local contributions. Considering the magnitude of the task undertaken, these are little more than "token" appropriations. The money, however, has been made to go a long way. By the end of 1940, with a paid staff of twenty-seven field agents the Office of Adult Education had established more than 6,000 adult "schools" and enlisted the aid of 50,000 volunteers to man them and otherwise aid in the campaign against illiteracy. Half a million students had been enrolled in adult classes and more than two and one-half million copies of educational publications had been distributed.[29]

Thus a beginning has been made in the tremendous task of adult education which the Philippines has undertaken. The maturity of the movement which is now being fostered by a separate governmental agency, the public interest which has been aroused, and the intense desire of Filipinos of all ages for educational advantages may combine to produce greater results than would seem possible considering the slender means available for this purpose. Until millions instead of thousands can be spent, however, it cannot be expected that a large proportion of the five and one-half million Filipinos who were unable to attend school during childhood can be given more than an extremely small proportion of the knowledge, attitudes and skills which they would have developed in several years of classroom work. There is no short cut to education or to the social and political benefits which an educated citizenry confers upon a nation.

CHAPTER XXI *

THE UNIVERSITY OF THE PHILIPPINES

"THE University of the Philippines is intended to be our highest seat of learning. It is called upon to set the highest standards in the most important professions. It is to be the molder of the Filipino mind and the great laboratory for the study of the grave social problems which are the preoccupation of our age. It is to produce men of character and wisdom trained in the arts and sciences, who are to assume leadership in those political and social activities which are vital to the state." [1]

Thus President Manuel L. Quezon in 1937 stated the high mission to which the University of the Philippines is called. The assignment is one which might well make tremble the individuals who have the responsibility of carrying it out. Character and wisdom are human attributes which no educational institute can by itself impart. These qualities are the product of man's life experience. They are acquired at his mother's knee and through a multitude of succeeding associations and actions which extend through the years which carry him to maturity. A religious seminary or a military academy, controlling the entire time of a small body of youths who have consecrated themselves to a specialized calling, ordinarily gives a certain form to the character of its students. A state university enrolling thousands of young men and women of heterogeneous backgrounds, widely varying capabilities, and diverse purposes may properly be expected to send forth graduates who are "trained in the arts and sciences"; but is perhaps the least prepared of all educational institutions to "produce" men of character and wisdom. As for leadership, that great quality cannot be acquired by an academic process, although the direction in which

* *The notes of this chapter begin on p. 929. Subject matter notes are indicated by an asterisk.*

the leader will proceed will in part be determined by the extent to which he is aware of the accumulated experience of mankind and the interpretation which he has been taught to place upon human events.

The University of the Philippines, like every state university, will have a share in moulding the characters of those who seek its gifts of learning; and the knowledge gained there by youth may later be transmuted into wisdom. But neither the University nor the great body of its graduates will ever be found to be on a plane immeasurably higher than the national society of which they are integral parts. Too much is sometimes expected of this institution, as of many other instrumentalities which have been set up in the Philippines since 1898.

When in 1908 the Philippine Legislature provided for the establishment of a state university,[2] its purposes, within somewhat narrower bounds, were substantially those set forth three decades later by President Quezon. The institution was intended to give the future leaders of the nation an enlightened viewpoint based upon knowledge, to furnish the state with men of sound professional and technical training, to set high standards for private colleges and universities, and to become the center of national culture. Another reason for founding the University as the capstone of the public school system was to give assurance to the students in this system that they would be able to pass from the public high schools into a first-class institution of higher learning where they could obtain literary, professional and technical courses in English.

Considering the difficulty of the tasks set for it and the limited means provided for their accomplishment, the University of the Philippines has achieved a remarkable success during the thirty-two years in which it has been in operation. The importance of the place assigned to it in the nation now in the making is shown by the broad plans which the Commonwealth has made for strengthening it for future service. These plans were formulated after a survey had been made by two outstanding American educators of the major principles of the organization of the University.[3] They include provision for the removal of the University from the heart of Manila to a new campus on the outskirts of the city and for the

erection of a complete set of new buildings which will be designed to give the institution every material means for performing the services to the state which the people expect of it. If a reasonable proportion of the proposals for strengthening the University can be carried out, there is no reason why it should not proceed steadily towards a fuller realization of the purposes for which it exists.

The University of the Philippines occupies the same place in the Philippine system of public education that the state university does in the school system of most of the states of the American union. For this reason, and also because a considerable proportion of the men who organized it were from the faculties of state universities it is directly modeled upon those distinctively American institutions. Secretary of the Interior Dean C. Worcester and Dr. Paul C. Freer, who were leaders in the establishment of the College of Medicine and later of the University; George A. Malcolm, the first Dean of the College of Law; George A. Wrentmore, first Dean of the Engineering College; Justice E. Finley Johnson, for many years an active member of the Board of Regents; and other strong personalities who guided the University during its early years were from the University of Michigan, and the influence of this institution is plainly to be seen in the newer Philippine center of learning. As the University gradually passed from American into Filipino hands, almost all of the members of its teaching and administrative staffs (except in the College of Medicine) were the products either of the University of the Philippines itself, or of American institutions, or of both. Two of the presidents of the University have been Americans, and the last two of the four Filipinos to hold that office received their advanced education in the United States. Furthermore, the University was deliberately articulated with the American university system, in order that the graduates of its College of Liberal Arts might pass directly to graduate schools of high rank in the United States.

The state university in the Philippines, therefore, follows the American pattern in organization, curricula, methods of instruction, physical equipment and even in its extracurricular activities and campus life. To the Philippine Medical School, first opened to students in 1907 and incorporated into the new university three

years later, have been added the Colleges of Agriculture, Veterinary Science, Liberal Arts, Engineering, Law, Education, Business Administration, and Pharmacy; the Schools of Forestry, Fine Arts and Public Health Nursing; the Conservatory of Music; the Junior College of the University (at Cebu); and the branch of the University at Baguio.[4] The governing body of the University is the Board of Regents. The President and Deans have the powers usually vested in such officials in the United States. The University Council is headed by the President and consists of all instructors in the University holding the rank of professor, associate professor, or assistant professor. This body has extensive authority over the academic affairs of the institution.[5] Of its approximately 200 members, less than twenty are Americans.

The student body numbers more than 7,500. Its members come from every part of the Archipelago. A few Siamese, Chinese, and a handful of Americans, usually less than a dozen, are also enrolled. The students come from all strata of Philippine society. Some of them are rich playboys; a somewhat smaller proportion than in American state universities "work their way through college." An excellent Reserve Officers Training Corps; the *Philippinensian,* a student paper typically American in form and spirit; fraternities, sororities and clubs; commencement ceremonies; and many other campus activities are strongly and, in their Philippine setting, sometimes amusingly reminiscent of university life in the United States. The University has virtually no dormitory facilities except in the College of Agriculture; and except in that college has never had sufficient funds to exert an effective influence over the personal as contrasted with the academic affairs of its students.

All the principal units of the University, except the College of Agriculture and the School of Forestry, are located on the main campus in Ermita, a residence section of Manila; but arrangements are being made to transfer them outside the city. The College of Agriculture is at Los Baños, about fifty kilometers southeast of Manila. Situated on the lower slopes of forest-covered Mt. Makiling, overlooking lovely Laguna de Bay, adorned with tropical trees and carefully tended vegetation, its campus is one of the most beautiful under the American flag. As is appropriate in an over-

whelmingly agricultural country, the College of Agriculture is the strongest of the major units of the University.

The burden which the foreign (American) character of the University places upon this new institution, established among a people of very different intellectual background by a government of meager financial resources, is seldom taken sufficiently into account by those who discuss the University of the Philippines. The University tends to judge itself and is judged by others by American rather than by Philippine standards. This is not only unfair, but it is unwise, for it is into the structure of Philippine and not of American life that this institution must be fitted. Filipino pride, however, will not accept any lesser standard, and since the capstone of their educational system is of the American type, it is by American standards that they gauge its achievements.

The quality of work done in any institution of higher learning is determined by a number of fundamental conditions. Of these, few are more important than the preparation for college work, which its students have received before entering its halls. There is no question of the innate capacity of Filipino children for intellectual achievement. Students who come to the University of the Philippines, however, enter its courses with a preparation which is markedly inferior to that of the American college freshman. In the first place, they have had only eleven instead of twelve years of schooling. When the remarkable development which takes place in American children during their last high school year is considered, it is realized that this difference is much greater than a fifteen per cent handicap. Furthermore, the training received in the Philippine public schools is distinctly inferior *as a preparation for the kind of education which the University of the Philippines seeks to give* than the schooling received by the student who has been graduated from the average American high school. The Filipino boy's schooling has cost only a fraction of the American boy's. His teachers have possessed very much lower professional qualifications. He has had to learn a foreign language and acquire all the rest of his knowledge in that language. In his earlier schooling and in the University he studies subjects based upon a broad and highly developed cultural background, yet he has a dissimilar and narrower background. Under such conditions most of the

freshmen entering the University of the Philippines cannot be expected to do work comparable to that of the freshman year in the United States. They would not be admitted to any reputable American college without at least one additional year of preparation.

A more specific and serious handicap to first-rate work of university grade is the average Filipino student's inadequate mastery of English. With incomplete ability to express his thoughts or to comprehend the thoughts of others through the written and spoken language which is the medium through which those thoughts must be transmitted, it is unreasonable to expect any student to do college work of the highest quality. While it is true that most students have greatly increased their command of English by the time they have become juniors and seniors, few of them fully overcome the results of the initial language handicap during their four, five, or six years of undergraduate and professional work. Nor has the University as a whole overcome it.

Thus in the state university as in the grade and high schools the language of instruction gives rise to the most vexing problems of Philippine education. The American experts who recently made certain recommendations regarding the University reached the conclusion that unless the essential factor of language could be successfully dealt with, all else that the Philippines might do to achieve real leadership in higher education would be futile. Assuming that English was to be continued as the language of instruction throughout the school system, the advisers suggested ten steps which they felt should be taken immediately to give assurance that the University students and faculty would have sufficient command of this tongue to enable the institution to do work of full university standard.

Three of these recommendations suggested methods for improving instruction in English throughout the public school system. They are sound suggestions, except that millions of pesos and many years would be required to carry them out. The Philippines might have the time, but it is improbable that the money would be available. Assuming that the government should adhere to its decision to make modified Tagalog the national language, and that English is to be dropped as the medium of instruction in the public

schools, special steps must be taken to provide students who enter the University with a real command of the latter language—provided, of course, that the University is to be developed into a first rank institution and that English shall continue to be its language of instruction. The best and most economical method of doing this should be determined by experts, for many factors affecting almost every aspect of education are involved. The only certainty would seem to be that any effective solution of the problem will require the expenditure of large sums of money.

While the public school problem is under consideration the University might institute a program which would result in an early improvement of the language situation and raise the standards of the institution in other ways. By denying admission to applicants who could not qualify in an examination in written and oral English, the group who are least able to pursue college courses in this language would be eliminated before entrance. Five per cent might be excluded during the first year, and by increasing the difficulty of the examination this proportion might be raised until those students who could pass the language bar were reasonably well qualified. The examination in English would automatically exclude the poorest students in all other subjects and correspondingly increase the capacity of the student body for work of high standard.

At the end of the sophomore year a similar, but stiffer, language examination, coupled with the possession of a superior academic record, might be made a prerequisite to remaining in the University for the last two years of the liberal arts course or to entering any of the professional colleges. None of the first rate American professional schools accepts students whose undergraduate or underclass records are not well above the average. In the University of the Philippines only the College of Medicine imposes a quality entrance requirement. Such a bar would immediately decrease the number and improve the quality of students in the professional courses of the University and in the two upper classes of the College of Liberal Arts. The requirements would not have to be the same for every college and they could be varied from time to time to meet changing conditions. The savings effected by the reduction in enrollment which would follow such

an elevation of standards could be utilized to increase the quantity and improve the quality of the work given by the College of Liberal Arts, especially in the English language.

The suggested remedy for the most fundamental weakness of the University of the Philippines is a drastic one. It would be politically difficult to apply it in any tax-supported institution. Perhaps some better means to the desired end may be found, but it is doubtful whether any effective program would be pleasant or popular. President Quezon, however, is on record as desiring a smaller and better state university. In 1937 he declared to the Legislature:

> I have stated many times my position on this matter, namely, I am not interested in seeing thousands of graduates from the University of the Philippines whose knowledge, acquired in this institution, cannot even serve as a basis for the hope that, through their own efforts, they may become in time proficient in their chosen professions. I would rather see only a few graduates every year from the University of the Philippines, but who have left the University with the character and knowledge that will fit them, by dint of their own efforts, to become leaders of their respective callings.[6]

The regents, president, deans, and faculties of the University are entirely competent to plan and execute a program which would produce the kind of institution which President Quezon desires. What is required is the "go sign" and the absolute assurance of sustained support from those who control the political branches of the Philippine Government.

In addition to the major handicaps which have been mentioned, the University of the Philippines, like every large educational institution, has a number of urgent needs which could be met by the expenditure of more money. The most serious shortcoming in its equipment is the inadequacy of its library, especially for work at the graduate level. In 1938 the librarian reported that the central library had less than 30 per cent of the books and only 60 per cent of the magazines on the standard lists for college (not university) libraries. To acquire the basic scholarly books and magazines, without which the work of a first-rate university cannot be carried on, would require the annual expenditure for a good many years of several times the ₱32,000, which since 1930

has been the average annual appropriation for this purpose. The central library, too, is seriously undermanned, and although the unusual ability and devotion of the librarian, Professor Gabriel A. Bernardo, and his staff have partially compensated for this deficiency, in the long run the usefulness of the library to the students will be reduced if larger appropriations are not made for trained library personnel.

Another major problem with which the University still has to deal is that of research. The institution has a strong research tradition, begun by the scientists who established it, and carried on by numerous members of its faculties, some of whom have made significant contributions to knowledge. The University, however, has failed to provide the resources, the freedom from excessive teaching and administrative burdens, and the support and encouragement of a strong graduate school, without which a satisfactory university program of research cannot be carried on. The extension of human knowledge through disinterested, scientific search for the truth is not only a major function of any university worthy of the name; it is also the very lifeblood of vital, stimulating teaching. Probably, considering the inadequacy of the funds available for its successful development, the University has been wise in not yet establishing a school of graduate studies. A University Council Committee on Graduate Studies and committees in the several colleges and schools administer graduate instruction leading to the master's degree in many fields, and a considerable amount of more advanced graduate work is being done. In the long run, however, a graduate school will have to be set up and given liberal financial support if the University is to perform satisfactorily its two major functions, teaching and research. Nowhere are there greater opportunities for genuinely original research in both the social and the natural sciences than in the Philippines. Paucity of vital subjects and original materials cannot be offered there as an excuse for producing sterile and mechanical theses and papers such as are all too frequently the result of administrative pressure for "scholarly production" in American universities.

In one sense the problem of research in the University is urgent during the present period of national stock-taking and reorganization. In the past, government fostered scientific research

in the Philippines has been carried on in a number of independent units, among which are the Bureau of Science, the University of the Philippines, the Bureaus of Plant Industry, Animal Industry, Public Health, Forestry, and other administrative entities. Not only has the scientific work of these institutions lacked coordination, but professional, institutional, political, and even racial jealousies have at times caused a diffusion and overlapping of effort which has injured the public interest and reduced the effectiveness of the large body of well-trained Philippine scientists. The Bureau of Science was virtually taken apart in 1933 and many of its functions and personnel were scattered through the Department of Agriculture and Commerce. Later even the great scientific library which the Bureau had built up was made a division of that department. The wisdom and firmness of President Quezon eventually rectified these particular mistakes in policy, but the lack of understanding which caused them still exists.

In 1933 the National Research Council of the Philippine Islands was created by law "for the promotion of research work along scientific lines";[7] and a year later the new Constitution of the Philippines provided, "The State shall promote scientific research and invention."[8] Three years after the inauguration of the Commonwealth the Government Survey Board made a number of recommendations with reference to research and the research entities of the government.[9] All of these events show that the Philippine Government is aware of the vital role that scientific investigation must play in the economic development of the nation. They also indicate, however, the urgent need for a comprehensive national plan for the coordination and proper support of all research fostered by the state. The University of the Philippines has a vital interest in this matter, because if it is not given the place which an institution of its nature should have in such a plan, or if the more or less haphazard scattering of the research function through various instrumentalities of the government should continue, the development of the University as a great institution of learning would be rendered difficult, if not impossible.

One problem faced by every state university is its relationship with the government which has created it, provides its funds, and to which in the last analysis it is responsible. The composition of

the Board of Regents of the University of the Philippines has been altered several times. The Secretary of Public Instruction has always been its chairman, *ex officio*, and its members have included the chairmen respectively of the Committees of Public Instruction of the Senate and the House of Representatives (after 1935, the chairman of the same committee of the National Assembly), the Director of Education, the President of the University, for a time a representative of the University Council, representatives of the alumni, and appointees of the chief executive. Since June, 1939, the Board has consisted of the Secretary of Public Instruction, *ex officio* chairman, the Chairman of the Committee of Public Instruction of the National Assembly, the President of the University, the Director of Education, and seven additional members (of whom at least four must be alumni of the University) appointed by the President of the Philippines with the consent of the Commission on Appointments of the National Assembly. One of the additional members is to be appointed each year for a seven-year term.[10]

The Charter of the University also provided for a Board of Visitors composed of the Governor-General, the President of the Senate, and the Speaker of the House of Representatives "whose duty it shall be to attend the commencement exercises of the University, and to make visits at such other times as they may deem proper, to examine the property, course of study, discipline, state of finances of the University, to inspect all books and accounts of the institution, and to make report to the Philippine Legislature upon the same, with such recommendation as they favor." [11]

There are a number of *desiderata* to be sought in the governing body of a state university. It should be composed of men of standing and ability who have an understanding of what constitutes greatness in an institution of higher learning. The members of the board should be free from partisan political control, from any taint of self-interest, and from any connection which might carry obligations conflicting with their obligation to the University. The members should be appointed for overlapping terms and serve long enough to become thoroughly acquainted with the affairs of the institution and to assure continuity of policy.[12*]

In the opinion of the author the present method of constituting the Board of Regents of the University of the Philippines is better than any hitherto used. It is his belief, however, that a greater proportion of the *desiderata* mentioned could be obtained by the elimination of all the *ex officio* members, except the President of the University, and putting the responsibility for appointments entirely upon the President of the Philippines and the Commission of Appointments of the Philippine Congress. Furthermore, the Board of Visitors should be abolished. Instituted when the executive branch of the Government and the upper chamber of the legislature were in American hands while the Philippine Assembly was Filipino, it is a carry-over from a situation which no longer exists and could be used to justify political or personal interference with functions which properly are the responsibility of the Board of Regents.

While the new method of constituting the Board of Regents may tend to reduce the political and external personal influences which have had an injurious effect upon the University of the Philippines in the past, the only effective protection which this, or any other state institution, can have against the intrusion of politics and politicians into its internal affairs is in the development of a public opinion which will not tolerate such a perversion of political power. As yet, Philippine public opinion in this matter is not sufficiently strong and well informed to perform this function satisfactorily. Those who wield political power have not always excluded the state university from their field of action. And it must be admitted that the highest University officials have not always dissociated themselves completely from current political struggles.

In addition to suffering from the covert intervention of political figures, the University has also been injured by legislative limitations upon the freedom of action vested in the Regents by the University Charter, especially in connection with the expenditure of appropriations.[13*] In 1937 President Quezon requested the National Assembly to remove such restrictions, stressing the necessity of placing full responsibility and authority for the management of the University in the Board of Regents.[14] The Legislature removed the restrictions, except the one limiting the university

president's salary to ₱12,000 per annum, in accordance with the President's recommendation.

The interests of the University, however, have in the past suffered far more from the invisible control exercised by powerful political leaders over some of the Regents than by open legislative interference with the Board's proper functions. One of the greatest services which any statesman could render to the University during these years when precedents are being created in the Philippine Government would be to place this national institution upon a plane above party or personal politics, and to demonstrate beyond reasonable question that the management of the University is in fact wholly in the hands of its Board of Regents, subject only to the proper and open responsibility of that body to the Legislature and the Chief Executive. In the relationship between the American state universities and the governments and parties of the several commonwealths such a standard is seldom attained. In many ways, however, the Government of the Philippines is superior to most of our state governments and there is no reason why superiority in this particular matter should not be one of the goals of a nation which is seeking to adopt only the desirable attributes of the American political system.

Like almost every educational institution, the University of the Philippines has a financial problem, and it is a severe one. The University receives from 80 to 85 per cent of its income from legislative appropriations. In 1939 the grant amounted to ₱1,317,727.[15] This sum is nearly ₱200,000 less than the appropriation for 1924, when the enrollment was more than 1,500 under its present figure and costs of all sorts were lower than they are today. When it is recalled that in 1925 the Monroe Survey Commission declared, "The University of the Philippines will never realize its opportunities until it has more adequate support," [16] the difficulty of maintaining high standards with the present appropriations may be partially appreciated.

In providing ₱17,500,000 for the transfer of the University of the Philippines from its present campus to a more advantageous site outside the City of Manila, the Commonwealth Government gave renewed evidence of its determination that this institution should play an important part in the national life.[17] The site chosen

is on high ground on the landward side of Manila overlooking the fertile Mariquina Valley and the beautiful mountains beyond. With fine vision the National Assembly provided that the buildings and improvements on the new campus should be expressive "of the culture, characteristics, and ideals of the Philippine Nation." A prize of ₱25,000 was offered for the best plan for the buildings, improvements and grounds. When completed the new campus should be one of the most beautiful and significant in the world. Before deciding upon the transfer and making other plans for strengthening the University the Board of Regents secured the advice of Dr. Paul C. Packer, Dean of the College of Education, the University of Iowa, and Dr. Edward C. Elliott, President of Purdue University. These distinguished educators visited the Philippines in 1938 and presented a series of recommendations regarding the University's outstanding problems.

The author has had such close and happy associations with the University of the Philippines over a period of nineteen years that he is scarcely in a position to discuss this institution with entire objectivity. However, there are many definite evidences in the record of the University which afford reasonable ground for the hope that it may to a surprising degree achieve the difficult goals which have been set for it, provided that conditions in the Philippines remain favorable for the development of a great center of learning. Despite the serious handicaps under which the University has labored (and to ignore them would be neither kind nor helpful), it has during its brief existence accomplished a number of things which are commonly regarded as indicating the success of a national institution of higher learning. An increasing number of its graduates are assuming leadership in every phase of national activity.[18] A large number of its professors and a smaller but significant proportion of its students have risen above the language and other handicaps under which the University labors and have to their credit accomplishments in teaching and learning which would be respected in any institution of higher learning. Many of its alumni after a few years of professional experience have successfully competed with American students in the foremost graduate schools of the United States. Numerous members of the

University faculties have creditable and a few possess distinguished records in research.

In dealing with important university problems through the University Council and the faculty committees which have often been turned to in times of difficulty, the faculty has demonstrated loyalty, judgment, responsibility, and a clear conception of the best values of higher education. The University continues to receive the confidence and support of its national constituency. Many long-established institutions of higher learning have demonstrated the possession of fewer qualities which signify real worth than the University of the Philippines has in the thirty-two years of its existence.

The future of the University, like that of the public schools, the health service, and every other institution developed in the Philippines during the period of the American connection, will be determined by the basic conditions which prevail in the Islands after that connection has been severed. The development of the University into the institution of learning visualized by President Quezon would require not only the completion of the heavy capital investment which has been authorized for the transfer to Mariquina, but annual appropriations far greater than those which the Philippines has thus far been able to afford. In the matter of the state university, as in every other aspect of their national life, the disparity between the ambitions and plans of the Filipinos and the economic position in which the existing program for their separation from the United States would in all probability place them is so great as to cause the observer to wonder whether he, as well as the Philippines, is not living in a dream world.

CHAPTER XXII *

PRIVATE EDUCATION

SIDE by side with the public schools and the state university, private schools, colleges and universities play an important role in the educational system of the Philippines. The Government now recognizes more than 425 of such institutions. Enrolling about 130,000 students,[1]* they represent an investment of many millions and carry a considerable portion of the educational load of the nation. Their contribution, in point of fact, is far greater than their enrollment indicates, because two-thirds of their students are in the intermediate grades or higher (nearly one-third in the secondary courses and one-sixth at the college level) where the cost of education is many times greater per capita than in the primary schools. In 1932 the Commissioner of Private Education calculated that were the Government to accommodate the students then being provided for in recognized private institutions, it would have to expend, exclusive of the cost of additional buildings and equipment, at least ₱10,750,886 per year more than was then being appropriated for the maintenance of the Bureau of Education and the University of the Philippines.[2]* Thus, the private schools in the aggregate are "big business" and they supplement the public educational system by providing facilities which thus far the government has not had the funds to supply. In addition to relieving the government of an appreciable proportion of the financial burden of education, the private institutions of learning are making a distinctive contribution to the intellectual life of the nation. This aspect of private education will be discussed later. For two reasons the government has found it necessary to regulate private education: first, in order to guarantee that the considerable pro-

* *The notes of this chapter begin on p. 930. Subject matter notes are indicated by an asterisk.*

portion of the youth who attend the private schools should receive at least a certain minimum amount of a type of education calculated to prepare them for the duties of citizenship; second, in order to see that the eagerness of the people for education is not exploited by institutions operated for profit only.

Many years were required to work out a mutually acceptable relationship between private education and the state. Until after the inauguration of the Commonwealth, the private schools were led to accept regulation by being accorded certain rights when they submitted to government supervision and maintained standards and gave courses which were approximately the same as those of the public schools. The most important of these rights were: (a) to have the graduates from their courses accorded all of the benefits and privileges accruing to graduates from the corresponding public school courses, including the right to enter the next higher public school course provided there were room for them in the school they wished to enter; and (b) the right to confer degrees or to grant certificates stating that the recipient had completed a course of study prescribed by the government and to advertise that they possessed government recognition. Eventually, it became virtually impossible for an unrecognized school to prosper, and a large proportion of unregulated, inefficient, and sometimes predatory institutions which had sprung up all through the Islands were eliminated.[8]

More difficult than to induce the private schools to seek government recognition was the task of holding many of them to the prescribed standards. It was not until 1926 that the Secretary of Public Instruction was given adequate means for doing this. In the budget for that year a commissioner of private education was provided for, and the small staff which, together with personnel loaned by the Bureau of Education, had vainly sought to enable the Secretary to perform the duties with reference to private schools required of him was considerably expanded. Six supervisory districts covering the entire Philippines were created, and supervisors assigned to them and a Manila office capable of overall supervision and dealing with special problems was organized. The instrumentalities for supervising private education have always been directly subordinate to the Secretary of Public In-

struction and not a part of the Bureau of Education which administers the public school system.

The appropriation which made this expansion possible was secured by Vice Governor and Secretary of Public Instruction Eugene A. Gilmore, whose appeals to the legislature were supported by public sentiment which had been aroused by criticism of the private schools by the Monroe Survey Commission in 1925.[4] Secretary Gilmore secured the appointment of Mr. Walter G. M. Buckisch, an able and courageous educator with long experience in the Philippine Public Schools, as Commissioner of Private Education. During the next five or six years the entire system for the supervision of private education was reorganized, the standards required by the government were elevated and clarified, and government recognition was withdrawn from a large number of private schools which would not or could not comply with the regulations.[5]

Secretary Gilmore and Commissioner Buckisch were attacked by private interests which were adversely affected by this clean-up. They were strongly supported, however, by Governors-General Wood and Stimson, by public opinion as represented by the Manila press, and by a large proportion of the sound private educational institutions. The result was that the system of recognized private schools was placed on a firm basis. By 1929 the schools which had brought discredit upon the reputation of private education had either been eliminated or been brought up to standards of equipment, instruction, and administration which were comparable with those of the public schools. As a result of these accomplishments private education as a whole was rehabilitated in the eyes of the public, enrollment rapidly increased until checked by the depression of 1930, and the surviving private schools and colleges were placed in a position where they could render an important service to the state and meet the proper expectations of their clientele. The achievement of these results in a politically dangerous field was not the least valuable of the many contributions which Governor Gilmore made to sound progress in the Philippines.

In the name of economy the Office of the Commissioner of Private Education was abolished by the Reorganization Act of

1932.[6] The powers and duties of the commissioner were transferred to the Undersecretary of Public Instruction, together with the subordinate personnel of his office. Under the wise and tactful direction of Undersecretary Alejandro Albert the relations between the private schools and the government were kept upon a satisfactory basis until the Commonwealth assumed charge in November, 1935.

In harmony with the principle that individual interests should be subordinated to those of the state, the Constitution of 1935 provided that "all educational institutions shall be under the supervision of and subject to regulation by the State."[7] In 1936 the National Assembly greatly strengthened the government's control over private education. The supervisory and regulatory powers of the Secretary of Public Instruction were increased. His permission was made a prerequisite for the opening of any school or college, instead merely of those seeking government recognition; and he was authorized to withhold permission unless he is satisfied that the opening of the institution is warranted by the public interest. It was provided that no institution should call itself a university unless it should fulfill rigid requisites intended to terminate the existence of institutions which are universities in name only. The Office of the Commissioner of Private Education was recreated under the name of the Office of Private Education, and the chief of the office was given the title of Director of Private Education.[8]

Perhaps more important in the long run than relief which the private schools and colleges are giving to the taxpayer is the distinctive contribution which the best among them are making to the cultural development of the nation. The older of these institutions are the heirs of a great tradition. Those operated by the churches and some of the non-sectarian schools, in addition to paralleling the public school curriculum, offer the religious training which is desired by many Filipinos. Both sectarian and non-sectarian institutions in many instances are taking advantage of their freedom from state control to adapt themselves more readily than government schools can to modern trends in education and to changing local educational needs. Through the secondary level, at any rate, the private schools are free to set higher standards than the Bureau of Education, which is limited by the capability of the

average child; and some of them have taken advantage of this opportunity.

The educational activities of the Catholic Church in the Philippines go back to the earliest days of the Spanish occupation. Indeed, the conquering Spaniards began their work of instruction almost as promptly after their assumption of authority over the Philippines as did the Americans more than three centuries later, a fact which is usually forgotten when the khaki-clad soldier of 1899 with his "Krag" in one hand and a school book in the other is extolled. Education was entirely in the hands of the Church until 1863 and was actually directed by that organization until 1899. Including schools which have not sought government recognition, there are now about two hundred Catholic educational institutions of all grades, from kindergarten to university, in the Islands, with an enrollment of approximately 100,000.[9] As would be expected, the Protestant schools are fewer in number and have a relatively small enrollment. The non-sectarian schools and colleges cover the whole field of education. Almost all are Filipino enterprises.

The non-sectarian as well as the sectarian private schools have a tradition which means a great deal to Filipinos. The role which they have played in the development of Philippine nationalism has been thus described by President Mariano V. de los Santos of the University of Manila.

> It was not, however, until the later days of the Spanish regime that Filipino private schools began to be founded [President de los Santos has written]. Urged by patriotic ideals and by their passionate love for truth and progress many highly esteemed and revered Filipinos established and operated private schools of secondary and higher levels. Men of the type of Rizal, Plaridel, Mabini, De Luna, Villamor, Mendiola, and a score of others not so well known but no less patriotic, endeavored with zeal and energy to establish in these Islands a system of education, genuinely Filipino, thru instrumentality of the private schools. Those pioneers in the field of private education dared think of country and national ideals at a time when patriotism was not paid a high premium in terms of material comforts and sinecures, at a time when patriotism and love for truth and knowledge were not virtues but crimes. In the modest halls of the schools organized thru the private initiative of Filipinos many of the country's stalwarts during the period of real tribulation were reared and formed. . . .

During the early period of the American regime and side by side with the wonderful system of public schools instituted here by democratic America, many private citizens, inspired by the same passion that moved the pioneers in private education, devoted their time, energy and all that they had to the establishment and the maintenance of private Filipino centers of learning. In the city of Manila alone, the Liceo de Manila, the Rizal University, La Jurisprudencia, the Escuela de Derecho, the Instituto de Mujeres, the Instituto de Manila, the Colegio Mercantil, the forerunner of the National Academy, and many others were all established for the purpose of providing enlightenment to the masses and at the same time to keep intact and conserve Filipino ideals. These private schools rendered to the country an invaluable service. They served at that time as the wall of contention against the danger of the complete Americanization of the Islands. No one can deny that, without these positive manifestations, the moral, social, and intellectual contexture of the Filipinos would have suffered changes which today would be greatly deplored.[10]

The older private colleges and universities in the Philippines, especially those of the Catholic Church, also hold the esteem of the people because a majority of the leaders in government, business, and the professions were trained wholly or in part within their walls.

As a part of its adjustment to the tremendous changes which occurred in the Philippines after the Islands passed under American sovereignty the Catholic Church reorganized and modernized its educational work and brought it into the progressive spirit of the times. One of the most striking of its achievements has been the remarkable development of the Royal and Pontifical University of Santo Tomas. This Dominican institution, founded in 1611, but in 1900 still exemplifying the narrow ecclesiastical scholarship of earlier epochs, has been transformed into one of the foremost universities of the Orient. Its faculties and colleges include those of Sacred Theology, Canon Law, Civil Law, Philosophy and Letters, Medicine and Surgery, Pharmacy, Civil Engineering and Architecture, Education, and Liberal Arts. A School of Commerce is operated under the College of Education, and courses leading to the degree of Master of Arts in Mathematics, and Bachelor of Science in Chemical Engineering and Mining Engineering have recently been organized to meet the needs of the Philippines for men trained in these fields. In addition to the learned Spanish

Dominican Fathers, the Santo Tomas faculty includes American-trained members of the order, and laymen of high professional qualifications and progressive spirit. The faculties of the University's professional colleges are strengthened by the part-time services of a considerable number of the leaders of the several professions in Manila. In 1927 the University was transferred from its historic buildings in Intramuros to a new campus in Sampaloc, near the outskirts of Manila. The financial and other support which the new Santo Tomas has received is evidence of the success with which it is serving the needs of the country. In 1908 its enrollment was only 628; today it is more than 4,000.[11]

Valuable as the modern courses of this venerable university may be to the new Philippines, its most distinctive contribution probably lies in combining with modern literary and professional training, classical scholarship and the cultural values inherent in that form of learning. Modern higher education, by no means in the Philippines alone, has suffered not only because it is "Godless" —that is, regards the spiritual development of its students as largely beyond its sphere—but also because too many of its teachers are specialists in some narrow field of study but far from being learned men. In the trying period which lies ahead of the Philippines, and in the whole disordered world, moral and scholarly values such as Santo Tomas keeps alive are of inestimable worth to human society. Furthermore, this institution which has existed for more than three and a quarter centuries, yet has adapted itself to the needs of today, links the old culture with the new in the Philippines in a way which can hardly fail to enrich whatever distinctive contribution the Philippine nation may make to civilization.

In the field of secondary education there are two Catholic schools which, like Santo Tomas, are national institutions. San Juan de Letran, founded in 1630 by the Dominicans, has a history which more or less parallels that of the senior educational institution of this order, including the modernization and expansion of the past three decades. The *Ateneo de Manila* has been developed by the Jesuits since their return to the Philippines in 1859. In 1921 it passed from the Spanish to the American branch of the order. In academic standards, equipment and high traditions the Ateneo is comparable with the private schools of America or the famed

"public schools" of England. In recent years it has expanded its curriculum to include scientific and technical training which is needed for the economic development of the Philippines. It has also added a course in law, a profession which is already seriously overcrowded.

Between them, the Ateneo and San Juan de Letran include among their alumni a large proportion of the men who by their leadership in every field of endeavor have been the builders of the Philippines since the period of nationalism began in 1870. Both institutions draw their students from every part of the Archipelago. In Letran's senior pre-medical class of 1936, for example, there were 45 graduates. Five were registered from Manila, the other 40 from 26 different provinces. In the senior high-school class of 54, 32 were from Manila and 22 from 13 provinces.[12]

Among the preparatory schools for boys which have been established since 1900, La Salle College, founded in 1907 by the Brothers of the Christian Schools, is preeminent for the excellence of its academic work, which is as thorough as that given in the best schools in the United States. In Manila there are also a number of Catholic schools for girls which have followed a course of development parallel to that of the boys' preparatory schools and occupy a somewhat similar position in the Philippine educational and social world. All of these institutions have pre-high school and college departments and carry many of their pupils through the entire educational process. Outside Manila the Catholic Church maintains a number of preparatory schools comparable to those of Manila, high schools in many of the larger towns, and a large number of small parochial schools. Of particular interest, in view of the significance which the education of a Filipino Catholic clergy has had in the history of the country, is the fact that the Church has now developed a group of excellent seminaries for this purpose. There are twelve of these institutions, four in or near Manila and the others distributed through the provinces.

Among the educational institutions of the Philippines there is none which is achieving the purpose for which it was established more successfully than Silliman University, founded in 1901 by the Presbyterian Board of Foreign Missions in America. Silliman is located near the geographical center of the Visayan Islands at



MRS. SOFIA REYES DE VEYRA



Photo by Charles W. Miller

SIESTA TIME IN THE PROVINCES

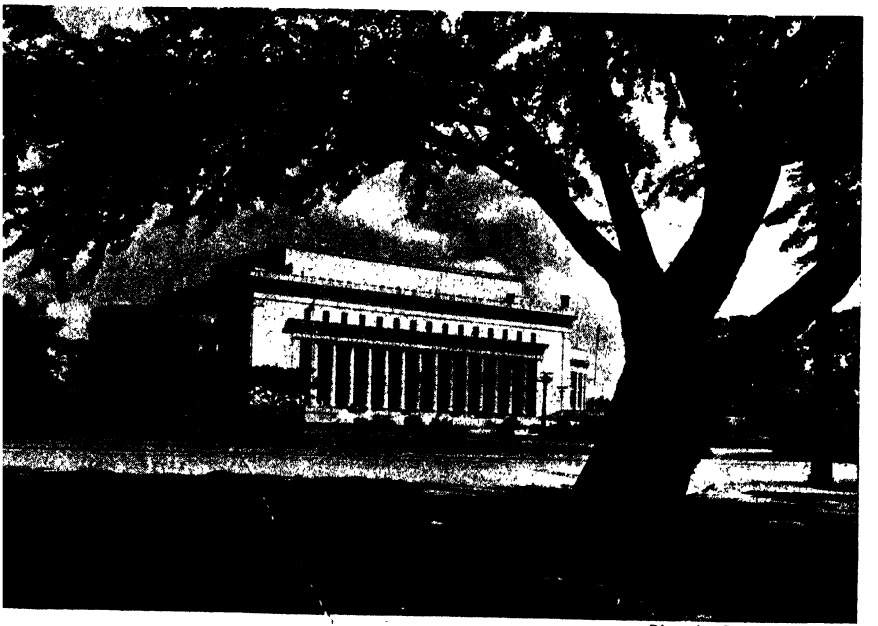


Photo by Charles W. Miller

THE BUREAU OF POSTS, MANILA

Dumaguete, a beautiful town on the southern tip of the Island of Negros. Like most Philippine universities, Silliman has elementary and secondary departments, and of its one thousand students some 600 are in these lower divisions. Silliman is more like the first-rate American denominational college than any other institution in the Far East. Its faculty is professionally competent and maintains close personal relations with the students. The salaries of American members are paid by the Presbyterian Board of Foreign Missions. On its palm-shaded, sea-girt campus stand more than fifty buildings, two-thirds of which are of reinforced concrete or other permanent construction.

Silliman students come from all parts of the Archipelago although most of them are residents of the Visayas. This strong, Christian center of learning well represents the point of view which drew to the Philippines a long line of Americans who have served that country during the past forty years. Many of its alumni occupy positions of influence in the national government or in their several communities. They are a powerful force for the development of a progressive, genuinely democratic society in the Islands. The strong support, financial and otherwise, which Silliman has drawn from its constituency is evidence of an independence and breadth of mind with which the Filipino is not always sufficiently credited, and also shows that he appreciates real worth in education.

Central Philippine College at Jaro, Iloilo, is fostered and largely supported by the American Baptist Foreign Mission Society. On a smaller scale it resembles Silliman, but has not had the financial means to develop as has the institution at Dumaguete.

In Manila the Philippine missions of the Presbyterian, Methodist Episcopal, United Brethren, Disciples of Christ, and Congregational Churches have established the Union Theological Seminary for the training of a Philippine Protestant clergy. This institution operates high school and college departments, leading up to its graduate courses qualifying students for the degrees of bachelor of theology and bachelor of divinity. Union Theological Seminary has an able faculty, largely composed of American missionaries who also have other assignments in Manila. It is housed in a modern

building constructed for its use, and although its enrollment is small, the quality of its work is high.

There are also many Protestant mission schools at the pre-college levels in Manila and scattered throughout the provinces. These institutions are closely connected with the evangelical work of the churches which conduct them. They are a significant, although numerically small part of the educational system of the Philippines.

Among the younger private institutions which have been striving to develop a type of education fitted to the aspirations of the new Philippines none has produced more interesting results than the Philippine Women's University. The University seeks to preserve beneath a modern exterior the fundamental womanly virtues and charm which are typical of the *Filipina*, and at the same time to prepare its students for the broader and more active role which women now play in Philippine society. In striving to accomplish these purposes it combines the social training of the "finishing school" with the academic excellence and serious purpose of the women's college.

> While an education for useful womanhood implies training for the home [its President, Mrs. Francisca Tirona de Benitez, has declared], yet the University has at the same time carefully provided for the training of women in other fields which their initiative and inherent abilities have led them to invade. . . . The University rejects the excesses that go under the name of "modernism," which consist mainly of the aping of ideals and customs that are ill-suited to our historical background and to our character as a people. It accepts the wholesome ideals that the increasing numbers of women everywhere now hold as an essential part of their social and political heritage. It is committed to the principle that the good things are neither wholly in the past nor in the present, and that it is the duty of a university to bring to women the best that is to be found in the old world and the new.[18]

Physical training, competitive sports, and extra-curricular activities managed by the students are designed to develop initiative, leadership, sportsmanship and responsibility. Courses in music, dramatics and dancing provide for the development of artistic abilities and interests. Provision is made for the stimulation of spiritual growth and preparation for active citizenship. A modern

behavior clinic aids students in solving problems of personal adjustment. In addition to preparatory and college courses in the arts and sciences, colleges of pharmacy, business administration and education have been established. The University is well equipped and adequately staffed.

Perhaps the Philippine Women's University so well reflects the aspirations of the modern Philippines because it is in large degree the projection of the personality of its founder and president. Born of a family which participated actively in the nationalist movement which began during the latter part of the nineteenth century, Mrs. Benitez was educated chiefly in the public school system, in which she came into close contact with the Americans who were her teachers and later her colleagues. After a distinguished pioneer career as teacher and administrator in the public schools, she turned her energy, creative imagination and business ability to the task of building an educational institution which should reflect the composite national culture of the Philippines, and at the same time keep abreast of modern educational developments abroad.

Other private schools and colleges, some of them with long records of achievement, some more recently established, have enlisted the services of figures of national reputation, such as Mrs. Sofia Reyes de Veyra, in developing new programs and raising standards in competition for the patronage of a public which is becoming more discriminating in the recognition of educational values. As a result of this competition and of the policies which the government has developed with reference both to public and to private education, it seems probable that private institutions will continue to play an important role in the educational system of the Philippines. Their importance, indeed, is so great that the government cannot afford to permit sub-standard schools to operate.

CHAPTER XXIII *

CHURCH AND STATE

AMONG the problems which arose from the transfer of sovereignty over the Philippines from Spain to the United States were a number which concerned the relation between church and state. Not unnaturally, questions concerning this relationship have also arisen during the early, formative years of the Commonwealth. The part which the Roman Catholic Church has played in the life of the Filipino people for nearly four hundred years has given that institution a position in the Philippines which is not artificial, but which reaches into the very roots of society and is different from that which any church occupies in the United States. History has created this position and it cannot be ignored. Rather, it should be utilized for the benefit of the country. For example, in the opinion of the writer, the Catholic Church is a powerful buttress of law, order and stability in the Philippines. Since 1899 a strong independent native church which was born of Philippine nationalism has developed and now has more than one and one-half million members. A substantial number of Filipinos have affiliated themselves with various Protestant churches. These Christian sects are playing a part in the development of the Filipinos as a nation. Their strength demonstrates the reality of the religious freedom which has existed in the Philippines since 1899. The fact that the Philippines is the only Christian country in a non-Christian part of the world is significant in the international position of the Islands.

When the Commonwealth was organized the separation between church and state which had been established at the beginning of the American regime was continued. The most important ques-

* *The notes of this chapter begin on p. 931. Subject matter notes are indicated by an asterisk.*

tion concerning the relations between a religious institution and the government which has arisen during the present period is the problem of religious instruction in the public schools. The Filipinos are essentially a religious people. Any plan for national education in the broad sense which leaves this fact out of account provides an inadequate scheme of national cultural development. There is grave doubt as to whether moral and ethical standards can be maintained in the Philippines save upon a religious basis. Religious work in the Islands contributes to an essential, natural need of the people. The importance of strengthening the moral foundations of Philippine society through the schools is universally recognized. Concerning the methods by which this purpose shall be accomplished, and particularly the role which religious organizations shall play in the process, there is not only disagreement, but also strong feeling.

As is well known, Philippine education was directed by the Roman Catholic Church prior to 1899 and religious instruction was the chief purpose of the schools. There were two reasons why this condition was abruptly terminated upon the coming of the Americans. The revolution against Spain had been influenced in part by the control which the Church exercised in civil government and, as has been seen,[1] the Revolutionaries proposed to free the public schools from ecclesiastical control. This purpose was strengthened and its accomplishment facilitated by the establishment of the American principle of the separation of church and state as one of the fundamental bases of the government set up by the new sovereign. To most Americans, including devout Catholics, this condition seems so natural that it is difficult for them to appreciate what a terrific break it was with the past in the Philippines. It was not merely a political change, but was a profound alteration of the foundations upon which Philippine society had rested for more than three centuries. Political innovators seldom recognize the tremendous survival power of deeply ingrained social institutions, particularly when they have a religious connotation. In this instance it is improbable that either the American or the Filipino leaders fully understood the significance of the proposed separation or the difficulty of accomplishing it.

In the Philippines at least, then, questions concerning character

development and religious instruction in the public schools are closely related to the larger problem of the relations between church and state, and may properly be considered in this relationship. Considering the historical background, the adjustment which followed the cataclysm of 1899 was a remarkable demonstration of ecclesiastical and governmental statesmanship and of the good sense of the Filipino people. The most serious of the specific issues which the change in sovereignty raised between the Catholic Church and the Government—the disposition of the vast landed estates owned by the religious orders, the legal title to church buildings and other property seized by the seceding Independent Philippine Church, and the question of religious education in the public schools—were settled in a manner which kept the general relations between the two organizations upon a basis which enabled each to serve the people within its own sphere without interference from the other.[2]

The policy of the new Government with reference to the position of the Church was fixed by the instructions of President McKinley to the Second Philippine Commission, which directed that "the separation between state and church shall be real, entire and absolute." Accepting the implications of the political change which had occurred in the Archipelago in which for three centuries it had exercised extensive political power, the great organization stemming from Rome adapted itself to the new conditions. Perhaps the most significant change which the Church made was in its clergy. During the Revolution and the subsequent disorders, almost one thousand Spanish priests left the Islands.[3] There being few qualified Filipino priests to replace them, Catholic missionary congregations in Belgium, the Netherlands, Ireland, England, Italy and America sent missionaries to take charge of parishes, seminaries, and missions and to do special work. As the years passed additional Spanish priests who found difficulty in adapting themselves to the new situation were transferred to other mission fields. Others, especially the teachers, scientists and scholars, some of whom were men of world reputation, remained to assist in making the transition from the old to the new ways.

At the head of the Philippine hierarchy Pope Leo XIII placed an Apostolic Delegate. Under the American regime the successive

Archbishops of Manila have been Americans as have many of the bishops, and during recent years more American priests have been brought to the Islands, many of them of Irish ancestry with the Irish way of winning the confidence of all sorts and conditions of men. The Church, however, has Filipinized its clergy as rapidly as Filipinos could be thoroughly qualified in the reinvigorated seminaries. In 1934 the Archbishopric of Cebu was created and a distinguished Filipino prelate, Monsignor Gabriel Reyes, consecrated as Archbishop. In 1936, of the ten bishops seven were Filipinos, two were Americans and one was a Spaniard. In the 936 parishes the majority of parish priests and coadjutors were Filipinos. The regular clergy (the members of the religious orders), numbering several hundred, were engaged in missionary, scientific, and educational work.[4] In no other way could the Roman Catholic Church have more effectively increased its vast power for good in the Philippines than by building up a well educated, vigorous, strongly led clergy whose members, as a group, are sympathetic with Filipino aspirations and capable of assisting in their achievement.

With such a personnel, supported in part by privately raised funds from America, the Roman Catholic Church in the Philippines has both contributed to and benefited by the great developments of the past four decades. In the main it has accepted the American and modern Filipino conception of the proper relation between itself and the state. Although there has always been a group in the Philippine Legislature who could be depended upon to support the views of the Archbishop when some subject of special interest to the Church was at stake, as, for example, its property rights or proposed divorce legislation, there has not been a clerical political party or any general political struggle in which the Church has been a party. The most serious strain which any political matter has placed upon the relations between the Church and the people arose from the widespread Filipino belief that the Clark Amendment to the Jones Bill, which provided for early independence, was defeated in the House of Representatives through the influence of the late Cardinal Gibbons.[5] With the present attitude of the Church towards independence, however, the Filipinos have no quarrel.

The intelligent cultivation which the Catholic Church has given the Philippine field for the past forty years has been intensified since about 1930. In an organization in which nothing happens by chance, the introduction of additional and able personnel, the creation of new bishoprics, the elevation of a member of one of the great Filipino Catholic families to the exalted position of archbishop, the honors which the Holy Father has bestowed upon other Filipino ecclesiastics, the increasing vigor with which parochial education has been extended,[6*] and the selection of Manila as the location of the International Eucharistic Congress of 1937 are all indications of the existence of an expanding program. If this program contains enormous potentialities for good, the history of the Philippines shows that it also carries elements of danger. No realistic survey of the country can ignore either aspect of the situation.

In the always delicate matter of religious instruction in the public schools a compromise was arranged by Governor William Howard Taft, the great conciliator, when the first public school act of the Commission regime was passed in 1901. When the present Constitution of the Philippines was formulated in 1934-35, this compromise was still in effect and was embodied in Sections 927 and 929 of the *Revised Administrative Code*, as follows:

> Sec. 927. . . . No teacher or other person engaged in any public school, whether maintained from Insular, provincial or municipal funds, shall teach or criticize the doctrines of any church, religious sect, or denomination, or shall attempt to influence the pupils for or against any church or religious sect. If any teacher shall intentionally violate this section, he or she shall after due hearing, be dismissed from the public service.
>
> Sec. 929. . . . It shall be lawful, however, for the priest or minister of any church established in the town where a public school is situated, either in person or by a designated teacher of religion, to teach religion for one-half hour three times a week, in the school building, to those public-school pupils whose parents or guardians desire it and express their desire therefor in writing filed with the principal teacher of the school, to be forwarded to the division superintendent, who shall fix the hours and rooms for such teaching. But no public-school teachers shall either conduct religious exercises or teach religion or act as a designated religious teacher in the school building under the foregoing authority, and no pupils shall be required

by any public-school teacher to attend and receive the religious instruction herein permitted. . . .[7] *

In the Constitutional Convention of 1934 a determined effort was made to secure the inclusion of religion in the curriculum of the public schools by constitutional provision. In extensive debate upon the subject three strongly held points of view were disclosed. Some delegates believed that the teaching of religion in the schools should be constitutionally prohibited; others urged that religious instruction should be placed in the curriculum but be taken by pupils only at the option of their parents or guardians; a third group felt that the safest course, especially during the early years of the Commonwealth and Republic, would be to continue the optional religious instruction already provided by law. The middle of the road group won the day and the Taft compromise was continued as a part of the new Constitution, in the provision that "Optional religious instruction shall be maintained in the public schools as now authorized by law." [8] *

Soon after the inauguration of the Commonwealth the "Archbishop's Committee on Education for the Archdiocese of Manila" requested the Secretary of Public Instruction to issue new regulations regarding religious instruction in the public schools. The Secretary refused to comply with the request because he regarded the suggested regulations as being contrary to the Constitution. At the same time, a bill was introduced into the National Assembly which provided, among other things:

Sec. 1. There shall be included in the curriculum of all of the public schools of the Philippines from the lowest grade to the highest year of the High or vocational school, inclusive, under the direct supervision of the school authorities, a course in character building and good manners and right conduct. This course shall be a required subject, scheduled during regular school hours, and instruction therein shall be given for one half hour three times a week throughout the academic year. . . .

Sec. 2. Where any religious organization or organizations are in a position to offer religious instruction with their own instructors, and at no cost to the government, parents or guardians of minor children under parental authority in public schools shall, upon written request filed with the principal teacher of the school, have the right to have their children excused from the instruction in character build-

ing and good manners and right conduct as provided in section one hereof, and on the condition that said children attend the religious instruction offered by the religious organization or organizations chosen by the parents, all in accordance with the law.[9]

Attacked upon constitutional as well as other grounds, this bill was rewritten four times and finally passed on May 12, 1938, after prolonged debate both within and without the legislature. After careful consideration, President Quezon vetoed the measure as being unconstitutional.[10]

Although the Taft compromise survived this determined effort to overthrow it, the situation with reference to religious education and character training in the public schools has never wholly satisfied either the Catholic Church or, in the opinion of the author, the bulk of the people. Probably the law has been retained through four decades because it is the best obtainable settlement of a politically delicate problem. In lieu of religious instruction, the public schools have developed courses in character building and citizenship which are given in all of the elementary and some of the high school grades. Under the Commonwealth this type of instruction has received additional emphasis.

Yet there are many Filipinos who desire their children to secure more religious instruction than the churches give them, either outside of the schools or after the regular school hours in the classrooms, under the provisions of the school law and regulations. How many, the author does not presume to say; but of the numerous parents whom he has asked why they send their children to private instead of public schools a very large proportion have replied that one strong reason was that they wish them to obtain instruction in religion. In all probability the proportion would be still higher among the poorer people, who cannot afford the luxury of a private school. This is not to say that all of these same parents would support a proposal which would bring the Church back into the public schools. Far from it. It does indicate, however, that there is a widespread feeling that the character building courses which the schools are giving do not take the place of definite religious instruction.

The Church has never been satisfied with the existing arrangement. Aside from the matter of principle involved, the Roman

Catholic authorities have felt, first, that the time allotted by the law is insufficient and, second, that in making and enforcing the regulations under the law the Bureau of Education has not gone as far as it should to facilitate the work of the classes in religion. Allegations have been made, indeed, that the Bureau deliberately sabotages the whole scheme. The Church has demanded that the school authorities circulate the blanks upon which parents may make the required request that their children be given religious instruction, and that once a child was enrolled in the course his regular teacher should see to it that he attended the meetings of the class. Until recently the written requests had to be made annually, while the Church felt that they should be effective until revoked. In many cases it was alleged that inconvenient hours were assigned to the classes in religion and that other activities were permitted, or caused, to interfere with the instruction—as, for instance, when the school band would be allowed to practice on the other side of a thin partition. Extra-curricular activities are nowadays considered an important part of school training. Necessarily, many of them occur immediately after the regular school hours and during the time allotted to the classes in religion.

Obviously, there are opportunities for friction in such a situation even assuming good will on both sides, a condition which does not always exist. After dealing officially with a good many cases of dispute, the author is of the opinion that in almost every instance in which serious trouble arises one side, or both, are looking for it. Once a dispute has started between a parish priest and a local teacher, the official superiors of each tend to support him. In the vast majority of cases in which the Church has availed itself of the privileges granted by the law, however, no discord has arisen and the instruction has been satisfactorily given. What can be accomplished under the arrangement is suggested by the fact that between 1932 and 1938 the number of schools in which religious instruction was given increased from 168 to 817 and the number of pupils enrolled in the religious classes, from 29,996 to 187,089. Commenting upon these figures, the Vice President and Secretary of Public Instruction stated in 1937:

> Such a large gain could not have been made if there were any form of obstacle deliberately placed to impede the organization of

classes in religion. The enrollment of 187,089 pupils in the classes in religion represents more than one-half of the children enrolled in the schools where the religious classes were held. It may be assumed that if religious classes were established in every school in the Philippines and the same proportion of children would enroll in these classes, there would be over 600,000 children receiving religious instruction. There are approximately 8,000 schools in the Philippines. That the Church authorities have established classes in religion in only 817 schools and thereby limited their enrollment to 187,089 pupils is certainly no fault of the school authorities.[11]

The debate in the National Assembly on the religious education bill was the freest, the most searching, and the most heated which has occurred in the brief history of that body. The strong feeling aroused throughout the country over the issue suggests that a serious cleavage still remains in the Philippines among those who differ as to the proper relation between church and state. The generally high level of the discussion in the legislature and the quiet acceptance of the outcome, however, illustrate again the respect for lawful procedure which, despite occasional outbursts of passion on the part of small minorities, are characteristic of the Filipino people. In dealing with this issue Philippine Democracy successfully met a severe initial test of its capacity for handling difficult problems.

The immediate subject of controversy, character building and religious instruction in the public schools, is properly one of serious concern to the Filipino people. Despite the difficulties which the problem presents, efforts should be continued to strengthen this aspect of the school program. Perhaps the line of advance lies within the boundaries of the existing legislation regarding optional religious instruction. In Vigan, an Ilocano municipality of some 20,000 population, a campaign inaugurated in 1937 brought more than 3,500 public school pupils into the voluntary classes in religion.[12] The remarkable increase in the number of classes in religion which occurred between 1932 and 1938 suggests the possibility of further growth, if both the Government and the Church really desire it.

The attitude of the Commonwealth Government upon the requirements of the Constitution as to the relations between church and state was made known in the struggle over religious instruc-

tion in the schools. Its position was further revealed by the manner in which President Quezon dealt with three matters which came before him in 1937. In requesting that all references to the President or the Government of the Commonwealth be eliminated from the program of the Eucharistic Congress, lest they be construed as indicating "an official participation of the Government of the Commonwealth in these ceremonies," the President wrote to the Archbishop of Manila:

I hope I am a good practical Catholic. As such, in my individual capacity, there is nothing that I shall not be glad to do to give added solemnity to the celebration of the Eucharistic Congress . . . but, as President of the Philippines, I am not in a position to do what your program calls for.[13] *

In denying the petition of a group headed by a Filipino priest that he request His Holiness, the Pope, to Filipinize the position of the Archbishop of Manila, President Quezon set forth an aspect of the constitutional provision with reference to the church and state, the significance of which is not always fully appreciated.

It would not be superfluous to remind you [the President wrote] that the prohibition in the Constitution regarding any interference in ecclesiastical matters has for its motive not only the protection of the right of the citizen to profess the religion that his conscience dictates him to follow, but also to protect any religion from any attempt on the part of the civil authorities to meddle or control the affairs that pertain to the Church. It is of the utmost importance to the Church itself, and no less to the State, that the separation of their powers, as well as the independence of one from the other within their respective spheres of action, be held inviolate. In denying then, your petition, I should want it known that the policy of this Government is to follow strictly the letter and the spirit of those precepts of the Constitution which prohibit the interference by the State in ecclesiastical matters, and which likewise imply the firm stand of the State in not allowing ecclesiastical authorities in meddling with purely State matters.[14]

The appointment of Father Edwin Ronan, who served as head of the Catholic Chaplains' Division of the American Expeditionary Forces during the World War, as organizer of the Philippine Army's Chaplain's Service, gave President Quezon an opportunity to state his policy regarding the place of religious training

in the Army and his convictions as to the contribution which religion can make to the State.

> I am very much interested in the organization of a Chaplain's Service [the President declared], not only because the National Defense Act so authorizes, but also because I am deeply convinced that religion is a moral force of incalculable value for good, and I am determined to take every precaution that will guarantee to our Army the whole benefits contemplated by the creation of this service. Let me avow publicly the firm conviction that faith in God and practice of one's religious belief keeps a man, perhaps more than any other consideration, within the bounds of law and helps him in the performance of his duties. This is not to say, of course, that an atheist or a man without religion may not be a good citizen. It is, however, true that a people who profess collectively some religion and who honestly and intelligently practice that religion which they profess, are in little danger of social disorder and disintegration.[15]

In view of the attitude thus expressed by the head of the Commonwealth Government and the great contributions which the Catholic Church has already made to the welfare of the Filipino people there seems to be reasonable ground for the belief that the peculiar problems arising out of the relation between the Catholic Church and the State in the Philippines will be solved in a way which will redound to the advantage of both.

Aside from the question of education, the most serious problem of Church-State relations concerns a number of great *haciendas* owned by the Church. Bitterness and something like tenant revolt have arisen over the methods by which these properties have been administered. The Commonwealth is in process of acquiring these estates as a means of solving the political and social problems which they have created.

Although the Philippines is thought of as a Catholic country, and is predominantly so, the data in Table II from the census of 1939 show that there are other substantial religious groups, both Christian and non-Christian, among the residents of the Archipelago. The non-Christian groups listed by the census are discussed elsewhere in this volume. The Mohammedans are the Filipinos commonly known as Moros; the pagans are chiefly the inhabitants of the forest and mountain areas and are culturally less advanced

TABLE II

PHILIPPINE POPULATION BY RELIGIONS, 1939[16]

Roman Catholics	12,603,365
Aglipayans	1,573,608
Protestants	378,361
Mohammedans	677,903
Buddhists	47,852
Shintoists	13,681
Others	67,157
Pagans and persons not belonging to any religious group	626,008
Persons not reporting religion	12,368

than the Christians; the Shintoists are Japanese, and the Buddhists are Chinese and probably, in a small number of cases, Japanese.

The Philippine Independent Church, whose members are popularly known as *Aglipayanos*, came into existence during the early years of the American occupation as a manifestation of religious and political nationalism. As Dr. Frank C. Laubach put it, "The Filipino priests wanted ecclesiastical independence as ardently as their parishioners wanted political freedom."[17*] The founders of the movement sought to replace by native secular priests the Spanish friars, who they feared were to be returned to the parishes from which many of them had been ousted during the period of the Philippine Republic. They also sought to create a church which would be nationalistic in the sense that it would have no organic ties with any foreign organization, that its clergy and hierarchy would be entirely Filipino, and that it would give a religious sanction to a cult of Philippine patriotism. Two remarkable personalities were largely instrumental in founding the church and guiding its affairs until very recently. Señor Isabelo de los Reyes, characterized by Bishop Homer C. Stuntz as "a Filipino gentleman of good education, and an inveterate fondness for agitation,"[18] apparently was the original organizer of the movement. Associated with him after events had indicated that the Catholic clergy in the Islands would not be rapidly Filipinized was the excommunicated Catholic priest, Gregorio Aglipay. Monsignor Aglipay had served as Chaplain General of Aguinaldo's

army, had rallied the Ilocano region to the revolutionary cause, and himself had taken the field against the Americans. Elected *Obispo Maximo* of the church in 1902, Bishop Aglipay remained at the head of the organization until his death in September, 1940.

During 1902 and 1903 the Aglipayan movement spread rapidly throughout a large proportion of the country. A considerable number of Filipino priests went over to the nationalist organization. In most cases they retained possession of the church buildings which had passed under their control during the revolution, and in numerous other parishes the churches were seized by the new sect. Many members of the congregations went with the priests and the churches. Within a few years the *Aglipayanos* claimed a membership of three million and may have had two-thirds of that number. However, when the church property was returned to the Catholic Church by court action in 1906, many of the parishioners returned with the great stone buildings which were the most impressive structures in every municipality and which to many of the people undoubtedly were the most vivid symbols of their religion.

The census of 1918 gave the Philippine Independent Church a membership of 1,417,448, or 13.7 per cent of the total population of the country. Although by 1939 the membership had increased by 156,160, in that year it only constituted 9.8 per cent of the population. The relative loss had been to the Catholic Church, which since 1918 had increased from 75.5 per cent to 78.7 per cent of the population, and to the Protestants, who had increased from 1.3 to 2.4 per cent. Although it is strongest in the Ilocano region, in parts of which its members number approximately one-half of the population, it is a national organization in the sense that its adherents are established in virtually every part of the Archipelago.

In its theology the Philippine Independent Church is rationalistic and modernistic. Bishop Aglipay felt a doctrinal kinship with the Unitarian Church in the United States and attended national meetings of this body. In its rituals and ceremonies, however, the *Aglipayanos* departed only slightly from the forms of the Mother Church, thus retaining the pageantry which is beloved by the masses, while offering a rationalistic doctrine to the small but pos-

sibly growing number of Filipinos who are actively interested in intellectual freedom. Perhaps the strongest appeal of the Philippine Independent Church, however, still lies in its nationalism. As a young Filipino scholar has recently written:

> The strength of the Church lies in its appeal to nationalism. It is a Filipino movement. It has repudiated and thrown off the authority of the Pope. It has cut off all ties of foreign character without however isolating itself, for it maintains fraternal relations with kindred organizations abroad. Its entire ministry from the *Obispo Maximo* to the humblest priest is a Filipino. It is a truly indigenous church and therefore it can appeal more than any other entity to the nationalist sensibilities of the people. Joining the Philippine Independent Church signifies more than adherence to its religious tenets; it means, above all things, a most patriotic act. Aglipayanism considers patriotism sacred and holy, as shown most emphatically in the canonization of Rizal and the three martyr priests, and in the activities of its leaders in the pro-independence movement. Patriotism per se is a religious act. It is notable that the evolution of its theology from orthodoxy to modernism, from mysticism to rationalism has not affected its uncompromising espousal of the cause of nationalism.[19]

It was nationalistic sentiment as well as group and class loyalty which put the members of the Independent Church behind Bishop Aglipay when he ran for the presidency of the Commonwealth in 1935, receiving about 148,000 votes—which was more than 14 per cent of those cast in the election. *Aglipayano* leaders have been at the forefront of many extreme nationalistic movements, especially during the past ten or fifteen years. Inasmuch as the majority of its members are of the common people, it may be expected to be a factor in the radical as well as the nationalistic movements which are important politically today and which may become more significant. In the Ilocano provinces the *Aglipayanos* play a political role which is roughly comparable to that of the Mormons in Utah. Two members of the Philippine Senate were regarded as having been elected by *Aglipayano* votes. One of these was Isabelo de los Reyes, the other Monsignor Santiago A. Fonacier who in October, 1940, was elected to succeed the late Bishop Aglipay as the *Obispo Maximo* of the Church. In local as well as national politics the church, or at least its members, play an important role in those areas where they are numerous.

There is a consensus of opinion that one of the greatest weaknesses of the Independent Church has been the lack of a clergy sufficiently educated to compete in leadership with that of the Catholic or the Protestant Churches. Upon his election as head of the Independent Church Bishop Fonacier stressed the organization's urgent need for schools, colleges and seminaries. Other factors listed by a contemporary authority on the history of the church as retarding its growth are its failure to use adequate legitimate propaganda, its lack of young people's societies, its need for more first-rate leaders, and the constructive policies which have been followed by the Catholic Church for many years past.[20] In the opinion of the author a more fundamental weakness of the Aglipay sect is its relative lack of the spiritual and ethical vitality which are essential to the permanence of any religious movement. The organization came into being because it was associated with a burning cause: that of Philippine nationalism and independence. In an acute struggle for those ends or for social and political reforms, it might become a more vital element in Philippine life than it now is. Upon purely religious grounds its ability to compete in the long run with the Mother Church of the Philippines is doubtful.

The third organized Christian group in the Philippines, the Protestants have had a remarkable growth during the past four decades and exercise an influence out of proportion to their numerical strength. In 1918 the census reported the number of Protestants as 124,575. The 1939 figure of 378,361 is more than three times as large and the rate of increase has been rising during the past few years. A clearer picture of the vitality of the Protestant movement is given by the following statement from the report of a conference upon Philippine missions recently held in Washington:

> The estimated total of Protestant communicants is around 330,000 [an underestimate of about 48,000 if the 1939 census figure is correct] and of members, including children and adherents, around 650,000. These worship in some 2,000 church buildings, have about 5,000 Sunday Schools with an attendance of 120,000. Some 12,000 new members joined the churches in 1938. Ministering to these churches and Sunday Schools there are 500 pastors, 600 evangelists, 670 deaconesses who have the cooperation of about 240 missionaries. For the

support of their work, pastors' salaries and for local expenses, these 2,000 churches contributed in 1938 $200,000 or about 40 cents per capita.

The Church has through the years carried forward a building program. The total number of Protestant church buildings is estimated at 1,800. The value of the land and buildings and equipment was around $1,000,000.00 in 1938.[21] *

The Catholic Church in the Philippines is Spanish in background and international in its affiliations. The Philippine Independent Church is completely and aggressively Filipino. The Protestant Churches, despite the fact that their membership is almost entirely Filipino, are definitely American in origin, affiliation and spirit. Lacking the tremendous impetus of nationalistic fervor whch carried the *Aglipayanos* forward, and the three centuries of growth which are behind the Catholics, the Protestants have reached a position of importance in the New Philippines through the zeal and ability of the American missionaries, the high spiritual and ethical values which their churches have offered, and their close relationship with the American way of life.

American Protestant missionary effort began in the Philippines almost immediately after the Islands passed from Spain to the United States. Probably no Americans experienced more intensely than the members of missionary organizations the feeling that destiny had laid upon their country a great responsibility not only in the former Spanish colony but in the entire Orient. A representative of the Presbyterian Board who visited the Islands in 1901 expressed this feeling when he declared:

> The duty of the churches is clear. The possession of the Philippines has signalized the hour for a new alignment of the Christian forces of the country. The character of its churches and other Christian organizations is being tested as never before. . . . What a wonderful thing it would be if our country should signalize its emergence as a world power by the spiritual as well as the religious regeneration of an oppressed people.[22]

The Protestant missions and those who supported them in missionary societies scattered from New York to California were animated not only by religious but also by patriotic zeal. In most instances the missionaries felt that they were carrying to the Phil-

ippines, along with their interpretation of Christianity, the American political and social concepts which this country had undertaken to transfer to a people which Providence had placed under its care. Thus every mission and missionary family became a center for the vigorous dissemination by example and precept of the ideas of political and social democracy, personal independence and the other virtues of character which were considered typically American half a century ago.

A considerable proportion of the American school teachers and other governmental officials felt the same missionary zeal for spreading the American way of life in the communities which they served. In the opinion of the author by far the most effective method (perhaps the only method) of transferring the culture of one people to another people is by personal contact. In the Philippines the Protestant missionaries came even closer to the people than the teachers or any other non-ecclesiastical Americans. They learned the native languages, and planned to spend their entire lives in the country. The missionaries lived among the people, instructed their minds, healed their bodies and, in addition, enjoyed the influence of the mystic relationship between the religious leader and his followers which nowhere is more real than among the Filipinos. Working under these conditions and with the financial and moral support of the American churches behind them the missionaries have been powerful auxiliaries to the governmental forces which were seeking to aid the Filipinos in the development of a democratic nation. Furthermore, the Protestant churches have contributed their share of the great personalities which America has sent to the Philippines, men who have left a permanent impress upon the Filipino people.

Encouraging to those who feel that in many American communities the strength of the Protestant Churches is frittered away by competitive and overlapping effort is the record of cooperation which the several denominations have established in the Philippines. The earliest Protestant mission representatives set up an organization designed "to unite all the evangelical forces of the Philippine Islands for the purpose of securing comity and effectiveness in their missionary operations." [28] This body, which has become the Philippine Federation of Evangelical Churches, sub-

scribed to a "comity agreement" under which each organization already on the field was assigned definite territory. Those which came later either accepted similar assignments or at least refrained from competition with established Protestant missions. Most of them have also pooled their efforts in maintaining the Union Theological Seminary and Union College in Manila.[24*]

In 1929 the Presbyterian, United Brethren, and Congregational Churches, and the congregation of the United Church in Manila organized themselves as the United Evangelical Church of the Philippines. The General Assembly, the highest administrative body of the Church, was formed with the Reverend Enrique C. Sobrepeña, an able Filipino, as Moderator and the Reverend G. W. Wright, one of the early American missionaries, as the General Secretary. The United Evangelical Church has eleven district conferences. Included within their jurisdiction are more than 600 congregations in thirty-two provinces. The Church participates in the sponsorship of Silliman University and maintains a large number of other educational institutions as well as hospitals in some ten centers where the need for medical services is great. The United Evangelical Church has a constituency of more than 100,000 and is the most national in scope among the Protestant Churches in the Islands. It is the belief of many Protestants that this organization and the Philippine Federation of Evangelical Churches have shown the way for the development of an organic union of all the major Protestant denominations as a national Protestant church. It would seem that the permanence of Protestantism as a vital force in the Philippines would depend upon the ability of Protestants to do two things: to unite and to make the Protestant Church a genuinely indigenous institution.

The other Protestant denominations belonging to the Federation include the Methodists (the largest single communion, with two offshoots from the parent body), the Baptists, and the Disciples of Christ. The Protestant Episcopal Church, one of the oldest Protestant missions in the Philippines, did not join the Federation, but has cooperated with it. The Episcopalian Mission has confined its evangelistic efforts to non-Christians: the pagans of the Mountain Province, the pagans and Mohammedans of Mindanao and Sulu, and the Chinese in Manila. In Manila the Episcopalian Mis-

sion operates two large hospitals of the highest quality (one of them for women and children) which, like its hospitals and dispensaries elsewhere in the Islands, are open to persons of all faiths. Like the other churches, the Episcopalians also devote much of their energies to educational work.

The Seventh Day Adventists are not affiliated with the Federation nor is the Salvation Army, which recently has entered the Philippines. The Y. M. C. A. and the Y. W. C. A. have been established in the Islands for many years, representatives of the former organization accompanying the American troops arriving in 1898. These organizations are non-denominational in the Philippines, as in the United States, and are accomplishing an important work in Manila. The earliest Protestant religious effort in the Philippines was that of the British and Foreign Bible Society, which began its efforts to introduce the Bible into the Islands in 1838. In 1899 the British organization withdrew in favor of the American Bible Society (which withdrew from Korea), and between that date and 1938 the Society distributed 3,682,490 volumes in the Archipelago.

Although a few of the national intellectual and political leaders are Protestants, only a small proportion of the Philippine Protestants are from the small group within which most of the wealth and political power of the country are concentrated. A larger proportion of the growing middle class have been attracted to the evangelical churches, and these institutions are a powerful force in promoting the growth of such a class, which is vitally important in the development of democratic institutions.

There has been some speculation as to the effect which the withdrawal of the United States from the Philippines will have upon this typically American religious movement. In the opinion of the author there has been no time since their establishment in 1899 when the Protestant Missions have had a greater opportunity than they will have during the next two decades or more to make a valuable contribution to the building of the sort of Philippine nation which American and Filipino leaders have envisioned. This statement applies with equal force to the establishments and personnel which the Roman Catholic Church in America is supporting in the Islands; and in speaking of the distinctive contribution of

American Catholics there is no lack of appreciation of the magnificent work which the Belgian, French and other Catholic missionaries are doing in the Philippines.

Eventually the American-Philippine relationship will be viewed as having fallen into two phases. The first period, which ended with the establishment of the Commonwealth, will be regarded as one of domination, in the sense that final authority within the Philippine Government was exercised by American officials. The second period, now well begun, will be recognized as one of influence. Our record in the Philippines will eventually be judged not primarily by what we forced upon the Filipinos (although much of it they eagerly sought) during the first period, but by what they voluntarily retained and successfully applied during the second phase. During this period political authority in the normal processes of government has been transferred to Filipinos. Therefore the non-political, non-governmental agencies operating for the perpetuation of the best that America has given the Philippines have become more necessary than ever before. American officials have almost completely disappeared from the Philippine Government. The position of the unofficial Americans who still remain in the Islands has become correspondingly more important; and the majority of the Americans who are still living in the provinces in intimate contact with the Filipinos are the missionaries.

During the present period the Philippines is acting with greater freedom than it has hitherto enjoyed in deciding by its actions in government and elsewhere how much of the American culture it will retain. Therefore, those Filipinos who are the most thoroughly committed to the retention of the American point of view, properly modified to meet local conditions, should be strengthened not only by wise policies in Washington but by a vigorous, high-minded American colony in their own country. Relatively primitive and under-privileged groups of Filipinos who have been set upon the path of progress during the American period now need more than ever the sustained aid of unofficial American individuals and institutions. The withdrawal of American authority has enlarged the opportunities and increased the responsibilities of those Americans who individually or through their churches have endeavored to make their contributions to the

success of the great project to which their country committed itself when it seized the Philippines from Spain and forced its sovereignty upon the Filipino people.

In the opinion of the author the exercise of political authority over the every day internal affairs of the Philippines is no longer an appropriate or an effective instrument for the accomplishment of the broad American purposes in this colony which has become a commonwealth and may soon achieve independent statehood. The withdrawal of *control,* however, has enormously increased the opportunities for the exertion of *influence.* Therefore, those Americans who believe that their country has not completely fulfilled its obligations to the Philippines have a strong patriotic motive for increasing, rather than decreasing their support of one of the most potent American influences still remaining there: the representatives of the churches in America.

PART FOUR

SOME PROBLEMS OF THE COMMONWEALTH

CHAPTER XXIV *

WANTED: A NATIONAL LANGUAGE

"THERE is not a single language in the Philippines nor is there a general one which extends through them. But all, even though many are very different, are so alike that in a few days they may be understood and spoken." So wrote Father Pedro Chirino, a Spanish missionary who published the first account of Philippine linguistics in 1604.[1] The Jesuit Father's statement remains as true in 1941 as when he wrote it, and despite the similarity between the native languages one of the major problems of the developing nation in the Philippines is to establish a language which will be understood and spoken by all of its citizens. Obeying a mandate of the constitution,[2]* the Government of the Commonwealth has initiated a procedure intended to create a native national language and cause it to be taught in all public and private schools.

The chief agency for the creation of a common national Philippine language is the Institute of National Language. The Institute was established by law in November, 1936.[3] It is composed of a director, seven members and an executive secretary, each representing one of the linguistic groups of the Philippines. The director and secretary are full-time government officials and the Institute is under the immediate supervision and control of the President. The statutes creating the Institute prescribe in minute detail the procedure which shall be followed in the establishment of a national language, fix a timetable which requires rapid progress towards that goal, and appropriate ₱100,000 for the expenses of the Institute. Clearly it is not intended that another three centuries shall elapse before results are secured in this matter.

Inasmuch as it is not often that a nation deliberately sets out

* *The notes of this chapter begin on p. 934. Subject matter notes are indicated by an asterisk.*

to provide itself with a language, the steps in this process being taken in the Philippines are not without interest.

First, the National Language Institute was directed to "make a study of the Philippine dialects in general for the purpose of evolving and adopting a common national language based on one of the existing tongues," and a scientific method of making this study was prescribed.

Second, the Institute was to "choose the native tongue which is to be used as a basis for the evolution and adoption of the Philippine national language." In proceeding to such selection, the Institute was directed to "give preference to the tongue that is most developed as regards structure, mechanism, and literature and is accepted and used at the present time by the greatest number of Filipinos."

Third, not later than a year after its establishment the Institute was to prepare for publication the linguistic studies which it was directed to make of the chief Philippine languages.

Fourth, immediately upon the publication of this work the Institute was to state which native tongue it had chosen as the basis of the national language and to recommend to the President of the Philippines the adoption of the national language based on the tongue chosen.

Fifth, the President was directed to proclaim such language as the national language of the Philippines, effective two years thereafter.

Sixth, not later than two years after this proclamation the Institute was directed to publish a dictionary and grammar of the national language and it was made the duty of the President to direct that on a day to be fixed by him the national language should be used and taught in all public and private schools of the Philippines in accordance with the Institute's dictionary and grammar. The Institute of National Language was also given wide authority over the form of language used in official publications and school texts and authorized to continue indefinitely its linguistic studies.

The program thus prescribed has been followed with precision and dispatch. The expectation of many Filipinos that "it would take years before any decision could be reached on the

adoption of a national language" [4*] was not realized. In November, 1937, the Institute recommended to the President the adoption of Tagalog as the basis of the national language and on December 30, Rizal's birthday, President Quezon proclaimed "the national language so based on the Tagalog dialect, as the national language of the Philippines." [5] In April, 1940, President Quezon authorized the printing of the dictionary and grammar which had been prepared by the Institute and fixed June 19, 1940, as the day upon which the national language should be taught in all public and private schools of the Philippines.[6] In June, 1940, the Filipino national language was declared by law to be an official language of the Philippines, effective July 4, 1946.[7]

Thus, in a little more than four years by an orderly, rational process the Philippine Commonwealth has laid the foundations for the establishment of a native national language. From the administrative and scholarly standpoint this is a surprising achievement. Even more remarkable are the facts that one of the Philippine languages was selected as the basis of the national language without acrimonious struggle and that this decision has been popularly accepted without serious protest by the other linguistic groups in the Islands. As the *Manila Daily Bulletin* remarked: "It would not have been possible a decade ago to choose any one of the dialects, not barring Tagalog, as the basis of a national language. Jealousies which would have developed into a serious regional fight among the Filipinos would have developed." [8]

The reasons why this choice could be so smoothly made by the Commonwealth are almost as significant as the achievement itself. Regional disputes were avoided and popular acceptance secured, first, by the exercise of leadership. The course to be taken was pointed out by President Quezon.[9] His leadership was accepted because it was sound, and because the Assembly and the people are accustomed to acting upon his suggestions. There was no question of pressure, coercion or political domination. The proposal was presented by the President upon its merits and acted upon by the Assembly on the same basis.

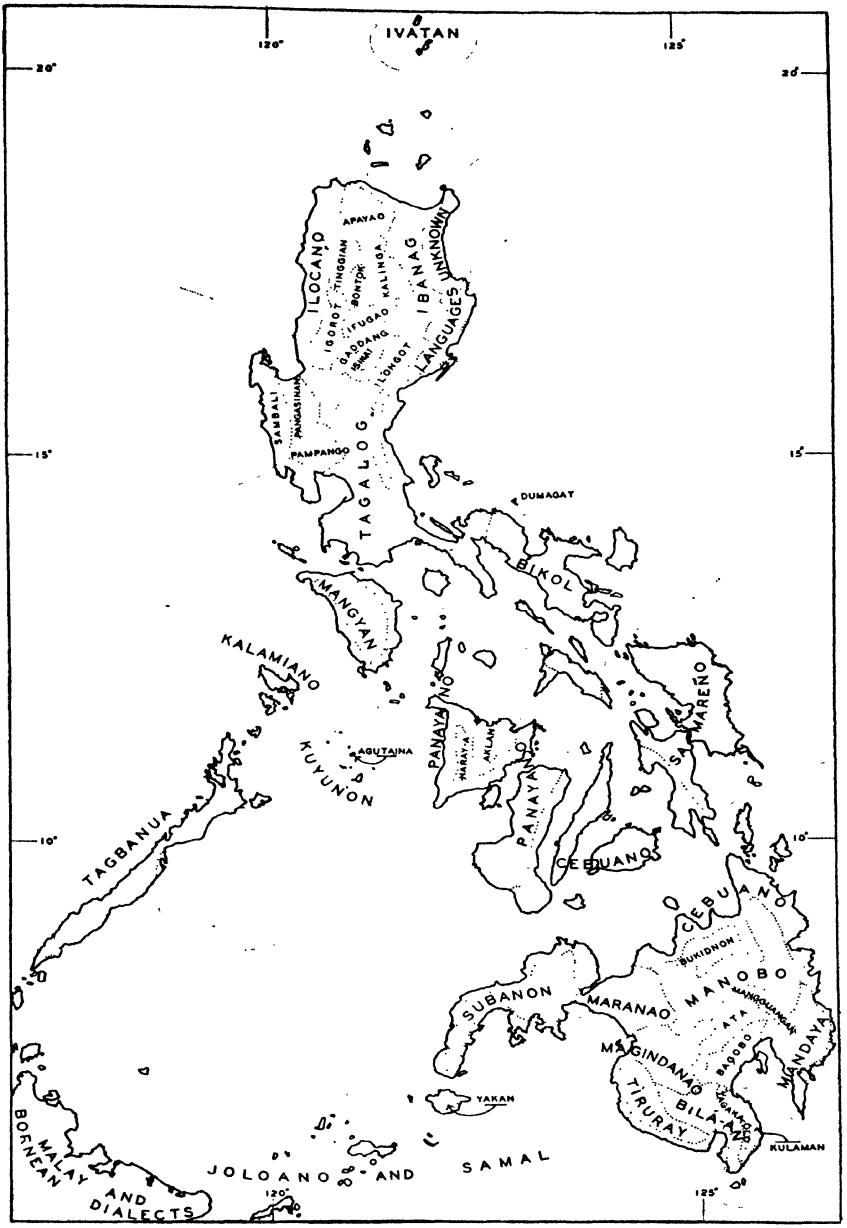
Second, regional or factional opposition was prevented by the use of a carefully thought out procedure which was understood by the people and recognized as being non-political and well

devised to further the public welfare. The Chairman of the Institute, Professor Jaime C. de Veyra, head of the Department of Spanish in the University of the Philippines, is known to all as an able scholar and a public-minded citizen. The other members of the Institute are likewise public men of standing who also enjoy national reputations as authorities on the Philippine languages. There are few countries in which the recommendations of such a body would carry more weight than in the Philippines. For forty years the government has habitually acted in technical matters upon the advice of the expert and relied upon the judgment of boards of disinterested citizens in many matters of public policy. The people are accustomed to this procedure and have confidence in decisions reached by its use.

Third, this step was made possible by the growing disposition of the Filipino people to accept and support measures for the advancement of the welfare of the country as a whole. This tendency reflects the recent growth of nationalism at the expense of provincialism and sectionalism, a growth which represents the cumulative effect of a seventy-year campaign.

Thus, the ease and skill with which this thorny problem was handled revealed more clearly than could any generalities the political skill of the Filipino leaders and the growing national-mindedness of the people and their disposition to accept intelligent leadership. The formal decision to create and adopt a national language based upon Tagalog, however, does not of itself provide the Filipinos with a common idiom. This act merely fixes the goal towards which it is hoped that the slow-moving processes of time will carry the country. Meanwhile, the nation will continue to wrestle with the language problems which have beset it for the past forty years and with new ones arising out of the decision to develop a common tongue based upon Tagalog. Filipino experiences with these problems, especially those growing out of the attempt to make English the common language of all the people, will therefore be discussed as an important aspect of the movement to create a nation in the Philippine Archipelago.

The diversity of languages in the Philippines, the cause of the problem under discussion, is not so great as is commonly believed in the United States. It is true that approximately eighty-



THE LANGUAGES AND DIALECTS OF THE PHILIPPINES

Map of the Philippines showing the regions in which established languages and dialects are spoken. Not all are equally distinct and many lesser and little known dialects are omitted. (Map by Harley H. Bartlett, based upon H. Otley Beyer's linguistic map of the Philippines. From the *Michigan Alumnus Quarterly Review*, XLII, 215.)

seven different native languages and dialects are spoken in the Islands. More than 90 per cent of the inhabitants, however, are found within eight or nine languages. These people comprise almost the entire Christian population of the Archipelago, those who have the Malayan-Spanish-American culture which is distinctively "Filipino." The remaining languages and their subdivisions are those, roughly, of the half million Moros (the Mohammedans of the southern islands) and a somewhat larger number of the semi-civilized pagans who are scattered through jungle and mountain areas throughout the Archipelago.[10*] Furthermore, all of these languages and dialects are closely related to one another. They belong to the Indonesian family which, in turn, is a branch of the great Austronesian lingual trunk.[11*] They are "closely related in phonology, form and syntax; and possess besides a large common vocabulary. . . ." [12]

The result of this similarity is that the members of one language group readily learn the language of any other group. Ilocano, the language of the Ilocos and other northern provinces, is the *lingua franca* of the pagans in the Mountain Province and is widely spoken in Nueva Viscaya, Nueva Ecija, Pangasinan, Tarlac, Zambales, and other provinces where there has been a considerable Ilocano immigration and commercial contact. Tagalog is understood by the inhabitants of the adjacent border areas, in many other regions where Tagalog immigrants have settled, and in all parts of the Archipelago by people who have lived for a time in Manila or in Filipino colonies abroad. The Visayan languages have been absorbed from Visayan settlers by non-Visayan residents of Mindanao, and so forth. Although accurate statistics are not available a very considerable proportion of the population, perhaps one-half, have some command of another native language dialect than their own. When the selection of the vernacular which was to be made the basis of the national language was under discussion, it was estimated that approximately 7,000,000 Filipinos have at least a working knowledge of Tagalog. The *Census of 1939*, however, reported that only 4,069,000 could speak it.

Dr. N. M. Saleeby expressed the general conclusions of scholars and lay observers as to the close relationship existing between

the various Philippine languages and between these idioms and the neighboring Indonesian tongues when he wrote:

> The Tagalog, the Bisaya, the Ilocano, the Malay and the Javanese are sister languages. They are as closely related to each other as are the members of the Romanic group—the Italian, the Spanish, the Portuguese and the French. The relation the Tagalog holds to the Bisaya or to the Sulu is very much like or closer than that of the Spanish to the Italian. An educated Tagalog from Batangas, and an educated Visayan from Cebu can learn to understand each other in a short space of time and without much effort. A Cebu student living in Manila can acquire practical use and good understanding of Tagalog in less than three months. The relation between Tagalog and Malay is very much the same as that between Spanish and French. . . . Educated Tagalogs, Malays and Javanese find much in common in each other's language and culture.[13] *

Relatively uneducated non-Tagalogs who settle in Manila as servants or laborers soon acquire the language of the metropolis. Of possible international significance is the increasing use of Malay, to which Tagalog is closely related, as a common language of communication throughout the whole East Indian area.

Yet, despite their similarities, the languages of the Philippines have not fused nor has any one of them displaced the others or become a universal second tongue. On the contrary, they have maintained their separate identities through the four centuries that the Archipelago has been a political unit and has professed a religion common to nine-tenths of its inhabitants. The more important of the Philippine languages have their own local literatures. So far as purposes of communication go, each of them is a foreign tongue to the members of every other language group. The effect of this lingual separateness is heightened by the fact that in most cases the speakers of the several languages are marked as distinct ethnological groups by other characteristics.

When the Filipino leaders sought to establish a national government after the revolutions of the late nineties they at once encountered the language problem. At least two of the draft constitutions of the period made Tagalog the official language. One of them, however, that prepared by Mabini, provided that Tagalog should be the language of elementary instruction and that two courses of English and two of French should be taught in the

higher grades.[14] When English should have become "sufficiently diffused" through the whole Archipelago it should be declared the official language. The Malolos constitution avoided any decision as to the national language, making the employment of any of the languages used in the Islands optional, providing that the use of any language could only be regulated by law and solely regarding acts of authority and judicial affairs. Spanish was temporarily continued as the official language.[15]

When the Americans took over the government they added English to Spanish as an official language, and established it as the language of instruction in the public schools. The latter action was based upon the judgment of the Taft Commission rather than upon the views of the government in Washington. In his instructions to the Commission, President McKinley had declared that primary instruction "should be given in the first instance in every part of the islands in the language of the people. In view of the great number of languages spoken by the different tribes, it is especially important to the prosperity of the islands that a common medium of communication be established, and it is obviously desirable that this medium should be the English language. Especial attention should be at once given to affording full opportunity to all the people of the islands to acquire the use of the English language."

In 1903 when the exclusive use of English in the public schools was under fire from anti-imperialists in the United States, Dr. David P. Barrows, the General Superintendent of Education, explained why the Philippine educational system had been based upon the language of the sovereign state rather than upon the vernacular. Dr. Barrows declared:

> The question has been frequently raised whether these Filipino languages are sufficiently related so as to fuse into one common tongue, and the bureau of education has received its most vigorous criticism in the United States because of its alleged attempt to supplant and destroy what might, in the opinion of absentee critics, become a national and characteristic speech. Such criticisms could only proceed from a profound ignorance of the nature of these languages and the people who speak them. . . . In no case is there any indication that these languages are fusing. The Filipino adheres to his native dialect in its purity, and when he converses with a Filipino of another tribe

ordinarily uses broken Spanish. These languages are not destined to disappear or to fuse, nor are they destined to have a literary development.

One has but to examine the literature which has appeared in the last fifty years in each of these tongues to see how unlikely of literary development is any one of them. . . . For common intercourse, as well as for education, the Filipino demands a foreign speech. To confine him to his native dialect would be simply to perpetuate that isolation which he has so long suffered and against which his insurrection was a protest. . . . The advantage which the possession of the English language will give him is readily understood by the Filipino, and it is fortunate that the acquisition of the Spanish tongue was largely denied him and that it never won his affection. English is the lingua franca of the Far East. It is spoken in the ports from Hakodate to Australia. It is the common language of business and social intercourse between the different nations from America westward to the Levant. It is without rival the most useful language which a man can know. It will be more used within the next ten years, and to the Filipino the possession of English is the gateway into that busy and fervid life of commerce, of modern science, of diplomacy and politics in which he aspires to shine.

Knowledge of English is more than this—it is a possession as valuable to the humble peasant for his social protection as it is to the man of wealth for his social distinction. If we can give the Filipino husbandman a knowledge of the English language, and even the most elemental acquaintance with English writings, we will free him from that degraded dependence upon the man of influence of his own race which made possible not merely insurrection but that fairly unparalleled epidemic of crime which we have seen in these islands during the past few years.[16] *

In short, the conclusion was that the new order of things which Americans and Filipinos alike wished to introduce into Philippine life could only be realized through a new language. For the masses of the Filipino people English was regarded as the indispensable language of liberty.

Other reasons for the establishment of English as the language of the public schools were found in the practical difficulties which would have arisen had the several languages or any one of them been made the medium of instruction. At that time, for instance, a large number of American teachers were indispensable to the speedy organization of a school system which would be modern in purpose, methods and curriculum. To have required these

Americans to learn the vernacular and to teach in it would have entailed unthinkable delay; and such requirements probably would have made it impossible to recruit the necessary teachers, or for them to transmit to the Filipino teachers and pupils the knowledge not only of books, but of the new way of life which was considered necessary for the development of a modern, democratic society in the Philippines. Moreover, if a single vernacular language were to be used, which one should it be? Or if the children of each language group were to be taught in their own idiom, how would a common national language be established?

Furthermore, there can be no doubt that another reason why English was adopted as the language of the schools was that the Americans then in the Philippines felt that only in its own tongue could their country satisfactorily perform its "mission" in the tropical empire for which "destiny" had made it responsible. As Dr. Saleeby, who was there as an Army medical officer detailed to educational work, observed:

> The readiness with which the American authorities acted in favor of English was not wholly the result of thoughtful deliberation or mere academic decision. It could not be wholly accounted for by the urgent need for pacification or as a substitute for Spanish. Certainly it was not the result of former colonial experience. It seemed rather instinctive—something of the nature of an inspiration or irresistible impulse that came with the flush of victory and with a driving zeal for action. Thousands of American officers and teachers had pledged their help for reconstruction and education, and no power on earth could have forced upon them the use of a strange language that would tie their hands and impair their activity.[17]

Finally, as Dr. Barrows intimated, many of the leading Filipinos, especially those who were actively cooperating with the Americans, believed that the advantages which would flow from the adoption of English would outweigh the disadvantages. Dr. David J. Doherty, an authority on linguistics who made important studies of the Philippine languages and who was in the Philippines at the time, expressed contemporaneously the American interpretation of this acquiescence in the establishment of English in the schools. In a paper on conditions in the Philippines prepared for the information of Congress in 1904, Dr. Doherty wrote:

When I left the United States I shared the opinion of Doctor Schurman, that it was both an unjust and a vain task to "force" a foreign language upon a whole people, especially a resisting people. But I soon perceived that the adoption of English was an actual inspiration on the part of the civil government, and that the people not only did not resist it, but welcomed it, not on the ground of the diversity of their dialects (for they are not really diverse), but because their native vernacular at best could not open the world to them.[18] *

There were, of course, many Filipino dissentients from the views of the group which agreed to the establishment of English as the sole language of the public schools. They were not in a favorable position to influence policy, however, because many of them were political irreconcilables who were *persona non grata* to the government. Unfortunately, from the arrival of the Americans until the present moment discussion of the language problem has been clouded by its connection with the question of independence.[19] This group objected not to the teaching of English in the public schools, but to the exclusion of the native languages. Most of them probably would have welcomed courses in English provided that, as McKinley originally directed, the native dialects or one of them had been made the primary language of instruction.

Filipinos who feel as these dissentients did, and events since 1934 when the provision requiring the establishment of a native national language was written into the Philippine Constitution indicate that this includes a majority of the inhabitants of the Islands, believe that English never would, or should, become other than a foreign language in the Philippines. They believe that the distinctive spirit of the Filipino can find full expression only in his own tongue; that the nation can reach its highest development and make its peculiar contribution to the world only through the medium of its own languages. Years ago Dr. Jorge Bocobo, now Secretary of Public Instruction, expressed this conviction when he declared: "No foreign language, be it Spanish or English, or any other, can be the genuine vehicle of our inmost thoughts, our most intimate feelings. No foreign language can be the expression of our national soul."

A part, at least, of the answer to the question, "Just why do many Filipinos feel so cramped in English?" may be found in con-

crete examples of the differences between English and the vernaculars. After characterizing as commendable the employment of foreign terms in scientific literature, Trinidad A. Rojo explains why in daily life an alien speech is a poor substitute for the native tongues of *Filipinas.* Writes Rojo:

> The advocate of English as our national language may ask, "Well, if we borrow learned words from a foreign language, why not be consistent and borrow the language as a whole?" As is stated elsewhere in this study, the vernacular is more deeply rooted in the heart and daily life of the people than an alien tongue, and in those realms a foreign language can be only a poor substitute. Let us illustrate the difficulty of substituting English for the Philippine dialects by some concrete examples. The staple food of the natives, rice, has many names for different species, and also different names for different stages of the product. In Iloko a rice seedling is called *bonobon;* when transplanted into paddies, *raep;* when the *raep* matures, it becomes *pagay* which bears *dawa;* after threshing, it becomes *iric;* after pounding, it becomes *bagas;* after cooking, it becomes *innapoy.* After four or five hours when the *innapoy* is already cool, it is called *kilabban.* These differences could not be readily expressed in English. In terms denoting relationship English falls far short of the vernacular. If two persons marry two sisters, their relationship in Tagalog is called *bilas;* the parents of a husband and wife are *balae,* an older brother is addressed as *kuya. Amain* and *ale* are respectively the words for uncle and aunt, but for addressing an aunt *tiang* is used; *tiong* for an uncle. They are words of respect and affection. Words of relationship are even more elaborate in the Cebuan dialect. . . . The terms such as those cited above are not mere words that can be set aside as easily as we can tear a page from a dictionary. They reflect essential and distinguishing characteristics and features of our culture and civilization.[20]

There are numerous Filipinos, however, who do not share the view that the Filipino is incapable of expressing himself fully except in his vernacular. Foremost among them are two of the outstanding educational and political leaders of their generation, Camilo Osias and Maximo M. Kalaw. The latter, in a very interesting discussion of Philippine language and literature, declares that he "does not agree that the national thoughts cannot be expressed in a foreign tongue. What decides the 'ownership' of a language, whether it is foreign or not, is nothing but its *use;* and just as the Argentinians express their national thoughts in Spanish although many Argentinians are natives . . . so can the Filipinos

express their thoughts in the language that their leaders and thinkers use the most." [21*]

Fernando M. Guerrero, a foremost Filipino poet who wrote in Spanish, did not feel that his people could write creatively only in their native tongues. In citing his views on this subject, Kalaw wrote:

Fernando M. Guerrero could not have written his poems in Tagalog as well as he did in Spanish. He was perfectly at home in Spanish because he used and cultivated it. He thus became convinced that national literature can be developed in a tongue which is not "native." "My ideal," he said, "is that there should exist a literature strictly Filipino, even if we express ourselves in imported or borrowed languages like Spanish or English. I think it is possible to infuse in the mechanism of any language the true thoughts and feelings, in a word, the true genius and spirit of any people. The special ways of expressing our thoughts should be and can be preserved under any idiomatic dress." [22]

Regarding the comparative standings of Spanish and English as one of the Philippine tongues, Kalaw writes:

Indeed, simply because many of our writers and poets have written in Spanish and have used Spanish as the vehicle of national expression we have developed a possessory feeling for that language. We really deceive ourselves for the present into believing that it is more native with us than English just because for the past thirty years of Spanish occupation . . . our chief writers wrote in that language. . . .

English is still "young" with us. But a good deal of our nationalist literature, especially our demand for freedom, has been expressed in that language and twenty years or more from now our children will have the possessory feeling for it that some have for Spanish.[23]

Today it might be added that the great public documents of the first period in which the Filipinos have been free to formulate the principles in accordance with which their government shall be developed have appeared in English as well as in Spanish. The messages to the National Assembly in which are set forth the political and social philosophy upon which President Quezon has based his national leadership were originally presented to that body in English. These documents will grow in importance as the years pass. Many of them will come to occupy a status in the Philippines

comparable with that of the great state papers of the crucial periods in America's political development. The English in which they are published is always clear and, in the case of the President's papers, is often marked by eloquence and literary distinction. The Commonwealth period and the years leading up to it are certain to form a great era in Philippine history, a period distinctively Filipino, representing the triumph of nationalism and the establishment of free native institutions. A generation hence the present will be looked back upon as the day of the "Founding Fathers." It will be strange if, as Dr. Kalaw suggests, the Filipinos of the coming generation who command English do not have a "possessory feeling" for the language in which equally with Spanish the great acts of this period are officially made known and recorded, and if English as well as Spanish is not generally regarded as one of the languages of the country. Furthermore, the records of the Commonwealth may give the English language an especial hold upon the affections of the Filipino people, and the great body of public documents in English which has been built up during the past forty years will be indispensable to any thorough study of this period and hence will contribute towards the feeling that English is one of the permanent Philippine languages.

Such men as Secretary Bocobo, however, instinctively resist the denationalization whch they feel to be involved in the acceptance by one people of the language of another. They shrink from it as the members of some races shrink from mixing their blood with that of other peoples. They feel that by educating their children in a foreign tongue the Filipino people may lose their national soul without gaining the vital personality of the foreigner. The members of this group do not fear that English will supplant the native dialects; they are certain that it can never do so. They do feel that the exclusion of their own tongues from their educational system prevents the development of their children in their native institutions and spirit; and that the schools are not able to give young Filipinos enough of the foreign culture to compensate for the loss of their own intellectual and spiritual heritage. One of the most ardently patriotic of Filipinos, however, who does not subscribe to the "denationalization theory," has pointed out to the author that Rizal's principal works were written in Spanish and

were more widely read by the Filipinos themselves when they were translated into English.

The village schools of the Netherlands Indies are based upon a point of view similar to that held by those Filipinos who would have the vernacular the language of primary or elementary education, with English taught as a subject in the higher grades. Instruction in the *desa* schools is in the Malay tongues and is planned to develop the distinctive national heritage of the people rather than to supplant it, or even modify it radically with Occidental culture and institutions. These schools give a three-year course and are attended by more than 90 per cent of the children enrolled in the primary grades. Parallel with the vernacular schools are "Dutch-Indonesian schools" in which Dutch is the medium of instruction but which are attended by only a small proportion of the children. The gap between the vernacular lower grades and the higher grades where Dutch is required is filled by liaison schools which give a five-year course in which Dutch is taught as a subject to children of promise who have passed through the first three years in the vernacular schools. This course carries the children to the same point as do the Dutch-Indonesian schools and prepares them for entrance into the secondary schools. Only about one-fifth of the pupils enrolled in the liaison schools belong to the upper classes of the native population which shows that they really are a bridge by which a few of the children of the masses can pass from the primary vernacular schools to the higher levels of the educational system and there obtain a modern schooling in Dutch.[24]

Dr. G. T. Nieuwenhuis, a distinguished educator of the Dutch Indies, once stated to the author the pedagogical and psychological principles upon which the Dutch system rests, and which form the basis of criticism of the Philippine experiment. Dr. Nieuwenhuis declared:

To teach the child a foreign language and in a foreign language at the age of five, six, or seven, when he ought to be beginning to think, is to spoil his mind. He cannot think in the foreign tongue. He does not think in his own. What he learns he learns by rote, and later his mental processes do not develop. During the first year instruction should be entirely in the native tongue of the child, also in the second. Then a small amount of Dutch should be taught and gradually

more, until at the end of his seven or eight-year course he should spend only about ten per cent of his time studying his own language and further acquiring his own culture. The early years of work in that tongue will have grounded him in its use, in a knowledge of his national traditions, customs, and literature. During this time his mentality and personality will have had a normal development and later he will acquire Dutch more rapidly than if he had begun it at once. In the end he will be both a better Dutch subject and a better Native.

However sound may be the educational theories upon which the vernacular village schools of the Netherlands East Indies are founded, personal inspection leaves the impression that their pupils receive less from them than do the children in the corresponding grades of the Philippine educational system. The school buildings and equipment in Java are inferior to those of the Philippines; the curriculum is narrower; and, while inadequate, the census figures show that the percentage of literacy produced by the Java system is only about one-fifth as great as that of the Philippines.[25] As a preparation for self-government under modern conditions, the Philippine type of education, despite its shortcomings, seems to the author to be much more effective. This, however, is not because English is the language of instruction in the Philippines, but because of other features of the system which have been introduced for the express purpose of preparing the Filipino people for democratic self-government of a modern type; and because in ordinary years the Netherlands Indies spends only a little more than one-third as large a proportion of its current appropriations for education as does the Philippines. The defense budget of the Indies is correspondingly greater and it will be interesting to see what happens to educational appropriations in the Philippines when, with the attainment of independence, the country will have to carry a heavier defense burden.[26]

In Indo-China experiments with popular elementary instruction in French have been abandoned in favor of Quoc-Ngu, the local language written in the Roman alphabet. "From the point of view of education, the arguments in favor of its [the Quoc-Ngu] retention were overwhelming," declares Wyndham. "Few parents could keep their children at school for more than the three years' elementary course, and to spend most of these in acquiring a foreign tongue before any other education could be

given was a pure waste of time. The Annamese schoolmasters were generally quite incompetent to teach French, and the pupils forgot what they had learnt as soon as they left school. . . . An Inquiry was held, with the result that the vernacular was made the compulsory medium in all rural elementary schools in 1924, although French could be included as an optional subject." [27*]

In every colony in the Far East the language problem has been the most difficult one to be faced by the educational authorities. Except in the dependencies of Japan the trend has been towards some kind of system which in effect limits the education of eighty or ninety per cent of the children to a primary schooling in the vernacular and provides an educational ladder upon which a small proportion of the balance of them may mount to schools in which the language of the dominant state is taught, with four or five per cent securing a secondary education which combines the native and the foreign cultures. The reaction of a patriotic Filipino to proposals for the replacement of the present type of Philippine schools by such a system was thus expressed to the writer: "I would not want in the Philippines any limiting of 80 or 90 per cent of the children to a primary schooling in the vernacular. It may be excusable in a colony but not in an aspiring independent democracy." The economics of "independence," however, may place any other kind of system beyond the financial means of the Philippines.

The Japanese aim at the permanent and complete assimilation of their colonial subjects into the Empire and eventually would like to educate all of them in the Japanese language, with the native tongue and culture relegated to a secondary position. In Thai, where three main dialects, representing north, central and south Thai, are spoken, the Bangkok dialect is the dominant and official one and is taught in all of the schools.[28]

The view of most Occidentals is that in none of the countries of the Far East has the educational system been sufficiently effective in reducing the chasm between the educated, prosperous, articulate classes and inarticulate masses which they dominate. "The remedy applied," declares H. A. Wyndham, "has been to bring elementary rural education more into line with the more advanced education of the towns, and at the same time to increase

the opportunities of the countrymen by contriving an effective educational ladder for all who are capable of taking advantage of it. At the same time there was a danger that the latter reform would only add recruits to the articulate minority." [29]

It is easy for Westerners, especially Americans, many of whom have a naive faith in the transforming power of formal schooling, to expect book education to do far more than it can possibly accomplish towards altering the *mores* of a whole people. The public schools, of course, can either help or hinder in reducing the gap which exists between the classes and the masses of society in every Oriental country. But education is only one among many forces operating to determine the ultimate cast of the changing social structure of these ancient peoples. It would seem, however, that a system of public instruction which increases the political and economic power of a foreign language which is acquired by only a small minority of the people at the expense of the native tongue which is the effective language of the masses would tend to deepen and harden class distinctions.

Serious questions concerning the results attainable in the Philippines by an educational system based upon the English language were raised in 1925 by the Monroe Survey Commission.[30] The Commission reached two conclusions: that the rank and file of children must be kept in school not less than five years to guarantee relatively permanent control of English; and that methods of instruction must be decidedly improved. Finally, it declared that "the present huge expenditure for primary education is largely wasted, unless children can either be kept in school longer or be taught by methods efficient enough to compensate for the shorter stay." [31]

On the basis of this report, the Board of Educational Survey recommended that a thorough survey of the whole language problem should be made by competent specialists.[32] This recommendation was never acted upon. Since 1925 continuous efforts have been made to improve the quality of instruction and it is believed that much was accomplished in the following decade. The holding power of the schools has also been increased, and, as has been pointed out, the Commonwealth is now making a systematic effort to reach the goal of four years of universal, compulsory education. On the other hand, there is an accumulating mass of evidence

that in the Philippine school system quality is now decreasing at least as rapidly as quantity is increasing. As the Monroe Commission observed, the two methods by which it suggested that the "present impasse" could be met (five years of schooling and greatly improved instruction) are difficult and costly. Would they be within the financial means of an independent Philippines?

In the opinion of many persons, of whom the author is one, the conclusion of the Monroe Commission that the huge Philippine expenditure for primary education is largely wasted is far too sweeping. It reveals an astounding lack of comprehension of what the public schools have accomplished for the Filipino people in ways that were not measured by the particular pedagogical tests applied by the Commission. As the report of the Joint Educational Committee of the Philippine Legislature pointed out in 1926 the Monroe Commission's tests were prepared for American school children and merely modified to meet Philippine conditions. Furthermore, measure was made of specific scholastic achievements and the " 'verbal mental ability of the child in Philippine schools.' " Manual and artistic abilities and moral virtues and traits of character were not measured, yet they are not the least important results of the Philippine educational system. In subjects which do not turn upon ability in the use of English, as arithmetic computation, the attainments of Filipino children equaled those of American pupils.[33] The conclusions of the Monroe Commission as to the meager benefits received by the pupils who remain in school for less than four years probably were far too sweeping. Yet, serious doubt exists in many quarters as to whether even from the narrowly educational viewpoint it is wise to continue English as the exclusive, or even the basic language of instruction in the primary grades, even assuming that the Philippines should be able to keep most of their children in first-rate schools for those first four years of schooling—which is a questionable assumption.

Concerning the degree of success which has attended the effort to make English a universally used common language judgments differ. The quantitative answer is simple: after forty years of effort the goal has not yet been reached, or even approached. In 1939, out of the 16,000,000 people of the Philippines only 4,264,500 were reported by the census as possessing the ability to

speak English. If the actual use of English is the test the answer is more emphatically, no. Even among those Filipinos who use English most constantly and who have been educated in American colleges and universities, it is not a home language. There are few Filipino families in which it is habitually spoken.[34] In the classrooms and hallways, and about the playgrounds of almost every Filipino school are posted "Speak English" placards. Yet the boys and girls who play baseball on the school grounds with the skill and enthusiasm of young Americans are almost invariably playing it in their own dialects, which have been enriched by a surprising assortment of words transplanted from the idioms of the great American game. Often one hears teachers reprove their charges for not using the foreign tongue, only to see the players swiftly relapse into their native speech at the first exciting turn of the game. On the campus of the University of the Philippines English is infrequently spoken outside the classrooms, although there is an unwritten rule that it shall be used.[35*] In the great or the intimate moments of his life even the most completely Americanized Filipino would never use English if he were speaking to a person who understood his native language. As for the masses of the people, they speak in English infrequently: for the most part only when they have to.

Where, then, is English employed? Most often and importantly in the affairs of government, in which organization English and Spanish are the official languages. Except for a few political offices, the thousands of positions in the government service can be reached only by the civil service examination route, and although for many years some tests were given in Spanish, all but a negligible proportion of the candidates have taken the examinations in English. In the services of the national government, which extend into every corner of the Archipelago, English for years has been the official vehicle of expression most frequently employed. The majority of the younger members of the civil service do not know enough Spanish to carry on in that language, and until 1940 no native Philippine language was officially permitted.[36]

Hence, until 1940, at least, English was the idiom most widely used within the national government service, and was the foreign tongue most often resorted to by those who transacted business

with any of its branches. When a government official or employee is serving in an area where his native dialect is not spoken, as often happens, the majority of those who wish to talk with him must do so in English. However, there are exceptions to this rule. For instance a Tagalog, or any other, official who has been stationed for some time in another language group will be able to transact business in the local language or dialect; and there are numerous border areas into which members of several language groups have migrated where many of the people speak two or three dialects reasonably well, in addition to English and often Spanish. And everywhere, while the official languages are English and Spanish, the man of the people would almost invariably talk with the official in his dialect, provided that the latter understood it.

In the provincial and municipal governments English has gained upon Spanish more slowly and the dialects are more generally used. This is especially true in the municipalities, which means that the nearer government moves to the masses the less English is actually used. Not only are most of the people who do business with the local governments unable to use English with confidence and facility, but a large, though decreasing proportion of the local officials are in the same situation.

In the pre-Commonwealth national legislature Spanish was the language most commonly heard, with English in second place and steadily gaining. In 1922 the Honorable Tomas Confesor became the first member of the House of Representatives to address that body in English and thereafter the use of English in debate gradually became more frequent. But English never predominated in the lower chamber. In the Senate, where the members were older than the Representatives, the proceedings were very largely in Spanish, and among the employees of both houses there were many who had virtually no command of English. The constitutional convention of 1934 used both foreign languages and a number of the native tongues, speakers often choosing their idiom with reference to the type of members to whom they wished to appeal. For example, a brilliant delegate who holds a Harvard degree and speaks English as effectively as most American legislators explained that he addressed the convention in Spanish when speaking on the bill of rights because in that language he could

appeal more effectively to the Spanish-speaking members, who were the ones who had to be convinced. English is more generally spoken in the National Assembly than Spanish. In the courts Spanish is still widely used.

The position of English as an official language has contributed greatly to its establishment in the Philippines. In the early days of the American regime the ability to speak the tongue of the conquerors was almost open sesame to government employment. As the public schools turned out many thousands of young people with some knowledge of English there were more applicants qualified in this language than there were places available for them; but to this day few civil service positions are open to people deficient in English.

In addition to its official use, English is widely employed in transactions between Filipinos and Americans or foreigners, between Filipinos of different language groups, and in polylingual centers such as Manila or Baguio. It is the chief language of national conventions, such as those of the National Federation of Women's Clubs or of some of the professional organizations. English is one of the languages used at the national conventions of the political parties and is the tongue most frequently resorted to by political campaigners speaking outside their own language groups. Highly important, too, is the use of English in the periodical press and the contemporary literature of the Islands, a subject which leads to a discussion of the degree and character of the literacy which has been achieved in the Philippines.

CHAPTER XXV *

LITERACY AND LITERATURE

ALTHOUGH statistics concerning Philippine literacy at the end of the Spanish regime are unreliable, it is known that in 1898 nearly half of the people over ten years of age could read a little in one of the local vernaculars or in Spanish, and that about 20 per cent could both read and write.[1]* As LeRoy pointed out, however, these figures were based on the total population, including the backward Christian areas and the territory inhabited by the pagans and Moros. In the Tagalog provinces, where the percentage of literacy was highest, LeRoy estimated that the number able to read was sometimes greater than 70 per cent of the population over ten years of age, and that in some towns more than half the people could both read and write, "after a fashion."

On the other hand, the same observer cautioned: "Ability to read means very little in a society where the people have had nothing to read worthy of being called a 'literature.' The number of Filipinos who have in the past obtained an insight into the doings of the great world outside, through ability to read Spanish and access to even the poorest of Spanish sources of information, has been beyond doubt less than ten per cent of the total Christian population.[2] The census of 1918 estimated that 49.2 per cent of the population ten years of age or over were literate, in the sense that they could read some language, an increase of 5 per cent over 1903.[3] In 1938 literacy was estimated at 48.8 per cent of the population ten years of age or over, the basis being the ability to read *and write* in any language or dialect.[4] How widely cultural conditions vary within the Philippines is shown by the provincial figures on literacy. In the City of Manila 80.7 per cent of

* *The notes of this chapter begin on p. 937. Subject matter notes are indicated by an asterisk.*

the people were reported as literate and in seven provinces the literates constituted more than 60 per cent of the population. On the other hand, ten provinces were less than 40 per cent literate, and two of them (Sulu and Cotabato) were under 20 per cent.[5*]

While census estimates of "literacy" are more or less objective, an evaluation of the uses made of the ability to read is to a considerable extent subjective. There are, however, a number of definite facts about the reading habits of a people which can be ascertained and which afford an index to the place which the printed word holds in their scheme of life. Some of these facts, too, indicate trends which throw light upon the rate and direction of their cultural development, including its political phase: for example, a knowledge of the literature (in the sense of reading matter) which is a part of a people's heritage and which is being currently produced; the number and character of libraries available; and the extent to which the people actually read.

Philippine literature of the pre-American days was dismissed with scant consideration by those who formulated the educational policies which were inaugurated after 1900. It was felt that the Philippines had not produced a body of writings which would serve either to acquaint its people with world movements and thought or to bring to them a rich native culture. The English language was to bear to the Filipinos the intellectual treasures of other lands and to become the vehicle for Filipino contributions to literature, science and the arts. Some idea of the capacity of the Filipinos for appreciating these treasures and adding to them, whether in their native tongues or in a foreign language, may be gained by the study of their pre-American intellectual output. A recent history of Philippine literature by Teofilo del Castillo y Tuazon is a pioneering study which not only synthesizes the work of earlier scholars, but also provides valuable new information on this subject,[6] and covers a wider range than Alip's study of Tagalog literature.[7]

Castillo divides the history of Filipino literature into five periods. The first extends from the earliest times to the coming of the Spaniards. "It was characterized," declares the author, "by the creation of epics, riddles, proverbs, legends, and lyrics. The various crafts and trades of the people were made vivid and drama-

tized; and their ideals and aspirations were given utterance. The rich beauties of nature also found expression. It was a remarkable period because the literature sprang from the people themselves.[8] Bark and bamboo manuscripts in several variations of the Indic alphabet and songs and epic legends preserved orally were the vehicles of literary expression in those ancient days. Unfortunately, the written records were largely destroyed by the zealous evangelistic activities of the early Christian missionaries.

The second period of Filipino literature, the "Era of Imitation and Decadence," 1565 to 1820, Castillo pictures as having been made dull and stagnant by the domination of Spain. Creative writing was replaced by imitation. The native literary output became "ludicrous, empty, insignificant." Castillo found no evidence that the literary treasures of the Spanish renaissance were introduced into the Philippines during this period. Instead the *fabulas* and legends of the fourteenth, fifteenth and sixteenth centuries, and cheap and picaresque writings in various forms were imported in garbled form via Mexico. The missionaries, "reading contemporary Spanish and native literature with one eye toward heaven and the other toward hell," were chiefly concerned with writing and printing religious works.

The governmental separation of the Philippines from Mexico in 1820 inaugurated a renaissance period in Filipino literature which continued until the beginning of the end of Spanish rule in 1895. The liberalization of government, the introduction of newspapers, increasing contact with Spain through the Suez Canal, the rise of a Filipino bourgeoisie whose children studied in Europe, and the development of secondary schools such as the *Ateneo de Manila:* all these things brought the Filipinos into closer contact with the growth of liberalism abroad and gave impetus to Philippine literature and art.

To Castillo's picture of this period should be added the observation that while the causes which are mentioned stimulated the Filipinos to literary activity, free native self-expression in literary or any other form was suppressed in the Islands with steadily increasing rigidity. Rizal's novels were produced abroad,[9] and were smuggled into the Philippines.

During Castillo's period of transition, from 1895 to 1908, the

pen became first the ally of the sword and then the substitute for it in the Filipino struggle for freedom. The drama, poetry, the essay and polemical articles in the vernacular press gave the Filipinos an outlet not only for their urge to write, but for the burning nationalism which had met defeat in arms. Attempts at censorship only quickened the wits of the patriots of the pen, and added the spice of danger to their literary campaign for political freedom. A classic example of this "turbulent and incendiary" literature was the famous editorial "Birds of Prey" which in marvelous allegory lampooned Commissioner Dean C. Worcester in "El Renacimiento." Convicted of criminal libel, the editors and owners of this organ of nationalism were sentenced to prison and assessed heavy damages. These penalties were finally confirmed by the Supreme Court of the United States, but before they were executed the offenders were saved from imprisonment by an American administration which apparently regarded their violation of the law as a pardonable, if not a justified, political activity. The incident, of course, made the writer and publishers of the editorial national heroes and "El Renacimiento" a national institution. It is perhaps true, as has been stated by Americans, that the native press of this period was unreasonable and insincere in attitude, dishonest, savage and unrestrained in its attacks upon everything American, and callously disregardful of the welfare of its own country.[10] Yet in those bitter days the Filipino journalists, writing in Spanish and the native languages, did express the natural feelings of a conquered race and its will to achieve nationality and independence. Their writing reflected vividly and in characteristic form the spirit of the Filipino people during a period of crisis.

Since about 1908 literary production has reflected the predominant characteristics of Philippine life during a period in which, Filipino bitterness and American suppression having waned, the country has been adjusting itself to the new world which it entered under American tutelage in 1899. As during the two preceding periods, the best writing has been done in the field nearest the Filipino's heart, that of government and politics in relation to national independence. Daily newspapers and other periodicals have been the chief media of publication and during the past fifteen or twenty years have had a remarkable development.

Of purely literary forms, the short story is the one in which English has been the most successfully used and commands the widest audience. Beginning with halting attempts at composition in English, some of the Filipino short story writers (and almost every literary figure in the Philippines today has tried his hand at this art) are now producing tales of real literary merit, some of which are good enough to win places in the annually published American short story collections. In the Philippines, as elsewhere, it is easier to find a market for "wood-pulp" writing than for work of literary excellence. By the discriminating encouragement of young authors and the publication of short stories of first-rate quality over a long period of years, Mr. A. V. H. Hartendorp, the editor and publisher of *The Philippine Magazine*, has performed a unique service to Philippine letters.

Poetry of steadily rising quality in English, Spanish and the native languages is also being written in considerable volume. The novel was dead in the Philippines from Rizal's day until about 1930. Although recent productions in this form are not of high literary quality, they are important because they express Filipino views of life and may be the forerunners of something better. Literary production in the educational and scholarly field has steadily increased in volume and improved in quality during recent years, most of it being in English. In short, in literature as in every other phase of life, the Philippines has been gradually finding itself. The country has been learning how to apply the new tools, techniques and attitudes which came in with the Americans, and is making something distinctively Filipino out of the Malayan, Spanish, American and other materials which time has deposited upon its shores.

The transitional nature of the period through which Philippine literature is now passing, as well as the furious literary activity which has followed the preceding years of repression, Spanish and American, is illustrated by the flowering of the *corrido* and the *awit*, romantic poems in metrical form, which has occurred since about 1905. An American collector of these poems in the native languages has written:

> I found myself by preference a collector of publications that represented the delayed flowering of the suppressed culture of the

late Spanish period. It cannot for a moment be supposed that the enormous output of popular metrical romances of medieval cast, and of dramas in the same mold, that characterized the lifting of the Spanish literary censorship, was in any way a response to American influence. Rather, there was the accumulation of a long period of repression to come to light. Just as in a forest the death of old dominant trees enables others that have long awaited their day, barely hanging onto existence in the suppressed and shaded lower level, to spring into rapid growth and come to fruition, so the raising of the censorship brought forth literature that had circulated in manuscript. There appeared new editions of old favorites and also the works of a generation of writers who had awaited the opportunity to express themselves, but could do so only according to the old literary tradition. Almost all of the American period was therefore characterized by an exuberant output of old-fashioned poetry for which the older generation was hungry, but which was beginning to be outmoded even before it appeared. The more sophisticated younger generation despised it.[11]

Filipino literature reflects the personality and history of the Filipino people. It reveals native talent and creative impulse of a high order; shows the effects of suppression and frustration; is colored by romantic emotionalism. It is at its best, perhaps, in the political field, where the Filipinos have successfully employed literature as a sword with which to fight their way to national independence. Yet, although Philippine literature of native production, especially the poetry, is of higher quality than is generally realized by foreigners, it fails to bring to the Filipinos that vast stock of knowledge and beauty which is the common possession of the modern civilized world. Furthermore, most of the native literature which has come down from the past does not interest the Filipinos of today sufficiently to cause it to be widely read even by those who are literate. Reading in the native literature is very largely of currently or recently produced writing.

In the problems of Philippine languages and literacy the consumption of literature is, perhaps, as important a factor as is its production. Among the masses of the people the consumption is slight. Fifteen or twenty years ago one might have said with reasonable accuracy that as there was little truly national literature, so also was there virtually no national reading public in the Islands. Filipinos do not read to any extent in the public places where

reading is the order of the day in many other countries. In Japan, for example, the street cars, trains, railway stations and boats are often filled with men and women engrossed in newspapers, magazines or books. No contrast between the two peoples is more striking to the visitor than this one.[12*]

During the past two decades the proportion of the population who are regular readers has steadily increased. Moreover, if among the readers are included those people who read not for pleasure or self-improvement, but rather occasionally for some particular purpose, the estimated proportion would have to be radically increased. No statistics are available, but it would not be far off the mark to say that virtually all the Filipinos who are technically literate frequently use their ability to read in ways that have a practical connection with their lives. Perhaps it is in perusing some government document which concerns them, or an official notice affixed to a public bulletin board. It may be in connection with a business transaction. Often it is a *novena*, a *passion*, or some religious tract which arouses their interest. In recent years it is apt to be the propaganda literature of some popular movement or political party. In short, habitual reading is rapidly increasing in the Philippines, although still confined to a small proportion of the population, and reading is frequently used as a tool by a large majority of the people.

Inasmuch as there probably are few habitual readers who are not included among the subscribers or regular purchasers of newspapers and other periodicals, the circulation of publications entered as second-class mail matter gives as good an indication as can be obtained of the extent of regular reading in the Islands. Certainly the changes occurring in circulation from year to year are a fairly accurate gauge of the trends in this matter. In 1921 the Wood-Forbes Mission reported the number of daily newspapers published as forty-five, with a total circulation of 131,400; and the weekly and other publications as sixty-nine, with a total circulation of 195,700.[13] In 1937 the number of dailies had decreased to twenty-eight and their total circulation had increased to 231,050; while the weekly and other journals and magazines had increased to 272 in number and 1,247,058 in circulation.[14]

These figures show that during sixteen years the daily news-

paper circulation had increased by nearly 84 per cent, while the circulation of other periodicals had risen by more than 500 per cent. Even allowing for the growth in population which occurred during this period, this increase in the circulation of newspapers and magazines shows a very encouraging extension of the reading public. Just how many different people are represented by the total circulation of nearly a million and a half it is impossible to say. Undoubtedly there are many individuals who receive more than one of the publications listed by the Bureau of Posts. On the other hand, the newspapers in the Philippines estimate that each subscription represents approximately five readers. Whatever the number of regular readers may be, it clearly is a considerable and increasing proportion of the Filipino people.

Analysis of the circulation of Philippine publications in 1937 reveals many facts about the reading habits of the Filipinos, their literary productivity, and the use of the several languages of the country. A few of these facts are presented, as follows:

LANGUAGE, CIRCULATION AND NUMBER OF PUBLICATIONS

Out of the total circulation of 1,478,108, 722,358, or nearly one-half, is of 133 English language publications.

358,490, or about one-fourth of the circulation, is of forty-seven publications appearing in a single native language.

81,741, or one-eighteenth, is of twenty-three Spanish language publications.

There are thirty-three English-Spanish publications with a combined circulation of 105,991.

269,955, or somewhat less than one-fifth of the total circulation, is of fifty-six multi-lingual publications using one or more native languages.

There are twenty-one tri-lingual publications with 99,459 subscribers using English, Spanish and native language.

There are 103 publications with a total circulation of 628,545 which appear wholly or partially in one or more native languages.

Of the daily newspapers, there are eight published in English with a total circulation of 85,343; nine in Spanish, with a circulation of 62,497; two in Tagalog, with a circulation of 46,983; five in Chinese, with a circulation of 32,137; two in Japanese, with a

circulation of 2,290; and two in English and Spanish, with a combined circulation of 1800.

Two papers are published in four languages: *The Commonwealth*, a weekly with a circulation of 800, at Aparri, in English, Spanish, Ilocano and Ibanag; and *La Antorcha*, thrice a week, with a circulation of 634, at Zamboanga, in Spanish, English, Visayan, and Chavacaño.

PLACE OF PUBLICATION

In only forty-three of the approximately one thousand cities and municipalities in the Philippines are there published newspapers or other periodicals entered as second-class mail matter.

Nearly two-thirds of the total number of publications, having six-sevenths of the total circulation, are published in Manila.

Seventeen of the twenty-eight daily newspapers are published in Manila. They have 196,499 of the total daily circulation of 231,050.

PERIOD OF PUBLICATION

There are 141 monthlies with a total circulation of 409,791; sixty weeklies with a circulation of 400,022; and twelve bimonthlies with a total circulation of 275,777.

The interpretation of the data relating to publications in the Philippines should be made with great caution. The statistics would seem, however, to justify a number of general statements. They reveal the existence of a substantial and increasing number of habitual readers. English is the language most widely read in this group. The native languages have demonstrated their vitality by running a respectable second to English, despite the fact that for nearly forty years the great educational system of the country has fostered only the foreign tongue and excluded the vernacular from the schools. The reading of Spanish has declined in comparison with that of either English or the native languages and is now a poor third to the other two; however, the importance of the Spanish language press is greater than its bulk would indicate. The strength of the native language press substantiates the contention of the school authorities that virtually all children who learn to read in English automatically obtain a reading knowledge of

their own dialects. Manila is overwhelmingly the publication center of the Philippines; but it must be remembered that a large proportion of Manila publications have a national circulation. The leading Manila dailies have about three regular subscribers in the provinces for every four in the capital, and these readers are found in every part of the Islands.[15] The data as a whole give a picture of an astonishingly multilingual country.

Most important of all, the statistics regarding publications confirm the conclusion which other evidence makes inevitable: that habitual reading is confined almost entirely to the upper and middle classes. This means that modern education has not closed the tremendous gap between the classes and the masses, although it doubtless has narrowed it. Furthermore, the steady growth of a reading public is a strong indication that a middle class is developing more rapidly than has been generally realized. If the number of readers is only twice as great as the total circulation of nearly one and a half million, they constitute almost twenty per cent of the total population.

For obvious reasons data concerning the amount of book reading done in the Philippines are more difficult to secure than information regarding the reading of periodicals. No one, however, will contest the statement that only a minute proportion of the population are habitual readers of books. Common knowledge of this condition is supported by the facts that very few Filipinos own books and that in the entire Archipelago with its thousand municipalities there probably are not more than seventy-five public libraries. There are fewer than that, if the term "public library" is at all strictly construed.

Of the individual ownership of books, Walter Robb, Editor of the *Journal of the American Chamber of Commerce* and dean of the American newspaper men in Manila, wrote in 1934:

> The first thing you notice about books in the Philippines is the dearth of them in Manila's pretentious homes. You are shown through a handsome house; you look in vain for books in it: there is no library, there are no books in the living room and no bedroom boasts even a small shelf of books.[16]

With very few exceptions this statement is accurate for all Filipino homes. Children entering the schools at the age of seven or

eight years scarcely know what books are and have to be taught how to handle and use them.

Yet the number of Filipinos who buy books, and therefore certainly own and probably read them, is steadily increasing. Mr. Verne E. Miller, President and General Manager of the Philippine Education Company, Inc., one of the largest book stores in the Far East and the only large organization in the Philippines that carries a comprehensive general line of books in English as well as books in the local and other languages, recently made an interesting statement regarding current book trends in the Islands:

> There has been a notable increase in the demand for books among Filipinos [Mr. Miller declared]. There was a time when a $2.50 or $2.00 fiction book was looked upon as a luxury to be found only in the homes of the wealthy. Today a sale of a $2.50 new novel to a person of moderate means is not a rare occurrence.
>
> Non-fiction books compared with fiction books are even more popular in the Philippines in spite of the fact that they are generally priced higher than fiction. There are steady calls for books on philosophy, economics, biography, sociology, psychology, political and international affairs, technical and vocational books. The people are very fond of dramatic shows but the sales of plays amount to practically nothing. There is also no appreciable demand for new poetical works although standard poets listed in books on literature are more popular.
>
> An approximation of all book sales shows that sixty per cent of these go to Filipinos, thirty per cent to Americans and ten per cent to Europeans. However, the majority of recently published books are purchased by Americans whereas the Filipinos buy more reprint editions than the Americans and Europeans.
>
> Among the Juveniles, the Americans of the Philippines are quite likely to choose books of recent copyright, while the Filipinos almost invariably buy for their children classics or semi-classics. This may be due in part to the fact that reprints are cheaper, but on questioning parents, they seem to want books that they have read or books by authors that they have known. Probably ninety per cent of our sales of Juveniles to Filipinos are of books with copyrights at least ten years old.[17] *

Prior to 1900 there were in the Philippines no public libraries, in the American sense, although the great religious orders possessed large and valuable collections of books and documents. Even today

the only "public libraries" in the entire Archipelago are the National Library, its score or so of branches in Manila and as many more in the provincial capitals, and a few traveling libraries with which it is connected. The National Library is an administrative unit of the Department of Public Instruction. In addition to maintaining very limited reading room and loan facilities, the institution administers the Philippine Copyright Office and the Archives of the government, and conducts the registration office for all priests and ministers of the gospel who are authorized to solemnize marriages. Until recently the library administered the bill drafting and legislative reference service of the legislature.

The most successful and distinctive work of the National Library is in acquiring a national collection of Filipiniana and in editing and publishing the major documents of Philippine history. The Legislature has made substantial appropriations for this purpose and a really great collection of historical material is being made. Under the editorship of the late Director Teodoro M. Kalaw, an able and industrious scholar, the Library began the publication of an historical series entitled *Documentos de la Biblioteca Nacional.*[18] The late Dr. James A. Robertson, Director from 1910 to 1916, distinguished Hispanic-American historian, organized the National Library along modern lines and laid the foundations for its matchless collection of Filipiniana. The Filipino directors have all been national literary figures, and two of them, Dr. Trinidad H. Pardo de Tavera and Hon. Teodoro M. Kalaw, were also political leaders.

Fifteen years ago the National Library contained more than 300,000 books, but through use and lack of replacement this collection has been reduced to about 200,000. There have been numerous years in which no appropriation has been made for the purchase of new books, and while the National Assembly has been more far sighted in this matter than the former legislature was, its grants for this purpose have been trivial compared with the necessities of a modern national library. The National Library's working collection of books for public circulation would be regarded in the United States as being inadequate for a city of 50,000 inhabitants.

The two other important libraries in the Philippines, aside

from the collections of church institutions, are those of the University of the Philippines and the Bureau of Science. The University Library, containing about 100,000 volumes, is growing, but is inadequate for a university of the size and purpose of this institution. The Bureau of Science Library contains the greatest collection of scientific books in the Far East. It owes its existence to the far-sighted zeal of Secretary Dean C. Worcester, Dr. Paul C. Freer and the other American scientists who made the Bureau one of the Orient's foremost scientific institutions; and to Miss Mary Polk, its librarian from 1903 to 1924. The manner in which this famous library is maintained (whether as an independent institution or a collection within the National Library) now that its control has passed entirely into Filipino hands will count heavily in the judgment of the world as to the stature which the Filipino may be expected to attain in the field of science. None of the private colleges or universities possesses a modern library that is adequate for a first-rate institution of higher learning. The cost would be too great for the present resources of these institutions.

More important than any other libraries in the development of the reading of books in the Philippines are those of the public school system. About half of the primary, nearly all of the intermediate, and all of the secondary schools had libraries in 1939. The number and variety of books leave much to be desired and in only a few schools are the reading room facilities and the management of the library collection adequate. One unfortunate result of the rapid school expansion of the past five years has been a decrease of the number of library books per pupil. Systematic instruction in the use of a library is given during the first high school year. Most of the school libraries are used to capacity and it is to be expected that many of the four or five per cent of the school children who remain in school long enough to reach the high schools will be library-minded and in later life increase the extent of the book reading public.[19]

Another factor in the increasing use of good books in the Philippines is the development of the librarian's profession in the Islands. During the past quarter century, young men have been trained in the best American schools of library science, and the University of the Philippines now has a first-rate department of

library science which is swelling the ranks of trained librarians and elevating the profession in the Philippines. In 1923, under leadership of Dr. Pardo de Tavera the Philippine Library Association was founded. This organization has a membership of about two hundred. Among its services are the formulation and popularizing of sound national library policies and the establishment of a National Book Week in the Philippines.

There is, of course, a close relationship between the development of language and literature and of the other arts in the modern Philippines. In Philippine architecture, sculpture, painting, music and drama are reflected the diverse elements in the culture of the country. The most distinctive buildings in Manila are of the Spanish colonial type. Some of them are architectural gems. The new Bureau of Posts and Legislative Buildings, the work of Juan M. Arellano, are in the classical style. The former structure has received the praise of some of the world's great architects. Business buildings in the medium of reënforced concrete vary from "mediocre to poor, even sordid" [20] American types to the modernistic structures which have been erected during the past few years. Creative work in adapting the native architectural motifs to the uses of modern public buildings was done by Arellano when he was the consulting architect of the Bureau of Public Works. There is a fruitful field in the development of a distinctive Philippine architecture by the use of this interesting native material and of the Spanish colonial style, which may be regarded as a part of the country's artistic heritage. Although the work of Spanish ecclesiastical architects, many of the older churches were given a distinctive character by Filipino collaborators in decoration, sculpture and wrought iron work. Modern sculptors, such as Guillermo Tolentino and Juan Nakpil, are beautifying Manila with examples of their art.

The works of the older Filipino painters, such as Rocha, Malantic, Luna and Hidalgo,[21] reveal the capacity of the race for self-expression in this form of art. Among present-day artists Fernando Amorsolo and Juan M. Arellano have achieved technical excellence and transferred to their canvases the spirit of certain phases of Philippine life. Possibly younger artists, such as Eduardo Salgado, who is working and exhibiting in the United States in

1941, may develop a more distinctively Filipino school of painting.

During the past two decades there has been a remarkable growth in the production and appreciation of good music in the Philippines. Since 1932 the Manila Symphony Society, an offshoot of the *Asociacion Musical de Filipinas*, has developed a symphony orchestra which gives annually a series of three regular and three popular concerts which would be creditable in any country. Capacity houses of sixteen hundred are the rule. A decade ago an audience of one hundred or so was all that could be drummed together. The cosmopolitan character of the Philippine capital is reflected in the personalities who have been at the center of the Manila Symphony Society: Mrs. Benito F. Legarda, a member of a distinguished Philippine family, its president since 1932; Mr. A. V. H. Hartendorp, the American editor of *The Philippine Magazine*, the secretary of the organization; and the late Dr. Alexander Lippay, a gifted and zealous German musician who, as director, built up the orchestra. Paralleling the establishment of the Manila Symphony Orchestra has been an increase in the presentation of good music in other forms.

As a people, the Filipinos have a genuine love of the beautiful. They are gifted with native artistic talent and creative imagination. Whether they are also endowed with the other qualities requisite for the production of great artists can be told only as their national character develops through the years to come.

When one seeks to use the facts concerning the publications and reading to discover the best solution to the language problem, the answers can only be tentative. Those who advocate the permanent retention of English as the medium of instruction in the schools point to the progress that has been made in the diffusion of this tongue among the masses and in its successful use by the classes. They interpret the growth of the native language press as a result of the established educational process, relying chiefly upon the generally accepted conclusion that literacy in English carries with it literacy in the native tongue. Their view is that the progress which is being made towards the goal of universal literacy in a common tongue, English, need only be continued through the improvement and extension of the public school system. The result, they believe, would be literacy in both English

and the Philippine languages and a richer culture than would be attainable if the latter alone are available to the masses of the people.

The Filipinos who believe that the national language based upon Tagalog as developed by the Institute of National Language should become the language of instruction, with English taught in all grades beyond the fourth, support their position with cogent arguments. First, they point to the undeniable fact that in forty years English has made relatively little progress towards becoming in any real or vital sense the common language of the masses. Few of the common people outside Manila and a number of the most advanced provinces use it from choice. When circumstances compel them to speak it, most of the barrio folk who compose the provincial masses do so without confidence, clarity or precision; when they listen to it, they hear it without complete comprehension. To the majority of them, those who have received only four years of schooling or less, it is a half forgotten foreign tongue of which they never had any real command.

Convincing evidence of the truth of this position is the fact that in most parts of the Philippines few political campaign orators will speak in English if they are fluent in the vernacular. President Quezon himself has lamented:

> When I travel through the provinces and talk to my people, I need an interpreter. Did you ever hear of anything more humiliating, more horrible than that? I am all right when I go to the Tagalog provinces, because I can speak to the people there in the vernacular, in Tagalog. But if I go to Ilocos Sur, I am already a stranger in my own country, I, the President of the Philippines! . . . How can I tell the people what I think and feel when in order to do so I need an interpreter who, in the majority of cases, says what he wants to say and not what I have said.[22]

Furthermore, little of the campaign literature distributed in vast quantities among the masses is written in English. The Sakdal magazine and the other propaganda literature of this party was printed either in Tagalog or in Tagalog and English. Investigation showed that the Sakdal Tagalog literature was actually read by large numbers of people who were incapable of either reading English or speaking it intelligently. Where the public health work

touches the common people, it has to be carried on in their own tongue. The experimental project to increase the use of home gardens in the provinces could not have been successfully carried out through the use of English. These examples might be multiplied indefinitely.

In the second place, the advocates of primary instruction in modified Tagalog declare that the perpetuation of the present system would accentuate the gap between the masses and the minority of the people who already exercise most of the economic and political power in the country. This, they believe, would tend to prevent the development of genuine democracy. This point of view has never been better expressed than by Dr. N. M. Saleeby, the physician-scholar-humanitarian who was one of the finest figures of the American period in the Philippines. Dr. Saleeby's remarkable knowledge of linguistics, his early experience in the Philippine public schools, and his direct contact with the language problems caused by the domination of the foreigner in Syria and Egypt contributed to the authority of his words on this subject. Writing in 1924 on "The Language of Education in the Philippines," he declared:

> The chief argument put forth in defense of the present policy is the better fitness of English to foster democratic ideals and to help the cultural development of the Filipinos along American lines of self-government. This argument is obviously fallacious. No language that fails to touch the masses is fit for a democratic organization. The public cannot be served adequately by a language they cannot understand or use. The people cannot be well informed or reformed through a foreign tongue. The interest and welfare of the community require the publication, development and distribution of competent literature in its own dialect. The Filipino home cannot be regenerated except through its mother tongue. The Catholic missionaries taught the catechism in the vernacular speech, and the Protestant missionaries translated the Bible into the native dialect and both met with real success. The Mohammedan missionaries and panditas insisted on reciting the Quran in Arabic, and the Quran has never touched the Moros' heart. The lay Moros can neither read nor understand Arabic, and consequently they can neither worship nor pray. The panditas assemble once every Friday and pray for the whole people.
>
> . . . No greater benefit can be bestowed on the present generation of Filipinos than the knowledge of the English language. It is

not right, however, to limit all instruction to English. English will never be heard from the lips of provincial farmers and barrio laborers. It will never be the current language of the common people throughout the provinces. Some other possible medium has got to be found. Such medium must be a native dialect and cannot be anything else.

The ideals of democracy and the principles of self-government can be taught by every human tongue. They can be expressed in the Igorot dialect and they can be fostered by Chinese monosyllables. They can even be practised and developed without grammar, rhetoric or correct spelling. But the farmers of Nueva Ecija and the fishermen of Laguna de Bay can neither confer in English, nor use a foreign tongue in the barrio markets. The life, the industry, the business, the welfare and development of the people, demand the use of their vernacular tongue, with every facility that the government can add to it.

To ignore these facts, and to insist on English as the sole basis of public instruction defeats the very purpose for which the present system has been inaugurated and patronized. To give 10% of the school population an intensive English secondary and university education and to fail to give the majority of the children of school age, and the lay people an adequate knowledge of English or a satisfactory education, is both un-democratic and unjust. It at once creates a dividing line between these two well defined camps of citizens, placing in bold relief a high-browed English-speaking "ilustrados" class. Elementary education should be placed within reach of all elements of the community. It should be evenly distributed and should be made easily accessible. Accessibility is annulled by the use of a foreign tongue.[28]

The third argument for making the proposed national language the medium of instruction is that Filipino children will achieve a better intellectual development if their primary schooling is in a native tongue. True, the vast majority who do not progress beyond the fourth grade will know no English; but the little English that they now acquire is of small use to them and will be of still less importance when they have a really good command of a native tongue which is a common, national, official language. As for those who pass through the elementary and secondary schools, their English will be as good as it is now. Perhaps it will be better, for their capacity for learning will be greater after a primary schooling in the language of their homes (or one closely akin to it), and they will be instructed by much better qualified teachers of English than can ever be put in the thousands

of primary classrooms. Thus most of the benefits flowing from the present system of teaching English will be retained and its disadvantages eliminated.

The apparent impossibility of displacing English as the primary language of instruction in the public schools as long as the United States was sovereign in the Philippines reduced efforts to achieve this purpose to a minimum during most of the American period prior to 1935. In 1931, however, Vice Governor George C. Butte precipitated a profuse discussion of the language problem by publicly advocating that "all instruction in each of the elementary schools in the Philippines should be given in that one of the nine native languages which is appropriate to the locality as soon as the necessary textbooks can be provided and qualified teachers obtained." [24] Dr. Butte, who was a German-trained scholar and an able lawyer and administrator, based his conclusion upon extensive study of the general as well as the immediate aspects of the problem.

The Monroe Survey had defined a "common language," Governor Butte recalled, as

> a language for common intercourse in business, professional, intellectual, political, and cultural affairs. This language will be a medium of communication between all the educated members of the dialect groups, a source from which to draw the culture materials of a common world civilization and a means of communication with the world at large.

That, declared Dr. Butte, "is not my notion of a common language at all. It is in the typical Philippine *home* that we must look for the best manifestations of typical Philippine character, not in banks, or courts, or legislative halls or professors' lecture rooms. Therefore, having regard for the preservation of the national personality and to the expression of the national spirit, my notion of a common language is *the language of the home.*" [25] Continuing, the Vice Governor sought to show (1) that a common language was not absolutely necessary to either nationalism or democracy in the Philippines; (2) that while in theory a common language might be desirable the results obtained from the effort to make English the common language of "all the people of the Islands" raised a doubt as to whether any common language, as

he had defined it, would be worth the effort and cost necessary to obtain it; (3) that it would not be "reasonably possible" to establish even a native tongue as a common home language in the Philippines; and (4) that the "controllable factors" which determine language should be dealt with, "in the hope that after some generations the nine principal languages of the Islands will absorb their variant dialects and will themselves tend toward greater similarity, so that they may be mutually intelligible to a greater degree than they are now."

Open advocacy of abandoning English as the language of instruction in the primary grades of the public schools was a courageous course for an American Vice Governor and Secretary of Public Instruction to take. Such an action was widely regarded as implying that the American-directed educational effort in the Philippines, the part of its activities in the Islands which the United States viewed with the greatest satisfaction, had been largely misguided. The emotions which inevitably becloud any issue involving nationalism and independence, and which so often make rational discussion impossible in a colonial country, were at once aroused by this apostasy to an educational policy which had become a political dogma, one to be attacked or defended upon the basis of one's feelings regarding the relations between the Philippines and the United States. The *Tribune*, for example, promptly observed that Dr. Butte had placed himself "on that side of the political fence where the rabid nationalists in the legislature have for long been clamoring for that reform." [26] Although the weight of Filipino opinion favored the abandonment of English to the extent suggested, there was enough dissension concerning what dialect, or dialects, should be substituted for it to cause the *Philippines Herald* to exclaim editorially, "If we continue to quarrel on the dialects, God help us." [27]

Although the Tydings-McDuffie Act required that the public schools of the Commonwealth should be "primarily conducted in the English language," it contained no provision with reference to the national language, and therefore left the Constitutional Convention complete freedom of action in this matter. During the early months of the Convention many precepts concerning the national language were introduced and the subject was frequently

discussed during the daily one-half hour of parliamentary privilege. The diversity of opinion in the Convention is shown by the seven propositions which appeared in the precepts presented, as follows:

1) That English should be made the official language;
2) That English and Spanish should be made the official languages;
3) That Tagalog should be made the official language;
4) That there should be established a national language academy, the main work of which would be the study and recommendation of a national language;
5) That the national language should be Tagalog;
6) That the national language should be a vernacular selected at a referendum; and
7) That there should be developed a national language based on the Tagalog dialect.[28] *

In public hearings, committee reports, and debates in the Convention itself all of these proposals, and others were advanced and attacked. The arguments of the past three decades with reference to the official language or languages and the national language or languages were heard again. One of the delegates later recorded, "As the days went on, it gradually became apparent that the language question was bound to be one of the hardest questions to solve in the Convention." [29] Eventually, however, it became evident that through the democratic process of free debate and reasonable compromise a consensus of opinion could be reached upon two propositions: that the national language should be a native and not a foreign tongue; and that the situation as to the official language should be allowed to stand as it was until otherwise determined by law—that is with English and Spanish as official languages. The Convention, however, could not reach an agreement as to the form that the native national language should take, or which, if any, native languages should be made official. The language provision finally adopted reflected this situation. It is as follows:

The National Assembly shall take steps toward the development and adoption of a common national language based on one of the

existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.[30]

The crucial vote in the debate leading up to the adoption of this provision was on an amendment to the first draft of the Constitution presented by Delegate H. Villanueva, a Visayan, providing:

> English, Spanish, and Tagalog shall be the official languages of the people and the government of the Philippines. Tagalog is adopted as one of the official languages in order to strengthen gradually the national spirit and to promote the culture and progress of the nation.

This amendment was defeated, seventy-one to forty-seven, "not because the Convention did not like to adopt English and Spanish as official languages," declares Aruego, "for there was a general acceptance of the same to be such—but because of that part elevating to the rank of an official and therefore a national language the Tagalog dialect." [31]

Immediately after the defeat of the Villanueva amendment, compromise amendments were adopted without debate which were exactly the same as the provision in the Constitution, except that the common national language was to be "based on existing native dialects." In the special committee on style this phrase was revised so that the common national language was to be based upon one of the existing native languages instead of all of them. This amendment was readily approved by the Convention.[32]

The large majority against Delegate Villanueva's proposal to give Tagalog constitutional status as an official language reflected the fear of the Convention that this proposal would not be acceptable in the non-Tagalog portions of the nation, particularly among the masses; and of course many of the delegates themselves were opposed to it. However, it is probable that when the Convention accepted the amendment providing that the national language should be based upon *one* of the existing languages, every member knew that Tagalog would be the language chosen. The National Assembly must have known it, too, when without debate it provided the procedure under which the national language was finally chosen.[33] Yet no member of either the Convention or the Assembly could be charged by his constituents with having

voted for Tagalog. Thus through astute leadership there was found a procedure for settling the difficult language question which was both sound and exceedingly smart politics.

How well the common people in the non-Tagalog areas will cooperate to make effective the decision of their leaders that the nation shall have a national language based on Tagalog remains to be seen. The decision itself, however, was accepted with surprisingly little protest. The general characteristics and record of the Filipino people suggest that if they continue to be well led and to regard their great adventure into nationhood as being a success they will subordinate their local feelings in this matter to their national ambitions, as they have conspicuously done in other affairs during the past five years. Furthermore, if the new language based on Tagalog is made "the thing," the people will clamber onto this bandwagon as they have onto many another.

The record as well as the public statements of President Quezon indicate that his administration will push forward the new language program with every power at its command. The grammar of the national language which the Institute has been preparing is being translated into English for purposes of school instruction, and to take the place of the dictionary a Tagalog-English vocabulary has been prepared for use in the schools. Thus the foreign language of instruction will be used to teach the children what it is hoped will be their common native tongue. Governments as well as nature move in mysterious ways their wonders to perform! For the use of the non-school population of the various linguistic regions, Tagalog vocabularies in ten of the other languages have been written.[84] * For the propagation of the basic language the Institute has sponsored the establishment of "language centers" at strategic places in the country. Lecture series on the Tagalog language and its literature are being conducted.

Concerning the more purely scientific work of the Institute, Director Jaime C. DeVeyra states:

> Although the Institute's avowed duty is to evolve and develop a national language, it is also encouraging research in Philippine linguistics, a subject which does not directly bear upon the problem of national language. This is being done in the interest of linguistic sci-

ence, particularly that branch of Austronesian linguistics which concerns the languages in the Philippines. We are publishing a series of bulletins containing the studies made on the subject. We have, for instance, a comparative study of the Tagalog and Malay lexicons on a phoneticosemantic basis and another of certain affixes in Philippine languages. We have also a study of comparative Philippine phonetics and orthography. It will be seen from these that it is the aim of the Institute to serve not only the country by helping evolve for it an autochthonous national language, but also the wider interests of the world by contributing to the development of the science of language.[85]

Other institutions are also contributing to the study and popularization of the national language. The Commonwealth Government conducts an annual literary contest, with substantial awards for the winners. The University of the Philippines, Santo Tomas University, and other private schools and colleges have introduced courses in Tagalog. In the state university a large and active student organization is stimulating interest in Tagalog philosophy. Already a considerable body of new literature on the Philippine languages, much of it of interest to all students of linguistics, is appearing.

Under the terms of the Tydings-McDuffie Act the schools must be "primarily conducted in the English language" during the period of the Commonwealth. This requirement, however, will not prevent the introduction of courses in the national language into the curriculum and it is planned to provide such instruction as soon as possible. Early in 1940, President Quezon was reported in the press as having announced at a banquet given by the Philippine Writers League that immediately after independence is achieved Tagalog will replace English as the medium of instruction in the elementary grades of the Philippine public schools. "This is essential," he was quoted as saying, "in promoting national solidarity." Spanish and English being necessary in the cultural development of the Filipino people and for their intercourse with the outside world, these languages will continue to be taught in the secondary schools, the President was reported to have declared.[86]

Although so far as has been reported in the press, the President's statement was not based upon any official action taken by the Philippine Government, it seems probable that it is an accu-

rate forecast of a step which will be taken in 1946, or as soon thereafter as preparations for the shift can be made. Whether an idiom based on Tagalog can be made the common national language of the Philippines in the sense defined by Vice Governor Butte is a question concerning which there are differences of opinion. Certainly, however, the chances of such a language being made a universally used second tongue (which apparently is the immediate purpose of the present program) will be much brighter if it is given the place now held by English in the lower grades of the public schools.

As for English, it probably will never again be given such advantages in the Philippines as it has had during the past four decades. Since 1900 instruction in the public schools has been centered about instruction in English. As an American Director of Education once stated, there have been two educational undertakings "that are bigger and more important than all the rest. One of these is to develop in these Islands a literate body politic, and the other is to make English the common language of the people." The first of these undertakings doubtless will remain a major objective of the schools; it is hardly conceivable that the second one will long survive the withdrawal of American sovereignty. The meager financial resources of the Philippines, present and prospective, make such an objective virtually unattainable; and another goal has been set by the Filipino people.

During the past forty years English has been artificially fostered by the authority, the money (made available through a free American market), and the prestige of the sovereign power. The language of the conqueror has been swept along on the tide which his benevolent rule has created. The tide has now turned and is running fast towards the shores of Philippine nationalism. English cannot swim against it. Only by transplanting many thousands of Americans to the Philippines could our speech be transplanted among the Filipino people as a whole. Independence, if it can be maintained, means that the Philippines is "going Filipino," the implications of which most Americans and many Filipinos fail fully to realize.

But although the English language is not likely to flourish as a natural growth in the Philippines there is good reason to

believe that it will continue to be cultivated as an artificial production. Its roots have sunk deeply enough into Philippine soil to give it vitality as an auxiliary tongue and its value as such is universally recognized. It is planned that the small proportion of the children who progress beyond the primary grades, or whatever the point at which instruction in English is begun, shall be taught the language, and assumed that it will be extensively used in the upper ranges of Philippine society.[37] *

Assuming that the effort to make English the common national language of the Philippines has been abandoned and that it will eventually be replaced by modified Tagalog as the language of instruction in the public schools, would it not have been better had the Americans never sought to give their own tongue to the Filipino people as a whole? This question, of course, can never be definitely answered. Thoughtful Filipinos hold sharply differing views upon the subject. We shall never know what the results of an initial decision to make an idiom based upon Tagalog the national native language would have been. Dr. Saleeby declared:

> Had the Philippine government had the happy foresight in 1900 to declare one of the vernaculars a national, common, and official language of the Archipelago, the Gordian Knot [as to which language should be selected] would have been untied. Such action would have been the most fortunate and grandest single accomplishment that the government could have done. . . . Had the American Government, or the former Philippine Commission declared Tagalog as an official language of the Islands before 1907 [the year in which the Philippine Assembly was created as the second chamber of the legislature], the whole nation would have acquiesced in this selection long before now, and the question of a common national dialect would have been solved at the same time.[38]

Against whatever losses may have resulted from the language policy that was actually followed must be balanced the advantages which the Filipinos derive from their widespread knowledge of English. Professor Harley H. Bartlett, a distinguished botanist who is also a profound student of the Malayan languages and peoples, has expressed a view with which many people will agree.

> The attempt to replace the vernaculars by English has not only been unsuccessful [Professor Bartlett has declared] but has probably

proved detrimental to the best educational interests of multitudes of children. It has, however, been justified in that it has given to a sufficiently large proportion of the Filipinos a world language to serve the needs of business, higher education, and international relations, and one which gives them access to the resources of a vast and adequate literature. There is no Philippine language which has as yet the technical vocabulary for treating more than the simplest scientific concepts. However appropriate Tagalog may be for expressing ideas about everyday affairs, it cannot yet serve as a language of higher instruction. It is not merely that essential words are lacking, for of course words may be adopted or created as fast as they are needed. The real difficulty is that the Filipinos are not numerous enough or wealthy enough to produce an adequate scientific and technological literature. Neither are the Poles, or the Danes, or the Irish. Such a literature does not even exist in Spanish, despite the joint population and resources of Spain and Hispanic America. The Filipinos are fortunate indeed to have adopted English as quickly and successfully as they have as an auxiliary tongue.[39] *

In addition to the advantages thus described, it has been the English language and the very struggles necessary to acquire it that have brought to the Filipinos whatever ideas of value they have added to their national culture through their connection with the United States. The original and most effective transmitters of these ideas have been the Americans who have actually lived among the Filipinos as teachers, officials, missionaries and business men. Their individual contributions have, of course, been projected upon a gigantic scale through indoctrinated Filipinos and by the printed word. But it was personal contact between Americans and Filipinos, which for some fifteen years was widespread and close, which gave the transmission of the culture of the alien an impetus and vitality without which America could have made but slight impress upon the Filipino way of life during the brief period of forty years. And only through the medium of English could this personal transmission have been made. The use of English brought the Filipinos to the Americans and their culture; contact in the native languages would very largely have reversed the process.

The Dutch and British who live among the colonial subjects of their respective sovereigns make a point of learning the native languages and employing them in their ordinary contacts with

the natives. Many of them feel, or at any rate in the past have felt, that intercourse with the ordinary native in the tongue of the sovereign state implies a social equality which they are not ready to admit. The fact that the American-Filipino contact has been almost entirely in English is one reason why the culture of the United States has affected the native way of life in the Philippines more widely in four decades than the Dutch or British culture has influenced their respective colonies in as many generations, or longer.

Most Filipinos feel that on the whole their country has gained by the ideas and institutions which they have absorbed from the western Republic. Although the intensive effort, sincerely joined in by the Filipinos, to make English a common national idiom seems destined to fail, in the long run the national culture of the Philippines will be more nearly what the Filipinos aspire to have it be because that effort has been made.

Although there are grounds for believing that a speech based upon Tagalog may eventually be made the common national language of the Philippines, the difficulties of the task and the time required for its completion may easily be underestimated. The replacement of English by modified Tagalog as the medium of elementary instruction in the elementary grades of the public schools (which President Quezon has declared will occur immediately after independence has been achieved) [40] would necessitate changes in the entire educational process. In the first place, the new idiom itself would have to be developed and taught to the teachers, a large proportion of whom do not speak Tagalog. Then the curriculum would have to be rewritten, new courses of study planned and made teachable by the preparation and publication of textbooks, supplementary reading and teachers' manuals. The technique of teaching in the new idiom would necessarily be different from that which the teachers have acquired for conducting their classes in English; and it would be different in the Tagalog and the non-Tagalog areas. If the unifying influence exerted by the free transfer of teachers from one language area to another were to be continued, additional teacher-training would be required. The use of the language based on Tagalog as the medium of school administration would present

serious problems for both the administrators and the teachers. One can think of other problems which would arise from a change-over from English to modified Tagalog, and doubtless in practice others which are not anticipated would present themselves.

The proposed educational revolution, in short, would be difficult and costly. It might seriously reduce the efficiency of the school system at a time when the new Philippine Republic could ill afford confusion and dissatisfaction which would affect almost every home in the land. If the political branches of the Philippine Government decide that the national language is to become the medium of instruction in the public schools, the educational authorities should be able to make the required transition without permanently damaging the schools, provided they are given the means and the time which would be required for the great undertaking. The decision, however, would be a serious one and presumably it would be officially made only after the most mature deliberation and after consideration of expert advice as to the expense involved, the time that would be required to prepare for and accomplish the change, and the immediate and permanent effects which the revolution would have upon the schools. There would be few more effective ways of impairing public confidence in an independent Philippine Government than seriously to damage the public school system, even temporarily.

The wise mandate of the Tydings-McDuffie Act that public education in the Commonwealth shall be conducted primarily in English guaranteed a minimum period of ten years during which the problem might be studied and plans devised for any changes which the Filipinos might wish to make in the language of instruction in their schools. A decade is none too long for this purpose. If the change is decided upon, and the fundamental decision as to the national language would seem to make it inevitable, the period of transition from English to the new language would probably last for a number of years. This period would be one of strain upon everyone connected with the schools and would impose a heavy additional burden upon the new Republic at a time when its path will not be easy.

During their long campaign for independence the Filipino

leaders have minimized the effects which the ethnic and linguistic diversity of their people might have upon the survival power of an independent Philippines. That President Quezon realizes that the language problem is one of the most difficult and important which his country faces, however, is shown by the energy with which he is pressing for its solution and by his public utterances. In urging upon the National Assembly the creation of the Institute of National Language for example, the President declared:

> It is needless to elucidate on the proposition that a people constituting one nationality and one state should possess a language spoken and understood by all. It constitutes one of the strongest ties that bind the people and foster the unity of national ideals, aspirations and sentiments. In the past, when the Philippines was under a foreign rule without assurance of soon becoming an independent nation, the very presence of that foreign rule was strong enough to weld our people together and maintain our national solidarity. But since the inauguration of the Commonwealth, this unifying force has been weakening and will disappear altogether once we are independent. It is, therefore, advisable to strengthen the true ties of national solidarity, and in my opinion a common language based on one of the native dialects and used by all our people is one of these bonds. It will take time, perhaps a very long time, but by painstaking and thorough study, ways and methods can be found for developing a national language based on one of the native dialects.[41]

While the Filipinos have determined to make modified Tagalog their common national tongue and are considering whether it shall supplant English as the medium of instruction in their public schools, the Spanish language of its own force remains as one of the vital elements in the life of the nation. It is still widely used in the government. To a large proportion of the educated Filipinos of, say, fifty-five years of age, Spanish is a more natural second language than English, and many of the older Filipinos of position and influence speak it well and English hardly at all. This is particularly true of the women of the older generation. Spanish is, indeed, much more of a home language than is English.

Furthermore, Spanish remains to a considerable degree the formal language of Society. Invitations, programs, announcements of births, marriages and deaths are more often than not couched in the idiom of Castile and the old Spanish forms. In the lower

ranges of the social scale, too, Spanish of a sort is spoken by many of the elders who know not the tongue which entered with the Americans. Until recently the Chinese, East Indian, Japanese, and other Oriental merchants who conduct a retail trade with the masses have relied upon Spanish to a greater degree than English to carry on their business.

Much of the best Filipino literature has been written in Spanish, and few, if any, of the younger writers have expressed themselves as completely and as well in English as the best of the older ones, especially the poets, did in *Castellano*. During the past fifteen years the circulation of the Spanish press has slowly increased. There is a vigorous Spanish colony in the Philippines and many of its members are regarded as being more closely identified with the country than any Americans. Perhaps a quarter of a million Filipinos have a large admixture of Spanish blood and among this group are to be found a considerable proportion of the leaders in every phase of Philippine life. In many respects the Filipino is temperamentally nearer to the Spaniard than to the Anglo-Saxon. There is a growing desire to strengthen the historic bonds between the Philippines and the Spanish-speaking republics of Latin-America. These considerations and others, lead some Filipinos to believe that "once *Filipinas* is free, her language will be Spanish, because the soul of *Filipinas* is essentially Latin." [42]

It seems probable to the author that both Spanish and English will fade (the former much more rapidly than the latter), although they will not disappear, during the next generation or two. They are foreign languages and in an independent Philippines they probably would not be able to hold their own against the native tongues. For forty years Spanish has been gradually losing the advantage which it had in 1900 as the only Western language widely spoken in the Islands. The circulation of the Spanish press tells the story, in part. While it has held its own absolutely, the readers of its English and native language competitors have increased many fold. For years a constantly decreasing number of young people have been learning Spanish. Among the graduates of the University of the Philippines few command the language unless they have studied it as a college subject. The alumni of Santo Tomas make a better showing in this respect, but even

among them a knowledge of Spanish is far from universal. As the Spanish-speaking generation passes from the scene fewer and fewer Filipinos are going to read that language regularly, in the newspapers or anywhere else.

Since the above paragraph was written, the census of 1939 has shown that the use of Spanish has already decreased far more rapidly than the author would have believed possible. Only 417,375 persons were reported to possess the ability to speak Spanish, as compared with 4,264,549 who could speak English.[43]

As for English, as has already been pointed out, in an independent Philippine Republic it probably will eventually lose many of the artificial advantages which it has had during the American regime. English will be affected more slowly than Spanish, however, because most of the Filipinos who in 1946 will be between the ages of fifteen and sixty will have been educated in it and will continue to use it as a second language more readily than Spanish. The writers who have spent their lives in mastering English style will continue to publish in that idiom, and the great English language press, popular, literary and scholarly, will continue to exist. Only when the present generation has passed from the scene will the full effect of new conditions be felt by the two foreign tongues. It is to be hoped, however, that both of these Western languages, in each of which essential contributions have been made to Filipino culture, will remain as a part of the national heritage. There is every likelihood that they will do so, provided that in the uncertain years to come the Philippines is able to maintain its orientation to the Western world. Many Filipinos, however, believe that this will not be possible and a few of them are adding to the linguistic confusion of the country by having their children taught still another foreign language—Japanese.

CHAPTER XXVI *

A MODERN HEALTH AND WELFARE PROGRAM

ON THE isolated little island of Agutaya, about 250 miles south of Manila, an official inspection party in 1926 found a considerable portion of the population seriously ill with dysentery. The children were the especial victims of the epidemic and among them several deaths had occurred. Guided by long experience, the American public health expert with the party went directly to the source of infection. It was a well with an opening about six feet in diameter. The opening had once been securely covered, and the water brought to the surface by a power pump. The pump was gone, however, and the cover had been replaced by a lattice of thick bamboo poles. Barefooted men and women, some of whom had trudged a kilometer or more through backyards and along dirt paths in an area where many houses had no toilet facilities, were walking out on the lattice and lowering their five gallon oil cans through a square opening in its center. The soil around the well was churned into mud, bits of which fell from the feet of every drawer of water. The Evil One himself could hardly have devised a more effective method of producing an epidemic of dysentery.

Investigation revealed a general, and all too typical, indifference to this insanitary situation. The people themselves accepted the open well as a matter of course. The local officials when urged at a meeting in the *tribunal* to state the needs of the isolated community had made no mention of the missing pump, although the municipal president had urgently requested "bullets for the shotting guns of the police." The pump was eventually located at Puerto Princesa, the provisional capital of Palawan, where for

* *The notes of this chapter begin on p. 940. Subject matter notes are indicated by an asterisk.*

months the district health officer and the district engineer had neglected to effect repairs on it that could have been made in a few hours. This bureaucratic indifference to the sick and dying inhabitants of Agutaya was more than matched by that of the elected representative of Palawan in the Philippine House of Representatives, who was a member of the inspection party. The only observation that the political leader made was to the effect that this epidemic didn't amount to much. During the rainy season twice as many residents of Agutaya would have the dysentery!

Age-old habits of living, widespread indifference to insanitary conditions and the human suffering caused by the diseases which spring from them, and fundamental environmental factors give rise to most of the public health problems of the Philippines. In these tropical isles the needs of a bare existence are easily obtained. Cold weather is unknown. A simple shelter will protect man from the elements. A diet of rice and fish will fend off starvation. Life is easy, and it is made pleasant by family affection and the friendly association of neighbors. Under such conditions the incentive to social progress is weak and there is little of the hard, and hardening, struggle for existence which occurs in more rigorous climates. The result is a low standard of living which, in turn, favors the prevalence of diseases which sap the vitality of the individual and reduce his inclination and ability to work. To low living standards may be attributed in large degree the high incidence of tuberculosis, the prevalence of undernourishment due to a faulty diet, especially among children, and the great incidence of infestation with intestinal parasites among the barrio people and the residents of the congested districts of the larger towns.

Another factor which affects many aspects of life in the Philippines, but especially handicaps public health work, is the fatalistic Oriental attitude towards the suffering of others, or even towards one's own misfortunes. How often has every Philippine administrator who deals directly with the people heard from men hard pressed by circumstances the familiar phrase of resignation: "It is my fate!" In a burst of frankness while discussing Governor-General Frank Murphy's program for improving the condition of the depressed people, a Filipino health official of high rank exclaimed, "Why do all of this? It is their fate!" The psychology

of the East, based upon centuries of tradition, differs radically from that of most Western peoples in so far as the relief of distress among the poorer classes is concerned. Like other Orientals, the ordinary Filipino, however generous and warm-hearted he may be as an individual, and however readily he may assume responsibility for even distantly related members of his family, does not naturally feel that it is the duty of the community to relieve the distress of the individual or that the community is at least in part responsible for the social or economic misfortunes of the poor.

Thus, the people of the Philippines are caught in a vicious circle. It begins with a low standard of living and proceeds through widespread disease, physical lassitude and fatalistic resignation, all of which make it difficult to break the circle by substantially raising the standard of living among the masses. The circle must be broken if the Filipinos are to be endowed with the physical health and energy upon which alone can be based a national development comparable with that of Western states or of Japan. In the Philippines, therefore, the problems of public health are more completely bound up with the broader aspects of national development than they are in most Occidental nations. The solution of these problems calls, in an exceptional degree, for the leadership of statesmen as well as the technical competence of experts in public health and social welfare.

During the three and a half centuries of Spanish rule, such leadership was virtually non-existent in the Philippines. The native peoples themselves had no heritage of scientific knowledge of disease and little sense of group responsibility for others beyond the family unit. Even Christianity did not materially modify their fatalistic indifference to suffering or their superstitious feeling that disease was the result of supernatural causes and that it might be avoided or cured by appeals to some supernatural being, Christian or pagan. To this day charlatans of unbelievable crudity find little difficulty in exploiting the ignorance and credulity of the masses by promising miraculous cures for all of the ills to which mankind is heir. Added to this superstitious attitude were deep-seated suspicion and fear of the ministrations of scientific medical men. This attitude as is well known, is common to ignorant people the

world over. It can be radically changed only by a long process of education.

The Spanish administration in the Philippines reflected, under these discouraging conditions, the Peninsular standards of medicine, sanitation and hygiene. So far as concerned the masses of the people, these standards were not high, even in Spain. In the colony the Spaniards established a few military and civil hospitals, mostly operated by the religious orders, whose benevolence far exceeded their scientific knowledge. The Laws of the Indies contained provisions for the protection of the health of the people, but in this matter as in so many others, administration was indifferent or non-existent. Until 1876 physicians were imported and were almost entirely under governmental or religious control.

In 1871 a new period in the medical progress of the Islands was inaugurated with the establishment of the San Jose Medical College as the medical department of the Santo Tomas University. From then on Filipinos became doctors in increasing numbers. The medical profession offered opportunities for political advancement and social prominence. Such physicians as Pardo de Tavera, Bautista, Luna, Manuel Gomez and the immortal Rizal played great roles as statesmen or soldiers in the national development of their people. Of them all, Rizal approached most nearly to the modern ideal in scientific attitude and in his feeling of professional responsibility for the health and social welfare of the people. While an exile on the remote coast of Mindanao he constructed upon his own initiative and with private funds a water works system which protected the health of the ordinary people of Dapitan. When the Filipino political leaders of today are pondering how far the government should go in expending public money for furthering a national program of public health and welfare they may well recall the deep feeling of their national hero upon this subject.

But although the medical profession of pre-American days was conducted upon a high ethical plane and many of its members occupied positions of distinction in the Philippine community, its scientific qualifications were not high, when judged by modern standards. Neither the profession nor the government exercised any effective control over the hygiene and sanitation of the people.

During the years immediately preceding the American occupation some 40,000 people annually were dying of smallpox. Periodic epidemics of cholera took hundreds of thousands of lives. The bubonic plague visited the Islands at not infrequent intervals. Tuberculosis, malaria, dysentery, beriberi, intestinal infestations and malnutrition kept a large proportion of the population in a condition of partial debility. A terrific infant mortality, estimated in 1896 to have been 421.69 per 1,000 births in the City of Manila, and a high general death rate had held the population stationary for a quarter of a century.[1]

In no important matter were greater changes wrought in the Philippines after the American occupation in 1898 than in the field of public health. The new masters of the Islands differed from their predecessors in feeling that the government should actively promote the health of the people and in possessing the scientific knowledge and physical energy required for the effective prosecution of this task. Better health was one of the "blessings of civilization" which the United States was going to bring to its new Oriental wards.

Whether such a benevolent purpose helps to justify a nation in forcibly extending its rule over another people is a matter for argument. Whatever the answer to this question may be, there probably will be no dissent to the proposition that when an advanced state imposes its sovereignty over a relatively backward people it becomes responsible for bringing to its wards the best of health and welfare facilities that the economic means of the dependency can support. Writing of Britain in Egypt, Lord Lloyd declared: "It cannot be too often insisted that the good of the people is the inevitable criterion by which our administration stands or falls." This good, he said, "should be the persistent and always supreme aim of our imperial rule." [2]

Virtually all Americans would accept this criterion as the only proper one to apply to any nation which undertakes to control the government of another. Opinions differ, however, as to just what constitutes the "good" of a people. Popular education, especially if it produces a large unemployed white collar class, may be a mixed blessing. So may higher wages and shorter working hours, when accompanied by correspondingly higher living

costs and a breakdown of established folk occupations and habits. "Democratic" self-government may merely result in the exploitation of the masses by a selfish oligarchy. But better health is one blessing of unquestionable value that a scientifically and technically advanced nation can bestow upon a people that is backward in these aspects of modern civilization. The "imperial" price exacted may, of course, be too high even for this boon. Nothing, however, can excuse a dominant state for failing to develop the public health and welfare system of its dependency to the fullest extent possible under the controlling conditions. In examining the Philippines today, it is important to consider the manner in which the United States has acquitted itself of this particular obligation of its stewardship.

The first period of the American regime, from 1898 to 1914, was one of rapid development. Great advances were being made in public health throughout the Western world, especially in the fields of environmental sanitation and the control of epidemics. The public health officer was coming into his own as a recognized specialist who, in a sense, was physician to the whole community or nation and who required for his particular function a specialized training beyond that of the private practitioner. The conquest of yellow fever and the mass control of other diseases that were incidental to the Spanish-American War and the construction of the Panama Canal gave Americans the leadership in this new aspect of medical science. Under American control the people of the Philippines shared in these world-wide advances. Remarkable progress was made in sanitation. The terrible epidemics of smallpox, cholera and plague were gradually brought under control and, at the end of the period, practically eliminated from the Philippines. Dysentery was checked and a beginning was made in the eradication of beriberi and leprosy. The dietary habits of many of the people were improved and the general level of their physical vigor somewhat raised. The measurable results of the new health regime are roughly indicated by a striking reduction of the infant mortality rate in the city of Manila between 1904 and 1914; of the Manila death rate from 49.01 per 1,000 in 1904 to 23.82 for the calendar year 1913; and by the rapid increase of the population.[3] * At the end of the period the Philippines had

become one of the most healthful of the tropical countries having populations comparable in number.[4] The detailed story of these great achievements has been well told, and need not be repeated here.

Notice should be taken, however, of the progress that was made during the first fifteen years of the American regime, as well as during the later periods, towards equipping the Philippines with the instrumentalities which modern experience indicates are indispensable for maintaining national health at a reasonably high level. The extent to which the Filipinos will be able to protect themselves from disease now that the controlling hand of the United States has been withdrawn will largely depend upon the adequacy of their public health and welfare system and their national attitude towards it. Through increased and modernized facilities in medical education the number of physicians was rapidly augmented between 1898 and 1914 and the quality of medical service vastly improved. The government took the lead in this activity through the establishment of the Philippine Medical School in 1905 and the development of this institution as the College of Medicine of the University of the Philippines after 1910. Similar advances were made in the fields of nursing, pharmacy, and midwifery. Large numbers of sanitary inspectors and dispensary attendants were given sub-professional training. Hospital facilities were improved and increased both by the government and by private agencies, especially the Roman Catholic Church and the Philippine missions of a number of Protestant denominations.

Of outstanding importance to public health was the establishment in 1905 of the Bureau of Science. This institution became the central agency of the government for fundamental scientific research and for the performance of the routine laboratory work which places modern science at the disposal of the medical and other professions. Working in close collaboration with the Bureau of Science and the Philippine General Hospital, the University of the Philippines became an active center for scientific instruction and research. In the initiation and early development of many of these activities the United States Army played an indispensable role, and by the brilliant work of its medical officers made valuable

contributions to the development of a modern system of medicine and public health in the Philippines.

Long before 1914, the Philippine Public Health Service was an organization, effective within the limitations of its financial resources, that reached into every part of the Archipelago. Simultaneously with the development of public health administration the Philippines were given a modern body of laws and regulations for the protection of the health of the people: a sanitary code, pure food and drug legislation, laws and regulations governing the teaching and practice of medicine, nursing, dentistry and pharmacy.

While the laws, administrative organization, and other public and private instrumentalities prerequisite to the better protection of health were being developed, the Filipino people were being gradually educated as to the necessity of public health measures and the benefits of modern medicine. So far as the masses of the people were concerned, progress was slow and sometimes painful. Fear, suspicion and occasional resistance were eventually replaced, however, by acquiescence in the ministrations of the Public Health Service, and by partial cooperation with it. The public schools played a major part in effecting this change. Public health, however, is vitally affected by the intimate personal habits and the traditional beliefs and attitudes of the people. To indoctrinate millions of ignorant, indifferent, suspicious Filipinos scattered through a thousand tropical islands with the essentially scientific concepts upon which a modern health program rests was not to be accomplished in a decade, or in a generation.

But if fundamental and permanent changes were only gradually effected in the health habits of the people as a whole, better progress was made among their scientific, educational and, in lesser degree, their political leaders. During the early years of the Filipino-American association an understanding of the scientific method was gained by a considerable group of young Filipinos who were soon to be placed in responsible charge of scientific work in their country. Trained in Philippine, American and European educational institutions these young men served under Dr. Paul C. Freer, Dr. Richard Strong, Dr. Victor G. Heiser, Major Frank S. Bourns, Col. L. M. Maus, Dean C. Worcester, and other

Americans whose names stand high in the annals of medical science and public health administration. They were subordinate, but essential participants in a thrilling struggle to elevate the lives of a whole people. They caught something of the scientific and humanitarian spirit of their American leaders. In the field of public health, it was one of the great achievements of the period that within the Philippine government an essentially scientific attitude should have been substituted for the unscientific ways of Spanish days, and that a small group of young Filipino officials should have been imbued with the scientific spirit.

Between 1914 and the advent of Governor-General Wood's administration in 1921, the Government laid the foundations for a public welfare program, and as a part of this activity encouraged and supported the efforts of private organizations to combat tuberculosis and protect the health of women and children. Aside from this important work, which is discussed later,[5] this period was one of retrogression rather than of progress.[6]*

With the beginning of the administration of Governor-General Leonard Wood in October, 1921, the Philippine Government rapidly regained its former effectiveness in safeguarding public health. A physician, a driving administrator, a sanitarian of world renown, and a great humanitarian, Leonard Wood proceeded to recondition and extend the public health structure. Under such conditions it was possible to secure important aid from the Rockefeller Foundation in dealing with the health problems of the Philippines. Prior to 1922 the sole Philippine activity of the Foundation had been the subsidization of a hospital ship which provided an itinerant medical service for the Moro and other scattered inhabitants of the Sulu Archipelago and the isolated coastal towns of Mindanao.[7] Now, upon the invitation of the Philippine Government, the Foundation launched a broader program planned by Dr. Victor G. Heiser, then at the head of the Far Eastern Division of the International Health Board. In order to increase the competence of the Filipinos in the fields of medicine and public health, the Foundation aided in strengthening the College of Medicine of the University of the Philippines, participated in the establishment of a school of public health nurses and helped to organize and elevate the nursing profession in the Islands, aided in the re-

organization of the biological laboratory of the Bureau of Science, provided over a period of years more than thirty fellowships which enabled Filipino doctors to take complete graduate courses in medicine and public health in the United States, financed shorter observation trips by many other health officials, and was largely instrumental in establishing and developing a graduate School of Public Health and Hygiene in the University of the Philippines.

Each of these activities made valuable contributions, but none was of greater permanent value than the founding of the School of Public Health and Hygiene. If the Philippine Government will rigidly insist that no doctor who has not received special training in public health of the type provided by this school shall be appointed to the Public Health Service, this institution will add immeasurably to the ability of the Filipinos to protect and improve their health as a nation.

In addition to aiding in the improvement of medical and public health education, the Rockefeller Foundation cooperated with the Philippine Government in the scientific study and actual control of malaria, hook worm and other intestinal infestations, typhoid fever, and malnutrition. It assisted in the development of a balanced diet for the people, in the planning and administration of local health programs, and in organizing an improved system of soil sanitation. Although this phase of the Foundation's work had a direct application to local conditions, it also contributed to world knowledge of the diseases and problems studied.

Of great value to the Philippines was the opportunity which was given Filipinos to work with the distinguished scientists, doctors and public health experts sent to the Islands by the Foundation. Dr. William S. Carter, who rendered great services to medical education in the Philippines; Miss Alice Fitzgerald, who made important contributions to the nursing profession; Dr. Charles N. Leach, Dr. Paul F. Russell and Dr. Clark F. Yeager, each of whom directed medical research and public health work with the collaboration of Filipinos, are among the Americans who have left a permanent impression upon Philippine science and scientists. The activities of the Foundation in the Philippines continued until late in 1935. At that time, in pursuance of its new policy of studying certain world diseases rather than helping to solve the health prob-

lems of particular countries or regions, the work in the Philippines was terminated, except that fellowships for study abroad were still granted to Filipinos.[8*]

In addition to its more specific victories against disease, the administration of Governor-General Wood had a profound general effect upon the Public Health Service and the status of public health work in the Philippines. In common with every other governmental unit the Service was reenergized and encouraged by effective supervision and strong support by the chief executive. Public health was again made one of the major concerns of the Government. Viewed as a whole, and in relation to the entire American experience in the Islands, the Wood regime will be recognized as a resumption of the constructive American leadership in this aspect of national life that was exercised between 1898 and 1914; and as an indispensable preparation for the vastly increased political autonomy which the Philippines has been granted since 1927. While Filipino leaders made political capital out of attacks upon this great American, General Wood proceeded expertly and devotedly to aid their country in laying the foundations of a defense against disease without which the Filipino people cannot hope to attain the physical vitality and economic prosperity which are prerequisite to a vigorous national existence.

It would be a mistake to believe, however, that the public health accomplishments of the Wood period were those of the American chief executive alone, or even principally those of the Governor-General working with other Americans in the Philippine Government. The Directors and almost all of the other personnel of the Public Health Service were Filipinos. Most of the advances that were made would have been impossible without the laws voted and the additional funds supplied by the Philippine Legislature. Without Filipino cooperation progress would have been impossible. Although the political leaders fought Governor-General Wood upon the general issue of autonomy and early independence, in deeds if not in words they cooperated in executing many parts of his program for the betterment of their people. As for the personnel of the Health Service, virtually all of them accorded the Chief Executive intense personal and official loyalty.

From the end of the Wood administration in 1927 until

Governor-General Theodore Roosevelt assumed office in February, 1932, public health and welfare administration made no marked progress. Although the advantages gained during the preceding six years were maintained and some advances were made in special lines of public health, notably in educational fields and in the control of tuberculosis, progress in public health and social work in the Philippines did not keep pace with that being made in Europe and in the United States.

Governor-General Roosevelt brought to the Islands a more aggressive attitude toward public health and social work. The most important immediate result of his leadership was an improvement in the organization of the government in this field. As the public health and welfare services had developed without proper coordination, in 1932 these activities were scattered among several different departments and bureaus, a situation which retarded progress. Particularly unfortunate was the fact that the office of the Public Welfare Commissioner which had charge of the child and maternal health work, puericulture centers, and other social welfare activities was located in the Department of the Interior, whereas most of the other health agencies were in the Department of Public Instruction. By the Reorganization Act of 1932,[9] the Office of the Public Welfare Commissioner and the Tuberculosis Commission, which had been operating directly under the Governor-General, were abolished as separate entities and their powers and duties transferred to the Department of Public Instruction. Within this department were now grouped all of the agencies of the government relating to public health, sanitation, quarantine, hospitals, social welfare and the examining boards of the health professions. Some of these services were reorganized, and all were placed under the immediate direction of a new official, the Commissioner of Health and Welfare. The Commissioner exercised his powers under the general supervision of the Secretary of Public Instruction and had the rank and salary of undersecretary of department. By facilitating full coordination of public health and social work, this reorganization paved the way for the next great step in Philippine public health work.

Almost without exception significant national advances are achieved by the leadership of great men aided by a small group

of associates who are masters of the means by which the end is to be attained. In the history of public health and welfare work in the Philippines there have been three great leaders, and unless all signs fail a fourth is the statesman who is now at the head of the Philippine Government. Throughout the constructive period 1898 to 1914 the leader in this field was Dean C. Worcester, member of the Philippine Commission and Secretary of the Interior. During those pioneer years the public health agencies of the government were located in the Department of the Interior.[10] Secretary Worcester received indispensable support from the Governors-General under whom he served, but his was the creative, driving force that put through the revolutionary health program in the new American dependency. Worcester, himself a scientist, worked through, and to a considerable extent was guided by, a small number of able technical collaborators. Dr. Victor Heiser was the great administrator and field officer of this period.

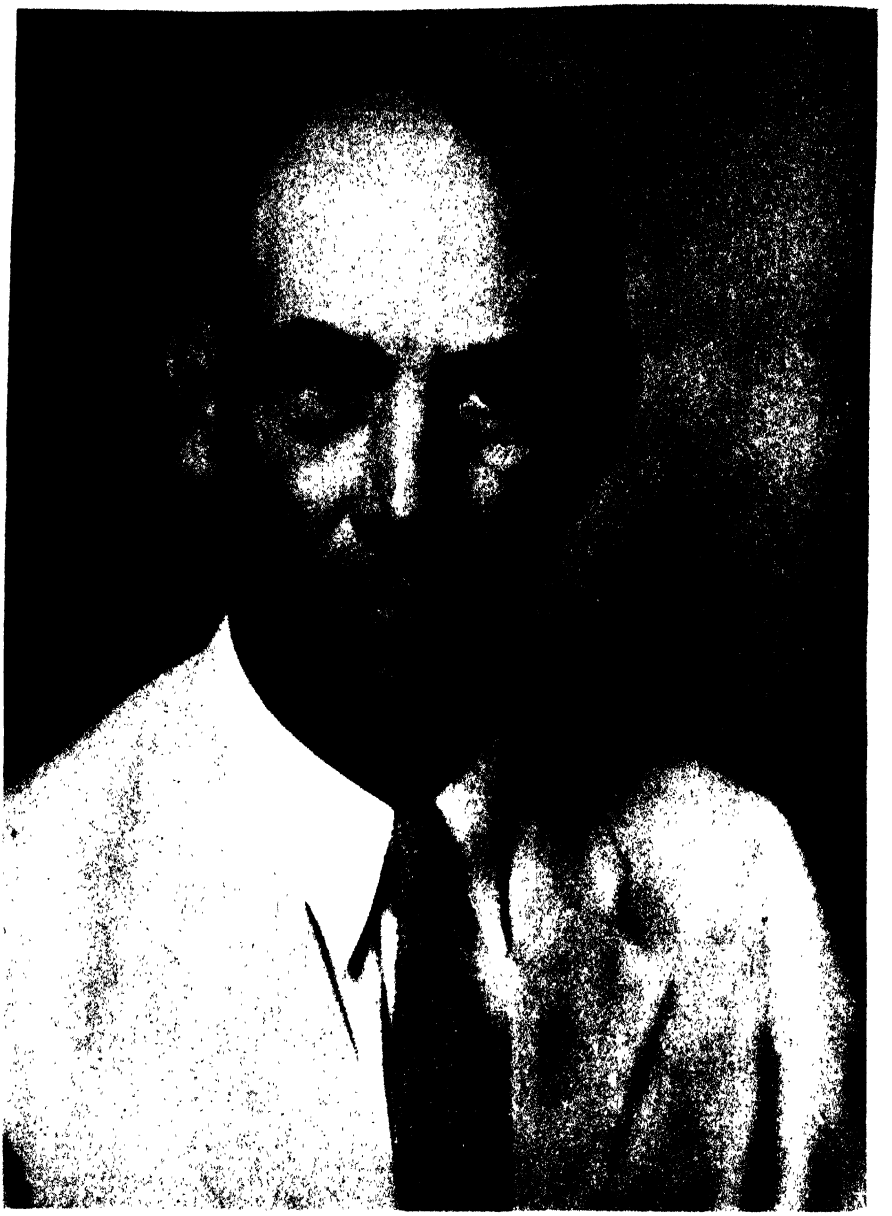
Governor-General Leonard Wood, as has been set forth in earlier pages, led the second marked advance in creating a modern health defense system in the Philippines. General Wood received advisory technical assistance of a high order from officers of the United States Army Medical Corps who served on his staff. Administratively, his program was carried out under the direction of an extremely able Vice Governor and Secretary of Public Instruction, the Honorable Eugene A. Gilmore, and a number of competent Filipino health officials who had reached professional maturity by 1921.

The third great advance in Philippine public health was begun during the administration of Governor-General Frank Murphy and is being continued under the leadership of President Manuel L. Quezon. Mr. Murphy came to Manila with a notable record as a bold humanitarian. As a judge in the important Recorder's Court in Detroit he had been a pioneer in bringing the psychiatrist and the trained social worker to the aid of justice. Elected Mayor of that great industrial city just as it became the first victim of the national depression, he alleviated suffering and prevented disaster by enunciating principles and adopting measures of relief that were later applied nationally. In the Philippines he launched a public health and social welfare program well designed to raise the



Photo by Ferdinand Vogel

THE HONORABLE FRANK MURPHY



LIEUTENANT COLONEL GEORGE C. DUNHAM, M. C.,
UNITED STATES ARMY

health level of the Filipino people and make a final American contribution to this vital phase in the building of a nation.

By one of those coincidences which suggest to some the guiding hand of Providence, Governor-General Murphy found in the Philippines the perfect technical collaborator in this part of his task as the last American Chief Executive of the Islands. Some two years previously, Major George C. Dunham, United States Army Medical Corps, had been detailed to the Governor-General's staff as technical adviser on public health. This officer had already made a great record as a sanitarian and public health administrator. He was a graduate of two of the world's best institutions in these fields, the School of Hygiene and Public Health of the Johns Hopkins University and the London School of Tropical Medicine. In addition to wide experience and scientific training, Major Dunham possessed in high degree those personal qualifications which are distinctive of the great public health official, whose scientific knowledge avails little if the masses of the people cannot be led to profit by it. Moreover, during two years of service under Governor-General Roosevelt, he had become thoroughly acquainted with all of the factors affecting public health and welfare work in the Philippines and had played an important part in the reorganization of these agencies in 1932. By June, 1933, he was prepared to formulate a comprehensive health and public welfare program based upon the best that the world had to offer in these fields, and practically adapted to the conditions prevailing in the Philippine Islands.

For Governor-General Murphy such an adviser in public health matters was a gift from the Gods; to Major Dunham his new chief was the health official's dream come true. In perfect collaboration the political leader and the technical adviser made a notable contribution to the national development of the Filipino people. Personal relationships, in so far as they do not affect the course of public events, are in most instances beyond the scope of a study such as this book is. It is a pleasure to record, however, that Major Dunham was not unappreciated by his political chief. "In service to the people," the Governor-General exclaimed upon more than one occasion, "George Dunham is the first citizen of the Philippine Islands."

In still another respect conditions were favorable in 1933 for the execution of an advanced program in public health and welfare. There was available in the Bureau of Health and the Bureau of Public Welfare the most mature and best prepared group of Filipino public health administrators and scientists that had ever existed. Government scholarships, Rockefeller Foundation fellowships, long years of study, practice, and administrative responsibility had created a personnel who were professionally competent to carry out a modern public health and welfare program. The Director of Health, Dr. Jacobo Fajardo, and the Director of Public Welfare, Dr. José Fabella (who in 1934 became Commissioner of Health and Welfare, and in 1941 the first Secretary of Health and Public Welfare), were worthy leaders of this group. Energetic, able and devoted to their work, it was these men and their bureau associates who made possible the rapid execution of the broad program that was conceived by Governor-General Murphy and Major Dunham and supported by the Philippine Legislature.

The Murphy program put into actual practice in the Philippines the modern conception of health and welfare work. For the first time the government assumed full and complete responsibility for the relief of distress due to any cause, whether social maladjustment, economic conditions, disaster or sickness. This policy marked a radical departure in governmental practice. Previously the relief of a large proportion of such distress had been a function and a responsibility of private organizations, such, for instance, as the Red Cross. Now these organizations cooperate with the government, but the government coordinates their work with its own and assumes full responsibility for the proper execution of the task.

The program which Governor-General Murphy visualized was fundamental and complete. It was prepared in accordance with local conditions and marked an advance because it definitely included and properly integrated social and welfare, as well as health activities. Particularly, it embraced all of the essential movements to raise the standard of living of the poor in the Filipino community and to reduce the prevalence of, or eradicate, those diseases and conditions of ill health which are primarily due to a low standard of living. Such a program is necessarily a long time activity and must be accomplished part by part over a period of years.

Mr. Murphy approached the problem by putting into effect first those measures for which funds could be made immediately available and for which the people and the communities were ready. Each of these measures is, nevertheless, a part of the complete plan.

Fundamental to a large scale improvement in the health of the Philippines is an extension of the government's maternal and child health and welfare program. Between 1917 and 1926, 178 puericulture centers were established throughout the provinces and on January 1, 1935, 201 centers were in operation. The personnel of a puericulture center consists of a nurse or a midwife, or sometimes of both, with the local health officer acting as physician. Operating from a dispensary and equipped with the necessary medical supplies, this unit accomplishes its purpose by means of clinics and visits to homes. It takes medical services and health education directly to the people. As a rule a puericulture center is organized and operated by a Women's Club under the technical supervision of the local health officer. Each center is supported in part by voluntary contributions obtained locally and in part by insular funds disbursed by the Bureau of Health. Since 1932 the centers have been administered by the Bureau of Health, thus coordinating all child health work.

Excellent as they were, the puericulture centers thus established fell far short of meeting the need for child and maternal health work. They reached only about a fifth of the municipalities of the Islands; and because they depended in part upon voluntary local contributions most of them were located in the comparatively wealthy centers of population. Consequently, many of them failed to serve the poor people of the barrios, who need health assistance most acutely. In 1934 the Legislature appropriated the sum of ₱170,000 for the operation of additional purely government child and maternal health centers in the following year. During 1935, 146 such units were established in barrios where the need for them was greatest. In addition, twenty-six experienced and especially trained nurses were employed as supervising nurses, much emphasis being placed upon constant and thorough supervision. The nurse in each center does general public health nursing and social work in the homes of the people. She makes house to

house visits, gives instruction to mothers in the care of the home, prenatal and postnatal care, the care of children, and in all matters relating to the health of the family.

The communities selected for this work were those having high infant mortality rates and poor economic and social conditions. Most of them were far removed from centers of population. The infant mortality rate was used as one factor in the selection of the communities not because the work was to be restricted to infant health, but because this rate affords the best available index to the general health and social conditions in a community. In such communities the public health nursing service or the child and maternal health center are ready weapons for combating tuberculosis, malnutrition, epidemics, in conducting disaster relief work, and in providing all manner of welfare and social work as the need arises.

Closely related to the maternal and child health centers as instrumentalities for bringing health work into the poorer homes are the community health-social centers established to render combined public health and social service in the congested districts of the towns and in the larger barrios in the provinces. Each of these institutions includes a maternal and child health section, a general dispensary and clinic, dental and tuberculosis sections and a social rehabilitation section. This organization deals with the family as a health-social unit. By aiding it to solve its social and economic problems, trained social workers seek to improve the underlying conditions which expose the individual to infection and destroy his resistance to disease. When necessary, relief in kind is given to undernourished families, while efforts are made to render the family self-supporting by finding work, enlisting the aid of relatives, and taking other steps to put the family on its feet as a sound economic and social unit.

In 1934, with the assistance of the American Red Cross and the Philippine Islands Anti-tuberculosis Society, the government established two experimental community health-social centers in the most congested districts of Manila. Centers were also organized in the cities of Iloilo, Cebu, Zamboanga, and in three large barrios in the Province of Occidental Negros. So successful were these units that the 1934 Legislature provided sufficient funds to

support the existing centers and to permit the establishment of two additional units in Manila.[11]* Thus the most effective agency yet devised for reaching the people and helping them to solve their health and social problems was thoroughly established as a part of the Philippine health and welfare program.

Surveys conducted in connection with the establishment of the first two community health-social centers in Manila made it apparent that health and social conditions in areas such as they served could be radically changed only by altering the environment which tended to produce moral and physical degradation. Governor-General Murphy thereupon appointed an able Housing Committee to prepare the way for the eradication of the Manila slums.[12] The committee found that approximately 10,000 families, or 50,000 people, live in slum areas in Manila. The Tondo slums are notorious in Philippine history as breeding grounds for disease, crime, and sedition. Periodically they attract world attention when swept by fires that render multitudes homeless. Within their limits thousands of fragile nipa shacks are crowded helter skelter on stilts above low lying land which during the rainy season becomes a vast stagnant, filth infected mire. In them under-nourishment and such diseases as beri-beri, tuberculosis and intestinal parasitism are rampant. In other days cholera epidemics carried off their inhabitants by the tens of thousands—and would again should the modern defenses against this disease, common elsewhere in the Orient, be even temporarily weakened. From such slums, too, come a large proportion of the gangsters who in recent years have made crime a more sinister problem than ever before in Philippine history. Under such conditions, sound, loyal citizens cannot be produced.

Attempts had been made in previous administrations to effect some degree of slum clearance. In 1926 Governor-General Wood had caused an extensive survey to be made in Tondo and San Nicolas, but no remedial action was taken. Governor-General Murphy's Housing Committee carried out important experimental work in the Tondo slums. A housing project of thirty-one model houses was successfully operated and actual slum clearance was accomplished in a small area. This experiment demonstrated the feasibility of certain slum clearance procedures under local condi-

tions, led to the solution of a number of minor problems connected with such work in Manila, and made the metropolis and the Philippine Legislature conscious of the fact that something should, and could, be done to remedy disgraceful conditions that had long been regarded as necessary evils.

Upon the basis of its experience, the Housing Committee prepared a comprehensive plan for slum clearance in Manila. The magnitude of this problem is shown by the fact that only 4,000, or about forty per cent, of the local slum families have incomes which would permit them to buy or rent low cost houses fit for human habitation, were such houses available. About sixty per cent, or 6,000 families, do not have sufficient income to rent or buy any kind of suitable home. The slums of Manila are far more extensive than those of any other Philippine city. Many provincial communities, however, have the same problem on a smaller scale. In some respects the slum district of Cebu is the worst in the Islands.

In addition to the work of the Governor-General's Housing Committee, the Insular Government made another study of housing projects to provide homes for slum residents who are financially able to buy or rent low-cost homes. One plan formulated under the supervision of the Government would provide homes in an ideal location for approximately 2,500 of these families and would be self-liquidating, or nearly so. As a result of the efforts that have been described and in response to the recommendations of Governor-General Murphy and the Filipino leaders, the Legislature in 1934 appropriated ₱250,000 to construct low-cost homes for laborers.[18]

Another phase of health and welfare work for which the government assumed responsibility under the Murphy administration was the relief of unemployment and of distress due to unemployment. Happily, the unemployment problem is neither so acute nor so extensive in the Philippines as it is in Western countries. The Philippines is not industrialized; and traditionally the Filipino family, which includes all individuals related by blood or marriage, takes care of its own relief problems. In the face of changing conditions, however, the feeling of family responsibility is weakening. In formulating and putting into execution the modern

health-welfare program for the Islands great care was exercised not to accelerate this unfortunate trend. The government did, however, seek to coordinate and where necessary to supplement the work of private agencies such as the Red Cross and the Associated Charities in the reduction of unemployment and the relief of distress resulting from it. An Unemployment Committee of representative citizens was set up and in 1933 the Legislature appropriated ₱30,000 for the relief of distress due to unemployment, increasing this amount to ₱50,000 in the following year.[14]

The studies of the Unemployment Committee culminated in the creation of the National Emergency Relief Board. This board included among its members the central government officials whose activities pertain in any way to relief, and representatives of the private relief agencies.[15] The board, in turn, established analogous organizations in every province and municipality in the Archipelago. Thus a national organization controlled and directed by the government, but embracing all recognized private relief agencies, is always prepared to mobilize instantly whatever forces may be necessary to deal with any serious emergency, whether local or national in extent. In dealing with distress caused by the great typhoons and floods of 1934 and 1935, this machinery demonstrated its superiority over the previously uncoordinated relief activities of the government and private organizations. In a nation whose territory consists of widely scattered islands and numerous isolated areas, which is peculiarly exposed to natural and epidemic disasters, whose people do not possess the individual means or the habits of spontaneous group action that are present in some other lands, the continuous existence of a national relief organization is of incalculable value.

One of the indirect results of the studies conducted by the Governor-General's Unemployment Committee was a quickening of public and legislative interest in colonization. The committee showed that unemployment could to some extent be relieved by colonizing certain areas of the public domain with people now living in congested municipal areas or overpopulated agricultural districts. This demonstration, combined with a desire to speed up the settlement of Mindanao, led to the appropriation of ₱1,000,000 to promote the settlement of unoccupied public land.[16] Ultimately

the colonization movement thus inaugurated can be expected to bring large areas of idle land under cultivation, and to relieve congestion and unemployment in a number of seriously overcrowded areas in Luzon and the Visayas.

The new policy of the government in assuming full responsibility for the health and welfare of the people produced especially beneficial results in the field of typhoon relief. The central and northern islands of the Philippine Archipelago are frequently swept by these fierce tropical storms. Every year great areas are devastated. Hundreds of lives are lost and thousands of houses razed. Coconut groves, the chief source of ready money for a large proportion of people, are blown down or rendered unproductive. Standing crops are destroyed and stored rice ruined. Carabaos, the indispensable work animals, are drowned. Floods inundate hundreds of square miles of fertile fields. When the wind has ceased and the waters are receding, disease, famine and economic ruin threaten hundreds of thousands of *taos* who have no reserves of health or wealth. On rare occasions volcanic eruptions inflict even greater punishment, though upon smaller areas.

In 1934 five unusually destructive typhoons occurred between October 16 and December 4, and during the first week in December a serious flood wrought havoc in the Cagayan Valley. Pursuant to the policy enunciated by Governor-General Murphy, the government assumed responsibility for all relief measures necessitated by these disasters and the Legislature appropriated ₱1,000,000 for the work.[17] As in the past, the efficiently directed Philippine Chapter of the American Red Cross promptly went into action. Generous Red Cross appropriations were received from Washington. All relief work, however, was organized under the supervision of the National Emergency Relief Board. When the acute distress had been relieved, fifteen rehabilitation units were sent into the devastated area. Each unit consisted of a doctor in charge, three public health nurses, an agronomist and the necessary helpers. These units provided intensive public health and social services for the prevention of epidemics and the promotion of the social and economic rehabilitation of the people. Of especial importance were their activities in assisting the barrios people in planting and cultivating quickly-growing crops to supplement

their food supplies. Seeds and other material used for this purpose were supplied by the government. This new type of organization was highly successful in preventing disease and in minimizing the terrible after-effects of typhoons and floods.

Another activity which, if persisted in, will have far-reaching effects upon the health of the Filipino people, was a campaign launched in 1933 to secure the installation of a sufficient number of latrines within a five-year period to provide one latrine for each family throughout the Philippines. Careful studies indicated that only about 40 per cent of the people living in provincial districts had access to toilets or latrines, and that about 1,000,000 additional latrines were needed in order that each family might have access to a sanitary method of waste disposal. The campaign was based upon the installation each year of twenty per cent of the total number required, in addition to the latrines needed to replace those condemned or destroyed. The full authority and influence of the government was utilized to attain the goal that was set. Between April 1, 1933, and June 30, 1935, 557,509 latrines were installed—more than fifty per cent of the projected total in three months less than one-half of the allotted period. Since 1935 the campaign has been continued and is expected to prove an important factor in the reduction of the prevalence of intestinal parasitism and intestinal diseases, in increasing the general health and vigor of the Filipino masses and, consequently, in raising their power to resist other diseases.[18*]

As a part of his program to improve the lot of the depressed and isolated portions of the Filipino people, Governor-General Murphy expanded and improved the health and social work being done among the non-Christian population. Studies in the Mountain Province and the Province of Sulu showed that the government's social services there were effective only in and around the larger centers of population, and were having little effect upon the lives of the people in the more remote villages. A program which utilized public health nurses and traveling clinics to take health and social work into the homes of the people throughout these two great areas was inaugurated and was producing satisfactory results by the end of 1935.[19*]

Until very recently one of the black spots upon the record

of the Philippines as a civilized country has been the treatment accorded the insane. In Spanish days a common manner of caring for such unfortunates was to chain them up in or under the family residence. Some were confined in jails. A small number of insane patients were more humanely cared for at San Lazaro Hospital in Manila. Conditions were somewhat improved under the American regime, but it was not until the Wood administration that provision was made for a modern insular psychopathic hospital with the facilities and psychiatric staff required for the remedial treatment of insanity. This institution had a capacity of 800 patients, but by 1933 more than 1,100 had been crowded within its walls. The women's wards were so overcrowded that this portion of the hospital was little better than a madhouse. Moreover, only the worst cases could be admitted to the institution. Consequently, there remained at large, or in confinement in municipal and provincial jails, always under unfavorable and sometimes under distressing conditions, many people who should have been given care and treatment in a psychopathic institution. Studies were made in 1933 and 1934 which led to the appropriation of ₱280,000 for the construction of additional buildings which, when completed in 1935, increased the capacity of the Insular Psychopathic Hospital to 1,800. This addition should permit adequate care of the insane until 1940 or 1941, allowing for the normal increase in the number of patients. Legislation was also passed and funds were appropriated to facilitate the prompt transfer of insane persons from their local communities to the Insular Psychopathic Hospital in Manila.

Prior to 1935, no provision had been made for the care and training of feeble-minded children in accordance with modern methods. Many mentally defective children who should have been placed in a teaching institution were allowed to remain at home where they could not receive the training which would give them the opportunity to become self-supporting and self-respecting members of society. Those who had to be institutionalized, because they were a menace to themselves or others, had been placed in the psychopathic hospital or in the Training Schools for Boys and Girls. The actual experience of seeing a helpless child in a madhouse, such as the Women's Building of the Insular Psychopathic Hospital formerly was, is one which can never be forgotten.

In the government training schools no suitable provision existed for the education or care of feeble-minded children. Such unfortunates interfered with the other children's progress and they themselves remained mentally undeveloped.

As a part of the national health and welfare program inaugurated by Governor-General Murphy, the Legislature appropriated ₱90,000 for the construction and operation of a school for feeble-minded children at Welfareville, the modern government institution for the socially helpless or handicapped at Manila.[20] This school was equipped to provide care and training for one hundred children in 1935. It was planned to expand the institution from year to year, so that at the end of five years it would have sufficient capacity to care for all the feeble-minded children in the Philippines who need institutional training.

Another improvement was effected by the partial reorganization of the Philippine General Hospital. The primary function of this great institution is to provide hospital care and treatment for the indigent people of the Islands. A relatively small number of pay patients are admitted and the hospital serves as a teaching hospital for the College of Medicine of the University of the Philippines. These functions, however, were intended to be secondary to that of affording hospital care and treatment to people unable to pay the fees of private hospitals. It had been apparent for some time that the Philippine General Hospital was not fulfilling its primary function to the best advantage and that the Filipino people were not deriving full benefit from it. Governor-General Murphy appointed a committee of representative doctors and laymen to suggest methods of correcting this situation. As the result of their report the efficiency of the General Hospital in the care of indigent patients was greatly increased by a partial reorganization of the institution, the reopening of two wards which had been closed for lack of funds, and the establishment of an extensive visiting service.

As has already been indicated, in the poorer districts of the towns and in many of the agricultural areas of the Philippines chronic malnutrition due to an insufficiency of vegetables in the customary diet of the people is a major underlying cause of debility, disease, and, consequently, of a low standard of living and

economic and social maladjustment. During previous administrations much work had been done to improve the nutrition of the Filipino people. For many years gardening and instruction regarding the health-giving qualities of fresh vegetables has been an important part of the curriculum of the public schools. A number of attempts have been made to promote vegetable gardening in the barrios. The habits of a people as to what they shall grow and what they shall eat are slow to change, however, and this particular health work is far from complete, as is evidenced, among other things, by the high prevalence of tuberculosis and beriberi.

In order to stimulate further improvement of nutrition among the masses of the people, Governor-General Murphy appointed a Committee on Nutrition and a Rural Improvement Committee.[21] The Nutrition Committee was charged with coordinating all the work on nutrition being performed by the agencies of the government.

The work of the Committees on Nutrition and Rural Improvement was accomplished by units that included a public health nurse and an agriculturist. The people were taught not only how to raise vegetables, but also how to cook them. In many instances it was found that the barrio folk did not eat vegetables because they did not know how to prepare them so that they would be palatable. The Rural Improvement Committee was given the task of promoting barrio gardening throughout the provinces. During 1933 it established demonstration areas in two provinces near Manila. Seeds were distributed, barrio folk were interested and instructed in the production of garden truck for home use, competitions within and between barrios were instituted and the support of local institutions and dignitaries was secured. A year later high insular officials and the governors of the two provinces visited the municipalities included in the demonstration; large quantities of nutritious vegetables were being raised and widely used by the people. In some of the barrios the interest in gardens had resulted in a general clean-up of private premises and of formerly neglected open land which was now put to use. During 1935 results were even better and gardening was spreading to other communities.

No special appropriations were made for this experimental project, several departments of the government contributing ex-

pert leadership and materials. On the basis of what was accomplished it would seem reasonably certain that a persistent and nation-wide effort along the lines followed by the Rural Improvement Committee would effect a tremendous improvement in the health and stamina of the Filipino people. In this project, as in many others, the quick response of the Filipino people to constructive leadership was strikingly revealed. It is this response, sometimes so eager as to be almost pathetic, that has been the greatest incentive to years of selfless toil on the part of many Americans in the Philippine Government. This responsiveness offers a great challenge to the Filipino statesmen who have now assumed the untrammeled leadership of their people. On the other hand, initial enthusiasm wanes quickly and sustained effort will be required to establish fresh vegetables as a customary part of the people's diet or to continue effectively other phases of the public health and welfare program.

Until recently the development of facilities for recreation in the Philippines has been slow. At the beginning of 1933 there were but two public playgrounds in the City of Manila. During that year the Insular Government, working with the city, made plans and procured funds for eight additional playgrounds in the metropolis. Thirteen school playgrounds were also made available for the public. Because of the interest taken by the Insular Government in this activity a considerable number of public playgrounds were installed in the provinces.

For a number of years prior to the inauguration of the Commonwealth there had been growing dissatisfaction in the Philippines with the methods used by the government for the control of leprosy. In 1935 approximately 8,600 persons afflicted with this disease were undergoing compulsory group segregation and treatment. About 7,000 of them resided in the leper colony on the Island of Culion, the largest establishment of its sort in the world. The other 1,600 were confined in seven regional treatment stations accommodating, respectively, from twenty-four to nearly 600 patients. An additional 1,100 bacteriologically negative cases were registered in skin clinics for lepers; there were possibly 2,000 lepers who had been discharged as negatives under parole; and there was an unknown number of persons infected with the disease whose

cases had never come to the attention of the government. Thus a large number of people, for the families of the approximately 12,000 lepers were concerned with their situation, were directly involved in the problem of leprosy control.

Popular dissatisfaction with the government's procedures in dealing with leprosy arose from two main causes. Many Filipinos have always regarded group segregation, probably for life, on the remote Island of Culion as an unnecessarily harsh method of control. Between 1921, when treatment with derivatives of Chaulmoogra oil began, and 1935 some 3,500 bacteriologically negative lepers had been paroled. Of this number it was estimated that probably 50 per cent had relapsed into positive cases although only 20 per cent had returned for treatment, the others having died or being at large. This situation, the confidence in the Chaulmoogra oil treatment which had developed in the Philippines, and the prevalence of misinformation regarding the disease and its treatment led to a widespread belief that strict segregation of all active cases of leprosy was unnecessary. The result was that the families and friends of the persons afflicted with leprosy demanded the amendment of the law requiring the group segregation of all cases of this disease, and unrest and dissatisfaction mounted among the lepers themselves.

In 1935, feeling that the conditions which have been described called for remedial action, the legislature passed an act (Senate Bill No. 101) which, among other things, amended the segregation law to permit the release of mild cases of leprosy and their home treatment by private physicians under governmental supervision. Governor-General Murphy was advised by the health authorities that the plan provided by the bill would seriously endanger the public health and injure the interests of the lepers and their families. He therefore vetoed the measure. At the same time, however, he appointed a leprosy commission and instructed it to make a thorough study of the scientific, public health, social and economic aspects of the leper problem, in the light of the scientific knowledge regarding the control and treatment of leprosy acquired during recent years. The Leprosy Commission was headed by Dr. George C. Dunham then a major in the United States Army Medical Corps and technical adviser to the Governor-General on

Public Health. The body included representatives of those groups concerned with the legislative, administrative and technical aspects of leprosy work in the Philippines as well as a number of influential, public-spirited members of the lay public.

The Leprosy Commission arrived at the conclusion that the methods followed in the Philippines in the *treatment* of leprosy were in accord with the latest developments in that field and were the most efficacious known at the time. Concerning the *control* of leprosy the following suggestions were made:

1. That group segregation be continued as a basis of leprosy control in the Philippine Islands;
2. That the number of regional treatment stations in the Philippine Islands be increased;
3. That regional agricultural colonies be established for the segregation of positive lepers who are physically fit to engage in agricultural work, and that one such regional agricultural colony be established in one of the provinces adjacent to Manila;
4. That facilities be provided for the adequate observation of negatives prior to parole and follow-up of paroled lepers, and that the bill submitted for that purpose be enacted into law;
5. That funds for the subsistence of segregated lepers be appropriated on a per capita per day basis, and that this sum be fixed at twenty (20) centavos per day per capita for 1936; and
6. That the children of lepers be separated from their parents at birth, and that the necessary additional facilities for the care of such children be provided at Welfareville.[22]

To the public the most significant portions of the Commission's report were those which dealt with Culion. In summarizing its conclusions upon this subject the Commission declared:

The population of the Culion Leper Colony has grown too large to permit of efficient administration. Culion is so far removed from the centers of population that the great majority of the inmates there cannot be visited by their relatives. The island is not well suited for extensive agricultural development and the water supply is not sufficient for a large population. The inmate population of the colony should not be allowed to exceed the present number, about 7,000, and eventually it should be reduced.[23]

The report of the Leprosy Commission was received with almost unanimous public approval. For the time being, at any rate,

it put an end to serious efforts to make the dangerous experiment of radically changing the established policy of group segregation as the basic element in the control of the disease. It also led to action to relieve the condition most seriously complained of by the lepers and their families: the exile to Culion. In 1936 the National Assembly appropriated ₱500,000 for the establishment of three leper colonies on the Island of Luzon, and for the maintenance, treatment and hospitalization of lepers.[24] By the end of 1940 the largest of the regional leprosaria, that in central Luzon, had been opened and additional provision made for the establishment of similar institutions in other parts of the Archipelago. It would be difficult to overestimate how much the creation of these regional leprosaria will mean to the lepers who will thus be enabled to live among their own people and receive the comfort of frequent visits from their families and friends. Even more important, however, is the fact that the Filipinos are now handling the problem of leprosy in a manner which is in harmony with their own sense of the fitness of things and hence in all probability will accord the new control program a support which never would have been given the older one.

Public health questions of such magnitude as the Philippine leper problem are of political as well as of medical importance. From the time of its establishment in 1905 the colony of Culion had been the subject of frequent disagreement between American executive officials and the Philippine Legislature and also between medical men who were working in the field of leprosy. The bill which was passed by the legislature in 1935 was fathered by a physician, Senator Juan Nolasco, but was regarded as unwise by the Filipino leprologists as well as by the responsible American officials.

The latter, however, recognized that despite the shortcomings of this particular measure the legislature in passing it represented a strong public desire that the system of leprosy control should be more closely adjusted to human feelings so far as this could safely be done. Furthermore, since the establishment of the Government's policy in dealing with leprosy there had been accumulated a great body of scientific knowledge and practical experience in the treatment and control of the disease. That the problem

should be reexamined in the light of this new knowledge was only sound administration. The executive, therefore, publicly recognized that in passing the Nolasco Bill the legislature had performed a valuable service, and in cooperation with Senator Nolasco and the other persons most directly concerned worked out a program which protected the public interests and was accepted by all as the best that could be devised, everything considered.

The veto of Senate Bill No. 101 might have given rise to an ugly situation. Instead it was made the occasion of constructive cooperation in steps towards the solution of a serious problem which had long been a sore spot in the Philippine Government. This episode and numerous others in which he has participated have convinced the author that, given an honest desire to deal with a question on its merits and not with reference to extraneous political considerations, possessing the essential background of mutual confidence, and acting under wise leadership, it is possible for Americans and Filipinos to reach a mutually acceptable agreement upon virtually any matter. If this conclusion be sound, it has an important bearing upon the problem of future American-Philippine relationships, a problem which has not yet been finally solved.

Lack of space prohibits the general discussion of leprosy in the Philippines. The development in the Islands of scientific personnel qualified to deal with the problem will be touched upon, however, for the possession of scientific resources adequate to meet the needs of the country is essential in our times to the existence of a mature national personality. At least four Filipinos have gained international recognition by their contributions to the scientific study of leprosy. Other physicians of less distinction as research scholars have been successful in the actual treatment of the disease and the administration of the great Culion colony and other leprosaria. Thus there exists in the Islands a group of native medical specialists who are not only competent to control and treat the disease by the most modern methods, but are actively participating in the international effort to discover the cause and cure of this ancient scourge.

To the development of this scientifically trained personnel as well as to the scientific study of leprosy, an organization of

American origin, the Leonard Wood Memorial, has made important contributions. Established in 1928, with Dr. H. Windsor Wade as medical director, the Memorial originally planned to confine its program to the Philippines. At Culion and Cebu it built laboratories and other facilities for studying the disease and improving the lot of its victims. In 1931 the organization sponsored an international leprosy conference at Manila which resulted in a number of steps to coordinate the world-wide efforts which are being made to eradicate this world-wide disease. The International Leprosy Association was formed at that time, the publication of the "International Journal of Leprosy" under the editorship of Dr. Wade was begun, and out of the gathering came an accepted nomenclature and classification. A second conference at which forty-nine nations were represented was held at Cairo in 1939.

Under the auspices of the Memorial a succession of leaders in the scientific medical field have visited the Philippines to work in the laboratory at Culion or elsewhere. Directly, or through other agencies or individuals stimulated by its activities, the Memorial has been responsible for an international effort to deal with a problem which is world-wide in scope. In this enterprise the leprologists of the Philippines are playing a significant role, thus broadening their scientific outlook and experience and placing their country in the forefront of a great humanitarian endeavor.

The expansion of the health and welfare activities of the Philippine Government in accordance with the modern conception of such services naturally involved the expenditure of large sums of public money. During 1934 and 1935 the Legislature provided ₱1,469,582 for the prosecution of Governor-General Murphy's long-time program in this field. These funds were made available by special appropriations and were in addition to the amount provided for previously routine activities. They financed only the new public health and social services which were definitely and permanently established as a part of the national health program. This legislative grant represents a large increase over appropriations for similar purposes in previous years. The largest sum made available by special appropriation for analogous services during any one year in the preceding decade was ₱550,000 in 1928. In addition to the grant mentioned, one million pesos was appropriated

for typhoon relief and another million for colonization. These are social services but they are more or less of an emergency nature. If these sums are added to the amount appropriated for permanent services, the total is ₱3,569,582.[25]

The appropriation of this relatively large sum (the total of the general appropriation act for the Philippines for 1935 was only ₱43,234,442) was significant not only in that it provided funds for much needed services, but also as an indication of a quickening of the social consciousness of the Filipino people. The Legislature voted these additional funds for health and social services at a time when it was necessary to reduce expenditures in other fields, in many of which the legislators were vitally interested. The legislative action was a reflection of increased interest in health and social matters among other insular, provincial and municipal officials and among the people as a whole. Under the leadership of the Governor-General there had been a steady increase in the public demand for a better health service and more social and welfare facilities. The marked strengthening of public opinion upon such matters among a people traditionally indifferent to them was an accomplishment of great importance, especially at a time when the Filipinos were about to assume complete control of the planning and execution of their own public health and welfare program.

CHAPTER XXVII *

PUBLIC HEALTH AND NATIONAL INDEPENDENCE

In two respects the Commonwealth period is unique in the history of public health and welfare in the Philippines: for the first time, the Filipinos are in complete control of this aspect of their government; and since 1937 the Philippines has had at its disposal funds for the rapid development of these public services. When, in 1916, the United States greatly increased Philippine autonomy Congress reserved in American hands a special authority over public health administration. The Jones Act provided that the Bureau of Health should be included in the Department of Public Instruction of which the Vice Governor, a Presidential appointee, was made the head.[1*] As the concomitant of political authority is responsibility, this reservation of power placed upon American officials an especial responsibility for the public health of the Islands. In 1935 this power and responsibility passed from Americans to Filipinos. Two years later approximately ₱120,000,000, representing nearly three years' accumulation of funds raised by an excise tax upon Philippine coconut oil sold in the United States, suddenly became available to the Commonwealth Government. This windfall gave to the Filipinos hitherto undreamed of means for meeting their increased responsibility.

Sufficient time has not elapsed since the inauguration of the Commonwealth to permit of more than a tentative judgment as to the effect of complete Philippine autonomy upon the program for public health and welfare. A record of four years, however, is important in itself. That certain things have, or have not, happened in that period is of considerable significance as to what may occur in the future. As the Philippine Commonwealth reaches the

* *The notes of this chapter begin on p. 942. Subject matter notes are indicated by an asterisk.*

half-way point in its progress towards complete separation from the United States it is worth while to examine its record and its present position in the field of public health and welfare.

During the first two years of the Commonwealth the Philippines received no extraordinary financial subventions from the United States. The government's income still came the hard way —by taxation—and as the national purse-strings passed entirely into Filipino hands the President and the National Assembly were subjected to great pressure to increase the nation's expenditures. An ambitious program of national defense was at once undertaken. There was insistent demand for an expansion of the public school system. Every province expected its representatives to procure for it new public buildings and additional roads. For public health and welfare appropriations there was far less popular pressure. Yet in the face of this competition for funds and the necessity of balancing the budget out of tax revenues, the Commonwealth Government not only maintained the pace that had been set in health and welfare work during the preceding administration, but made a number of advances in carrying forward the Murphy program. Appropriations for this purpose were increased, official interest was maintained, and the health and welfare services were energetically and expertly administered. During 1935 while preparations were being made to turn the government over to the Commonwealth, Americans, perhaps recalling what had happened after 1914, occasionally queried: "How long do you suppose all of this health and welfare work will last after we get out?" Fears thus expressed have not been justified by events, even during the first two years when President Quezon was hard put to it to meet the myriad demands of the new era and at the same time preserve the financial stability of his government.

Once the golden flood of coconut oil money was released, the social services of the Philippine Government were expanded at a rate previously unknown. It is hoped that the description of basic health conditions in the Philippines and the inadequacy of the means previously available for bettering them has given a background for understanding the significance of these recent developments.

For the improvement of the standard of living and the pre-

vention and control of disease, the Commonwealth, by September, 1938, had:

Undertaken to place the basic foods within easier reach of the masses by preventing the artificial inflation of the prices and ensuring the adequate distribution of these commodities, especially during abnormal times; [2]

Established a revolving fund of ₱10,000,000 for the construction of water works, public markets, and slaughter houses, and the drilling of artesian wells in the provinces, making ₱200,000 of this amount immediately available;

Supplied additional specially trained nurses for puericulture and community health-social centers and greatly increased government aid to puericulture centers in the provinces (by 1941, 319 puericulture centers were in operation, an increase of more than 100 since 1935);

Provided ₱75,000 for the establishment of health laboratories in the provinces for the study and investigation of communicable disease, and ₱45,000 for the establishment of offices of epidemiologists in the provinces;

Appropriated ₱2,000,000 for the improvement of sanitary conditions in the City of Manila;

Intensified the immunization work against smallpox, dysentery, cholera and typhoid fever by providing additional personnel for this activity;

Increased the facilities for the control of tuberculosis by making an additional annual appropriation of ₱145,597 for the operation of a larger number of traveling X-ray units, the establishment of more pneumothorax clinics and tuberculosis clinics in the provinces (by 1941 the Quezon Institute had been established further to combat the incidence of tuberculosis);

Extended the program for the control and eradication of malaria by setting aside ₱950,000 for this purpose (seven malaria control units were in operation in 1941);

Established health training camps for under-privileged children;

Increased the number of public parks and playgrounds throughout the Islands.

For the care and treatment of the sick, before the end of 1938, the Commonwealth had:

Provided ₱2,000,000 to aid in the construction and equipment of additional hospitals in the provinces;

Appropriated ₱1,000,000 to aid municipalities in the construction of public dispensary buildings; ₱200,000 for the equipment of these buildings; and ₱250,000 for the operation of dispensaries in remote

barrios (by 1941 twelve new hospitals and 939 new public dispensaries had been organized);

Provided ₱2,000,000 for the extension and improvement of the Philippine General Hospital and ₱325,000 for the general hospital at Baguio (in 1941 a ₱500,000 general hospital was opened in Baguio and the Philippine General Hospital was operating several new wards, and organizing a unit for the study and treatment of cancer);

Begun the construction of facilities to cost ₱1,500,000 for treating and caring for 1,000 additional insane patients;

Aided the Philippine Tuberculosis Society in the construction of additional buildings for its sanatorium near Manila, now called the Quezon Institute;

Undertaken to render the treatment of lepers more humane and effective by establishing new regional leprosaria and improving those already in operation (the largest of the new institutions, the Central Luzon Leprosarium, had been opened by 1941).

For the care and protection of the "socially inadequate" classes the Commonwealth, by September, 1938, had:

Increased the effectiveness of the community health-social centers in Manila, Cebu, Iloilo, Zamboanga and Negros Occidental and further coordinated their work with that of other governmental agencies and the Associated Charities of Manila;

Established unemployment offices for the registration and placement of all persons seeking employment;

Appropriated ₱500,000 for the construction of additional buildings for the care of orphaned, destitute and sub-normal children, and for the Home for the Aged and Infirm at Welfareville.

For the relief of those suffering from the results of public disasters, the Commonwealth had:

Appropriated ₱3,000,000, set up a National Relief Administration as a development from the National Emergency Relief Board established in 1934, and in cooperation with the Philippine Red Cross vigorously followed the emergency relief procedures developed during the preceding years.[8]

Several times since 1935 the national organization for public relief which was established by Governor-General Murphy has been amplified and strengthened. In August, 1940, a National Security Administration was created for the purpose of further consolidating the government's relief activities and coordinating

them with those being undertaken by private relief organizations.[4]

Two recent developments in the field of public health are of especial importance. One of these is the proposal to establish approximately 500 "national charity clinics" in municipalities where there are no hospitals or private physicians. Each clinic will be in charge of a young physician who will receive fifty pesos per month from the government for doing a specified amount of charity work daily, and be at liberty to establish a paying private practice during the rest of his time. In announcing the plan, the Commissioner of Health and Welfare was quoted as having said: "The clinics will serve as a medical center of the community, and as an encouragement to doctors who want to establish private practice in the community but cannot find livelihood because the people still depend upon 'quacks' to cure their diseases. . . . Close supervision will be made to see that the poor are given free treatment and free medicine." The clinics were described by the Commissioner as having a triple purpose: to establish young doctors in provincial towns, to effect an immediate improvement in provincial health conditions, and to educate the people to depend upon trained physicians rather than local "herbolarios" for medical advice.[5*] The "national charity clinics" are a part of President Quezon's program of social justice. For years there has been great talk about securing a better geographical distribution of physicians in the Philippines, but until the President's action nothing effective had been done to accomplish this purpose. In January, 1941, President Quezon reported in his annual message to the National Assembly that five hundred charity clinic physicians and ninety-five charity clinic dentists had been employed by the government.

The second recent action of great importance in the field of public health was the appropriation of funds from the excise tax on coconut oil to construct a large new teaching hospital as a part of the College of Medicine of the University of the Philippines upon its relocation just outside of the City of Manila.[6] The creation of this institution, and other steps that are being taken to make the medical college of the University of the Philippines a Class A school indicate that the Government is in earnest in its

determination to make it possible to obtain a first-class medical education in the Philippines. Such an opportunity must be provided if in the long run the Islands are to be served by a scientifically trained medical profession.

Only those who in past years have participated in the long pull to establish public health and welfare work in the Philippines so soundly that it would survive any political changes which might occur in the Islands can appreciate fully the significance of the Commonwealth's initial record in this field. Since being placed upon their own responsibility, the Filipinos have continued the general health and welfare policies and agencies which had been developed during the period when final control lay in American hands. They have adhered to and carried forward the modern, long-time inclusive program initiated during the last years of the American regime. They have kept public health and welfare administration out of "politics" and in the hands of the highly trained permanent personnel which the advanced civil service policy of the government has made it possible to develop through a long period of years. During the first two years when expenditures had to be met by taxation the National Assembly continued the sharply increased health and welfare appropriations of the two previous years, and when extraordinary "windfall" revenues became available they appropriated a generous proportion of them for sound health and welfare purposes.

The success of American "rule" in the Philippines will ultimately be judged by the kind of government the Filipinos give themselves when the political control and economic support of the United States have been wholly withdrawn. Since 1935, when immediate American direction practically ceased, the record of the Commonwealth in the important field of public health and welfare has been highly creditable. However, the final verdict cannot yet be given: the period of Filipino control is still too brief; although the direct control of American officials over the Philippine government has disappeared, American influence is still an important factor in the Philippines; and only the position of the Philippines within the American tariff wall makes it possible for the Commonwealth to maintain its health and welfare services, directly or indirectly, while their expansion is made possible by

income received from an extraordinary and temporary American source.

There is another highly significant aspect of the Commonwealth's enlightened policy in expanding the social services of the government. The health-welfare program is an essential part of the broader drive for "social justice" which has become the most important policy of the Quezon administration. As has been described in earlier pages, the political and social discontent of large portions of the masses brought about a situation in 1935 which threatened to mar the establishment of the Commonwealth and raised serious doubts as to the probable stability of a purely Filipino regime. President Quezon is vigorously executing two policies designed to render the Philippine Government safe from internal danger. He is developing a military force intended to be of sufficient size and loyalty to make it obvious that rebellion would be unsuccessful. At the same time, he is seeking to win the loyalty of the great mass of the people by ameliorating and gradually removing the social, economic and political injustices which are the causes of discontent. Of the wisdom of these two approaches to President Quezon's problem there can scarcely be serious doubt. There is a question, however, which must disturb the sleep and harry the waking hours of Filipino statesmen: "What would be the effect upon the political stability of an independent Philippine Government, should the national income rapidly shrink to a point at which the social justice program, of which the health-welfare agencies are an essential part, would have to be rigidly curtailed for lack of financial support?"

The almost complete economic dependence of the Philippines upon a highly preferred position in the American market is well understood. Should that position be lost, or even radically altered to the disadvantage of the Islands in 1946, the Republic might be threatened with the situation just suggested. Moreover, even though an independent Philippines might succeed in readjusting its international trade relations and internal economy so that the normal government income would be maintained at approximately the existing level, the termination of the present extraordinary revenues from the coconut oil excise tax remitted to the Philippines by the United States could hardly fail to have a disastrous effect

upon those health and social services of the government the expansion and operation of which are made possible by this temporary income.

The data already available are sufficient to show that with this "windfall" money the Commonwealth is building up in the field of public health and welfare a physical plant and administrative services, the operation of which will require large and, for some time to come, increasing annual appropriations. The public works act of 1938 contained appropriations from the excise-tax fund of ₱7,325,000 for the construction of hospitals, dispensaries and other institutional buildings.[7] These institutions are very largely for the use of charity patients or non-paying inmates. Eventually the national, provincial and municipal governments will have to operate them almost entirely out of tax revenues, and the annual charge will be a heavy one. The general appropriation acts for 1938 and 1939 drew on the excise-tax fund for ₱315,000 to be applied to the current operation of health and welfare services during each of these years.[8] These figures illustrate the unsound position into which the Commonwealth is drifting in this one department of government. The situation with reference to the health and welfare services, moreover, must be considered in relation to the effects produced in other fields and upon the national economy as a whole by appropriations from the coconut oil excise-tax fund appropriations, which by June 1, 1939, had reached approximately ₱165,000,000.[9] Consideration of these facts leaves a strong impression that the Commonwealth is placing itself in a precarious position by building upon insecure and inadequate economic foundations a very large and costly superstructure of social services which, should independence be attained in 1946, might have to be abandoned or radically curtailed.

In concluding this discussion of public health and welfare problems, it seems desirable to describe briefly the organization of the government in these fields and to assess the present position of the Commonwealth with reference to the health of its people. Until 1941 the health and welfare agencies of the Philippine government were grouped in the Department of Public Instruction. From 1917 until the inauguration of the Commonwealth the Vice Governor was ex-officio Secretary of Public Instruction and from

1935 until 1939 the Vice President of the Commonwealth held the portfolio upon assignment by the President of the Philippines. In the latter year, the presence of Vice President Sergio Osmeña having been required for a long period in Washington in connection with Congressional legislation, the two positions were separated. Early in 1941 a separate Department of Health and Public Welfare was established and Dr. José Fabella was appointed as its first head.[10] Before the new department was created the Commissioner of Health and Welfare was the immediate head of the health and welfare agencies of the Department of Public Instruction. Under the "immediate direction, supervision and control" of the Commissioner of Health and Welfare were the Bureaus of Health, Public Welfare, and Quarantine Service, the Philippine General Hospital and the Office of the National Physical Director. These agencies have now been transferred to the new Department of Health and Public Welfare or otherwise placed, and the commissionership has been abolished.

The public health organization of the Philippines is essentially of the unit type, but a very considerable degree of control is exercised over the units by the national government. The province is the unit; the Bureau of Health the central directing and controlling agency. In addition to supervising the provincial health services, the Bureau formulates all public health policies and administers directly the control of major epidemics, as well as numerous special services, which extend into all or some of the provinces.

A brief sketch of the organization of the Bureau of Health reveals the widespread nature of its activities and authority. The Division of Administration, in addition to the purely administrative units found in all such agencies, contains a number of important special sections. Significant of the great emphasis placed upon securing popular cooperation in health measures is the existence of a Section of Public Health Education and Publicity. This section utilizes all of the modern means of propaganda in continuous efforts to gain popular support for particular health measures, and for the health program as a whole. The Section of Nutrition combats the widespread malnutrition in the Islands by giving dietary instruction both to Bureau personnel and to the public. The Section of

Nursing supervises the selection, special training and activities of some 600 public health nurses who are stationed throughout the Commonwealth. During 1936 these nurses made 1,104,524 home visits to 215,763 families, inspected 515,856 school children, performed 543,685 immunizations, gave 451,973 treatments at clinics, attended more than 15,000 deliveries and performed a wide variety of other services for the people.[11] In all progressive countries the public health nurse has become probably the most effective instrumentality for improving the health of the masses of the people. Under Philippine conditions she performs work of incalculable value to the individuals served and to the nation. Within the Administrative Division are also located the Board of Food Inspection, which with the cooperation of the District Health Officers enforces the Pure Food Law throughout the Archipelago; and the Biologic Products Board, which in administering the Biological Products Law and Regulations inspects manufacturing laboratories and the biological products offered for sale in the Philippines.

All the public hospitals and dispensaries in the Philippines, except the Philippine General Hospital, over which the Bureau of Health has no control, and the maternity and children's hospitals, which are under the Division of Maternal and Child Hygiene, are administered under the supervision of the Division of Hospitals and Dispensaries. At the end of 1936, 45 hospitals, most of them the provincial hospitals, with a total of 4,308 beds, were within the jurisdiction of the Division. Upon the same date, the Division supervised 1,021 public dispensaries not attached to hospitals. These dispensaries are operated under the direct charge of the Presidents of Sanitary Divisions in the provinces.

Of fundamental importance is the work of the Division of Maternal and Child Hygiene. This division supervises or conducts the Maternity and Children's Hospital in Manila and nine small hospitals of a similar nature in the provinces; three midwifery schools; the puericulture, child and maternal health centers, and community health-social centers; school health supervision; publicity work; cooperation with other governmental entities and the public; and research.

Because it stands guard against the terrible epidemics of plague, smallpox and cholera that formerly decimated the popula-

tion of the Philippines the Division of Epidemiology is one of the most essential units of the Bureau of Health. Its functions extend to the study and control of all communicable diseases, the administration of the laws and regulations and of all government agencies for dealing with leprosy, and the preparation of vital statistics. In addition to its regular functions, it is at present carrying on special activities for the control and prevention of tuberculosis and malaria, and for conducting a program of fundamental research.

The last of the major units of the Bureau of Health is the Division of Sanitation. The names of the sections of this division indicate its functions. They are: sanitation in Manila, sanitation in the provinces, immunization, sanitary engineering, industrial hygiene, and administration of cemeteries. This division enforces the laws and regulations governing the conditions under which food is distributed and sold, guarding the purity of water destined for human use, and providing for environmental sanitation. The Manila rat, fly and mosquito extermination brigade caught 52,729 rats in connection with an anti-plague operation; oiled and re-oiled 143,669 mosquito breeding places; and made more than 50,000 inspections of stables, public markets and private premises to control the fly nuisance. The authority of the Bureau of Health within the City of Manila has been limited by the terms of the city charter. In 1940 a Department of Health and Welfare of the City of Manila was provided for by a Commonwealth statute. Its head, the city health officer, is to be appointed by the President. For many purposes he is to be under the supervision and control of the national Director of Health; and in case of epidemic the Director of Health shall assume full control of the health and sanitation services of the city.[12] The Division of Sanitation, working through the District Health Officers and Presidents of Sanitary Divisions, was in charge of the five-year toilet construction plan begun in 1932. At the end of the fourth year the Division estimated that home toilet facilities were available to 71 per cent of the population of the Philippines. The estimate, however, is an optimistic one.[13] Because of the underestimate of the population and of the probable inaccuracy of other data, it is believed that a much lower proportion would be more nearly correct for the provinces.

At the end of 1936 the personnel of the Bureau of Health and of the provincial health services, under its direction, consisted of 598 medical and 4,535 non-medical officials and employees. In 1935 the payroll of the Bureau and the institutions which it directly administers, but excluding those officials and employees paid by the provinces, was ₱918,240.50; in 1939 it had increased to ₱1,989,674.[14]

As has been said, the province is the principal local unit in the Philippine public health organization. The 49 provinces are grouped into five districts, each of which is supervised by a District Inspector who reports to the Director of the Bureau of Health. The chief health official in each province is known as the District Health Officer. With some exceptions, the provinces are divided into Sanitary Divisions. Each division is administered by an official known as the President of the Sanitary Division. Finally, the Sanitary Divisions are divided into smaller units, within which the government reaches the people through sanitary inspectors. The last published report of the Bureau of Health lists 318 presidents of sanitary divisions and 1,430 sanitary inspectors.[15] Provision is also made for municipal health districts and municipal boards of health, which have important functions and powers, but operate under the control of the District Health Officer.[16] Manila has a separate health organization which operates for many purposes under the supervision of the Bureau of Health.

The District Health Officer, although a member of the provincial governor's staff, is an employee of the Bureau of Health and is directly under the control of the Director. He is appointed, transferred, promoted or disciplined by the Bureau (in accordance with civil service regulations), makes routine and special reports to it and is actively supervised by it. Although the presidents of sanitary divisions and other personnel employed in routine health work within a province are paid by the province, they are controlled by the District Health Officer and not by the provincial authorities. Supplies are procured through the Bureau of Health and construction is carried on under its authority. Furthermore, as has been pointed out, the Bureau directly administers certain important activities that extend into every province. In short, the

whole public health organization, like the other governmental services, is highly centralized.

In the regularly organized provinces the greater proportion of the cost of routine health work is locally borne. The Administrative Code requires that a minimum of five per cent of the provincial general fund shall be appropriated for public health, and if the province has a hospital, a minimum of three per cent must be provided for its maintenance. Similarly, each municipality is required to appropriate at least five per cent of its general fund for public health.[17] The majority of the provincial hospitals are maintained partly by national and partly by provincial funds, but about a dozen normally receive only provincial appropriations. In the specially organized provinces the cost of public health work is borne wholly or in large part by the national government.

Indispensable to the protection of the health of the Philippines is the quarantine service which guards the Islands from the invasion of communicable diseases. At the crossroads of the Pacific, with vessels arriving daily from near-by Asiatic ports where cholera, smallpox, and other deadly epidemics are of frequent occurrence, no area under the American flag is so exposed to infection and contagion from abroad. Since 1900 the maritime quarantine service of the Philippines has been operated under the direction of the United States Public Health Service,[18] an officer of the latter organization being detailed to act as chief quarantine officer and the officer in charge of the Port of Manila. Judged by its effectiveness in excluding communicable diseases from entry into the Islands with a minimum of interference with maritime passengers and shipping, the Philippine quarantine service is one of the most efficient in the world. In his annual report for 1937 President Quezon has presented an interesting picture of the work of this organization during a period of especial danger.

> At the beginning of the year [the report states] cholera was present in Siam and adjacent areas and the usual precautions were taken with arrivals from that locality. Due to the occurrence of cholera in epidemic form in various places on the China coast, intensive measures were instituted to prevent, if possible, the transmission of the disease to the Philippines. Immunization against cholera was demanded of all passengers destined for the Philippines. Intensive anticholera restrictions were placed in effect from August 7 to De-

cember 22, 1937, when they were discontinued in view of the improved conditions with regard to the occurrence of cholera in the Orient. During this period, 221 vessels with 34,992 passengers and 29,825 crew, or a total of 64,817 persons, passed through the Manila quarantine station from ports where cholera was reported present. Of the passengers arriving, 10,407, considered potentially dangerous, were bacteriologically examined and 296 were found to be infected with cholera. These were isolated and treated before being released to the immigration officials. It is satisfying to record that although cholera was present with more or less severity in almost every country of the Orient, no case of cholera gained access to the Philippines during this period.

With the advent of aircraft and more rapid marine transportation, the sailing time between ports of the Orient and the Philippines is yearly lessening, making the early receipt of epidemiological data pertaining to the presence of epidemic quarantinable diseases in these ports imperative, if such diseases are to be kept from gaining entry into the Philippines. American consuls in the Orient also furnished the chief quarantine officer of the Philippines with consular sanitary reports covering the diseases which occurred in the cities at which they were stationed. No case of any of these diseases gained access to the Philippines. The purpose of the quarantine service to prevent the introduction into the Philippines of such diseases by vessels and aircraft may therefore be said to have attained a full measure of success. Dr. Howard F. Smith [Senior Surgeon, U. S. P. H. S., Chief Quarantine Officer] deserves special commendation.[19]

The quarantine station for the Port of Manila is the picturesque old Spanish establishment at Merivales across the channel from Corregidor at the entrance to Manila Bay. The distance of this site from the city and its almost complete isolation make it ideal for its purpose. Administratively, the service is a bureau in the Department of Health and Public Welfare and its entire cost, except the salary of the officer of the United States Public Health Service detailed as chief of the bureau, is borne by the Commonwealth.

In the Philippines, as elsewhere, what has come to be known as public welfare work was not systematically undertaken by the government until long after the state had established an extensive organization for protecting the health of the people. This form of social activity and child and maternal health work of a specialized nature were initiated during the administration of Governor-

General Harrison. In 1914 the Public Welfare Board was informally organized and a year later was established by law for the primary purpose of coordinating the efforts of all governmental agencies that were performing social work and of all private organizations that received government support for such work.[20*]

Welfare work in the Philippines developed more largely from private, individual effort than any other activity of the government. The organizations which the Public Welfare Board was first created to assist and coordinate were non-governmental institutions which had been established by humane and public spirited citizens. The Board itself was composed of such persons, its only paid member being the secretary. On the Board and in a number of the private organizations which made possible the creation of the Office of the Public Welfare Commissioner Americans and Filipinos worked together in as fine and mutually helpful relationships as could be imagined. High qualities of leadership and conceptions of unselfish public service were thus developed among types of people who in the Philippines had previously felt small responsibility for the general welfare of their own communities or of the people as a whole. This aspect of the growth of public welfare agencies is of the utmost importance, because the development of individual initiative and responsibility is essential to the permanence of adequate social work in the Philippines.

Since 1932 the work of the Bureau of Public Welfare has been carried on by three main divisions. The Division of Child Welfare has been responsible for the care and education of orphaned, neglected, destitute, delinquent and mentally defective children in Welfareville, including children below two years of age transferred from the leper colony at Culion; for probation work among minor offenders; for supervision over recognized private institutions for the care of children, such as the Settlement House of the *Asociacion de Damas Filipinas*, the Good Shepherd Convent and the American Guardian Association. The General Welfare Division is entrusted with the activities of the Bureau regarding the promotion and coordination of government and private efforts for charitable purposes, for the betterment of living conditions and for other social service activities, including supervision over such institutions as the Associated Charities in Manila

and the *Hospicio de San Jose de Barili*, an admirably operated old people's home maintained by the Roman Catholic Church in Cebu; the administration of the Home for the Aged and Infirm at Welfareville; the cooperation extended to the Philippine General Hospital (Extension Service), the Community Health and Social Centers, the City of Manila, the Department of Labor and the Bureau of Health; and the handling of applications for permits to solicit or receive voluntary contributions for charitable or public welfare purposes. The Administrative Division exercises the usual overall functions of administration, supervision and direction within the Bureau.

One of the most notable services of the Bureau of Public Welfare and the agencies out of which it grew has been the development of the unique institution known as Welfareville. Welfareville is a miniature community of about fifty hectares in area, located on high, rolling land in the municipality of Mandaluyong, a suburb on the eastern outskirts of Manila. Within it are grouped the government orphanage, the home for the nonleprous children of leper parents, the home for mentally defective children, the Philippine Training School for Boys, which provides education and vocational training for male delinquents under the age of 21, a similar school for girls, a nursery for the care of children under two transferred from Culion, and the Home for the Aged and Infirm. Space does not permit description of these individual establishments. Competent experts have pronounced Welfareville to be one of the best planned and best administered institutions of its sort in the world. Beyond its technical excellence, however, Welfareville has one distinguishing characteristic which, perhaps, is its greatest virtue. "Institution" though it be, this community comes unbelievably close to being a real home for every infant, boy or girl, old man or aged woman committed to its care. In applying the principles of modern sociology, psychiatry and administration in their work, the officials and employees of this enterprise have not lost the human touch which institutions often destroy. To a remarkable degree each person in their charge is treated as an individual with an individual claim upon their personal care and interest. The result has been the creation of a genuine community. It is high praise to say of Welfareville that

although in its administration it is modern and efficient, in its *human relationships it is* the Filipino family writ large—and this praise is deserved.

Viewed in relation to the public health and welfare needs of the Philippines the Bureau of Public Welfare must be regarded as a soundly organized, well administered agency that is so small as to be almost grotesquely inadequate for the proper performance of its functions in a nation of almost seventeen million people. Indeed, thus far the activities of the Bureau have been so largely limited to Manila and its immediate environs that it might almost be considered as an institution supported by the nation for the benefit of the capital city. For example, a national orphanage, the only one in the Philippines, with a total capacity of less than three hundred children must be thought of either as a local institution or as a laboratory experiment. The valuable probation work of the Bureau is almost entirely confined to Manila. With the exception of the children of leper parents, most of the wards of the Bureau at Welfareville come from the metropolis. The private organizations which gave rise to the original Public Welfare Board were for the most part Manila institutions and although some of them, notably the women's clubs, are now national in scope there has never been sufficient country-wide demand for modern welfare work to cause the extension of this governmental service to the provinces. Yet in some respects the need for social work, especially as an aspect of health work, is more imperative in certain provincial cities and rural areas than in Manila.

In 1934 and in each succeeding year efforts have been made to extend the services of the Bureau of Welfare into the provinces. A bill advocated by the Bureau provides for the first step in this process by appropriating ₱100,000 to establish provincial social welfare agencies which would also receive local public and private financial support. It is estimated that were this bill to become a law a larger additional sum could be raised from governmental and private sources in the provinces and municipalities. With these funds twenty social and welfare districts embracing the whole of the Archipelago could be staffed with skeleton organizations which under the direction of the Bureau in Manila could perform the most urgent welfare work and at the same time promote local



DR. JOSÉ FABELLA



CITY CENTER, DAVAO

interest in social and welfare activities.[21]* The development throughout the Islands of the work that the Bureau of Public Welfare now performs so well for the metropolitan area would be a great step towards overcoming the handicaps of climate, health, ignorance and indifference under which the masses of the Filipino people now live. Such an expansion would be an effective means of forwarding President Quezon's program of social justice.[22]*

There are a number of reasons why the subjects of public health and welfare have been dealt with at some length in this volume. To the Philippines few matters are of greater national importance. A healthy, vigorous people is prerequisite to the establishment of a stable, progressive Philippine state. In contrast with neighboring countries the Philippines is under-populated. It must settle its vacant lands and develop its rich natural resources if it is to retain them in the face of population pressure from the Chinese and the Japanese. Once they have become independent, the Filipinos will be able to maintain their racial and cultural identity only by the display of physical and spiritual vigor which rarely occurs among the masses of a tropical people and which has not been required of them during the centuries when, relatively speaking, their more powerful neighbors were quiescent and they were under the protection first of Spain and then of the United States. In their present situation the fundamental biological laws are against them; and there are many indications that in the "new Asia" those laws may count for more and the artificial factors of international relations as developed by the Western nations for less than at any time since the Westerners first came to the Orient.

The domestic problems which the Philippine Republic will have to deal with will likewise call for extraordinary energy and stamina, not only on the part of a small group of leaders but from the people as a whole. After 1946 the Islands will have to effect drastic changes in their national economy and at the same time increase their productivity and *per capita* wealth. Should they fail to do this, they will be unable to maintain the governmental establishment and services which have been developed during the past forty years and would soon be faced with serious internal dangers, which, in turn, would invite foreign aggression. The

question whether in physical vigor the inhabitants of the Islands are adequately prepared to solve these problems and assume the burdens of statehood in a fiercely competitive world has received relatively little consideration in recent discussions of Philippine independence. Yet in the long run no question is of more fundamental importance in this connection.

From the standpoint of the outside world, the health problems of the Philippines are likewise of unusual interest. The public health record of the past four decades, and the capacity of the Philippines to continue the improvement of their national health once they are on their own is one of the tests by which American policy in governing the Islands and withdrawing its sovereignty over them will in the long run be judged. Of world significance, too, will be the answer given in the Philippines to the question whether a tropical, Oriental people after more than a generation of Western tutelage can make their country a healthy place not only for the white man, but also for the brown man to live in. If this end can be accomplished the result will be an increase in productivity and buying power that may aid in solving the problems of some of the overcrowded states whose situation has become a danger to civilization. If, on the other hand, the nations of the temperate zones destroy each other by the procedures of modern warfare, the tropics, made more healthful by the adoption of modern conceptions and techniques of public health, may again become the center of civilization.

The fundamental public health need in the Philippines is a program which will alter those habits of living which undermine the health of the people. Such a program is now being carried forward by the Commonwealth Government. During the past forty years the way of living has been greatly improved in the Philippines, with a corresponding betterment in the health of the people; and there is evidence that the rate of betterment has been accelerated during the period of the Commonwealth. If the basic political and economic conditions which now prevail in the Philippines should be continued for another generation it seems probable that the health level of the country could be still further raised. The limits upon progress in this direction which would eventually be imposed by natural and other forces cannot be foreseen. Cer-

tainly, the improvement in the health of the Philippines which has already been accomplished and which now seems possible in the future is one result of the American-Philippines relationship which stands to the credit of both peoples. It is, however, difficult to understand how an independent Philippines without a preferential connection with the American market could continue to elevate or even maintain its standard of living and financially support those functions of its national life which in recent years have made possible a steady improvement in the health of the country. Political independence achieved under conditions which probably would halt the advances which the Filipinos are making towards full health and vigor and perhaps result in their return to the health level of earlier days would be disastrous to the Philippines and discreditable to the United States.

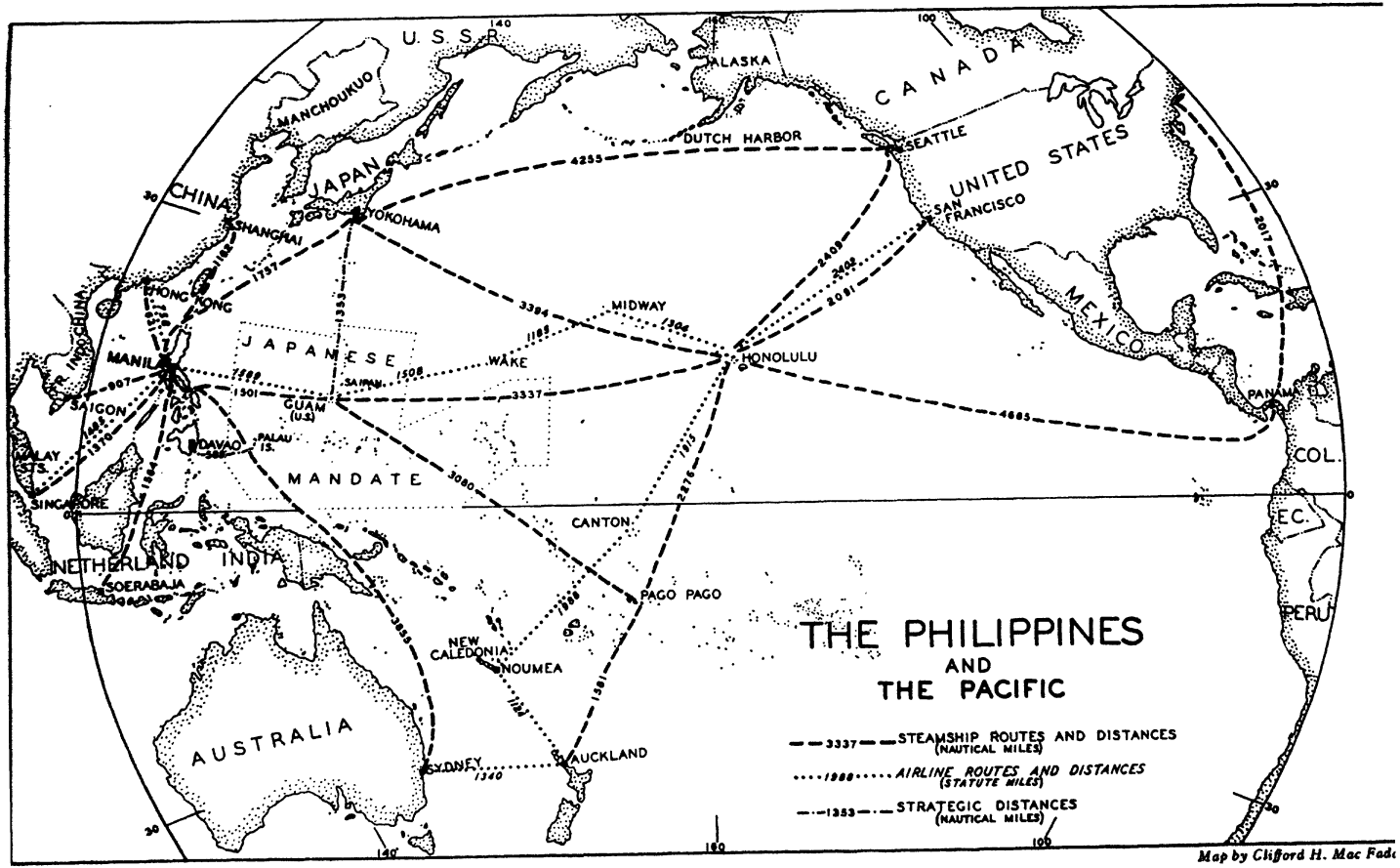
PART FIVE

EXTERNAL RELATIONS

position occupied by Chinese and Japanese in the Philippines, and shuts his eyes to the international struggle now in progress in the Far East, can believe that the question of the entry of alien Orientals into the Philippines has been settled by this unilateral action of the Commonwealth taken under the protection of the Stars and Stripes. The settlement of the issue has merely been deferred until such time as the American dependency shall be on its own or it shall have become apparent that "independence" has been indefinitely postponed and the United States intends to remain more or less permanently responsible to other nations for the acts of the Philippine Government. Meanwhile, the pressure which is already being exerted upon the Philippines by neighboring populations may be expected to continue and perhaps increase.

The interests of Japan and China in the Philippines and the presence of Chinese and Japanese in the Archipelago are matters of serious concern to both of the larger nations; to the Filipinos they present problems of vital importance. Many of these problems, some of which the Immigration Act of 1940 is intended to solve, are understandable only in the light of the history and position of the Chinese and Japanese elements in the population of the Archipelago.

Historical and archeological research has shown that for more than seven hundred years Chinese have been coming to the Philippine Islands for purposes of trade.[1*] Since the last quarter of the sixteenth century, when the Spaniards made it possible for them to reside in comparative safety at certain points in the Archipelago, they have lived there in considerable numbers. Just how many were domiciled in the Islands at any given time is difficult to ascertain, but the number fluctuated from a few hundred immediately after the periodic purgings to 30,000 or 40,000 towards the end of the Spanish regime. The census of 1903 placed the figure at 41,035; that of 1918 at 43,802. The census of 1939 reported 117,487 alien Chinese as residents in the Islands. For more than three centuries the Chinese have constituted by far the largest alien group within the Philippines, and during the past two decades their number has nearly tripled. Chinese interests in the Islands are the product of commercial intercourse and personal association upon a large scale from the dawn of Philippine history, and


U. S. S. R.
ALASKA
CANADA
MANCHOUKUO
DUTCH HARBOR
SEATTLE
UNITED STATES
JAPAN
CHINA
SHANGHAI
YOKOHAMA
SAN FRANCISCO
HONG KONG
MEXICO
MIDWAY
JAPANESE
MANDATE
MANILA
WAKE
HONOLULU
SAIGON
GUAM (U.S.)
SAIPAN
PANAMA
PALAU IS.
DAVAO
MALAY STS.
SINGAPORE
CANTON
COL.
EC.
NETHERLAND INDIA
SOERABAJA
PAGO PAGO
PERU
NEW CALEDONIA
NOUMEA
AUSTRALIA
SYDNEY
AUCKLAND
THE PHILIPPINES
AND
THE PACIFIC
3337 STEAMSHIP ROUTES AND DISTANCES (NAUTICAL MILES)
1988 AIRLINE ROUTES AND DISTANCES (STATUTE MILES)
1353 STRATEGIC DISTANCES (NAUTICAL MILES)
Map by Clifford H. Mac Fad

during the period of China's modernization and nationalization have rapidly increased.

In many respects the Chinese contact with the Philippines has been an expression of the traditional politico-socio-economic organization and philosophy of the Chinese race. It is a commonplace that the interests of these Asiatic mainlanders in the Malayan archipelago have been commercial and individual rather than political, governmental, and national. The men of Fukien and Canton came to Manila through the centuries upon their own initiative and risk, at their own expense, and for their own personal purposes. Unlike the explorers, conquerors, missionaries and traders of Occidental peoples, they did not seek to extend the political dominion of their sovereigns or the spiritual realm of any church. Nor did they depend upon soldier or priest for the protection of their persons or the accomplishment of their aims.

Yet who will affirm that the Chinese mode of expansion yielded less to the Chinese nation than that of the imperial states of the Occident? There was no drain of men or of money which were needed at home, no dislocation of the national economic or political system, no dependence upon distant colonies that were held by the brittle bonds of armed force. China waged no costly warfare to obtain political control over faraway portions of the earth. On the other hand, Chinese manufacturers and merchants found in the Philippines and through them in Spanish America an important market. The Malayan islands became a source of raw materials. The commerce between the Spanish colony and all other Oriental countries was carried in Chinese bottoms. Much of the profit from the domestic business of the Philippines, which early fell into Chinese hands, found its way to China. The government of the Middle Kingdom was benefited directly by export duties and indirectly through the increased wealth and prosperity of its people. The rule of Spain served to increase rather than to diminish the value of the Archipelago to the Chinese. Throughout the Spanish period the Philippines were worth more economically to them than to the subjects of their Catholic Majesties.

One of the most interesting and significant facts about the Chinese in the Philippines is that during the entire period of Spanish rule their functional and social position remained prac-

tically unchanged. Immigrants from Amoy, Canton or other mainland cities for the most part lived as foreigners in restricted and specially regulated districts, of which the *Parian* in Manila was the most important. Bringing with them their native extra-governmental means of social control, they dealt with the Spanish authorities chiefly through their own head men. From an early day they carried on the great bulk of the retail and much of the wholesale trade of the Islands, were the principal importers and exporters, virtually monopolized many important handicrafts, and supplied a variety of skilled labor, especially in the neighborhood of Manila. In these necessary and profitable activities neither the Spaniards nor the Filipinos could, or would, compete with them. Thus the Chinese were indispensable. De Morga recorded that after some 23,000 of them were killed in strife with the Spaniards and Filipinos at Manila in 1603 the business of the community was at a standstill and food and other necessaries and conveniences of life were scarcely obtainable.

It is hardly to be expected that such a foreign group would have been popular with either the natives or the rulers of the Philippines. The Chinese were, in fact, distrusted by large elements among both the Filipinos and the Spaniards. Also, their wealth was a constant object of cupidity. Periodically they were despoiled, massacred or driven from the Islands. Regulations excluding them or confining their activities within prescribed limits were repeatedly promulgated. But always they returned in sufficient numbers to perform their peculiar functions in the local community and in the trade of their native land. Mass immigration was prevented by both Spanish and Chinese restrictions.

Inevitably a community so beset develops a technique of defense. In this case it was the effective use of gold. This source of income was tapped by many Spanish officials and was a part of the Spanish system of government in the Philippines. Official salaries were incredibly low, yet office holders became wealthy. The Chinese made up a portion of the difference. No wonder they were never long excluded from the colony.

In another matter the Chinese in the Philippines have made a consistent record from earliest times. Although immigrants from China have themselves remained Chinese, and although as a group

they have been looked upon askance by the natives of the Islands, yet they have intermarried freely with Filipino women and given rise to a large group of citizens of Filipino-Chinese blood that has been absorbed into the general population of the country. As has been stated, the Filipinos with a noticeable admixture of Chinese blood probably number three quarters of a million and there may be many more of them. They are one of the most capable, prosperous and powerful elements of the Filipino people.

With this background in mind, it is interesting to study the present organization, activities and position of the Chinese residents of the Philippines. Probably no other element in the Islands has profited more directly from the changes that have been wrought there since 1898. True, mass immigration has been prevented by the application of the Chinese exclusion laws of the United States to the Islands. Yet the number of resident Chinese has steadily increased and their position immensely improved. No longer are they subjected to the legal disabilities and restrictions of Spanish days, and although it is generally believed that they still are forced by conditions in some localities to pay a certain amount of illicit tribute to minor political authorities, the Government of the Philippines has reduced this form of exploitation to a small proportion of what it was during the Spanish regime. No class has benefited more directly from the establishment of relatively honest and efficient government; none has acquired a larger proportionate share of the increased wealth of the country.

When the political controversy between Governor-General Wood and the Filipino legislative leaders was at its height, a clever Filipino cartoonist realistically illustrated the position of the Chinese in the Philippines. An excited Juan de la Cruz was violently disputing an angry American as to who should lead a very prosperous looking cow labeled *Filipinas*. Meanwhile a satisfied Chinese was busily engaged in milking the cow!

The business and social organization of the Chinese in the Philippines centers in Manila and, more definitely, in that remarkable institution, the Chinese General Chamber of Commerce. Developing out of a Chinese Commercial Council organized in 1904, the Chamber contains two types of members: the score of trade associations (as rice merchants, grocers, second-hand dealers)

into which the Chinese Manila business community is divided, and Chinese business firms and individuals. The Chamber of Commerce has several hundred members, whose dues and contributions, roughly proportionate to their respective incomes, provided a substantial operating revenue. Traditionally, the Chamber has been controlled by its older members. Its leaders have been among the great commercial figures of the Philippines, although most of them have been of Chinese birth and from Fukien Province.

The wide activities of this powerful organization are divided into two categories: business and civic. Under the first heading the Chamber collects and disseminates information about trade conditions; recommends or introduces Chinese business men with proper credentials; provides for the exhibition of goods produced in China; conducts research in the problems and methods of business; and in any crisis or critical period in business affords a forum for discussion and the machinery for action. On the civic side the Chamber is an instrumentality for the collection of funds for Philippine public causes, such as the Red Cross, anti-tuberculosis, hospital and charitable organizations and calamity relief. No part of the population responds more generously to such calls than do the Chinese.

The Chamber also acts or provides means of action in public affairs that concern the Chinese community as a whole. For instance, it organized and financed the fight against the Bookkeeping Law of 1921. Directly or indirectly it is the chief agency through which the Chinese of Manila provide themselves with a complete school system of high quality, a modern hospital, a well-kept cemetery, and finely equipped social clubs. Through these institutions and others, the social needs of the Chinese in the Philippine metropolis are cared for with thoroughness, honesty and efficiency. Nowhere can be found a more successful extra-governmental community organization. A vigorous Chinese press composed of five dailies and one weekly aids in integrating this community in thought and action.[5*] Similar, although less elaborate Chambers of Commerce are maintained by the Chinese residents of important provincial centers.

Centering in the Manila Chamber of Commerce or in subsidiary organizations are the close relations maintained between

the organized Philippine Chinese and their homeland. Relief projects made necessary by flood, famine or war; charitable organizations and educational institutions; "anti-imperialist" movements, including resistance to Japanese "aggression," and political causes in China receive liberal support from the Islands. Through the Chamber or its officers, the Philippine branch of the Kuomintang, or the Chinese consul-general in Manila the personal interests of the Philippine Chinese and their views upon questions of Chinese political policy are presented to the governmental authorities in China in ways that command attention.

Most of the Chinese in the Philippines are either Fukienese or Cantonese. The former are in a large majority and predominate in all lines of business, except the operation of groceries, hotels, restaurants and laundries. Individual and family ties with the homeland are close. In the "old days" there were many "two family" Chinese in the Philippines: one household in Manila or Cebu, another in Canton or Amoy. This practice is disappearing, but many Chinese merchants in the American dependency are members of families that center in China. The late Dee C. Chuan, for example, was a leading figure in Philippine commercial life and at the same time a member of the Provincial Board of Fukien Province. In numerous instances Chinese in the Philippines return to China upon retirement, leaving their Philippine business in the hands of sons or nephews. It has been estimated that in normal times more than 200 children of Chinese business men are sent annually to the mainland for a part of their education. Modern steamships owned and operated by Chinese are in the run between Manila and Amoy. Thus the alien Chinese in the Philippines are a foreign community closely allied by active family ties and business interests with their native land. On the other hand, they are similarly connected with the native Filipinos, for the majority of their children are born of Filipina mothers and most of their local descendants are completely absorbed into the Philippine body politic.

Before the systematic invasion of this field by the Japanese after 1932, the Chinese in the Philippines conducted between 70 and 80 per cent of the retail trade and a large proportion of the other internal commerce of the Islands. Approximately the same

proportion of the commercial credit facilities of the country was likewise in their hands. This economic supremacy was achieved in part by organization and co-operation, in part by the exercise of other well known Chinese gifts of character. Their commercial and credit system covers virtually every business and reaches from Manila to the remotest corners of the Archipelago. The trade associations that have been mentioned[6*] are the old Chinese guilds adapted to Philippine laws and conditions. There are few trade secrets, and apprenticeship has largely disappeared. Such matters as hours and conditions of labor are regulated by the law of the land instead of the rules of the associations and these organizations are not instrumentalities of the state, as in China. Yet the associations remain effective means for reaching and enforcing agreements concerning competition, credit and wages, and for the promotion and protection of the interests of their several members.

But although mutual interests are well looked after by common organizations, the backbone of Chinese business remains the individual merchant, family or firm. The greatest commercial houses are in Manila and many of them possess the capital and facilities necessary for doing business on a large scale. These concerns are able to extend the credit which is the lifeblood of trade, especially in the Orient. Their salesmen and buyers cover the whole of the Philippines. Through connections with them or with smaller Manila houses, the provincial merchant, the owner of a small tienda or sari-sari (general household) store, or even the pedlar whose stock in trade is on his back enjoys advantages that his Filipino or foreign competitor in the past, at any rate, has been unable to match. Behind the merchants stand two Chinese banks. One of these, opened in 1939, is a branch of the Bank of Communications, owned by the Chinese National Government. There are also two other Manila banks in which a large amount of Chinese capital is invested.

In normal times, there were approximately 15,000 Chinese mercantile and industrial firms in the Philippines. Their number has been reduced in recent years by Japanese and government-fostered Filipino competition. Although by far the largest single group of them is in Manila, yet their economic dominance is even

more apparent in the provinces. Ten years ago many of the provincial capitals seemed almost Chinese towns so far as business is concerned. Today the evidences of Japanese competition are apparent in the larger centers. In the great rice regions Chinese largely finance the production of this basic food crop and to a considerable degree control its milling and distribution. Agencies of the Philippine Government are now seeking to break this alien hold upon a vital industry. The retail trade in lumber is almost wholly in Chinese hands throughout the Islands and they cut and mill nearly 40 per cent of the timber annually put on the market.

Especially do Chinese merchants predominate in the *entrepôts* for wild or underdeveloped country now being opened up for trade. In Cotabato, at the mouth of the Rio Grande de Cotabato, which drains an enormous territory in awakening Mindanao, most of the commercial houses are Chinese. The Chinese traded throughout the Sulu Archipelago centuries before any northern Filipino voluntarily entered that area. Even in Davao, the frontier Mindanao province in which Japanese colonization has caused concern in Manila and Washington, Chinese merchants are in a strong position.

From these and other centers Chinese traders penetrate to the uppermost reaches of jungle rivers, travel the remotest forest trails, and reach the most isolated coastal villages. Carrying in cotton cloth and assorted trade goods, they bring out copra, hemp, gutta percha and other native products. In the past these adventurers have not usually taken up land, partly because the public domain is closed to foreigners, partly because Chinese agricultural immigration is prohibited. But they are pioneers in a very true sense, as they have been in many another Eastern region. In their commercial penetration of the remote places of the Philippines they have had virtually no competition except, within very recent years, that of the Japanese, who, however, work from the centers of population rather than singly through the hinterland.

In passing, it might be added that only very courageous men would live the lives of many of these Chinese traders. In 1931 the author traveled by river boat, horseback and on foot across Mindanao from Cotabato to Davao over a route now traversed by a modern road. Through the center of the island the trail, which

in places had to be hacked open by bolos, wound through virgin forests inhabited by primitive peoples. Philippine officials insisted upon providing a Constabulary escort for the expedition. In the heart of this wild country was found a small *tienda*—just a counter, a dozen shelves and a place to sleep. The proprietor, a Chinese, was absent, but we met him on the trail, returning from Davao with two Manobo *cargadores* who carried on their backs his slender stock in trade. Few Americans, Japanese, or Filipinos would have been willing to face the isolation and danger to which he was cheerfully returning. This pioneer merchant was typical of the enterprise and determination which have brought a large proportion of the trade of the frontier areas of the Far East into Chinese hands.

Other personal qualities that are behind Chinese commercial success in the Philippines are well known to all who are acquainted with this remarkable race. Energy, thrift, self-control, physical and spiritual endurance, cheerfulness, infinite capacity for hard work and for taking pains, purposefulness and inborn business capacity: these are the characteristics that have driven the Chinese ahead in the Philippines and elsewhere. Expressed more concretely, these qualities mean that while he is struggling to establish himself the Chinese will work sixteen hours per day. So will the members of his family. He and they will live with appalling frugality in order to put every penny back into the business. No economy is too petty to be practiced; no transaction or profit too small to be sought. Small wonder that such a people have dominated the economic life of the tropical, more easy going Philippines.

The place of the Chinese in the economic system of the Philippines, the qualities which have put them there, and the things which the Filipinos must do if they would supplant these aliens by "legitimate" (meaning non-political) means have never been better described than by the Honorable Tomas Confesor, speaking in 1933 as Director of the Bureau of Commerce. In brief, the Filipinos would have to develop the economic efficiency of the Chinese and perform for the community the services now performed by the Chinese. Mr. Confesor's analysis brought down upon his head a storm of Filipino indignation.

Accurate data concerning the capital investment of the Chinese in the Philippines are not in existence. In January, 1932, the Bureau of Insular Affairs estimated Chinese investments in the Islands as ₱162,932,000, exclusive of real estate. This figure is purely an estimate, and probably it was a great deal too low. At about the same time the Chinese Consul-General estimated the Philippine investments of his countrymen at being approximately ₱201,000,000, distributed as follows:

Lumber	₱20,000,000
Banking and other financial institutions	10,000,000
Retail merchandising	50,000,000
Wholesale merchandising	30,000,000
Cigars and Cigarettes	5,000,000
Soap and candles	1,000,000
Distilleries	5,000,000
Real estate and other investments	80,000,000
Total	₱201,000,000

Although the estimates for these several forms of investment were probably not entirely accurate, yet the distribution indicated gives a rough idea of the economic fields in which the Chinese have placed their money in the Philippines.[7] When these estimates were made, the Chinese investment constituted about 7 per cent of the estimated total of all Philippine capital investments, and was nearly half as great as the American investment in all China. Until recently the Chinese had invested comparatively little in Philippine real estate. Disturbed conditions in China have accelerated the flow of capital to the relatively secure American possession, however, and census data procured in December, 1938, revealed substantial Chinese realty holdings in the Islands. The table on p. 702 contains comparative data regarding the real estate upon which the five leading land-holding nationalities paid taxes. These figures show that the Filipinos still own more than 90 per cent of the land of the Islands, exclusive of the vast public domain. The data concerning real estate put to business uses, however, show a different proportion. More than 25 per cent as many tax declarations were filed by Chinese as by Filipino business corporations. The holdings of these companies, as well as those of Chinese

individuals, are chiefly good commercial and residential sites, with the improvements thereon.

TABLE III [8]

DISTRIBUTION OF REAL PROPERTY DECLARED FOR TAXATION IN THE PHILIPPINES, DECEMBER 31, 1938, BY FILIPINO, AMERICAN, SPANISH, CHINESE, AND JAPANESE OWNERS

Type of Ownership	Tax declarations (Number)	Parcels (Number)	Area (Hectares)	Assessed value (Pesos)
Corporations and associations; total ..	28,248	22,487	388,824	369,050,270
Business corporations, total..	18,187	13,699	346,017	267,467,280
Filipino	8,390	7,409	121,096	94,358,540
American ..	5,257	3,424	106,473	85,836,410
Spanish	1,560	1,076	70,981	46,334,080
Chinese	1,876	1,217	7,496	16,232,980
Japanese ...	441	165	33,052	13,559,970
Individuals; total ...	5,356,090	4,722,538	7,969,259	1,792,877,300
Filipinos	5,322,620	4,697,386	7,769,668	1,693,406,460
Chinese	20,915	16,592	57,630	40,803,710
Spaniards	2,855	2,318	29,093	24,425,710
Americans	6,711	4,626	64,865	19,425,530
Japanese	2,016	868	30,472	7,696,880

In a preliminary and as yet unpublished report for the Institute of Pacific Relations on "Foreign Capital in Southeast Asia," Helmut G. Callis presents data and conclusions which indicate the general validity of the estimate of Chinese capital investments which has been given above. It is evident that Chinese investments in the Islands are increasing. Between 1937 and 1939 fifty Chinese corporations came into existence with a capital of one and a half million pesos.

Thus far, Philippine agricultural land has been retained in Filipino hands because with the backing of Spain and the United States mass immigration from China has been prohibited by law. In recent years, however, the pressure of land-hungry Chinese for the unused soil of the Philippines has become more apparent.

Two evidences of this pressure may be cited. In the January, 1931, issue of the *Chinese Economic Journal*, a publication of the National Government at Nanking, appeared an article explaining the opportunities that would be offered to Chinese investors and settlers by an independent Philippines and calling attention to the ease and cheapness with which Chinese born in the Islands can obtain public land there even now. In October, 1932, the Director of the Bureau of Non-Christian Tribes of the Philippine Government sounded a warning that Chinese already in Mindanao are extensively employing speedier means of obtaining control over agricultural lands. The method is one that has already been successfully used by Japanese in the province of Davao: to marry native pagan or Moro women and acquire public land in the names of their wives.

Americans who recall what happened when, relatively speaking, a few Chinese immigrated to the Pacific coast of the United States will not be surprised that the presence of these aliens has given rise to serious problems in the Philippines. The most obvious of these problems is that of public order. Throughout the history of the Philippines the resident Chinese have been periodically despoiled and attacked by the other inhabitants of the Islands. The most serious anti-Chinese outbreak since 1898 occurred in 1924. The immediate cause was a rumor, entirely baseless, that a number of Filipino students had been killed by Chinese in Hong Kong or Canton. This brought to the surface in more than one community the fantastic, but age-old story that local Chinese had slain a Filipino baby and used parts of its body for charms or medicines. The first outbreak occurred in Cabanatuan, seventy-two miles north of Manila, at that time a town of some 20,000 inhabitants, which is a center for Chinese control over the business and agriculture of a great rice region. Chinese were mobbed, their stores looted, and some of them were killed. The same scenes were reenacted in Manila and, on a lesser scale, in other Chinese centers. The Philippine Constabulary, acting under the direct control of the Governor-General, had to be used to restore order.

Minor attacks upon the Chinese and their property are a recurring feature of Philippine life. An example, more serious than the average but of typical pattern, was the San Pablo riot of

February, 1931. A dispute between a Chinese *sari-sari* keeper and a Filipino customer developed into a fight. As reported in the *Manila Daily Bulletin* (February 3, 1931): "The fight attracted the attention of a large group of Filipinos, who marched from one Chinese store to another, armed with clubs and stones. They entered the stores and destroyed property. While the mobbing took place the municipal police force of San Pablo was unable to do anything. . . ." Constabulary were rushed from near-by posts "to restore order and avert further clashes between Filipinos and Chinese." Several days elapsed, however, before the Chinese merchants dared to reopen their stores. The mob was estimated by the Constabulary to have contained 2,000 Filipinos.

Incidents of this sort are important because they are indications of the underlying feeling of the masses in many parts of the Philippines towards their alien economic competitors. That this sentiment is a menace to public order is self-evident. It would be far more dangerous were the number of Chinese in the Islands to increase and at the same time the resources of the government for maintaining internal peace to be materially weakened. Nor would the danger be wholly internal. For four centuries the inhabitants of the Philippines have been protected by the might of alien sovereigns from the retaliation of China for the abuse of Chinese in the Islands. An independent Philippines *vis-à-vis* the resurgent, nationalistically aroused and well armed China of today would find itself in an entirely different situation. To the credit of the Commonwealth, it should be recorded that anti-Chinese outbursts have been less frequent since 1935 than during the preceding portion of the American period in the Philippines. In part, this improvement doubtless is due to the firm position which President Quezon has taken with reference to the maintenance of public order. It is unlikely, however, that the basic factors of the situation have been materially altered during the brief period of five years.

The excesses of the mob are not the only manifestations of an ancient Filipino feeling that the local Chinese are a people apart, against whom the community must be protected and who themselves are more or less legitimate objects of prey. The Bookkeeping Act of 1921[9*] and its successors afford an example of the

possibilities of stubborn political conflict, internal and international, which are inherent in the existing situation. This statute, enacted over the protests of the Chinese community, required that every merchant in the Philippines should keep complete accounts of his business in English, Spanish or a local dialect. The measure was admittedly aimed at the 15,000 small Chinese shopkeepers who, the legislators declared, had been annually defrauding the government out of millions of pesos of taxes because Filipino officials were unable to check their books. The Chinese, however, denounced the law as being vicious persecution. They declared that it was enacted to break up their business, to compel the keeper of every little barrio *tienda* to employ a worthless Filipino clerk and to give their Filipino competitors, actual or potential, access to their trade secrets. Individual Chinese also asserted that the enactment of the measure was a clear case of legislative "squeeze," and expressed the belief that if certain politicians were properly taken care of, the law would never be put into effect.

The Chinese feeling that some members of the Philippine Legislature were not entirely incorruptible was shared by many Filipinos. When the tension over the law was at its height, three members of the House of Representatives, speaking quite separately, did not hesitate to declare to me that the law was harsh and unjust. "But," each of them said, in substance, "we dare not vote to repeal it. If we do, our people will say that we have been bribed by the Chinese. The Chinese have, I have heard, tried to bribe some of the members of the Legislature." One does not need to believe the money was actually offered or received in this particular instance to realize that the traditional exploitation of the Chinese and the ancient defense of this people, that of gold, may constitute a very real problem in the development of a sound democracy in the Philippines.

Responsible Chinese, indeed, have declared that this problem has become increasingly serious during recent years because many municipal councils have utilized their taxing powers to discriminate against the Chinese, especially by the imposition of certain license fees. It is also widely believed that many Filipino officials, especially in the provinces, virtually live off the Chinese merchants by refusing to pay their accounts. Rather than go to a

Filipino court and later face the danger of political retaliation, the merchant regards this imposition as a "sort of unofficial tax" for the privilege of doing business. Naturally, it is impossible to demonstrate how widespread this abuse is. But the general belief in its existence is in itself a fact of significance.

While the individual Chinese may procure protection or special favors by bribery, the organized Chinese community is not to be presumed to resort to this method of safeguarding what it conceives to be its rights. It has other means at its disposal and used them in its fight against the Bookkeeping Law. Skilled counsel and publicists marshalled public opinion against the measure in the Philippines, in China and in the United States. At the request of Governor-General Leonard Wood, the Philippine legislature postponed the execution of the statute, but refused to modify it in any substantial manner. Failing to secure the repeal of the law or its annulment by Congress, the Chinese fought their case judicially to the Supreme Court of the United States, which declared the act unconstitutional.[10]

Meanwhile, the business communities of the great trade centers in China and the organized Chinese in the Far Eastern colonies of Great Britain and the Netherlands and in Canada and the United States had been aroused and brought to the support of their compatriots in the Philippines. Resolutions from powerful political and commercial bodies, strongly worded newspaper editorials, and statements emanating from the Chinese Government itself expressed resentment and hinted at reprisals. The official memorandum of the Philippine Chinese declared that the "matter is . . . vastly more than local, more than a domestic regulation. It has an international character of profound importance. . . . If this law is allowed to go into effect, it is not unreasonable to suppose that retaliation will result. China may pass a law requiring American merchants to keep their books of account in Chinese. That would be the end of American business in China." [11] What would the suggested retaliation have been had the outraged Chinese been dealing with an independent Philippine Republic instead of with the United States of America?

In 1926 the Philippine Legislature enacted a new "bookkeeping law" [12] drafted so as to withstand the test of constitutionality.

The opposition of the Chinese made it inadvisable to enforce this act, however, nor did amendments passed in 1934[13] make the measure workable. A year after its inauguration the Commonwealth Government made another move in the long drawn out struggle. A new amendment permitted commercial books to be kept in a language other than a native language, English, or Spanish, but required that all entries therein should be translated into one of the other three recognized languages and certified to under oath by the bookkeeper or manager of the company concerned.[14] In response to a request from the Chinese Chamber of Commerce made after the bill was passed but before it was signed by the President, President Quezon suggested that the Legislature amend the measure to make it effective "one or two years" after its passage. One year of grace was granted. President Quezon's assumption was that the Chinese had recognized the need for this legislation and would cooperate in its enforcement.[15]

For years privately sponsored organizations have sought to stimulate the production and use of goods "made in the Philippines" and sold by Filipinos. National campaigns to this end were conducted in 1930-31 by the *Ang Bagong Katipunan* and later by the National Economic Protective Association. The desire of Filipinos to reduce drastically the part played by both the Chinese and the Japanese in the economic life of the Philippines is reflected in a number of provisions of the Constitution,[16] in legislation enacted by the Commonwealth, and in bills flatly excluding foreigners from the retail business which have been introduced into the National Assembly. Early in 1940 the National Trading Corporation was established and capitalized with government funds. The president of the corporation has publicly stated that one of its purposes is to "break the strangle hold of foreign retailers" upon Philippine trade.[17]

In January, 1941, the Manila Municipal Board passed an ordinance excluding all persons from engaging in any form of business in the public markets except citizens of the Philippines or the United States. Three years' grace was granted to aliens holding market stalls when the ordinance was passed. Virtually all of those affected are Chinese and the Chinese Consul-General protested to the United States High Commissioner. He declared

that the exclusion was in violation of Sino-American treaties, and also declared that the thousands of Chinese concerned would be thrown out of work and, "as they have the right to live, they cannot be deprived of the right to work." [18] This protest and the suggestion of the High Commissioner's office that "aside from the question of legality there arises a question whether the action if taken might not have an unfavorable effect in the field of international relations and also a question whether the action if taken would achieve the end which its sponsors have in contemplation," [19] were disregarded. For years the Board has been under pressure to pass such an ordinance.

That the Chinese will resent and resist the efforts of any Philippine government to oust them from a commanding position in Philippine commerce is a foregone conclusion. The use of political power to drive them from their age-long occupations in the Islands would not only damage them economically, but would outrage their feelings of propriety and justice; and any East Asian people who would cause the Chinese to feel injured and outraged must be blind to the reaction of China to what it considers Japanese injustice.

Thus far the Commonwealth has sought to avoid actions which might justly arouse the resentment of the Chinese. The Government's official attitude towards the problem of increasing Filipino participation in the economic life of the Islands has been set forth by President Quezon, as follows:

> One of the aims of my administration has been to grant to the Filipinos every facility they may need to acquire an increasing share in the business activities of the country. This policy is prompted by more cogent reasons than merely a narrow or emotional nationalism. Our national economy can never gain stability and strength, unless it is built permanently upon the brain and brawn, the work and wealth of our own people.
>
> But Filipino businessmen should not assume that the government will extend to them special privileges at the expense of the public interest, or in disregard of the rights of Americans or foreigners doing legitimate business in the Philippines. Under our Constitution, Americans are entitled to the same consideration as Filipinos. As to foreigners, aside from their rights recognized in international law and our own laws, they have the further right to be treated with equity and justice, because they have helped in the development of our

country at a time when our own people were not engaging in business enterprises. What the Filipino businessmen have the right to expect from their government and what we are affording them, are means which they did not have in the past, such as banking institutions, facilities for trade and communication, and new opportunities to engage in productive activities. In other words, the government is facilitating and encouraging greater participation of Filipinos in the commerce and industry of the country. But the Filipino must stand on his own worth. He must make his way through earnest, intelligent and determined effort. He must be ready to meet the exigencies of fair competition, for only under equal circumstances should he have the right to expect the protection of his countrymen.

We cannot, we must not, adopt a policy that in any way may be interpreted as antagonistic to foreigners. We do not underestimate what they are doing and can do in aid of our material progress. The attraction of foreign capital has been one of my main concerns.[20]

Against displacement by the legitimate methods outlined by President Quezon, the Chinese would have no legitimate grounds for protest.

The Chinese feeling that their position in the Philippines is a legitimate one can be sensed in every line of the discussion of this subject in the Chinese memorandum to Congress against the original Bookkeeping Act.

The Chinese merchants are not newcomers [their spokesmen declared]. They are as much a part of the Philippine Islands as the hills and valleys and streams in that beautiful archipelago. No one knows when they came, as they came at a time when the memory of man runneth not to the contrary. . . . When the Spaniards came to the Islands first, in 1520, they found Chinese merchants doing all the commercial business in the Islands. After almost five hundred years, the present day finds the Chinese merchants doing at least seventy (70) per cent of all the commercial business in the Islands. It is hardly possible to call them foreigners—they are a part and parcel of the Philippine life. They have never failed to answer any call for public service. . . . They constitute the commercial class of the Islands just as the Filipinos are the official and farming class. The existence of one is just as essential as that of the others for a proper functioning of the life of the Philippine Islands. Each has its task to perform. The officials govern; the farmers produce; but it is the merchants who pay the bills, because the greater part of the taxes for the maintenance of the Government comes from them. The merchants of the Islands have been Chinese. . . .

. . . [The Chinese merchant] is more than a merchant; he carries on the commercial end of the Philippine industrial life. These merchants, thus scattered throughout the provinces, loan money to the Filipinos to aid them in growing and marketing their crops. The Chinese merchant buys their crops. He exports them and brings to them in return the commodities they need. Chinese merchants constitute the very essence of the commercial life of the Islands. No complaints are heard about their dealings. They are universally recognized as honest, fair and square. Their reputation is higher than the reputation of any similar body of merchants to be found elsewhere in the world. . . .

There is an additional reason why the Chinese would regard the exercise of political power to displace them in the economic life of the Philippines as inimical to their national interests. Such action might encourage other Oriental peoples to take similar steps to eliminate alien merchants from their national economy.

The Chinese merchant is not peculiar to the Philippines [the memorandum truly declares]. Chinese merchants are found throughout the islands of Oceania; they are in the Dutch East Indies, the Federated Malay States, Straits Settlements, French Indo-China, and other areas of that quarter of the globe. As they do in the Philippines, they constitute the commercial class in these localities, and have for many centuries. Many nations hold sovereignty over these regions. In no instance, other than this, has sovereignty presumed to enact such an unconscionable and unendurable law. . . . It may not be too much to say that if this law is permitted to stand, the Chinese can no longer consider the United States a country that demands for him a square deal.[21]

There are at least 5,000,000 Chinese living in South Asiatic territory not under the political jurisdiction of the Chinese Republic: some 2,500,000 in Thailand, 1,700,000 in British Malaya, 1,250,000 in the Netherlands East Indies, and smaller but locally important groups in every "South Seas" island from the Philippines to New Guinea. No one knows what the total Chinese investment in this vast area is, but it is enormous. Furthermore, it is highly productive, and a substantial portion of its annual earnings returns to China. This flow of income is an important factor in China's national finance and undoubtedly has aided her in maintaining her foreign exchange during the present struggle with Japan. For this reason, and because these overseas Chinese merchants have boy-

cotted Japanese goods and otherwise supported the Chinese National Government, Japan is not likely to remain indifferent to their presence in the territory in which it is seeking to establish its "New Order." [22*]

In his 1941 annual message to the National Assembly President Quezon stated that Filipino participation in the retail trade of the country has increased from between 15 and 20 per cent at the time of the inauguration of the Commonwealth to approximately 37 per cent in 1939. Filipinos, he declared, now outnumber the merchants of other nationalities in the retail trade and control a greater number of retail stores. If this increased participation of Filipinos in the internal business of their country is a permanent one, its accomplishment in five years is a remarkable achievement. As recently as December, 1938, the provincial commercial supervisor in Pangasinan, a rich province in central Luzon, reported that only two per cent of the retail trade and of the wholesale dealing in the staple crops was in the hands of Filipinos.[23*]

The determination of the Government to continue its efforts to bring the business of the country into Filipino hands is quite understandable. Its economic reasons for doing so are self-evident. Its political motivation is perhaps even more important. The Philippines has as its avowed political goal the creation of a representative democracy. The domination of the business of the country by a powerful, unassimilable foreign element in the population does not make this admittedly difficult task any easier. What would be the effect upon American local, state and national government were three-quarters of the "business men," including the bankers and the "produce merchants" engaged in the distribution of the basic food stuffs, of virtually every city, county, town and village in the land aliens who had no votes, no interest in government save to protect themselves from it or to use it, and no devotion to the political institutions of the nation? What would American politics be were 75 per cent of all taxes on business to be paid by this same group of aliens who possessed no legitimate control over government agencies for the levying and collection of taxes and the regulation of business? Few indeed would say that the prospects for good government or democratic government would be bright under such conditions. Yet in the Philip-

pines, which until three decades ago was an autocratically governed Spanish colony, precisely such conditions exist.

When one considers the historical background and present implications of the peculiar position occupied in the Philippines by the Chinese (and the Japanese, whose case will be discussed in a moment) the outstanding conclusion is that here is a situation which requires delicate handling. Each side can find moral as well as legal justification for its position. A permanent settlement of the issues involved can be reached only by applying the principles of equity, as well as of law; by the exercise of patience and caution; and by a mutual recognition of conflicting points of view.

Like the Chinese, the Japanese played an important part in the pre-Spanish life of the Philippines and they remained in the Islands in considerable numbers during the first seventy or eighty years of the Spanish regime. Fifty years after the founding of Manila it was reported that some 3,000 of them were resident in that city alone. It is probable that their subsequent disappearance from the Spanish colony was due to their government's isolationist policy rather than to any inability or disinclination on their part to live away from home and in the tropics. After Japan had again been opened to world intercourse Japanese gradually reappeared in the Philippines, but in such small numbers that in 1903 there were less than 1,000 of them in the Islands. By 1918 their number had increased to about 8,000, while the Census of 1939 showed 29,262 Japanese to be resident in the Archipelago, of whom 17,888 were living in Davao, 4,730 in Manila, and 1,888 in the Mountain Province, principally in Baguio. Unlike the Chinese, many of the Japanese bring their wives and children with them, and very few of them have intermarried with the Filipinos. For this reason, and because their reappearance in the Philippines is comparatively recent, there is no considerable group of persons of Filipino-Japanese blood in the local population.

Until after 1932 the overwhelming majority of the Japanese in the Philippines were artisans, agriculturists, and fishermen rather than merchants. The few who were engaged in retail trade had bazaars or photographic shops in the larger centers of population. These establishments were essentially "foreign" and were much more pretentious than the thousands of Chinese *sari-sari* stores

which blend into the background of the smallest Filipino barrio. It was through the latter retail outlets that most of the Japanese goods sold in the Islands reached the ultimate consumer. Following the Manchurian "incident" of 1931 the Chinese middlemen refused to handle Japanese merchandise. The Japanese thereupon proceeded to build up their own system of retail distribution. The number of Japanese bazaars increased in the larger towns and others were established in many of the smaller municipalities throughout the Islands. These stores are far more modern and attractive than most of the Chinese shops. They carry a wide variety of cheap goods attractively displayed, frequently changed, and sold with the techniques of modern merchandising.

The individual Japanese stores are backed financially by great business houses in Japan and supported locally by two Manila branches of Japanese banks. One of these, the Yokohama Specie Bank, has long been represented in Manila; the other, the Bank of Taiwan, Ltd., a government controlled institution with head office in Taihoku, Taiwan, was established in 1938. For years Taiwan has been the outpost for Japanese commercial expansion into the "South Seas" area.

During recent years Japanese direct investments in the Philippines have not only increased, but have also become more diversified. There is reason to believe that indirectly a considerable amount of Japanese capital is invested in mining. Japanese money has flowed into manufacturing, especially of textiles. The total Japanese investment cannot be exactly ascertained. Some of it is made under the cover of Filipino names in order to circumvent the legal restrictions upon foreign ownership in certain economic fields. Callis estimates the total "entrepreneur" investment at from 25 to 30 million United States dollars.

Although accurate figures are not available, there can be no doubt that the Japanese commercial investment in the Philippines and the number of Japanese merchants residing there have mounted during the last decade. The proportion of the retail and wholesale trade in the hands of the Japanese has correspondingly increased. The import figures tell the story. During the depression years of 1932 and 1933, while the Chinese middlemen's boycott of Japanese goods was at its height, imports from all countries

other than the United States dropped by about one-third, while during the same period those from Japan were halved. During the next few years imports from Japan came back with corresponding rapidity as compared with those from other nations. In 1937, they were nearly one-quarter greater than during any pre-depression year.[24] Undoubtedly the boycott of the Chinese merchants accounted in considerable part for the disproportionately rapid decrease in imports from Japan in 1932 and 1933; while the strengthening of the Japanese commercial organization as a defense against the boycott explains the equally speedy return of Japanese goods after the latter year. The difference between the existing situation and the situation prior to 1932 is that a far larger proportion of these goods are now reaching the Filipino consumer through Japanese retailers, with a corresponding reduction in the business of the Chinese merchants.

During the period 1934-1938, the average annual imports into the Philippines from Japan were valued at $12,944,000 and the average annual exports to Japan at about 57 per cent of that amount, or $7,368,000.[25] This trade is not large compared with the total commerce of Japan, her exports to the Philippines for the average of the two years 1936 and 1937 being only about two per cent of her total exports.[26] Nevertheless, Japan's economic situation is such that this commerce is not without importance to her. Furthermore, over a considerable period of years prior to 1938 the Japan-Philippines trade was increasing and as the Archipelago is capable of supporting a population of fifty millions and perhaps more, it is of great potential value. In the event of the termination of free trade, or of highly preferential trade between the United States and the Philippines, it is reasonable to suppose that Japan would capture a larger and larger proportion of this market lying at her door. Many economists believe that Japanese sales in the Philippines are bound to increase, regardless of tariff handicaps. The duties on cotton prints from non-American sources did not prevent the Japanese from crowding American goods out of this market in the Philippines and only a gentlemen's agreement limiting Japan to a quota in cotton piece goods saved for the United States a portion of the market for the cheaper grades of this important article of commerce. An increase in Japanese trade

with the Philippines would naturally be followed by a corresponding increase in the Japanese commercial population in the Islands and in Japanese investments there.

It is not as merchants but as fishermen, however, that the Japanese residents of the Philippines have come into the most direct contact with the living economy of native population. As the Chinese have controlled the distribution of rice, so the Japanese have become a powerful factor in the supply of fish, the second staple food of the Filipino people. They attained this position through possessing something close to a monopoly of deep-sea fishing and the use of modern off-shore fishing methods in Philippine waters. In the main, the Filipinos have failed to substitute these new procedures for the inshore traps, nets, and lines of their ancestors.

The expansion of the Japanese fishing industry in the Islands led to a popular demand that it be curbed by law before the Japanese should dominate the supply of this essential food. In 1930 a bill designed to accomplish this purpose was vetoed by the Governor-General, chiefly because it was so poorly drawn that it expressed exactly the opposite from the legislative intent. Japan's attitude towards any governmental action intended to eliminate her citizens from a business which they had developed over a period of twenty years was officially expressed at that time by a letter in which the Japanese Consul-General urged that the bill be vetoed, "in the cause of the existing cordial relations between Japan and the Philippines." [27]

In 1930 there were 64 power fishing boats owned by Japanese operating in Manila Bay and 36 in the Gulf of Davao. Some 400 Japanese participated in the industry, in which approximately ₱500,000 was invested.[28] Subsequently legislation was enacted requiring that no fishing boat should be licensed in the future, the ownership of which was not at least 60 per cent Filipino and requiring that all but a small proportion of the crews of such vessels should be Philippine citizens. There exists general belief in the Philippines that this law has been circumvented by the use of "dummy" Filipino stockholders or partners and by other means. In May, 1940, a Japanese source estimated the number of Japanese fishermen in the Islands as 1,250, and the number of boats operated

by them as 120.[29] The fact is that the Filipinos have not yet demonstrated that they can successfully operate modern deep-sea fishing boats and their equipment; and the Japanese claim that they alone can at present supply the people with a steady, cheap supply of deep-sea fish seems to be well founded, although a few American-owned fishing boats are successfully operating.

The feeling engendered by the determination of the Filipinos gradually to eliminate the Japanese from the Philippine fishing industry has been heightened by repeated incidents in which the crews of fishing vessels from Japan or Taiwan have defied the Philippine authorities when apprehended in illegal fishing, lumbering, trading and just plain stealing operations in the territorial waters or isolated islands of the Archipelago. Referring to these incidents, the Manila *Tribune* declared nearly a decade ago that "this incursion into Philippine territory by the Japanese portends for the future consequences of national import. Not the events of today, but the probable events of tomorrow fill the minds of Filipinos with apprehension. The shadow has been thrown on our portals."

This shadow was deepened by the crowning incident of the *Haiun Maru*. In 1934 this vessel, a power fishing boat about fifty feet in length, operated off the southern end of Palawan for about a week, its crew frequently coming ashore and stealing coconuts and other property of isolated Filipino settlers. Finally, a patrol of Philippine Constabulary boarded the craft from a small motor boat. Lulled into a feeling of false security, the Constabulary were set upon, disarmed and thrown over the side. The *Haiun Maru* then sailed away, leaving the Filipinos to sink or swim some three or four miles from shore. The Constabulary soldiers were rescued, but efforts to apprehend the offending vessel were in vain. After consultations with the Department of State strong representations were made to Tokyo and eventually the *Haiun Maru* was traced to Takao, the port at the southern tip of Formosa. Japan refused to extradite the officers and crew of the vessel as, under her extradition treaty with the United States, she had the right to do. After trial in Formosa, the officers received light sentences for the attack upon the Philippine officials, and within a comparatively short time even these penalties were suspended. This incident, in which the

United States was able to obtain no real redress or satisfaction for a serious assault upon its authority and that of the Philippine Government by the crew of a Japanese vessel, produced a profound effect upon the Filipinos. "If this can happen to us while the United States is still sovereign here, what can we expect once we are on our own?" they asked themselves.

Of all of the activities of the Japanese in the Philippines, the great agricultural colony which they have established in Davao is the most spectacular. Japanese interests in Davao date from 1904, when a group of about 100 Japanese workmen who had been employed by the Philippine government in northern Luzon were brought to Davao upon the initiative of pioneer American hemp and coconut planters who desperately needed capable laborers. These Japanese eventually took up public land and, combining their savings, formed agricultural corporations under the then existing laws.

The Japanese group in Davao gradually increased, and in conjunction with the Americans and a few Filipino and Spanish planters they participated in the slow development of the province that occurred during the next decade. In 1915 the demands of the World War sent the price of hemp skyrocketing and boom days came to Davao, where the finest hemp in the world can be cheaply produced. By 1916 there were 10,000 Japanese in Davao and abaca plantations were being feverishly developed by Japanese, Americans and Filipinos. In 1920, however, coincidentally with the drop in hemp prices, the crash came. By 1923 only about 2,700 Japanese remained in Davao and the number of corporations had been reduced from about sixty to forty-one. In 1924 immigration began again and by 1935 there were approximately 14,000 Japanese in the province. By 1939 this number had risen to nearly 18,000. Since then it has again been reduced by an excess of departures over arrivals caused by a fall in the price of hemp and the Sino-Japanese conflict. Semi-official figures listed departures in 1939 as 2,945 and entries as 964.

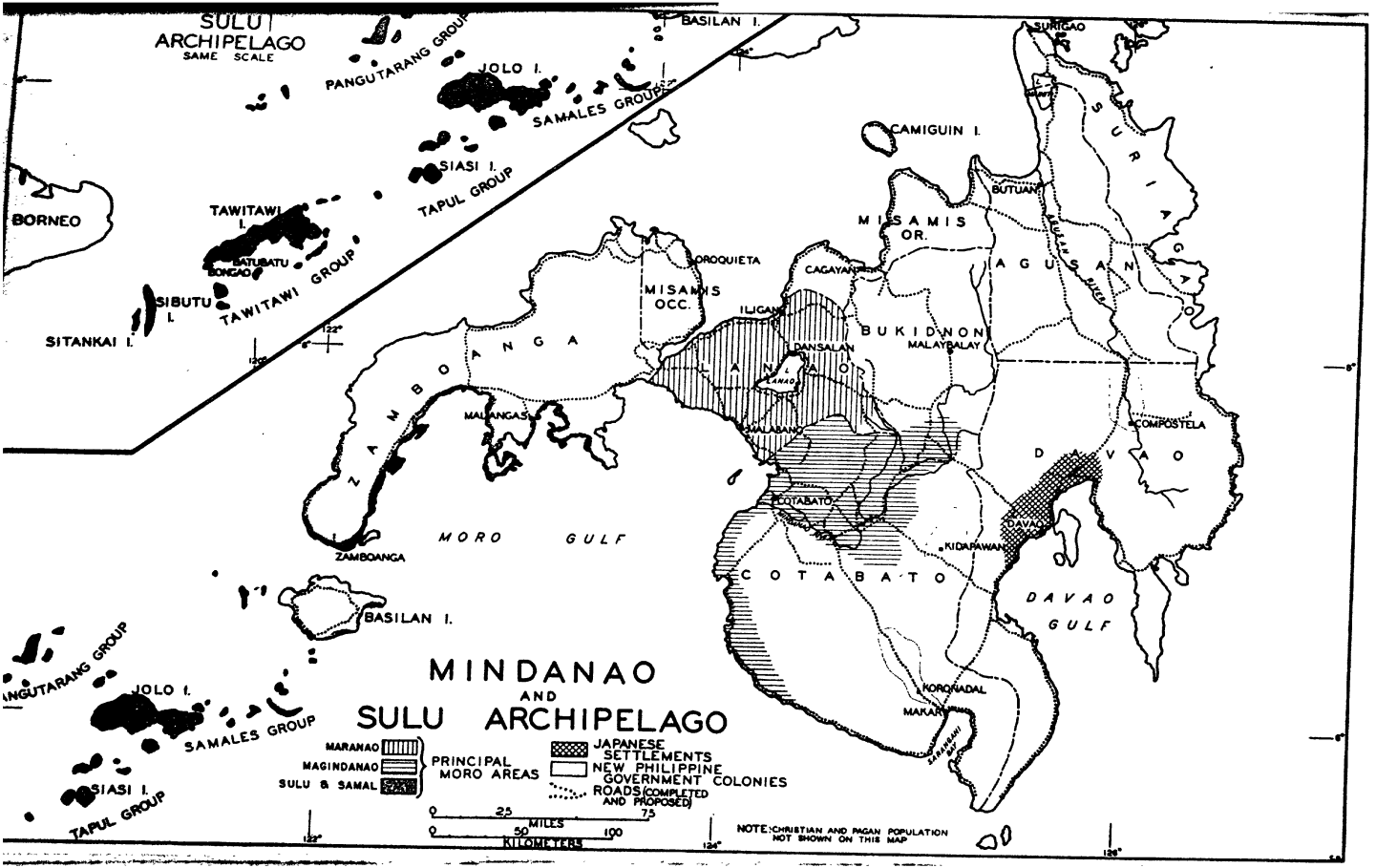
When the Filipinos received control over their government at the end of 1935, the Japanese owned or controlled approximately 57,350 hectares[80*] of Davao land. Of this amount, 28,098 hectares had been acquired by unquestionably legal methods: 8,119 hec-

tares by purchase and 19,970 hectares by lease. The other 29,252 hectares was public land that had been applied for by Filipinos and Americans and by them turned over to Japanese for development under lease, or land or labor contracts. The Philippine government has taken the position that most of these contracts, collectively referred to as "leases," are voidable because they violate the legal conditions under which the public land in question passed into the control of the American or Filipino "lessors."

In addition to growing and stripping abaca, the Japanese have branched out into most of the other economic activities of Davao. They purchase, bale and export hemp; buy and sell copra; carry on a large general importing, exporting, agency, and merchandising business; operate extensive and valuable timber concessions; directly or indirectly do most of the deep-sea fishing in the Gulf of Davao, and are the best artisans in the province. Practically all of the American plantations have passed into their hands and their merchants are even replacing many of the Chinese retailers.

For all of these activities the Japanese are well organized and financed. Two large corporations, each linked with important interests in Japan, are the chief instruments of leadership and control in the Japanese community. The Japanese Association is an effective organization for dealing with many common problems. Japanese schools, hospitals and social organizations help to maintain a definitely Japanese community life. The Japanese consular representatives are capable, active men, zealously serving the local and national interests of their people. Japanese immigrants are selected with government cooperation, chiefly from the Okinawa group, inhabitants of the small, sub-tropical islands south of Kyushu. Settlers are skillfully guided until they are placed upon the land. Then they are aided with expert agricultural and other services and tided over in time of emergent need. A Japanese steamship service connects Davao with Formosa and Japan, and Japanese ships in the world trade give additional opportunities for shipments in Japanese bottoms. In shore, there is operating in Davao a well-nigh perfect organization for the economic penetration and development of a new country.

With this organization and its resources behind them, the Japanese have been chiefly instrumental in developing Davao into


SULU ARCHIPELAGO
SAME SCALE
BASILAN I.
PANGUTARANG GROUP
JOLO I.
SAMALES GROUP
SIASI I.
TAPUL GROUP
BORNEO
TAWITAWI I.
BATUBATU
BONGAO
SIBUTU I.
TAWITAWI GROUP
SITANKAI I.
SURIGAO
CAMIGUIN I.
BUTUAN
MISAMIS OR.
AGUSAN
MISAMIS OCC.
OROQUIETA
CAGAYAN
ILIGAN
BUKIDNON
MALAYBALAY
DAVAO
COMPOSTELA
ZAMBOANGA
MALANGAS
LANAO
MARAWI
DANSALAN
COTABATO
DAVAO
KIDAPAWAN
MORO GULF
ZAMBOANGA
BASILAN I.
COTABATO
DAVAO GULF
KORONADAL
MAKAR
MINDANAO
AND
SULU ARCHIPELAGO
MARANAO
MAGINDANAO
SULU & SAMAL
PRINCIPAL MORO AREAS
JAPANESE SETTLEMENTS
NEW PHILIPPINE GOVERNMENT COLONIES
ROADS (COMPLETED AND PROPOSED)
0 25 75
MILES
0 50 100
KILOMETERS
NOTE: CHRISTIAN AND PAGAN POPULATION NOT SHOWN ON THIS MAP
122°
124°
126°
6°
8°

a prosperous province and one of the most important hemp producing centers in the world. The American planters, as fine and courageous pioneers as any in our history, lacked the resources necessary for the task they undertook, received no governmental or other support from home or Manila. They have virtually disappeared from the scene.[31]* The Filipino immigrants prior to 1936 had likewise received little help from governmental sources. Indeed, they had been exploited as well as neglected by the local government, which for years was inefficient and at times corrupt. Up to 1935, the province had provided, for instance, about 100 kilometers of highway, while the Japanese planters had constructed more than 300 kilometers, most of which is open to public use without charge. Likewise, it is the Japanese who have made important improvements in agricultural methods and in the processes of stripping and handling hemp. These advances in production have been freely made available to others.

Other facts about the Japanese colony and its position in the Province of Davao are of interest. Although numbering but 17,888, as compared with approximately 200,000 Filipino residents in Davao, the Japanese pay half of the local and insular taxes collected in the province. They also employ directly from 12,000 to 14,000 Filipino laborers and indirectly make a livelihood possible for many more. Probably much of the attraction of Davao for the Japanese is that there they are able to reproduce in a delightful and healthful climate many of the characteristics of their native life. Nearly one-half of the Japanese living in Davao are members of resident families, and more than one-third of the Japanese group is of the female sex. The customs reports show a steady movement of Japanese between Davao and Japan, but in recent years most of the entering Japanese have been returning settlers.

As the probability of early separation from the United States became more definite, the Filipinos became increasingly conscious of the implications of the Japanese colonization in Davao. During the year before the inauguration of the Commonwealth, the Philippine government made a last-minute attack upon the problem which it presented. In order to expedite the settlement of Mindanao the legislature appropriated 1,000,000 pesos for the establishment of elaborately planned agricultural colonies by procedures

designed to avoid the mistakes of earlier efforts at government colonization.[32] Preparations were also made to void the allegedly illegal "leases" in Davao and to eject the Japanese tenants from lands occupied under them, although legal opinion was not unanimous that the Japanese leases were in violation of law. This procedure, however, threatened to produce serious trouble and was abandoned. Other steps were taken to prevent the further extension of Japanese holdings and to improve government administration in Davao.

Since the inauguration of the Commonwealth, President Quezon has displayed both energy and caution in dealing with the problem of the Japanese in Davao. Early in his administration he went to the province with a large group of executive officials and members of the National Assembly. While there he conferred at length with the Japanese Consul General, who had come down from Manila at the same time. In his annual message to the first regular session of the Assembly in June, 1936, the President stated:

> Much has been printed in the local and foreign papers regarding the ownership of large tracts of land by Japanese subjects in Davao. There is an impression that Davao is actually owned by the Japanese. Such is not the case.
>
> The total area owned, leased and/or cultivated by the Japanese in Davao is about 60,000 hectares out of almost two million hectares that constitute the total area of the public domain in that province. It is true that Japanese investments in Davao are considerable, and that there are doubts expressed as to the legality of some of the transactions entered into between Filipinos and Japanese regarding the public domain leased to Filipinos by the Government. In these cases the Government will act in accordance with law and equity. Before any course of action is finally decided upon by the Administration, I shall advise with the Assembly and take no step without your previous knowledge. There is nothing in the so-called problem that should cause serious concern.[33]

While thus dealing cautiously with the Japanese and indicating that equity as well as law would govern the government's attitude towards questionable land leases, President Quezon vigorously pushed a broad program for the development of Mindanao which if carried through may prevent the further expansion of Japanese land-holdings in that province and assure the occupation

of the island by Filipinos rather than by aliens of any nationality. To confine the Japanese within the limits of their present holdings plans were made to hem in the cultivated area adjacent to the city of Davao with Filipino homesteaders. A number of years previously a large and highly successful penal colony had been established northeast of Davao city. It was now proposed to establish immigrant colonies in this region and to the west and southwest of the territory already occupied by the Japanese. The first site, in the Compostela-Monkayo region, is traversed by a road connecting Davao with the northern coast of Mindanao; the second, in the Kidapauan Valley, is on the highway, likewise recently opened, between Davao and Cotabato, on the west coast; the third site is in the lower Koronadal Valley and is reached through a port on the south coast at the head of Sarangani Bay. Each of these colonies is envisaged as a nucleus from which settlers will gradually penetrate through the whole of the now unoccupied regions of southern Mindanao. To establish these colonies and to facilitate the settlement and cultivation of unoccupied lands surrounding them and in other parts of the Archipelago, the Commonwealth Government created a corporation known as the National Land Settlement Administration and appropriated ₱20,000,000 for its capital stock.[34]

The Koronadal colony has already been established and is rapidly growing. The original plan was to transport and establish homesteaders from overcrowded northern provinces at government expense, repayment to be made over a period of years. Voluntary immigration was so great, however, that the emphasis is now being placed upon surveying public lands and constructing roads in the areas in question. Large sums of money appropriated from the coconut oil tax money turned over to the Philippines by the United States are now being expended for these purposes. The author has visited all of these regions. He has seen independent Filipino homesteaders by the thousands pushing into the back country in this and many other parts of the Archipelago along roads under construction, roads surveyed, and trails which it was rumored might be turned into roads. It is his conviction that road construction and land surveys in Davao and the other provinces of Mindanao will of themselves attract sufficient immigrants to

occupy large portions of this great island more rapidly than most persons believe possible.

While the Commonwealth has been seeking to prevent the further expansion of Japanese interests in Davao, the Philippines as a whole has been subjected to an intensive campaign of Japanese cultural penetration which causes many Filipinos more concern than the extension of Japanese commercial interests in their country. This organized movement to bring the Philippines within the Japanese orbit began even before the Commonwealth was organized. The theme song of the appeal is Pan-Asianism. The racial affinity between the Japanese and the Filipinos is emphasized. For example, a visiting Japanese scholar speaking to a University audience in Manila explained that when he landed on Pier Seven he felt that he had hardly left Japan. The welcoming throngs looked so much like Japanese that he could hardly believe that he was not in his own country. And why not? One of the chief blood strains of his own race was Malayan! Geographical propinquity, the complementary nature of their national economies and the readiness of Japan to invest large capital to develop their natural resources are set forth as additional reasons why the Philippines, about to be cast off by distant, uninterested America, should orient her future to the New Order in Asia.

The techniques of indoctrinating the Filipinos with these ideas are similar to those which Japan has long employed in Formosa and Korea and more recently in Manchuria. Delegations of Filipinos are entertained in Japan with the delightful hospitality of that country. Newspapermen, legislators, teachers, business men have fraternized with the members of their respective professions in Tokyo, Yokohama, and Kyoto.[35*] Corresponding groups of Japanese have visited the Philippines. Prominent Filipino business and professional men are associated with Japanese business ventures in the Philippines, or retained as lawyers by Japanese interests in the Islands. There has developed in the Islands a small but active "pro-Japanese" group the members of which are aggressively campaigning to hasten the day when a Japanese orientation shall supplant the present connections with the United States. Numerous young Filipinos are learning Japanese and at least one of them has attended the Imperial Military Academy. The activities of Fili-

pinos who sought Japanese aid during the revolutions against Spain and the United States, or have lived in Japan as refugees, are recalled in terms which at times imply more Japanese assistance than was actually granted.[36*] The Society for International Cultural Relations, which was organized by the Japanese Government in 1934 to aid in furthering understanding between Japan and other countries, has prosecuted its work in the Philippines.[37]

That Japan should initiate a "good neighbor" policy towards the Philippines and that the Philippines should reciprocate can scarcely be regarded as anything but commendable. The end result of the activities of the Japanophile Filipinos and some Japanese, a few of whom have been the official representatives of their government, however, has been to increase the general uneasiness which the southward march of Japan and her frankly expressed intention to dominate the Far East have caused in the Philippines. The bluntest Filipino reply came in 1934 from the Honorable Claro M. Recto, who was then the President of the Constitutional Convention. In a Rotary Club address delivered in the presence of the Japanese Consul-General, whose expansive smile never flickered, Mr. Recto discussed the American Monroe Doctrine and "Asiatic Monroeism."

> But we are in the Pacific [he declared] and the real danger for us, the danger that impends and against which the Filipino people must be ready to muster all their resources as well as their statesmanship and patriotism, is not the economic collaboration of America which we should foster and stimulate but such other economic ascendency, such Monroeism which in view of geographical factors will mean for us and our posterity our economic pauperism and our political extinction. This danger is real and we must be ready to meet it with courage and determination.[38]

Mr. Recto's courageous statement found wide approval in the Philippine Press. An editorial in *The Tribune*, entitled "He Leads," which Filipinos might reread with profit in 1941 contained the following warning to the people and their leaders:

> Those who have thought of the position of these islands in the Far East and of the political explosions in this part of the world, will find in these words of President Recto an echo of their own conclusions on what may befall this country. And his and their fear is

reasoned out of history in the making in Eastern Asia since the opening of the century.

Moreover, it has been a history of domination and expansion not merely reaching our threshold but actually within our gate. Thus, President Recto said, the danger is real.

There has been a reluctance among the other Filipino leaders to speak as President Recto has spoken. It may be that they have not the fear for the future of this country that so engrosses him. Or perhaps they have not the vision that is his. Or, very likely, they have chosen to let things go unheeded as the best policy.

But in view of the imminence of independence, President Recto's open and direct assertion of a fate that can be only "our economic pauperism and political extinction," if disturbing, is pointedly the practical stand. In common honesty if not as a matter of sagacity in statecraft, the people should be told of the real danger.

The people should not be led to their freedom with their eyes closed to this reality or with their leaders running away from it.[39*]

Filipino anxiety and resentment over the pressure exerted by the Japanese and their Filipino associates found expression during the passage of the Immigration Act of 1940 through the National Assembly. This law superseded the Act of Congress of February 5, 1917, as the immigration law of the Philippines which, although a United States statute applied to the Philippines, was enforced by officers of the Philippine Government. Enforcement of the law was unsatisfactory, partially because the Philippine Government was unable to issue immigration regulations adapted to Philippine conditions. In 1938 an investigation was made and twenty-three immigration officers were suspended and four were prosecuted.

For two years thereafter the Quezon administration, aided by Messrs. George L. Brandt, immigration expert from the United States Department of State, and Irving F. Wixon, Deputy Commissioner of the United States Immigration and Naturalization Service, had labored to prepare a perfect immigration law. The bill as introduced into the Assembly contained a provision that every nation should be granted an annual quota of 1,000 immigrants to the Philippines. This quota was reduced by the Assembly to 500 and the measure was passed by a vote of 67 to 1. The lone dissenter explained his vote by the significant statement that he desired to see "our beloved Philippines . . . live in peace with all." [40] The Manila press attributed the reduction of the quota and

the all but unanimous passage of the bill to statements attributed to Tokyo officials and newspapers "warning" the Philippines that the enactment of the legislation would be considered an unfriendly act by Japan. The press also reported that the State Department had forwarded a Japanese protest against the bill to the Commonwealth without recommendation, taking the position that "the United States would uphold whatever quota is established." [41*]

Japanese resentment at the Immigration Act is directed at both the Philippines and the United States. "The passage of the anti-Japanese immigration bill . . . by the Philippine National Assembly marks a definite step forward in the Island's effort to drive out Japanese influence," declared Yasotaro Morri in an article entitled "Closing Doors in the Philippines," which appeared in the June, 1940, number of *Contemporary Japan.* "The recently passed bill is here described as anti-Japanese, because, notwithstanding high-sounding pretexts put forth by those concerned to justify it, common sense would reveal it in no other light. It is an open challenge to Japanese patience and tolerance." The author ridicules Filipino statements that the measure was intended to eliminate discrimination against Orientals and place all nations upon a basis of equality in the matter of immigration. Figures are given which show that since 1903 only the Japanese and Chinese have been sending more than a handful of immigrants to the Philippines. Japan, with an average of 2,720 legally entering each year between 1936 and 1938, inclusive, is obviously the country aimed at, Mr. Morri declares. He also states, "The State Department could certainly have stopped the bill if it so willed." [42*]

Technically, the Philippine Immigration Act of 1940 is probably as excellent a law as exists upon this subject. Aliens who may be admitted as "nonimmigrants," and "quota immigrants" are clearly defined, and all of the procedures which American and foreign experience has shown are necessary for the successful administration of immigration laws are provided. Adequate administrative machinery for the enforcement of the law is created. The measure should reduce the friction with foreigners, especially the Chinese, which stupid application of the superseded legislation has often caused. Friction should also be prevented by the provision that any alien in the Philippines at the time of the passage of the

act may legalize his residence in the country by applying to the Commissioner of Immigration within one year of the date upon which the law shall become effective. Seventeen classes of aliens are excluded from entry into the Philippines. Among them are persons whose beliefs might make them a menace to the state, including those "who advocate or teach principles, theories, or ideas contrary to the Constitution of the Philippines"; and illiterate persons over fifteen years of age physically capable of reading. Stringent provisions regarding the deportation of undesirable aliens are also included in the law.

It would be too much and too little to say that the Immigration Act of 1940 is the Philippine Commonwealth's answer to those Japanese and Filipinos who in recent years have been trying to swing the Philippines into the orbit of that nation which by force of arms is seeking to create and dominate a "New Order in East Asia." Perhaps the passage of this law in the face of Japanese and Chinese protests is best explained in the words of an Assemblyman who told his colleagues that he voted for the measure to meet "our sacred obligation, as constitutional representatives of the nation, to preserve our race, our sovereignty and the patrimony which God in His infinite bounty has given to us for us, our children and our children's children, to the exclusion of others.[43*]

In view of the long history of the relations between the Filipinos and the Chinese and Japanese, the interests which those two fiercely contending nations already have in the Islands, and the physical weakness of the Philippines as compared with either of them one may doubt whether the passage of a Philippine statute or any other action within the power of the Filipinos to take would in itself be effective in preserving those things which Assemblyman De la Paz voted to protect. Even the United States does not apply its quota system to its sister republics in the Western Hemisphere!

The Philippine Archipelago is a detached portion of Asia. Its inhabitants are Asiatic in origin and racial affinity. Their religion, much of their culture, virtually all of their political institutions, however, are Western. During some 350 years this group of islands was preserved as a political entity by Spain. Since 1900 their more Westernized citizens, under the protection and guidance of the

United States, have been striving to weld these Malays of many languages and Oriental background into a typically Western nation-state. During this same period the two great Oriental peoples have become fiercely nationalistic and consciously "Asiatic." Both are overcrowded and, despite the protection afforded the Philippines by the might of America, each by its own peculiar methods has accelerated its penetration into the rich, underpopulated archipelago so near at hand. The one expands by political domination; the other by racial inundation. The southward march of Japan is visible to all people. In 1931 the Philippine Insular Collector of Customs stated publicly that unless the illegal entry of Chinese could be checked there would be 1,000,000 of them in the Philippines in ten years. The numbers and position of the Chinese in other Malayan areas cannot be ignored. Once the Philippines has cut the political lifeline which still connects it with the West, how long will it be able to bar its doors to its fellow Asiatics, preserve its "patrimony" for its own exclusive use, and maintain the national personality which its contact with the West has given it?

Viewing the Philippine Immigration Law from a somewhat narrower angle, one recalls that only a nation as isolated and as powerful as the United States could have maintained its exclusive immigration policy over a long period of years in the face of the bitterness which that policy has aroused. Nowhere has this resentment been deeper than in China and Japan. To believe that either of these nations will accept similar treatment from another Asiatic people, one which still has to make good its title to nationhood, for one minute longer than it has to is to betray an absence of knowledge, not merely of Asiatic, but of human psychology.

When President Roosevelt approved the Philippine Immigration Act of 1940 the United States underwrote the Filipinos' fiat that other Asiatics should be virtually excluded from their shores, at least so long as we are sovereign there. China and Japan can afford to wait five years (especially the Chinese who since 1918 have entered the Philippines at the rate of about 4,000 per year over an exclusion law which granted them no quota at all); and for the moment those countries are otherwise occupied. Both Americans and Filipinos, however, would do well to ask themselves what the situation would be during the post-1946 years, (a) in

the event that independence should be achieved as planned, or (b) should the United States and the Philippines agree to an extension of some political association which would make the United States responsible for the protection of the Islands and the maintenance of their policy of racial exclusiveness for an indefinite future period.

Closely related to the problem of immigration is that of naturalization. In 1939 the Philippines enacted a new naturalization law which removed the bar which previously had prevented the naturalization of other Orientals who could not become citizens of the United States if residing therein.[44] Although the fact has not been brought out into the open, there is an obvious connection between this liberalizing action and the imposition of an immigration quota which would limit the number of Chinese and Japanese who by residence in the Philippines could become eligible to citizenship. The Revised Naturalization Law, however, contains provisions which are designed to limit the acquisition of citizenship to persons who have a substantial economic stake in the country, are well above the laborer class, and show evidence of unreservedly assimilating themselves into the life of the Philippines.

In order to be eligible for naturalization, a person must possess the following qualifications:

He must have resided in the Philippines for a continuous period of not less than ten years.

He must be of good moral character, believe in the principles underlying the Philippine Constitution, and must have conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relation with the constituted government as well as with the community in which he is living.

He must own real estate in the Philippines worth not less than 5,000 pesos or must have some known lucrative trade, profession, or lawful occupation.

He must be able to speak and write English or Spanish *and* one of the principal Philippine languages.

He must have enrolled his minor children of school age in any of the public schools or private schools recognized by the Office of Private Education of the Philippines, where Philippine history, government and civics are taught, during the entire period of Philippine residence required of him prior to the hearing of his petition for naturalization.

The act also contains a negative provision which serves the same purpose as the above mentioned positive qualifications and at the same time reflects the natural feeling of the Filipinos regarding those who come to their country, but wish to live apart from them. Persons are disqualified for citizenship who, "during the period of their residence in the Philippines, have not mingled socially with the Filipinos, or who have not evinced a sincere desire to learn and embrace the customs, traditions, and ideals of the Filipinos."

The determination of the Philippines that its naturalized citizens shall be genuinely assimilated into the body politic is further shown by the unusual provision that a naturalization certificate may be cancelled if it is shown that the minor children of its possessor have failed to graduate from a public or private high school where Philippine history, government and civics are taught, through the fault of their parents.

Interesting provisions of the law are also found among those which reduce the required residence period from ten to five years for persons who have honorably held public office in the Philippines; established a new industry or introduced a useful invention in the Philippines; married a Filipino woman; have taught in a public or recognized private school not established for the exclusive instruction of children of a particular nationality or race; have been born in the Philippines. As in the case of practically all legislation passed during the Commonwealth period, the administrative provisions of the Revised Naturalization Act are excellently drawn. Petitions for naturalization are heard in the Court of First Instance of the province within which the petitioner has resided at least one year before filing his petition. Adequate provision is made for the representation of the Government at the hearing.

Like the citizenship provisions of the Constitution and the Immigration Act of 1940, the Revised Naturalization Law reflects the distinctive personality and needs of the Filipino people. The measure is well designed to facilitate the development of this people into a strong, united nation. The policy of nationalistic exclusiveness which is reflected in the Constitution and these and other statutes, however, might be a difficult one for an independent Philippines to maintain against the pressure of its greater neighbors.

CHAPTER XXIX *

NATIONAL DEFENSE

THE swift-moving international events of the past two years have profoundly modified many of the underlying assumptions upon which the Philippine Independence Act of 1934 was enacted by Congress and accepted by the Philippines. In no other respect have conditions affecting the problem of Philippine independence changed more radically than with reference to national defense. American plans for withdrawing from the Philippines in 1946 and the Filipino program for defending their country after that date were made before the world had witnessed an aircraft-tank blitzkrieg, before the "fifth column" in the modern sense had been seen in operation, before "treaty violations became, not a cause for war but a mere incident in the course of war," [1] before Japan had begun her southward drive and joined the Axis powers in the first military alliance ever directed against the United States, before Japan had reached a working agreement with Russia. Likewise subsequent to the formulation of the Philippine defense plan occurred the passage of the "lease-lend bill" making the United States the "arsenal of the democracies." Only recently has there developed a general assumption that in a Far Eastern war the United States and Great Britain would be fighting side by side and using each other's naval stations and bases (including Singapore), as well as those of the Netherlands East Indies. More recent than our decision to withdraw from the Philippines in 1946 was the inauguration of an American armament program which when completed might alter the existing balance of power in the Western Pacific.

These developments and other changes in the realm of

* *The notes of this chapter begin on p. 947. Subject matter notes are indicated by an asterisk.*

"power politics" have made the problem of defending the Philippines as an American dependency an immediate one. To meet the emergency the United States is hurriedly strengthening its naval and military forces in the Far East. Considerable bodies of troops, including Air Corps units, and many officers to be used with Filipino units have been sent to the Islands. Munitions of various types have been laid down in Manila. American naval forces in the Far East have been augmented. The Philippine Army has been called into the service of the United States and Lieutenant General Douglas MacArthur has been placed in command of the United States army forces in the Philippines. Staff conferences have been held between the Americans, British and Dutch military and naval commands in the Orient, and it is generally understood that these nations are prepared to defend jointly their interests in southeastern Asia. There can be little doubt that under these conditions the invasion of the Philippines would be a perilous undertaking for any nation. At the same time, powerful naval and air forces based on the Islands would constitute a dangerous threat to the communications of an expeditionary force despatched from any point north of the Philippines for purposes of conquest in southeastern Asia or in the islands appurtenant thereto.

The Commonwealth Government has also taken steps to meet an emergency. In January, 1941, President Quezon declared to the National Assembly:

> The government of the United States has embarked upon a program of national defense which, we earnestly hope, includes the Philippines; for the defense of our country remains primarily the responsibility of the United States. This is as it should be, because so long as we are under the American flag it rests exclusively with the United States, and not with us, to determine whether we shall be at peace or war. The Filipino people, desirous of cooperating with the United States in the execution of this defense program, are ready to bear their full share of that responsibility. To this end I have assured the government of the United States, in behalf of the Commonwealth, that the entire Philippines—its man power and material resources—are at the disposal of the United States in the present emergency.[2]

President Quezon further announced that he had requested the Washington authorities to appropriate the funds, declared by

Congress to be payable to the Commonwealth from the sugar excise tax collections and from profits derived from the devaluation of the American dollar, "to be spent exclusively for our national defense under the direction of the United States. I have assurances that this matter is being given serious consideration." In March, 1941, the Philippine President appointed a Civilian Emergency Administration composed of cabinet officers to coordinate a program of civilian defense.

The dizzying speed with which conditions have changed since 1935 has not only altered the Philippine problem as it now stands; it tells us that the factors which will determine the practicability of Philippine independence in 1946 are quite incalculable in 1941. Particularly does this statement apply to the question of the defense of the Philippines. The victory of Great Britain and her associates might result in conditions which would make an independent Philippine Republic safe from external aggression; that of the Axis Powers might render Philippine "independence" an impossibility except as a part of a "Greater East Asia" dominated by Japan. It would be hazardous even to guess what the status of the Philippines would be should an "agreed" peace be concluded. The uncertainty of the international situation has led the author to leave almost untouched the discussion of Philippine national defense which he concluded during the summer of 1940. In this study the Commonwealth's defense program is treated as an aspect of the development of a nation in the Philippine Islands, rather than as a phase of the defense problem of the United States. The general American assumption is that the United States will completely divest itself of responsibility for the defense of an independent Philippines.

The national defense of the Philippines as a factor of Philippine independence received surprisingly little consideration by the highest governmental authorities of either the United States or the Philippines prior to the passage of the Tydings-McDuffie Act in 1934. This measure recognizes that the security of an independent Philippines must in some way be safeguarded. In it the President of the United States is requested to negotiate with foreign powers at the earliest practicable date for a treaty for the perpetual neu-

tralization of the Islands "if and when Philippine independence shall have been achieved." [3]

The act also provides that United States military reservations in the Philippines shall be surrendered to the Philippines when independence is attained, and that the United States naval and fueling stations in the Islands shall remain *in statu quo* until matters relating to them shall have been settled by negotiations to be entered into within two years after independence has been recognized by the American President.[4] Independence, to become effective in 1946, was voted by the American Congress and accepted by the Philippine Legislature without any further provision regarding the problem of national defense. In this matter as in the equally important problem of post-independence American-Philippine trade relations, both sides decided upon separation first and left for discussion during the ten year period provided for final preparation the means by which independence should be maintained.

However ready for complete separation from the United States the Philippines may have been politically in 1934, they were woefully unprepared for either national self-support or self-defense. During the three and a half decades in which the Philippines were in training for independence, the entire responsibility and expense of national defense was borne by the United States. Corregidor is an American fortress, Cavite and Olongapo are American naval stations, and the Philippine Division and the Asiatic Fleet, the armed forces protecting the Philippines, are component parts of the United States Army and Navy. Of the approximately 10,000 United States troops which have been maintained in the Islands for a good many years past, somewhat more than half are Filipinos serving in the Philippine Scouts, a unit of the United States Army in which the enlisted men are Filipinos and most of the officers Americans. In January, 1941, it was announced that 5,500 Philippine Army reservists would be taken into the Philippine Scouts for one year of additional training.[5*] The Philippine Constabulary, the Insular police force, is a semi-military organization which towards the end of the colonial regime was officered almost entirely by Filipinos. This organization has never been a part of the United States Army.

For half a century the United States Navy has maintained an Asiatic Squadron which since 1898 has been based on the Philippines. Recently this force has been given the title of a "fleet." During recent years it has normally consisted of a heavy cruiser, two light cruisers, a dozen destroyers and about the same number of small submarines, a few naval airplanes together with auxiliary vessels and a number of gunboats on Chinese coastal waters and rivers. Since 1939 this force has been augmented by an aircraft carrier, a number of long range bombing planes and a number of large, modern submarines. The main United States fleet, based upon Pearl Harbor, is 5,000 miles from the Philippines.

A number of the Filipino Scout and Constabulary officers are graduates of West Point, and a smaller number of Filipinos have been professionally educated at Annapolis. The Scouts and the Constabulary have always been highly efficient organizations and in them a limited number of individual Filipinos have received military training in the ranks, as non-commissioned officers, and as commissioned officers in most cases below field rank. Prior to 1935, however, the Filipinos had not been required or allowed to prepare themselves for national self-defense by having full responsibility or even sharing in the responsibility for organizing, equipping, financing, and controlling large military forces. True, a division of the Philippine National Guard was organized during the World War and received three months' training after the end of that conflict. This brief experience, however, was of little permanent military value to the Philippines.[6**]

Apparently the only high American or Filipino official responsible for Philippine affairs who, prior to 1934, sought to include preparation for national defense as a part of the Filipinos' education for self-government was Governor-General Leonard Wood. The Wood-Forbes Report emphasized the fact that there was "no adequate local organization of the Philippine people for defense of the Islands against aggression," and recommended that, "The American Government should at once take the necessary steps to organize, train and equip such a force." [7] Later, as Governor-General, General Wood frequently called attention to the fact that the Filipinos were not prepared to assume responsibility for the defense of their country.[8] American-Philippine relations at that

time, however, were particularly unpropitious for the formation of a Philippine army. General Wood could do no more than preach the doctrine of Philippine preparedness, and the Filipino leaders were not interested in creating an army which they could not control.

The pre-Commonwealth period came almost to an end without any effort having been made to prepare the Philippines for self-defense as a part of its preparation for independence. One of the reasons given by President Hoover for the veto of the Hare-Hawes-Cutting Bill was the inability of the Philippines to raise sufficient revenues "to provide the force necessary for maintaining internal order and the minimum of external defense, even were no economic degeneration anticipated" upon separation from the United States.[9] The inadequacy of Philippine revenues to pay for a military establishment and at the same time meet the non-military expenses of the government, including the services of health, education and public works was, of course, one of the reasons why the creation of a system of national defense had never been undertaken.

Once independence was assured and complete autonomy granted, the Filipinos took prompt and vigorous steps to make good the deficiency of their government in preparedness for defense. The "Declaration of Principles" in the Philippine constitution includes the statement: "The defense of the State is a prime duty of government; and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service." The constitution also declares: "The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the nation." [10] The Coalition Platform upon which Mr. Quezon was elected President of the Commonwealth advocated the entrance of the Philippines into the League of Nations and the neutralization of the Islands but added that, "our national security shall not depend on these instruments of peace only; neither shall we let the burden of our national defense during the Commonwealth rest mainly on the United States. We favor the military training of our citizens but not the creation and maintenance of costly military establishments in peace time." [11]

Even before his election as President, Mr. Quezon, as the

"national leader," took preliminary steps towards providing for the establishment of the national defense system which the Constitution and party platform so definitely required the government to set up. In 1934 a bill was passed by the Philippine Legislature providing for the creation of a Bureau of National Defense and a system of national military education based in considerable part upon the public school system of the Islands.[12*] This measure was vetoed by Governor-General Frank Murphy. The Governor-General declared in his veto message, however, that he was "in complete sympathy with the desire of the Philippine people to insure the defense and integrity of their country"; and that he believed that "prompt and vigorous action should be initiated to devise a strong policy of national defense for the protection of the Philippine Islands when separated from the United States." Thus the last American Chief Executive of the Philippines approved in principle the early establishment of a system of Philippine national defense. The bill under consideration was disapproved chiefly because it had not received consideration commensurate with its importance, and was deemed to contain some unwise provisions and to be inadequate for the accomplishment of its purpose.[13]

In vetoing the preparedness bill of 1934, Governor-General Murphy observed that further consideration of the problem would "make it possible for the Philippine Government to avail itself of the knowledge and aid of experts equipped by years of experience and study of the technical aspects of the military defense of the Philippines." President Quezon had already initiated the process of obtaining precisely such aid. In November, 1934, Mr. Quezon requested the Secretary of War to recommend to Congress that the act of May 19, 1926, providing for the detail of Army, Navy or Marine Corps officers to assist the other American republics in military and naval matters be amended to include the Philippines.[14*] Congress having acted favorably upon this request,[15] Mr. Quezon, now President-elect, secured the detail of Major-General Douglas MacArthur, whose highly successful term as Chief of Staff of the United States Army was about to expire, as military adviser to the Commonwealth and chief of a Philippine military mission of United States Army officers.

This sketch of the historical background of the national defense policy of the Commonwealth has been made because much of the criticism of that policy does not take into account the circumstances which gave rise to its adoption. Considering this background and assuming that every nation which desires to be free must be prepared to defend its independence by arms if necessary, it would seem that one of the first responsibilities of the Commonwealth Government was to prepare to perform what the Philippine Constitution calls a "prime duty of government," the defense of the State. It is evident, too, that the American Government approves of the purpose of the Commonwealth to provide itself with a system of national defense. This much can be assumed from the Congressional authorization of the military mission and the action of the executive in detailing the army officers on duty with the mission and cooperating in many other ways in the prosecution of the Commonwealth's defense program.

As of December 31, 1937, there were thirty-five officers, of whom nine were Philippine Scouts, and 281 enlisted men, of whom twenty-two were Americans, on duty in the office of the military adviser.[16] In response to an inquiry, the Adjutant General's office of United States Army stated in April, 1940, that they were unable to tell at any given moment how many United States Army personnel would be on duty with the military mission. The Commanding-General of the Philippine Department is authorized to make available a certain number of officers and men, but may go beyond this number if he thinks that the circumstances justify it. This statement is significant as indicating the close working connection between the United States and the Philippine Armies and the extent to which the United States Government has gone in supporting the Philippine national defense program.

The program for carrying out the national defense policy is embodied in the National Defense Act, Commonwealth Act No. 1.[17] In his first message to the new National Assembly President Quezon explained the principles upon which his defense plan is based.[18] The first of these principles is that every citizen is obligated to the nation's defense, and that all individual and national resources may be used by the State in the interest of self-preservation. This principle knows no limitation of time or condi-

tion and is applied by the National Defense Act in its provision for peace time training, and war time governmental control over all of the human and material resources of the nation. The law also contains the significant provision that "no profit incident to war shall accrue to any individual, corporation, association or partnership." [19]

The second basic principle of the Quezon plan is that the national defense system must provide actual security. "Security" is a relative term. Mr. Quezon expresses as follows his conception of the minimum degree of security which is required by the Philippines and furnished by his defense plan:

". . . Our program of national defense must serve notice upon the world that the citizens of these Islands are not to be subjugated; that conquest of this nation cannot be accomplished short of its utter destruction, and that that destruction would involve such staggering cost to an aggressor, both in blood and gold, that even the boldest and the strongest will unerringly mark the folly of such an undertaking." [20]

The third principle declared by President Quezon to be applied in the National Defense Act is that of current and future economy. This principle precludes "for the present at least" the development of a battle fleet and, in the opinion of the President, emphasizes the "passively defensive character" of the Philippines' military program.

Another fundamental principle is the necessity for a gradual rather than the sudden growth of the required defense establishment. "Nevertheless," declared President Quezon, "it is imperative that our plans reach fruition by the time the beneficent protection of the United States shall have been finally withdrawn. We have ten years, and only ten, in which to initiate and complete the development of our defensive structure, the creation of which, because of the conditions of our past existence must now begin at the very foundations. Not a moment is to be lost. Starting immediately, we must build economically and gradually, but steadily and surely, so as to attain within the time permitted us the highest possible efficiency at the lowest possible cost."

Finally, President Quezon emphasized the need for skilfully moulding the Commonwealth's security arrangements to fit the

particular needs of the Philippines. This purpose, the President declared, could only be accomplished by the grant of wide administrative authority to the Chief Executive in carrying out the expressed purposes of the National Assembly. Nevertheless, the Assembly must retain the responsibility of assuring the soundness of the foundations of national defense, and of evolving and prescribing the broad policies that are to control the development of the defense system.

In formulating these principles and the National Defense Act designed to make them effective, General MacArthur and President Quezon had an opportunity which rarely comes to the military and political leaders of a modern state. They were able to write on a blank tablet and, in virtue of the political supremacy of President Quezon in the Philippine Government, could be sure that their plan would be enacted into law without substantial change. The principles upon which the defense program rests, and the program itself, therefore, represent the free professional judgment of a soldier of recognized ability and the political wisdom of the leading Philippine statesman of the day.

In outline, the National Defense Act, as originally enacted and applied, provided for an army of two elements: a regular force of approximately 10,000 men, including the Philippine Constabulary, with a strength of about 7,000; and a reserve that would be augmented each year by approximately 40,000 men who had received five and a half months of intensive training. At the end of 1937 two semi-annual classes of trainees, numbering 36,601, selected by lot from a register of all men twenty-one years of age, had been trained and transferred to the reserve. During 1938, 33,247 additional reserves were trained.[21]*

In January, 1940, Field Marshal MacArthur stated in a press interview that 30,000 recruits would be trained each year; that by 1946 the "citizen army" would include some thirty divisions of approximately 300,000 men, and that in the ensuing twenty years it would reach its presently intended maximum of ninety divisions of almost one million men.[22] The five and a half months' period of instruction is admittedly short. To make it more effective, it is preceded by elementary military training as a by-product of public school education, beginning in the fourth grade, and by Sunday

and holiday instruction to young men not attending school. Reservists who have completed their original tour of instruction are kept in training by annual "refresher" courses, given mainly on week ends.

The army organization includes the staff and line units that were regarded in 1935 as essential to a military establishment having the strictly defensive function of the Philippine Army. The creation of a competent officer corps, one of the most difficult problems faced in building an army from scratch, is provided for by the development of the former Philippine Constabulary Academy into a national military academy, which is turning out about one hundred officers annually, the establishment of reserve officers training corps in colleges and universities, and advanced courses for selected trainees conducted by the army itself. So far as the regular army is concerned, a nucleus of officers was furnished by the officer corps of the Constabulary and the Filipino officers of the Philippine Scouts.

As an adjunct to the Philippine Army, the defense plan calls for an "Off-Shore Patrol," of small, fast motor torpedo boats. "A relatively small fleet of such vessels," General MacArthur has declared, "manned by crews thoroughly familiar with every foot of the coastline and surrounding waters, and carrying, in the torpedo, a definite threat against large ships, will have distinct effect in compelling any hostile force to approach cautiously and by small detachments.[23] These "Q" boats were to be built for the Commonwealth in England, and the second one constructed was described in the *Shipbuilding and Shipping Record*[24] as having a hull of step form, sixty-five feet in length, with a beam of thirteen feet, three inches. The vessel is powered by three 600 B.H.P., twelve cylinder, petrol marine engines and on her official trials attained a speed of 41.1 knots, or forty-seven miles per hour. Her armament comprises two torpedoes carried in tubes, one on each side of the control position at the after end of the boat; also depth charges and light anti-aircraft guns, forward and aft. Such a craft is essentially an armed, cabin speedboat. The press reports that the Government planned to have a fleet of thirty such craft by 1946 and that the first two were received. Further procurement from Great Britain having become impossible, prepa-

rations were made for the construction of the hulls of these craft in the Philippines, the engines, other machinery and fittings to be imported.

Operating in conjunction with the "Off-Shore Patrol" will be the Army Air Corps, whose chief function is that of coast defense. "In the fighting element of the Air Corps," General MacArthur reported to President Quezon, "fast bombers with a reasonable radius of action will be the principal item of equipment. Other tactical types will be limited to the numbers needed for tactical support of the bombers maintained, while training planes will be obtained in the amounts necessary. . . . Under the plan every centavo that can be spared from other equally essential purposes will eventually be invested in the development and maintenance of a bombing fleet of reasonable size so as to assure the ability of marine and air units, working in complete cooperation, to deny the use of territorial waters to hostile surface craft." [25] By the spring of 1941 from forty to sixty planes had been acquired by the Philippine Army, most of them training ships.[26] The original defense plan called for one hundred trained military aviators by 1946.[27]

The training of reserves under the defense plan was begun in January, 1937, and, with adjustments indicated by experience, has proceeded according to schedule. In this major task, indeed in virtually all of the complicated procedures of creating an army, the United States military mission and the Philippine military and civil authorities have earned the praise of the Filipino people and of disinterested observers. In January, 1941, there were 466 officers and 3,666 enlisted men in the regular army and 132,000 men organized into "approximately" thirteen divisions in the reserve.[28] When the Philippine Army was organized in January, 1936, the Philippine Constabulary was consolidated with it and a national state police was formed to take over the police duties of the Constabulary. This arrangement having proved unsatisfactory, the state police were abolished in May, 1938, and the Constabulary division of the army was detached and reorganized as a national police force under its old name, the Philippine Constabulary. At the end of 1938 its authorized strength was 350 officers and 4,500 men, and on February 1, 1939, it was

returned to the control of the Department of the Interior.[29] Unless some unforeseen circumstance should arise, there is no reason to believe that by 1946 the general scheme of the Quezon-MacArthur defense program will not have been carried out as planned.

Critical discussion of the national defense program of the Philippine Commonwealth has centered around three main questions: would the armed forces to be provided be adequate for the accomplishment of their avowed military purpose; can the Philippines pay its defense bill without dangerously curtailing other governmental expenditures; will the army be used to create a military dictatorship and, becoming a political instrumentality, constitute a threat against governmental stability? None of these questions can be answered with finality at the present time.

Upon the first one military experts disagree. General MacArthur declares that the degree of protection envisioned by the Philippine defense plan is to be prepared to "impose a cost of conquest on any invader that will exceed any hope he may logically entertain of political or economic advantage." [30] On numerous occasions the Philippine Field Marshal has publicly stated his conviction that this measure of defense will be achieved. On August 3, 1936, in an address to the ranking officers of the Philippine Army, he declared:

"I wish to reiterate my fixed opinion that when the Philippine Defense Plan reaches fruition the people of these Islands will be in a favorable posture of defensive security . . . so far as the study of history and some considerable experience with armies and with warfare can lend a color of value to my opinion, I am certain that no Chancellery in the World, if it accepts the opinions of its military and naval staffs, will ever willingly make an effort to willfully attack the Philippines after the present development has been completed." [31]

Many military experts disagree with General MacArthur's opinion.[32] Their collective views do not differ greatly from that expressed by Major General Johnson Hagood shortly after a tour of duty as Commanding General of the Philippine Department. In a report prepared for President Hoover, General Hagood declared: "It is not within the wildest possibility to maintain or to

raise in the Philippine Islands a sufficient force to defend it against any probable foe. . . ." [88]

For the most part, critics of the Commonwealth defense program have questioned its adequacy in general terms. They have failed to attack it at its weakest point, the omission of any provision for substantial naval protection for an insular country with a coast line longer than that of the United States. The Filipino people seem to have accepted at face value General MacArthur's assurance that the motor boat patrol and army bombers would be able "to deny the use of territorial waters to hostile surface craft."

This assumption is open to question. That a "relatively small fleet" of armed speed boats would be a serious problem for the Japanese navy is at the least doubtful. The Japanese could match every Filipino 65-foot speedboat with a sea-going destroyer,—with two if necessary. Other factors render it improbable that the Philippine mosquito fleet could perform the difficult mission assigned to it. Such craft could not operate effectively at sea during even moderately rough weather. Their radius of action would be so limited that except under the most favorable conditions they could be counted on for little more than hasty dashes from their home ports. Unless the ports were to be fortified sufficiently to keep attacking warships at a distance, the mosquito fleet bases, excepting Manila Bay, would soon be captured or destroyed. To fortify and garrison a sufficient number of bases so distributed as to enable the "Off Shore Patrol" to operate throughout the Archipelago does not seem to be contemplated. The cost of such an undertaking would be prohibitive, nor could a "relatively small fleet" of small motor craft cover the enormous area involved even were safe bases provided.

It is true that a number of powers are experimenting with the type of craft which the Philippines hopes to acquire. However, in other countries small motor torpedo boats are merely adjuncts to a well-rounded fleet and a highly developed system of fortified ports and naval bases. They are not made responsible for "denying the use of territorial waters to hostile surface craft," even in cooperation with aircraft. Would Great Britain, the United States, or any other power capable of maintaining a navy consider its ports and coastal cities to be adequately defended by one hundred

bombers and a few armed speedboats? The Philippines is all coastline and does not contain a single first-rate city more than a few miles from the ocean. All but a handful of its important towns are situated on the water's edge.

Furthermore, the intimation that a thorough knowledge of "every foot of the coast line and surrounding waters" will give the crews of the "Off Shore Patrol" an advantage over an invading naval force suggests a conclusion which would be unsound were the attacker to be Japan. For years the power fishing fleet of the Philippines has been operated mainly by Japanese crews. Japanese fishing boats about the size of the new Philippine patrol craft constantly cruise in large numbers throughout Philippine waters. It is safe to say that Japan has available a large body of seamen skilled in the handling of power boats (and probably larger naval vessels) who are intimately acquainted with Philippine seas, territorial and non-territorial.[34*] Warships can at times be bought, but the officers and men necessary to make them an effective navy cannot be purchased or improvised by any country.

As a protection against military invasion, the Philippine Army Air Force can be taken more seriously than the "Off Shore Patrol." Would it, however, be superior to the air squadrons which Japan could bring against it from Nippon's great Formosan air base, from land seaplane bases on the Japanese mandated islands, the Spratly Islands and elsewhere, and from captured bases in the Philippine Archipelago? Could it afford Manila reasonable security against Japanese bombers and at the same time defend outlying islands and their unfortified cities from naval bombardment or combined naval and military attack? Does it seem probable that operating in conjunction with the proposed mosquito fleet, the Philippines' proposed air force, which will necessarily be limited in planes, material, experienced personnel, and supplies of gasoline, could seriously defend the whole of the national territory against Japanese assaults from the sea and the air and protect it from military invasion? Obviously, it does not.[35*]

All types of aircraft can be flown from the Japanese air base on Formosa to Luzon (less than 200 miles) or even to Manila. Many types could easily make the round trip. Attacking with overwhelming numbers of aircraft, Japan might well destroy the entire

Philippine air force within a short time, as the Philippine landing fields are limited in number and planes could not escape. An expeditionary force protected by long-range naval guns and an overwhelming air superiority might land tanks and supplies and establish a base in northern Luzon from which by air-tank blitzkrieg tactics the rest of the island could be overrun. It is difficult to see how the Philippines could acquire the mechanical equipment to resist such an attack unless it were to be supplied from the "arsenal of Democracy."

The MacArthur-Quezon defense plan seems virtually to ignore the strategic consequences of the fact that the Philippines is a far-flung Archipelago. The program's greatest weakness as a system of truly national defense lies in its failure to provide any naval protection worthy of serious consideration for a country which consists of an isolated group of islands scattered through a thousand miles of ocean. What would be the probable results of this failure should the independent Philippine Republic be attacked by the only nation from which armed aggression is feared, Japan? Even when the projected army air force and "Off Shore Patrol" have been fully developed, the Japanese navy and air force in all probability could cut the Philippines off completely from the rest of the world and isolate every important island in the Archipelago from every other island, and do it without risking a single major unit of the main Japanese fleet. That any of these isolated islands except Luzon could offer prolonged resistance to Japanese occupation seems highly improbable. It would be virtually impossible for the Philippines to fortify, garrison and munition the dozen important islands to the south of Luzon sufficiently to make them secure from invasion.

Mindanao, the great Philippine prize for any predatory power, would be particularly vulnerable. Its population is so sparse and scattered, its distances are so great and its roads so few that it would be extremely difficult for defending forces to be concentrated quickly enough to prevent invasion by an enemy who controlled the sea and consequently could choose his points of attack. Japanese planes could be expected to be more than a match for any air force which the Philippines is likely to build up, and especially to despatch to the Visayan and Southern Islands. In this great

area there would be no possibility of any powerful concentration of Philippine military force. One by one, the scattered islands south of Luzon, comprising nearly two-thirds of the territory and somewhat less than half of the population of the Archipelago, would be occupied with relatively little difficulty. Should the local forces on one or two islands put up a serious resistance, those strongholds could be blockaded and reduced at leisure. The Bicol peninsula, the "granary of the Philippines" and the source of practically all of the Manila hemp not grown in Davao, is attached to Luzon by a narrow neck of land, and could probably be isolated from the remainder of that island.

Luzon itself, at least that portion of it north of the Camarines, might be capable of offering greater resistance. But even though it were not conquered, or even invaded, it would be unable to raise a finger to expel the enemy from the remainder of the Archipelago, unless it could establish a definite superiority in the air. It would, moreover, be cut off from the rest of the world, for it would have no overland "lifeline" routes of commerce and military supply connecting it with neutral countries. Subject to relentless bombing, facing an airtight blockade, knowing that when its stored-up munitions were exhausted they could not be replenished from abroad or replaced by home manufacture, perhaps faced with a serious food shortage, the government at Manila would be under terrific pressure to sue for peace upon terms which would at the least abandon Mindanao to the enemy and reduce the remainder of the country to a position of economic and political vassalage. Should it elect to resist to the end, its eventual destruction would be practically certain.

Japan, however, could enjoy the fruits of its easy conquests in the south with virtually complete freedom from danger of attack from the portion of Luzon still in Filipino hands. Should it desire to do so, its control of the sea would enable it to ignore what was left of the Philippine Republic, and develop the remainder of the Archipelago, leaving that portion of Luzon which lies north of Tayabas Bay for a later day. Should this course be followed, Japan would have secured two-thirds of the Philippines, including Mindanao, at a relatively slight cost. It would have destroyed the possibility of the development of a strong Philippine

state and enormously strengthened its strategic and economic position as the dominant power in the western Pacific.

Mindanao alone could be occupied by the Japanese with even less effort. It would be incapable of prolonged local resistance except of a guerrilla character, and the Japanese navy and air force could isolate it as completely from Manila as though it were on another planet. Political and economic, as well as military considerations suggest that Mindanao would be the first objective of any Japanese thrust into the Philippines. Its occupation would give the maximum returns for a minimum effort, military and political. Because so large a part of this great island is still frontier territory, thinly and recently settled by Christian Filipino immigrants, its colonization and assimilation would be an easy task for a nation which possesses the experience and techniques which Japan has developed in Hokkaido, Formosa, Korea and Manchukuo.

Because the MacArthur-Quezon defense plan includes no effective provision for the naval protection of the Philippines, the conclusion is inevitable that it cannot with reference to the country as a whole be regarded as being adequate for the accomplishment of its avowed purpose: to "impose a cost of conquest on any invader that will exceed any hope he may logically entertain of political or economic advantage." Grant that once the defense program has been completed the conquest of the main portion of Luzon could be accomplished only by a considerable expeditionary force. Still, the remaining two-thirds of the Archipelago could not be seriously defended except by naval and air forces very much greater than those proposed and, indeed, far beyond the financial capacity of the Philippines to provide. With the Visayas and Mindanao, or even Mindanao alone, permanently severed from Luzon, realization of the American-Filipino dream of a strong, independent Philippine Republic would be rendered almost impossible. No amount of wishful thinking can alter these realities or make the MacArthur-Quezon program an adequate system of *national* defense.

If there be merit in the conclusions just expressed, question inevitably arises as to why two such able men as President Quezon and General MacArthur should have sponsored a defense plan

which on the face of it cannot defend the nation. Obviously, no definitive answer to the question can be given. There is a line of reasoning, however, which makes the Commonwealth's defense program seem rational. In the Philippine Constitution the defense of the nation is made the first and fundamental responsibility of the government.[36] The country being unable to maintain a navy capable of coping with the fleet of any of the established naval powers, reliance is placed upon land forces and the most effective army which, all things considered, the country can support is provided for. Notice is given to the world, and to the nation itself, that the Philippines cannot be conquered, except at a cost. Whether the gains of conquest would be worth its price is a question necessarily left for possible aggressors to decide. At any rate, national independence would be dearly sold.

Like every small country, moreover, the Philippines knows that there are other nations, the United States and Great Britain, for example, which would be reluctant to see Japan forcibly occupy its territory. Such nations might feel that their vital interests would be imperiled by a Japanese conquest of the Philippines. China almost certainly would do so; and in twenty years China may be a mighty force in Far Eastern affairs. The Filipinos, furthermore, hope that, for whatever it may be worth, they may receive the protection of a general neutralization treaty, such as the Tydings-McDuffie Act requests the President of the United States to negotiate before independence is achieved. In November of 1939, President Quezon, his faith in the efficacy of his defense plan obviously shaken by the fate of Czechoslovakia and Poland, publicly expressed the opinion that "the time is ripe for taking the steps towards the neutralization of the Philippines" called for by the Independence Act.

> Let me not give you the impression [the President cautioned] that I place full reliance on an agreement of neutralization for the protection of our independence and liberty. International treaties during the last few years have been violated time and again, and it is not inconceivable that the neutrality of the Philippines, if achieved, will be violated. Nevertheless, it may prove an important factor in preserving the integrity of our country.
>
> We shall have an obligation to perform if our country is neutralized, and that is the obligation to defend that neutrality. The

powers called upon to sign the treaty of neutralization will be more willing to enter into such a pact if they know that we will not depend exclusively on their strength, ability and willingness to defend us, because we have our own force to maintain our neutrality.

We are therefore proceeding with the organization of the department of national defense, not only because we have to rely upon ourselves to defend our rights and our liberty, but because if the Philippines were neutralized, it will be our duty to defend that neutrality.[37]

The lessons of Czechoslovakia and Poland, President Quezon declared, "give us no assurance that the Philippines may not be the victim of aggression even if we arm every man in our country. But we are going ahead with our preparation within the limitations of our resources, for if we are independent, we must assume the responsibility of defending ourselves against external aggression." [38*] Apparently the Philippine President realizes that nations, like God, are most apt to help those who help themselves. Perhaps he recalled the exclamation of Theodore Roosevelt regarding Korea: "We cannot possibly interfere for the Koreans against Japan. They could not strike one blow in their own defense." [39*]

The Commonwealth's defense plan would enable the Philippines to strike that blow. When carried out it would make the *complete* subjugation of the Archipelago a task requiring the despatch of a considerable expeditionary force. Whether or not the task of subjugation would be a hazardous one for Japan would depend upon whether another strong Pacific power were willing and able to go to the *immediate* aid of the Philippines with a *very large* force. At present, discussion of the likelihood that such aid would be forthcoming at any time after 1946 would be pure speculation.

In the Philippines, as elsewhere, military policy is largely determined by political and other factors, some of which are not officially acknowledged to exist. President Quezon could not be expected to predicate his national defense system upon the assumption that an independent Philippines probably would be unable to protect two-thirds of its territory without foreign aid. Other Filipinos have been more outspoken, however, and in the Philippine Assembly it was urged that the National Defense Bill be passed because, "if we have a trained citizen army consisting of

400,000 men at the end of the ten year period and some of our people should want to say to America, 'Let us have certain understanding with regard to certain matters of the Far East for our mutual protection,' we shall likely have better hearing. America will more likely stay here when we have trained men to help her." [40]

In formulating its defense policy, the Commonwealth Government can hardly have failed to have taken into account the factors which have been presented above as the basis for a possible rationalization of the MacArthur-Quezon military program. In the light of these factors a number of conclusions may be suggested concerning the adequacy of that program: First, the defense program of the Commonwealth probably would not enable an independent and unaided Philippines seriously to resist the conquest of the two-thirds of the nation which lies south of the main portion of Luzon. The loss of this territory would end the dream of a strong, independent Philippine state. Second, because of the insular and other characteristics of Philippine territory south of Luzon, this portion of the country is probably indefensible by any means which, so far as can now be seen, an independent Philippines could provide. Third, the contemplated defense system might make it possible for the Philippines to postpone complete conquest long enough for it to receive foreign naval and military aid, were a strong Pacific power in a position immediately to despatch a very large force to the Far East. Fourth, assuming that the Commonwealth is financially unable to maintain a navy, or even a strong submarine force, its plans for the nature and measure of national defense are probably as effective as any which could be devised within the means at its disposal. Finally, as General MacArthur has remarked (and the rapid development of new instruments of warfare gives his statement added point), it must not be forgotten that the question of the adequacy of the Philippine defense plan could be conclusively answered only by the test of conflict.

In any event, in the opinion of the writer, President Quezon does not have to prove his Field Marshal's unprovable position in order to justify his defense program. Justification for a scheme of national defense based upon the principles enunciated by Presi-

dent Quezon is to be found by seeking for any alternative means of self-defense which may reasonably be expected to be available to an independent Philippines. If, as the writer believes, no more desirable alternative can be discovered, then while the inadequacy of the Commonwealth's plan may, from the Philippine standpoint, be an argument against independence, it is not, assuming independence, a valid argument against the plan itself.

The second critical question concerning the Commonwealth's defense program, could the government pay for it without dangerously curtailing other expenditures, could have been answered before the world developments of the past two years, "Probably, yes," for the period preceding 1946. As to the post-1946 years, no very positive answer can be safely given. Prior to 1941, while maintaining and even improving its essential services and meeting its new military expenditures, the Commonwealth had managed to keep its expenditures below its income. The national debt is low and the technical fiscal position was good. It was pretty generally agreed that unless unforeseen circumstances arise, or conditions indicate that the consummation of independence in 1946 will be followed by an economic collapse and thus precipitate a pre-independence flight of capital and paralysis of business, the Commonwealth, throughout its existence as now provided for, would probably have been able to meet its financial obligations, including those arising from its military program.

As has previously been indicated, however, there is also a widespread belief that unless preferential trade relations with the United States are continued for a considerable period after 1946 the whole economic structure of the Philippines will be imperiled. Should an economic collapse occur within a few years after 1946, or even were the Philippines to be faced with a drastic diminution of its foreign commerce at the same time that its present "windfall" revenues were discontinued by the United States, a serious curtailment of national revenues, and consequently of national expenditures, would probably ensue. As has already been indicated, such a situation might threaten the stability of the government of an independent Philippine Republic.

The conclusion is, therefore, that the financial problems connected with the present national defense program, as virtually all

other problems of the Philippines, can be solved only if a degree of prosperity comparable to that which the Filipinos now enjoy can be maintained in the Islands after 1946. No convincing evidence has been given that this can be accomplished except by the continuation of preferential trade between the United States and the Philippines for many years after the date now set for independence. If after 1946 the United States should treat the Philippines economically as any other foreign nation, it may well be that economic disaster would result and would be followed by serious social and political consequences. In such circumstances the government of the Republic would need an army, and a well paid and loyal one, for the preservation of its existence against domestic violence as well as to defend the country against possible external attack.

In point of fact, the planned defense expenditures of the Commonwealth are not unreasonable as such costs go in modern states. As provided for in the general appropriation act for 1939, they were about 21.7 per cent of the total ordinary expenditures. Furthermore, immediately before the inauguration of the Commonwealth, more than seven million pesos were being spent on the Constabulary, which item is now included in the sixteen million pesos army appropriation. The President's budget for the fiscal year 1940-41 called for a defense appropriation, including the expenses of the Constabulary, of ₱16,310,000, which is ₱1,156,788 less than that of the preceding year.[41] This amounted to 17.93 per cent of the total appropriations proposed. The budgetary request for 1941 was for substantially the same amount. Thus far, however, most of the army appropriations have been for the expenses of current operation. Heavy capital investments will have to be made in material and plant before the Philippines is in any real sense prepared for national defense. Already bills have been introduced into the National Assembly proposing the following appropriations: ₱50,000,000 for the purchase of military material over a period of six years; ₱10,000,000 for the construction of a national drydock; ₱1,000,000 for the improvement of the army flying school at Camp Murphy and the training of additional personnel; and ₱1,500,000 for the construction of an airplane factory.[42] Considering the costliness of the equipment

called for by modern mechanized warfare, the cost of the material which would be required for the adequate defense of a country of the area and geographical characteristics of the Philippines would be staggering to a people with the financial resources of the Filipinos. This conclusion would seem to be valid in the long run, even though the Philippine Army might be provided with initial equipment by the United States. The problem of defense expenditures should properly be regarded as a part of the general financial problem of the Philippines and in all probability this problem can only be solved after 1946 with the assistance of the United States.

The question whether the new Philippine Army may not facilitate the creation of a military dictatorship and ultimately contribute to the kind of governmental instability which exists in certain unrepublican republics of the Western Hemisphere may be answered in the same general terms as the preceding query. If the independent Philippines were to sink below a certain economic level, it might easily become a sub-marginal state socially and politically. Then there would be grave danger that the army would play the same sort of role that military forces have so often enacted in other nations of that character. On the other hand, should fundamental conditions remain reasonably favorable for the continuation of a sound government, it seems unlikely that the army itself would give rise to either autocracy or instability.

Although President Quezon received the wide administrative control over the defense system which he deemed necessary to its speedy development, there is no evidence that he has used this power for political purposes. Rather, positive efforts have been made to keep the army out of politics and politics out of the army. The reservists, the young people in the schools, and the public generally have been systematically indoctrinated with the conception that the army is a non-political instrument of national salvation. The people have been called upon to make individual and collective sacrifices for the national defense of their country and it is believed that the public would resent the prostitution of their army to political purposes.

This belief is strengthened by the free expression in the press and on the platform of a determination to keep the soldier in his

proper place *vis-à-vis* the civil branch of the government.[43*] When the National Defense Bill was before the National Assembly this and other aspects of the measure were freely discussed both on the floor and in the press. Particularly, criticism was directed at the provision which made the Chief of Staff directly responsible to the President. After the army had been made a going concern, the military establishment was placed under the immediate supervision and control of a secretary of national defense, with cabinet rank. Spokesmen for the public schools vigorously protested against the use of the educational system as an adjunct to military training. When controversy between the educational and the military authorities arose in the Province of Albay, the press generally advised the soldiers to "go slow." The *Manila Daily Bulletin*, for example, declared editorially: "There is a general public impression everywhere that armies as a class are arbitrary in their demands and ruthless in pressing them. . . . It is most important that the Philippines not contribute to this pile of evidence. In other words, it is necessary that the army not only refrain from being arbitrary or overly aggressive but also that it avoid the appearances of evil in this connection." [44]

General Aguinaldo and his political followers, who are regarded by many people as having been near the border line of sedition just before the inauguration of the Commonwealth, made a series of bitter attacks on the defense plan and its administration. One of them, a Revolutionary general, even ridiculed the Philippine Army and declared that "any clown" could become an officer of it. In military dictatorships the army does not usually tolerate such questionings and assaults. A radical change in the political habits and temper of the Philippines would have to occur before such expressions of the public opinion could be suppressed there. Thus far, no one in authority has made the slightest gesture in that direction.

Up to date, then, the development of an army does not seem to have contributed to the erection of a "dictatorship" in the Philippines, or to have undermined or weakened such democracy as exists there. On the contrary, the experience of observing the sons of the rich and the poor marching side by side in the ranks of a citizen defense force probably has had precisely the opposite

effect. While the broad legal and political powers that President Quezon has received from his people have greatly facilitated the rapid development of the army, the army has not in any perceptible manner served to increase those powers. Very probably, however, it has made the Quezon regime, which is the constitutional government of the Commonwealth, more secure.

President Quezon's own statements regarding the charge that he is "militarizing" the country are worthy of consideration. He has declared:

> Those who say that the organization of the national defense signifies the militarization of the country, speak without any foundation. We are organizing merely a small regular army, of 10,000 to 12,000 men, the while we are training a big number of Filipino citizens in the efficient operation of the rifle. How can 10,000 soldiers subdue 400,000 citizens who know how to use the rifle? Precisely, we are *not* instructing our citizens in the use of modern arms of war as professional soldiers, so that we may be free from the danger of militarism, so that in the event a military organization wants to impose on the Government or on the nation, it will have to contend with a citizenry that is prepared to fight and destroy it. This is our guaranty and this is one of the reasons for the military instruction which we are giving to our youth.
>
> But, at the same time that we are preparing our country's national defense, we should not forget another duty that is equally as important, and which is also consecrated in our Constitution: the duty to uphold social justice. . . .
>
> . . . The greatest danger to the national defense that we are organizing is not a foreign invasion but a domestic rebellion. One can ride roughshod over an inert people not trained in the use of arms —but not over a people in which each citizen is trained in the use of a gun. Remember that we are training in the art of war thousands and thousands of young Filipinos, vigorous and hardy, who do not live on the Government but are professionals or employees of private companies, who are farmhands or factory workers; and these, specially the farmhands and factory workers, can become turbulent elements if they do not obtain just and fair treatment from the Government or from that part of society that benefits by their labor.[45]

During the country-wide debate on the National Defense Act many patriotic Filipinos urged the adoption of the measure upon the ground that it would not only make their country defensible, but also contribute to the development of a self-respecting, intelli-

gent and vigorous citizenry. For example, Assemblyman Maximo M. Kalaw expressed the opinion that,

"ninety per cent of our people believe that we are an absolutely helpless lot, that in case a first class power should come here after independence, in a month we would be overrun, we would have to hoist the white flag in all the *presidencias* of our one thousand municipalities, and we will be a nation no more after a month of such eventuality. That defeatist philosophy instilled in our mind is a blight . . . and it constitutes, to my mind, the greatest obstacle to our national progress.

"The first and most important work of the National Defense Act is to kill this defeatist attitude in our mind, to infuse vigor, life and promise in our countrymen. . . . It ought to erase from our mind the theory that we are already a defeated nation. It ought to erase from our mind that inferiority complex that we cannot defend ourselves. It ought to instill in our mind that we have the potentialities of a great nation, for unfortunately it is still one of the accompaniments of greatness nowadays, to be able to defend one's self." [46]

If this estimate of the degree of self-confidence possessed by the Filipino people is sound, it would be hard to imagine a country more vulnerable to the terroristic bombings, bombardments, and "fifth column" attacks which are so prominent a part of modern warfare. The number and geographical distribution of the Japanese in the country would render the task of Japanese "fifth columnists" particularly easy.

Dean Kalaw also declared that the National Defense Act would reduce adult illiteracy, increase the physical stamina of the people and stimulate both patriotism and democracy. These arguments are heard in every country where compulsory service for national defense is discussed. They express a viewpoint shared by many Filipinos, and may have peculiar force in this nation in the making.

Viewing the Philippine defense program in relation to the entire American policy towards the Philippines, a sound conclusion would seem to be that we are acting consistently with our policy as expressed in the Tydings-McDuffie Act, by regarding the Philippines as politically adult and worthy of being entrusted with lethal weapons for its own defense. Furthermore, if the Islands are to have any system of military defense, the one that

is now being developed is probably as effective a one as the country can afford, is being well administered and as yet has not been used as a stepping stone to unconstitutional autocracy. Finally, the ultimate role of the Philippine army in national and international affairs will probably depend upon the basic economic conditions which the United States creates in the Islands after 1946 and the political relations which exist between the two countries after that date.

One problem connected with the defense of the Philippines should they become independent in 1946 has received no public discussion, although several important questions at once suggest themselves in connection with it. The problem is this: what is to become of the great fortress of Corregidor (Fort Mills) when the Stars and Stripes come down and the American army embarks for home? The first question is, in what condition will Corregidor be turned over to the Philippine Republic? The tadpole shaped island at the narrow mouth of Manila Bay will, of course, remain where it is. Its roads, terraces, barracks and other military buildings, emergency landing field, subterranean magazines and storehouses, its gun emplacements and other defensive works cannot be removed. But its armament, ammunition, stores and other removable equipment (including that of its supplementary forts), representing approximately $35,700,000 of the $49,595,000 expended by the United States upon the fortress, not only could be taken away, but apparently could not lawfully be transferred to the Philippines without the express authorization of Congress, except perhaps under the provisions of the Lease-Lend Act.[47] Much of the equipment on Corregidor has a considerable removal value, amounting in the cases of some items to nearly 100 per cent of the initial cost. How much of this United States property will Congress give to its former wards when the hour of parting comes?

Other questions naturally follow the one just propounded. Assuming that the armament and other equipment on Corregidor are not presented gratis to the Philippine Republic, will this new government be in a financial position either to buy them from the United States, or to replace them? The estimated value of this military property is not far from the total regular annual operating

expenses of the Philippine Government at the present time. Will the Philippine Republic be prepared to add the annual operating expenses of Corregidor to its military budget? The United States Army garrison of "the Rock" is nearly as large as the entire Philippine Regular Army, and the maintenance under tropical conditions of sufficient supplies of food and munitions to enable the fortress to stand a prolonged siege entails a heavy annual expenditure.

Finally, it may be asked, would the maintenance of this fortification be essential to the defense of an independent Philippines? The answer to this question is that Corregidor and its appurtenant forts form an important element in the general scheme of the national defense. Without them Manila and the surrounding territory would be open to direct attack by an enemy expeditionary force and the early loss of this area would be more probable than if the enemy were compelled to land at a distant point and fight his way towards the capital-metropolis. Properly manned, Corregidor is capable of denying the entrance of Manila Bay to the surface vessels of an enemy.

While the capture of Manila might not automatically break the resistance of the Philippine Army it would probably render impossible the prolonged defense of the Island of Luzon. The shops of the Manila railway, the marine repair yards and virtually one hundred per cent of the other industrial equipment of the Philippines is in the Manila area, and the political and commercial life of the Islands centers in the capital to a degree unknown elsewhere. Manila is the only port on the Island of Luzon which has docks, warehouses, and other port facilities capable of handling large ships and their cargoes, and its possession would be of inestimable value to enemy forces, not only with reference to the Philippines, but as a factor in the grand strategy of the western Pacific area. Furthermore, the importance of defending Manila Bay from enemy domination from either land or sea would be greatly increased were it a part of Philippine strategy to hold out until military aid could be received from an outside source.

The problem of Corregidor has been raised not only because it is regarded as an aspect of the defense of the future Philippine Republic which has not received the public attention which its

importance deserves, but also because it is another example of the demands which will be made upon the human and financial resources of the Philippines when independence comes. It is interesting, perhaps, to speculate in a general way upon the "readiness of the Filipinos for independence." But it is upon the ability of the Filipinos to solve the concrete problems with which they will be faced after 1946, of which that of Corregidor is an example, that the success of the Republic will depend.

CHAPTER XXX *

THE UNITED STATES AND THE PHILIPPINES

On August 13, 1938, the fortieth anniversary of the occupation of Manila by the United States was celebrated as a national holiday by the Filipino people. The President of the Commonwealth, followed by members of his Cabinet, of the National Assembly, and by other high officials of the government marched on foot in review past the United States High Commissioner at the head of a parade representing every element in Philippine life. To a vast assemblage on the historic Luneta the Philippine leader proclaimed "the boundless gratitude of the Filipino people to the United States for the measureless benefits she has bestowed upon us during the four decades that have passed since" the day upon which the American flag was first raised on Philippine soil.

Under that banner, President Quezon declared:

> Peace and prosperity have come to this favored land. Materially we have developed education, sanitation, and agricultural and industrial enterprises. Security and happiness, freedom from financial pressure, and a higher mode of life—all are ours. A new and progressive outlook upon the modern problems of life is in the making. All of this we owe to that starry flag and to the great people it represents. When it finally comes down from Santiago in 1946 it will find somewhere in its folds the grateful hearts of a people—a new and vibrant republic facing with optimistic hope its rising dawn.[1]

The spectacular gesture of national gratitude to the United States which the Filipinos made on Occupation Day, 1938, is unique in the history of the relations between dominant and politically subordinate nations. The confidence of the Filipinos that the United States will act fairly with them in matters con-

* *The notes of this chapter begin on p. 951. Subject matter notes are indicated by an asterisk.*



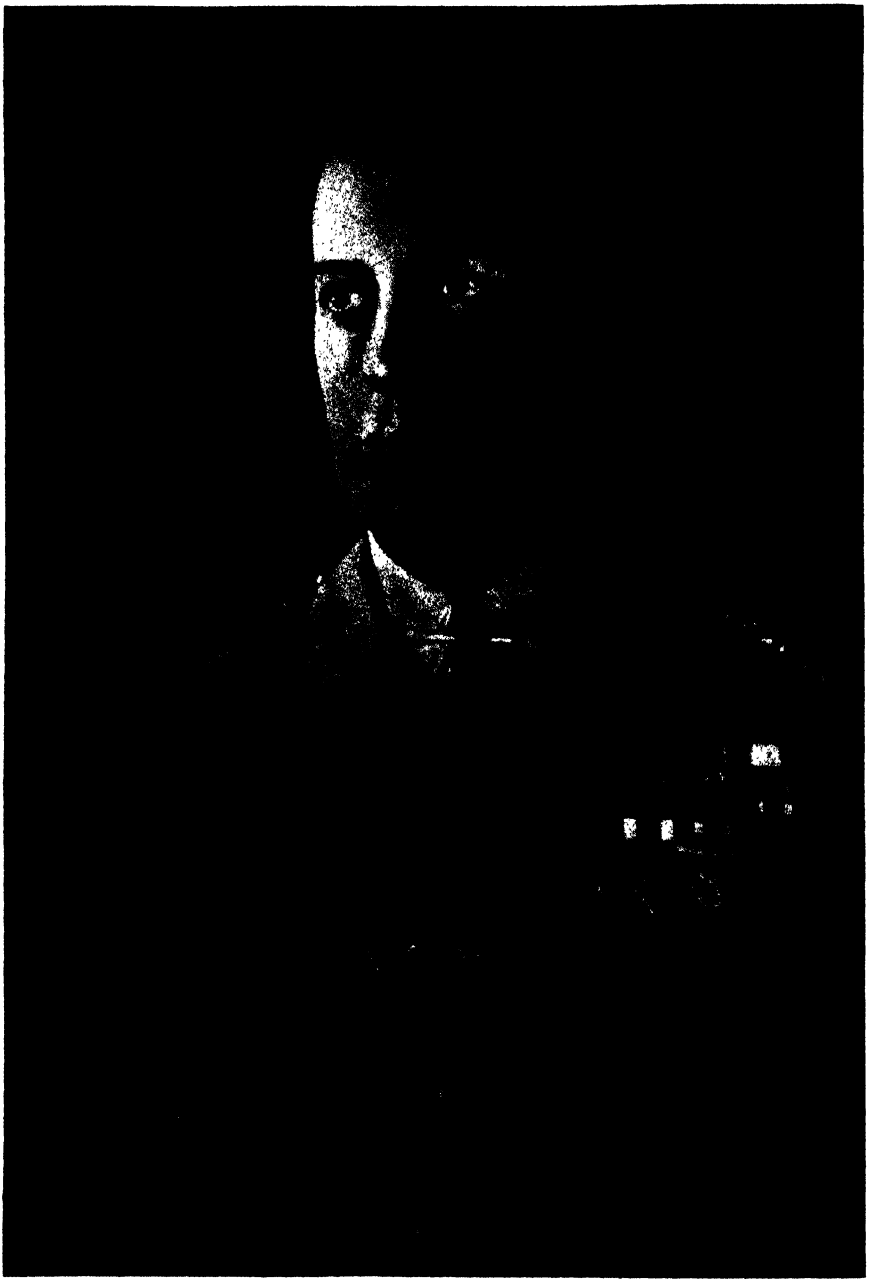
Photo by "Philippines"

GENERAL EMILIO AGUINALDO—PRESIDENT MANUEL L. QUEZON



Photo by "Philippines"

LOYALTY DAY PARADE, AUGUST 13, 1938



Signal Corps, U. S. Army

LIEUTENANT GENERAL DOUGLAS MACARTHUR
COMMANDER IN CHIEF, UNITED STATES ARMED FORCES
IN THE FAR EAST

cerning their future welfare makes it easier to deal with the still-existing problems of American-Philippine relations. Not since the conquest of the Islands have their problems been more delicate and difficult than they are becoming, as the day appointed for their separation from the United States approaches. The bonds which since 1898 have united America and this developing nation across the Pacific cannot be dissolved as easily and painlessly as many citizens of both countries seem to believe.

For a generation, as mutual agreement has been progressively substituted for sovereign authority, a more responsible statesmanship has been required of both the United States and the Philippines. Prior to the acceptance of separation from the United States under the conditions laid down in the Independence Act, the dominant Filipino leaders could safely indulge in irresponsible opposition to the United States as a maneuver in the domestic political game. For example, as recently as 1931 one of the highest officials in the Philippine Government went about the country proclaiming to audiences composed of many thousands of his compatriots that their country was "writhing in the throes of hell: a hell of slavery and foreign domination." At the same time, the speaker "voiced the fervent prayer and prediction that some day, in the not distant future, the brown race will rule supreme over all other races, just as the whites now dominate the world"; and after "an impressive semi-military parade" he exhorted his thoroughly aroused auditors to come to the aid of their country, "and save her from eternal damnation." [2] Nor was this patriot the only one of the top-flight Filipino leaders who through the years took advantage of the irresponsible position in which native elective governmental officials are placed by the colonial relationship. To such reckless talk today the United States would have an obvious answer: the severance of all special political and economic ties with the Philippines precisely in accordance with the Independence Act which the Filipinos themselves sought and have accepted, upon the advice of their national leaders. Such an answer would leave the Philippines in 1946 actually "writhing in the throes of hell"—a hell to a considerable extent resulting from years of irresponsible leadership in its relations with the United States.

On the other hand, the United States still bears the responsi-

bilities of sovereignty in the Philippines. It has a stake in the success of the Commonwealth and of the future Republic. America cannot afford, through lack of patience, magnanimity or, if necessary, firmness in dealing with the Filipinos, to permit the failure of its greatest undertaking in the Far East. In the Commonwealth relationship the sovereign power has relinquished the right to exercise, under normal conditions, direct authority within the Philippine Government, while the Filipinos have lost the dubious freedom of a relatively irresponsible position and subjected themselves to some, at least, of the limitations which are automatically imposed by the possession of responsible authority. The task of both American and Filipino statesmen is to make this new relationship work until such time as it may be terminated or altered under conditions which to a reasonable degree meet the interests of both nations.

Under the fair-weather conditions which have prevailed during the first half of the Commonwealth period, this task has been well performed. Even before the outbreak of the present world war, however, it was realized that during the second of the two five-year periods preceding independence, as the economic provisions of the Independence Act and the approach of separation began to have an adverse effect upon the economy of the Islands, the difficulties of the Commonwealth and the delicacy of Philippine-American relations would greatly increase. The effects of the war cannot be foreseen. But it is obvious in the summer of 1941 that wartime conditions may subject the Commonwealth and the United States to strains that were undreamed of when the Tydings-McDuffie Act was put into effect, and may compel further changes in the independence program. Both Americans and Filipinos are called upon to face the possibility that separation may not be accomplished according to schedule. All these circumstances make it increasingly important that the relations between the United States and the Philippines should rest upon a sound basis, and that both Americans and Filipinos should understand what these relations are and how the problems to which they give rise are actually dealt with.

So far as it was practical, the territorial policy of the United States laid down by the great Northwest Ordinance of 1787 was

applied to the overseas possessions acquired after 1898. American history, however, contains no record of a situation such as that which now exists between the Philippines and this country. Never before has a *Commonwealth* been a part of the American political system. All the continental areas which have passed through the "territorial" stage have been headed for inclusion in the Federal Union. None of our other offshore territories or dependencies has been given a status intended as the final step towards independence. None possesses the characteristics of a nation-state so completely as does the Philippines. Never has an American territory or possession had an elected president, or a chief executive with as many of the attributes of the head of an independent state as those which inhere in the Philippine presidency; or a government so free from federal interference under ordinary conditions. On the other hand, the Philippine Commonwealth, never having been incorporated as a territory of the United States, remains more completely subject to ultimate Congressional control than an incorporated territory, like Alaska.

Nor is the Philippine Commonwealth comparable with the members of the British Commonwealth of Nations who enjoy "dominion status." Those great self-governing peoples are not subject to the ultimate will of the British Parliament. The powers of their governments are not limited, as are those of the Philippine Government. The executive branch of the British Government possesses no authority to "intervene" in their affairs under any conditions whatsoever. The Dominions consider themselves and are regarded by Great Britain as permanent, although voluntary, elements of the British Empire; while for both the United States and the Philippines the announced goal is separation at the earliest possible moment. Here, then, is a new federal relationship, unique not only in our own rich experience with federalism, but in the history of federal, colonial, or imperial government anywhere.

Prior to the establishment of the Commonwealth the constitutional status of the Philippines was, without question, that of an "unincorporated" territory of the United States. As such, its legal and political position and the civil and political rights of its citizens in the American system of government were determined by Congress, acting under its constitutional powers, as interpreted by

the Supreme Court. Although the judicial reasoning upon which this interpretation rested is involved, the basic position reached is simple, when stated in general terms. The Court has declared that the Philippines, like other "unincorporated" territories, is an insular possession of the United States, but that the Islands have not been incorporated into the Union as an integral part of the "United States," as those words are used in the Constitution. The power of Congress over the Philippines is limited only by those provisions of the Constitution which are positively prohibitive (as, "No title of nobility shall be granted by the United States . . .") or protective of those civil liberties which are fundamental in their nature. The Court has not listed those civil rights which are fundamental, although in particular cases it has ruled that certain procedural rights, such as trial by jury, which are a part of the Anglo-American heritage and are protected by the Constitution within the "United States," are not of this category in the Philippines. The authority of Congress to determine the form of government and the political rights and privileges of the Philippines and its inhabitants is virtually unlimited under the American Constitution, as it has been interpreted up to the present date.[3]*

In the exercise of these powers, Congress, prior to 1934, had granted broad powers of self-government to the Philippines, but the assumption was that what Congress could give it could also take away. The Independence Act of 1934, however, provided for the creation of a political unit new to American constitutional experience: the Commonwealth of the Philippines. The Filipino people were authorized to accept or reject this Act. They accepted it by a joint resolution of their legislature, and in good faith have established the Commonwealth provided for by it. Some Filipinos now take the position that there resulted a compact which cannot be unilaterally altered by either party thereto. President Quezon has declared: "We accepted the independence law upon the assumption that none of its provisions will be amended except with the consent of the Filipino people." The Philippine President went on to point out that, "Even after the independence law was accepted by our people the Congress of the United States started to amend those provisions of the law relating to our trade relations

with America. It would appear, therefore, that Congress felt that it has the right to amend at any time the trade relations between America and the Philippines, regardless of the provisions of the independence law." Mr. Quezon did not deny the constitutionality of Congress's position. He did say that under these circumstances, to continue in the present status would cause the economic ruin of the Philippines; and he therefore asked for independence in 1938 or 1939.[4]

In amending the Independence Law of 1934 by the Act of August 7, 1939, Congress apparently proceeded upon the assumption that its authority over the Philippines was still plenary in nature. No one sought to apply the doctrine of the "irrevocable statute" to the former law. Despite the Congressional assumption, however, this specific question has not come before the American courts for decision, nor has there been a clear cut determination by either the judicial, the legislative, or the executive branch of the United States Government as to whether the establishment of the Commonwealth produced a fundamentally different constitutional relationship between the United States and the Philippines.

In the most important case regarding the status of the Philippines which the Supreme Court has decided since the inauguration of the Commonwealth (Cincinnati Soap Co. v. U. S. 301 U. S. 308. May 3, 1937) Mr. Justice Sutherland, speaking for the Court, recognized that a change of status had occurred but did not explain its nature or extent. The Court also declared that the retention of sovereignty over the Philippines carried with it serious moral obligations, although recognizing that the extent of these obligations and the manner in which they should be met were matters for Congressional, and not judicial determination.

The decisions of the United States Supreme Court are final in matters actually determined by them, and the opinions of the Court expressed as *dicta*, although not of binding force, are often of great weight in determining public policy. The pronouncements of the high tribunal with reference to the legal powers and moral responsibilities of the United States in the Philippines as found in the Cincinnati Soap Case are, therefore, of significance. The decision, in part, declared:

The Philippine Islands and their inhabitants, from the beginning of our occupation, have borne a peculiar relation to the United States. The Islands constitute a dependency over which the United States for more than a generation, has had and exercised supreme power of legislation and administration, . . . a power limited only by the terms of the treaty of cession and those principles of the Constitution which by their nature are inherently inviolable. The possession of this well-nigh absolute power carries with it great obligations. . . . By degrees the active powers of the dependency have been enlarged, and those of the federal government decreased. But the authority which conferred additional power might at any time have withdrawn it. This brief résumé demonstrates both the completeness and flexibility of the national power over the Philippines, and the high character of the moral obligations which the possession of such power certainly imposes. With the extension of power to the Islands, our moral obligations may have grown less; but whether, or to what extent this has been the case, is a question for the determination of the political parts of the government.

But it is contended that the passage of the Philippine Independence Act of March 24, 1934, c. 84, 48 Stat. 456, and the adoption and approval of a constitution for the Commonwealth of the Philippine Islands have created a different situation; and that since then, whatever may have been the case before, the United States has been under no duty to make any financial contribution to the Islands. Undoubtedly, these acts have brought about a profound change in the status of the Islands and in their relations to the United States; but the sovereignty of the United States has not been, and, for a long time, may not be finally withdrawn. So far as the United States is concerned the Philippines are not yet foreign territory. . . .

Thus, while the power of the United States has been modified, it has not been abolished. Moral responsibilities well may accompany the process of separation from this country, and, indeed, they may have been intensified by the new and perplexing problems which the Philippine people may now be called upon to meet as one of its results. . . .

In the Insular Cases decided at the beginning of the century, the Supreme Court laid down new doctrines which brought the constitutional law of the United States into line with the political needs of the nation in the government of the overseas territories acquired incidentally to the Spanish-American war. The end of that period appears to be approaching, as far as the Philippines is concerned. From the rational, moral and political standpoints, it would seem that Mr. Justice Sutherland was right when he de-

clared that the establishment of the Commonwealth has profoundly altered the status of the Philippines in their relationship to the United States. What their constitutional position in the American system of government actually is, or what it may become, will be determined by the events of these momentous years, interpreted and ratified in due course by the Government of the Philippines and the Congress and Supreme Court of the United States. The existing status of the Commonwealth is unsatisfactory because it rests upon an interpretation of the Constitution which was made to meet the political necessities of a situation far different than that which since 1935 has existed between the Philippines and the United States. If events should decree that the political connection between the United States and the Philippines is to be continued for an indefinite period, it is possible that by the ordinary processes of American constitutional interpretation there might be evolved a legal status for the Islands more nearly in harmony with the political realities of the American-Philippine relationship.

Meanwhile, the Independence Act of 1934, the Philippine Constitution, and certain American statutes set forth the powers vested in the Commonwealth Government and the authority over that government retained by the United States. The basic principle in this division of authority is that the Commonwealth possesses all of the powers of government not withheld from it by the Independence Act and other United States statutes or prohibited to it by the federal Constitution. Americans who assume that the Philippines are already virtually independent and those who declare that the United States has been placed in a position of responsibility without authority in the Philippines, may be surprised at the extent of the control which may still legally be exerted over the Islands.

The powers retained or the mandatory requirements imposed by the Tydings-McDuffie Act fall into several categories:

1. Requirements regarding the Commonwealth Constitution and form of government:

The Constitution shall be republican in form and contain a bill of rights, and either as a part thereof or in an ordinance appended thereto, contain the mandatory provisions of the Independence Law.

2. Provisions designed to secure recognition of United States sovereignty and provide legal authority, procedures, and instrumentalities for the exercise of the powers of sovereignty, within the limits set by the Independence Act, and for the enforcement of that Act:

All citizens of the Philippine Islands shall owe allegiance to the United States; and every officer of the Commonwealth Government shall take and subscribe an oath of office declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

All acts passed by the Commonwealth Legislature shall be reported to the Congress of the United States.

The decisions of the Commonwealth courts shall be subject to review by the Supreme Court of the United States as provided by law at the time of the enactment of the Independence Act, and such review shall extend to all cases involving the Commonwealth Constitution.

Every amendment to the Commonwealth Constitution shall be submitted to the President of the United States and shall take effect only upon his approval, or his failure to disapprove it within six months from the time of its submission.

The United States may, under certain conditions, intervene in the Philippines (See "7" below).

The authority of the United States High Commission to the Government of the Commonwealth of the Philippines, as provided in the Independence Act, shall be recognized.

The Philippine Islands recognizes the right of the United States to expropriate private property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Commonwealth Government.

The Chief Executive of the Commonwealth shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Commonwealth Government and shall make such other reports as the President or Congress may request.

3. Requirements that fundamental individual rights be safeguarded in the Philippines:

The Commonwealth Constitution shall contain a bill of rights.

Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

4. Requirements intended to protect the financial solvency of the Commonwealth:

The public debt of the Commonwealth and its subordinate branches shall not exceed the limits fixed by the American Congress.

No foreign loans shall be contracted without the approval of the President of the United States.

The debts, liabilities, and obligations of the Philippine Government, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution shall be assumed and paid by the Commonwealth Government.

Acts affecting currency and coinage shall not become law until approved by the President of the United States.

The President of the United States shall have authority to suspend the taking effect or the operation of any law, contract, or executive order of the Commonwealth Government, which in his judgment will result in a number of specified ways in the impairment of the financial stability of the Commonwealth.

The government of the Commonwealth shall place all funds from the export taxes provided for by the Independence Act in a sinking fund, and such funds shall be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippines.

If the Commonwealth Government fails to pay its debts or the interest thereon or to fulfill any of its contracts, the President may direct the High Commissioner to take over the customs offices and apply the customs revenue to the payment of such overdue indebtedness or the fulfillment of such contracts.

5. Powers retained in order to preserve American control over the foreign relations of the Commonwealth:

Foreign affairs shall be under the direct supervision and control of the United States.

Acts affecting immigration shall not become law until approved by the President of the United States.

The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Commonwealth Government which in his judgment will violate the international obligations of the United States.

No loans shall be contracted in foreign countries without the approval of the President of the United States.

6. Provisions regulating the trade relations between the United States and the Philippines, giving the United States control over the trade relations between the Philippines and other countries, and protecting the economic rights and interests of the United States and its citizens in the Philippines:

Trade relations between the Philippines and the United States shall be upon the basis prescribed in section 6 of the Independence Act.

Commonwealth acts affecting imports and exports shall not become law until approved by the President of the United States.

Citizens and corporations of the United States shall enjoy in the Commonwealth all the civil rights of the citizens and corporations, respectively, thereof.

Designated rights and interests of the United States and its citizens shall be recognized by the Philippines after independence has been proclaimed.

7. Provisions intended to make effective one or more of the retained powers already mentioned, to assure the maintenance of orderly, constitutional government in the Philippines, and miscellaneous provisions:

The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the government of the Commonwealth and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution.

Provision shall be made for the establishment and maintenance of an adequate system of public schools, primarily conducted in the English language.

In broad terms, the limitations placed upon the authority of the Commonwealth Government were intended to allow the Philippines the maximum measure of autonomy consistent with the responsibility, interests, and dignity of the United States as the sovereign power in the Islands. The intention of Congress was that pending the complete separation of the two countries there should be a minimum of American participation in the actual government of the Philippines. During the Commonwealth decade the Filipinos should have as complete an opportunity to demonstrate their capacity for self-government and be as solely responsible for results as would be possible while the United States was still ultimately responsible for their country. If the officials of the United States Government immediately concerned with Philippine affairs administer their offices so as to further the purposes of Congress; and if the Commonwealth conforms to the letter and spirit of the Independence Law and its own constitution, the actual operations of the Commonwealth Government will be almost as free from American interference as though the Philippines were already independent. Should the Commonwealth Government fail to conform to the provisions of the Independence Act or be unable or unwilling to maintain an orderly and solvent

government under the Commonwealth Constitution, the United States has authority under both of those fundamental laws to take virtually any steps necessary to meet its obligations as the responsible sovereign, and protect its own interests and those of the Philippines.

Thus far, considering the difficulties of operating a government responsible to two ultimate authorities (in this case, the United States and the Philippine electorate), the new relationship between the United States and the Philippines has been extraordinarily successful. Harmony has been maintained in part because in most matters American and Filipino objectives are parallel; in part because both sides have compromised when necessary. Events may show that the United States has given away too much at some points, particularly in allowing the Commonwealth Government as free a hand as it has had in spending the coconut oil taxes covered into the Philippine treasury. Use eases the stiffness and reduces the friction of any new piece of machinery, however. Now that the breaking-in period is pretty well over there is no reason to believe that in the hands of competent and responsible operators the machinery of American-Philippine relations will not function smoothly under ordinary loads, and be adequate to meet the emergency demands imposed by periods of unusual stress and strain. As is the case with every law, the Tydings-McDuffie Act itself is little more than a pattern for actual government. The legal and political structure for which it provides is being given reality by the actions of the executive, legislative, and judicial organs of both countries which are governing the Philippines and conducting the relations between the Commonwealth and the United States in accordance with the norms of action established by Congress.

One delicate aspect of the Philippine-American relationship is the status of individual Filipinos with reference to the United States. As was the case before the establishment of the Commonwealth, Filipinos are citizens of the Philippines and nationals of the United States. Despite the fact that the Independence Act explicitly provides that they shall owe allegiance to the sovereign power, it also decrees that in all laws of the United States "relating to the immigration, exclusion, or expulsion of aliens, citizens of the

Philippine Islands who are not citizens of the United States shall be considered as if they were aliens." An annual quota of fifty immigrants is assigned to the Commonwealth. Upon the withdrawal of American sovereignty over the Philippines the American immigration laws shall apply to persons born in the Philippines to the same extent as in the case of other countries.[5]

While some resentment at the immigration provisions was expressed in the Philippines when the Independence Law was under debate in the Islands, and the status of the Filipinos resident in the United States is an equivocal one, the application of the exclusion principle to the Commonwealth has raised no serious problems of a practical nature. The Philippines is under-populated and needs every one of its citizens for the settlement of Mindanao and other undeveloped regions. If in other respects American-Philippine relations are good, it is not probable that the immigration question will create difficulties between the two countries.[6*]

The legal relationship between the United States and the Philippine Commonwealth is provided for in the American and Philippine constitutions and statutes, as interpreted by the courts. The working relations between the governments of the two countries are conducted by designated American and Filipino officials and agencies. The highest of these officials are the President of the United States and the President of the Philippines. Upon several occasions the two chief executives have dealt with each other directly. Each has exercised a real control over the subordinate agencies of official Philippine-American contact. Probably no other American President except Taft has been so well informed concerning the Philippines as is Mr. Roosevelt. None has more completely won the confidence of the Filipino leaders. President Quezon expressed the well-nigh universal feeling of those who control the Philippine Government when he declared during the celebration of Occupation Day, 1938:

> The Filipino people have never had a better or truer friend than President Franklin D. Roosevelt. Every act taken by him having to do with the relations between his country and my country has been actuated by a desire to deal fairly and honorably with us in the Philippines.[7]

In addition to dealing directly with the American Chief Executive, President Quezon during his visits to Washington has transacted business with the higher executive officials concerned with Philippine affairs and with members of Congress. His congressional contacts have been maintained since the years 1909 to 1917 when he was one of the Philippine Resident Commissioners in the House of Representatives. By frequent trips to the United States and the entertainment of American political leaders, newspapermen and others in the Philippines he has added to his influence. Mr. Quezon is, indeed, a national figure in the United States as well as in his own country. This unique position has been astutely used to the advantage of the Philippines and has enormously strengthened Mr. Quezon politically at home. It has also strengthened his position *vis-à-vis* Governors-General and, more recently, the United States High Commissioners.

The extensive powers over the Commonwealth vested in the American President grant him the authority and presumably lay upon him the duty to see that the government of the Philippines is conducted in accordance with what McKinley called "certain great principles of government which we . . . deem essential to the rule of law and the maintenance of individual freedom," and in such a way as not to jeopardize legitimate American interests or involve the United States in difficulties with foreign nations. Prior to November 15, 1935, this duty was immediately performed by an American official *within* the Philippine Government, the Governor-General, who had the usual powers of a chief executive under the American system. With the inauguration of the Commonwealth the Philippine President became the chief executive of the Commonwealth Government. There is now no American official within that government and under normal conditions American control is to be exercised wholly from without and only for the purposes set forth in the Independence Law. Furthermore, although Congress still legally possesses plenary power over the Philippines, the only executive official who can exercise this control by his own authority is the President of the United States.

In order to provide an assistant or representative to aid the President in discharging his duties regarding the Philippines, Congress established the office of United States High Commissioner

to the Philippine Islands. The High Commissioner is appointed by the President, by and with the consent of the Senate, to hold office at the pleasure of the President and until his successor is appointed and qualified. The High Commissioner's status, powers and duties are prescribed by Section 7(4) of the Tydings-McDuffie Law, which should be carefully read by anyone wishing to understand the nature of the High Commissionership. The law provides that the High Commissioner

shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the Chief Executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States High Commissioner shall immediately report the facts to the President, who may thereupon direct the High Commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or the fulfillment of such contracts. The United States High Commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provisions of this Act. The United States High Commissioner shall receive the same compensation as is now received by the Governor-General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress, including a financial expert, who shall receive for submission to the High Commissioner a duplicate copy of the reports of the insular auditor. Appeals from the decisions of the insular auditor may be taken to the President of the United States. The salaries and expenses of the High Commissioner and his staff and assistants shall be paid by the United States.[8]

One of the reasons given by the Philippine Legislature for declining to accept the Hare-Hawes-Cutting Act was the indefi-

niteness of the powers of the High Commissioner. There are two provisions of the Tydings-McDuffie Act (which in relation to the High Commissioner is identical with the Hare-Hawes-Cutting Act) which seem to afford some basis for this objection. Just what are the powers of the High Commissioner as the "representative of the President of the United States in the Philippine Islands"; and precisely what authority may be "delegated to him" by the President "under the provisions of this Act"? Under the latter clause, for example, the President has delegated to the High Commissioner the authority to consider appeals from the decisions of the Auditor General, "for and on behalf of the President of the United States," and to settle finally such appeals if he concurs in the decision of the Auditor General.[9]

Whatever of indefiniteness there may be in the two clauses mentioned, it is certain that the High Commissioner cannot exercise any power over the Philippine Government which is not assigned to him directly or vested in the President by the Tydings-McDuffie Law or some other United States statute. These granted powers, most of which are quite definite and many of which obviously can be exercised solely by the President, fix the upper limit of the powers of the President's representative and of the President himself.

Early in the Commonwealth period President Quezon seized upon an opportunity to assert the principle that the powers of both the American President and his representative, the High Commissioner, are strictly limited. In a press release dated August 3, 1936, Mr. Quezon declared:

> The news appearing in this morning's *Bulletin* to the effect that "the Office of the American High Commissioner has turned thumbs down on the proposal to float bonds in the Philippines for insular public works projects" is as false as it is mischievous.
>
> Let it be clearly understood that no American official from the President of the United States down to the High Commissioner has any authority, powers, prerogatives or privileges in the Government of the Commonwealth except those granted by the Independence Law, commonly known as the Tydings-McDuffie Act.[10*]

If this position be sound, and there seems to be no doubt that it is in accordance with the intention of Congress in enact-

ing the Tydings-McDuffie Law, the authority of the High Commissioner *in normal times* would seem to be as definite as political powers can wisely be made. Nor does the High Commissioner's authority seem to restrict the powers of the Commonwealth Government beyond the point necessary for the protection of the sovereign position of the United States in the Philippines. However, the Independence Act provides a legal method by which the United States may meet its responsibilities and protect its interests in the Philippines under abnormal as well as normal conditions. The United States may, by Presidential proclamation, exercise the right to "intervene" for the preservation of the government of the Commonwealth and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution.[11]

Unquestionably the powers of "intervention" are indefinite. Once the United States had "intervened" the President probably could exercise in the Philippines whatever powers he might deem necessary for the accomplishment of the objects for which intervention is authorized, provided those powers were not denied him by the Constitution or other laws of the United States. Presumably the President would act through the High Commissioner, who might be authorized to wield all of the powers of government in the Philippines. Thus, while the powers of the President and the High Commissioner over the internal administration of the Philippines are narrowly limited so long as that Government is conducted in accordance with the provisions of its own constitution, they would become virtually unlimited except by the needs of the situation should the Commonwealth Government be unable or unwilling to meet the provisions of its fundamental law.

The duties and responsibilities of the High Commissioner have been added to as the result of legislation enacted since the inauguration of the Commonwealth. For example, he is to keep the President advised, through the Secretary of State, concerning the enforcement of the Neutrality Act in the Philippines and appurtenant waters, and to enlist the assistance of the Commonwealth Government in this task. It is also his duty to maintain

close observation under the Act of August 7, 1939, keeping the President informed with respect to the disposition of the proceeds of excise taxes and the enforcement of Philippine legislation concerning export taxes, sinking funds, and currency matters, and recommending any necessary action relating to these matters. Additional duties may, of course, be imposed upon the High Commissioner by Congressional legislation.

Although the High Commissioner has no administrative duties or authority within the Commonwealth Government, he must possess an intimate knowledge of the operations and problems of that government if he is to perform satisfactorily the functions of his office. In forming his judgments he has available information and counsel furnished by a staff of experts, assisted in their work by an appropriate office force. The Independence Act itself provides for one of these advisers, the Financial Expert, presumably because the High Commissioner is given direct and important responsibilities in advising the President of the United States with reference to the financial structure and operations of the Commonwealth.

The first person to occupy this position was the Honorable J. Weldon Jones. Passing directly to the newly created post from the Insular Auditorship under the preceding regime, Mr. Jones organized the Financial Section of the High Commissioner's Office and laid out its work in the light of his intimate knowledge of Philippine finances and of every other aspect of the government. As he set it up the staff of the Financial Section consisted of a financial expert, an assistant financial expert, three statisticians, one cartographer and two secretaries.

Mr. Jones' conception of the services which the Financial Expert may render and his description of the activities of this official give an insight into one of the most important phases of the High Commissioner's work. "Obviously," Mr. Jones has written,

> the Office of the High Commissioner must have available current and full information concerning the finances of the Commonwealth to meet the requirements of the Tydings-McDuffie Act. This seems to be true regardless of the answer to the question as to whether or not the Tydings-McDuffie Act reserved to the United States preventive,

as well as remedial or corrective powers with respect to the finances of the Commonwealth. Moreover, the very nature of financial difficulties, if we would prevent them, demands constant and current information. Financial difficulties seldom come from single acts or by "instantaneous combustion." . . . Current information and data establish financial trends and indicate the soundness of the policies adopted.

In view of the above, and acting under Section 7 (4) of the Tydings-McDuffie Act, the High Commissioner and the President of the Philippines early agreed upon the financial, statistical and other reports which the Commonwealth Government would furnish to the Office of the United States High Commissioner. The President of the Philippines issued instructions under the above arrangement to the pertinent offices in letters dated January 20, 1936.

The Financial Section of the Office of the United States High Commissioner is interested in such subjects as Governmental Finances, Bonded Debt, Sinking Funds, Currency and Currency Reserves, Banking in the Philippines, Exports and Imports, and Price Levels. As indicated, trends and policy-making in these various fields are all-important.

The Financial Section makes no public reports or statements. The reports and documents received from the various offices of the Commonwealth, through the President of the Philippines, are treated confidentially. Statistical Summaries of Financial Conditions and Economic Conditions in the Philippines are prepared monthly for the President of the United States. These reports are likewise treated confidentially. The work as now being developed and carried on will leave an official record, in summary, of financial and economic conditions in the Commonwealth.

The larger conception of the work of the Financial Section involves a group of technicians, who with current information on the never ceasing ebb and flow of governmental finance and related economics, may be in a position at all times to give authoritative reports and comments to the High Commissioner in all his relations with the Commonwealth Government.

The Financial Section finds itself engaged in a most interesting work. It believes that its technical work, within the confines of its legal functions, can be of great value to both the Government of the United States and the Government of the Commonwealth—a value which is significant in times of prosperity and would be enhanced in times of stress.[12]

The Legal and Economic Advisers and the Executive Assistant are the other ranking officials in the Office of the High Commissioner. Virtually every question which comes to the High

Commissioner's desk has a legal aspect and many of them are primarily legal in nature. The Legal Adviser usually has the aid of two or more assistant legal advisers. Invaluable services have been rendered by legally trained army officers detailed to this duty.

Congressional legislation has imposed upon both the American and Philippine Governments the duty of effecting a readjustment of Philippine economy and provided for an economic conference between the two governments prior to independence. Far less progress has been made in dealing with economics than with political problems in the Philippines. These facts, and others, make the position of Economic Adviser one of cardinal importance. To a peculiar degree this position requires an intimate knowledge of Philippine conditions.

In 1940 the staff of the Office of the High Commissioner numbered thirty, exclusive of naval and military aides and other personnel loaned by the Army. Competent staff work is in part responsible for the successful administration of every public office. Few officials deal with more diverse and important problems than the United States High Commissioner to the Philippine Islands. His decisions must be based upon an intimate and up to date knowledge of conditions throughout the great Archipelago which centers in Manila, a world with which he may be entirely unacquainted when he assumes office. He is far removed from his chief, the President of the United States, and isolated from official colleagues of comparable rank. The Philippine climate draws heavily upon his physical and nervous energy. There is a certain strain, too, in living and working among an alien people, no matter how hospitable and cooperative they may be. All of these factors make it imperative that the staff of the High Commissioner be of the highest quality and that it always contain a number of key men who are thoroughly acquainted with the Philippines.

The suggestion has been made that as a guarantee that the staff of the High Commissioner shall always conform to these requirements, and especially that there shall be greater continuity of service than has thus far prevailed, all but a few positions, perhaps only those of the Executive Secretary, the Legal Adviser, and the private secretary to the High Commissioner, should be given United States Civil Service status. Although opin-

ions differ as to just which officers should be included within the Civil Service, serious consideration should be given to this proposal as well as to other changes in the organization of the High Commissioner's staff which are indicated by the experience of the past five years. The suggestion that there should be a statutory Deputy High Commissioner is a particularly pertinent one.

In addition to the office staff, thirty employees, such as messengers, chauffeurs, and watchmen were on the office payroll in 1940, while nine house servants were carried on the discretionary fund.[13] The High Commissioner's salary is $18,000 per annum, with a discretionary fund of $10,000 for the maintenance of the official household and other purposes. The legal adviser is paid $10,000 per year and the other principal members of the staff from $4,400 to $9,000. The total appropriation for the High Commissioner's Office has been in the neighborhood of $160,000. Official residences (combined with offices) have been constructed for the High Commissioner in Manila and Baguio.

In glamour, opportunity, and difficulty the High Commissionership is one of the great American offices. The welfare, the very destiny of a young nation of seventeen million people, and the vital interests and the honor of the United States in the Eastern Hemisphere may hang upon the statesmanship of this distant representative of the President. In practice, the success of the High Commissioner in serving both his country and the Philippines will depend to a considerable degree upon the relations which exist between him and the Philippine chief executive. Ideally, both the High Commissioner and the Commonwealth President will feel that under normal conditions the former has the three rights and only the three rights attributed by Walter Bagehot to the British constitutional sovereign: the right to be consulted, the right to encourage, the right to warn. Acknowledged as possessing these rights by a statesmanlike Philippine President and exercising them wisely, a properly qualified High Commissioner will need no others in the ordinary conduct of his office. Indeed, he should have no others, for the High Commissioner is not intended to be a super-president of the Commonwealth.

However, as a trusted, confidential counsellor entirely de-

tached from Philippine partisan politics, yet thoroughly informed concerning local, American and world conditions, the High Commissioner can render invaluable services to the chief executive of the Commonwealth. Proper collaboration between these two officials should make it unnecessary for the High Commissioner ever to recommend that the American President exercise his drastic powers of control over the Commonwealth, unless, perhaps, at the request of the Commonwealth President himself. On the other hand, by an understanding presentation of the aspirations and needs of the Philippines and the interest which the United States has in the welfare of the Islands the High Commissioner may secure indispensable American cooperation in the establishment of the Commonwealth upon a sound economic and political basis.

Personalities often play a greater part in determining the character of public offices than do the laws that create them. In this instance the personal equation was favorable for the sound development of the High Commissionership. The first High Commissioner, the Honorable Frank Murphy, demonstrated his belief that the authority of the Commonwealth should be respected and enforced. It was his policy to avoid harassing intermeddling, and as a matter of good faith to give full recognition to the rights of the Philippine people and the dignity of their official representatives. By tried friendship and by a tactful, wise and sympathetic administration of his office he accomplished a great deal towards making successful the Commonwealth Government and the American-Philippine relationship contemplated by the Independence Act. He did this, moreover, with an intelligent conception of American interests and in a manner well calculated adequately to safeguard them. In this work, of peculiar importance at a time when precedents were being set and policies initiated, High Commissioner Murphy received the understanding and constructive cooperation of President Quezon.[14]

Almost a year elapsed between High Commissioner Murphy's departure from the Islands and the arrival of his successor. During this period Acting High Commissioner J. Weldon Jones, despite the handicap of his temporary status, succeeded in placing the new relations between the United States and the Philippines upon an even firmer basis of mutual understanding and confidence. High

Commissioner Paul V. McNutt by vigorously vindicating certain American rights which had been called into question demonstrated that if firmly and tactfully used the authority of his office would be respected without question or rancour by the Commonwealth Government and all other elements in the Philippine community. By the exercise of vigorous leadership as the ranking American (and the ranking official) in the Islands Mr. McNutt further strengthened the High Commissionership. Under the extraordinary pressure of the conditions which now exist in the Far East, High Commissioner Francis B. Sayre is called upon to bear a burden greater than that of any of his predecessors. Like the Commonwealth Government itself, this new office in the American political system is still being given form and substance by the men who hold it and the conditions under which it operates.

While the successive High Commissioners were working out problems connected with their relations with the President of the Philippines and the Commonwealth Government, questions arose concerning the procedures and agencies through which Philippine affairs should be handled by the government in Washington. Until July 1, 1939, the War Department was the principal agency within the American Government for the transaction of business relating to the Philippines. Within the Department the Bureau of Insular Affairs performed a wide variety of functions for the Insular Government, its services extending from employing school teachers to floating bond issues. This work the Bureau did under the supervision and control of the Secretary of War, upon whom the President and at times Congress relied for information and counsel concerning Philippine problems.

In practice the Secretary of War normally exercised considerable power over the Philippine Government, so far as that government was controlled from Washington; and he wielded an important influence over the Philippine policy of the United States. Except as speaking for the President, however, the Secretary of War had no authority to direct the Governor-General in the exercise of his powers and Governors-General felt free to communicate directly with the President and occasionally did so. Thus the President at times had two principal advisers regarding Philippine affairs.

Although the absence of precise definition of the relations between the Governor-General and the Secretary had occasionally produced unfortunate results, the arrangement which has been described was continued when the Governor-Generalship was abolished and the High Commissioner became the President's representative in the Philippines. Under the Reorganization Act of April 3, 1939, and the President's Plan No. 2, however, the functions, records, and permanent personnel of the Bureau of Insular Affairs were transferred from the Department of War and consolidated with the Division of Territories and Island Possessions in the Department of the Interior. This transfer became effective upon July 1, 1939, and coincidentally a Philippine Section was established in the Division.

The Chief, Assistant Chief, and one or two of the other higher officials of the Bureau of Insular Affairs had been Army officers, detailed for this duty normally for a four-year period, the Chief holding the temporary rank of brigadier general. Some of these officers performed distinguished administrative services and all of them conducted the Bureau in a competent manner. On the whole, too, the relations between these Army officers and the Filipino officials with whom they worked for many years were friendly and cooperative.[15*]

The chief of the newly created Philippine Section was given the title, Supervisor of Philippine Affairs. To this position was appointed Mr. Richard R. Ely. Mr. Ely entered the service of the Philippine Government in the Bureau of Education in 1917. From 1925 until 1935 he was assistant secretary to the Governor-General, and from the inauguration of the Commonwealth until his transfer to Washington was chief clerk and passport officer in the Office of the High Commissioner. Level-headed, resourceful, and with an invaluable experience at the center of Philippine affairs, Mr. Ely brought to the Philippine Section, a new entity in a Department without previous experience with the Philippines, all of the qualities which a permanent official in such a position should possess. His selection for the post is one of many instances in which the Roosevelt Administration has completely ignored political considerations and filled key positions with reference to the Philippines with men chosen solely for their competence.

Perhaps the most important of the administrative functions of the Philippine Section is the supervisory control which it exercises over transactions affecting the currency reserves and sinking funds in the United States belonging to the Philippine Government with a view toward safeguarding the interests of American bondholders and preserving the good name of the United States Government, which sponsored the sale of the Philippine bonds. The Section is the channel for all official communications between the Philippine Government or the High Commissioner and the departments or agencies of the United States Government in the United States, with the exception of those involving the foreign affairs of the Philippines and the international obligations of the United States in respect to the Philippines. It studies legislation under consideration by either Congress or the Philippine Legislature, reporting upon such legislation to the President, the High Commissioner, and other interested American governmental agencies. It is the central repository for purposes of reference and record of all official documents relating to Philippine matters and serves as an information agency concerning Philippine affairs. The section also handles a variety of other matters for the High Commissioner, the Philippine Government and governmental agencies in the United States.

Few Washington officials transact a greater variety of business than the Supervisor of the Philippine Section. In a single day he may deal with problems posed by stamp collectors, high school debating societies, great political pressure groups, investment bankers, shipping companies, departments of the American or the Philippine Government, members or committees of Congress, and the White House. Under the emergency conditions which exist at present, this work has been vastly increased. In view of the importance of the Philippines and the other territories and dependencies of the United States the coordination of the greater portion of their administration in a single unit of the government may turn out to be an accomplishment of great significance.

Although the precise status of the High Commissioner with reference to the Washington government has never been officially defined, it is evident that he is regarded as an adjunct or arm of the chief executive, and as such is responsible to the President and

to him alone. Apparently direct communication between the President and the High Commissioner occurs whenever either of them deems it advisable. Normally, however, correspondence and reports from the High Commissioner to the President clear through the Division of Territories and Island Possessions; and because of the pressure of official duties the President depends largely upon the Division to see that Philippine affairs (except foreign relations) are dealt with promptly at the Washington end. This arrangement, however, apparently is not intended to affect materially the direct responsibility of the High Commissioner to the President, or to diminish his authority in Philippine affairs. Matters involving the foreign relations of the Philippines and the international obligations of the United States in respect of the Philippines are dealt with in Washington by the Department of State through its Office of Philippine Affairs.

From the close of the year 1934 until the enactment of the law amending the Tydings-McDuffie Act in August, 1939, an Interdepartmental Committee on Philippine Affairs directed studies of Philippine problems in an effort to coordinate the activities of the various administrative departments and agencies of the United States Government concerned with the Philippines. The committee performed no administrative functions, but representatives of the Departments of State, War, Navy, Treasury, Agriculture, Commerce, and the Tariff Commission participated in its deliberations. The committee was organized under the chairmanship of the Honorable Francis B. Sayre, then Assistant Secretary of State. Its most important action was the recommendation that the Joint Preparatory Committee on Philippine Affairs be set up. Presumably the Interdepartmental Committee could be utilized again should occasion arise.[16] The Departments of State, Treasury, War, Navy, the Federal Security Agency, and the Veterans Administration are represented in the Philippines and perform services of importance to the Commonwealth and the United States.[17]*

In Washington the Commonwealth of the Philippines is officially represented by a Resident Commissioner to the United States. Like the traditional territorial delegates and the two Philippine Resident Commissioners provided for by the Jones Law and the Organic Act of 1902, the Resident Commissioner has a seat in

the House of Representatives with the right to debate but not to vote. He is also entitled to official recognition as the representative of the Government of the Commonwealth by all departments of the United States Government. In the direct transaction of business between the Resident Commissioner and the several governmental departments in Washington there would seem to be the possibility that the executive policy of making the High Commissioner and the Division of Territories and Island Possessions the media of official contact between the Commonwealth Government and the executive departments of the United States Government might be rendered to a certain extent ineffective.

The Resident Commissioner is appointed by the President of the Philippines, with the consent of the Commission on Appointments and holds office at the pleasure of the President. His salary, $10,000 per annum with certain additional allowances, is paid by the Commonwealth.[18] Although since 1902 a number of the Resident Commissioners have rendered valuable services, in the more important periods of American-Philippine relations since 1921 the position has been overshadowed by special missions sent from Manila under the chairmanship of the outstanding Philippine political leaders. Under the Commonwealth the Resident Commissionership has increased in importance.

The legal and political relationships between the United States and the Philippine Commonwealth and the instrumentalities through which the two countries deal with their mutual problems have proven themselves remarkably satisfactory during the first half of the decade fixed by law as the Commonwealth's span of life. A workable system of inter-governmental relations has been developed upon the foundation of the Tydings-McDuffie Act and the legal and political institutions of both countries. The position of the Commonwealth within, or in relation to, the American federal system is steadily being more clearly defined by the actual processes of government.

In large degree the success which has been achieved during this difficult period has been due to the personal qualities of the American and Philippine officials who have been the media of contact between the two governments. Nothing is more necessary to the maintenance of good American-Philippine relations than that

from the High Commissioner down the Americans who actually carry them on should be chosen with an eye single to their ability to perform this task. In the case of the appropriate non-political officials this means that they should be given the status which is necessary to secure and retain the highest type of permanent civil servants.

CHAPTER XXXI *

A NEW VOCABULARY

THE importance of the considerations which have been discussed in the preceding chapter is greatly increased by the possibility that the United States and the Philippines may not be able to carry their program of economic and political separation through to its appointed conclusion on July 4, 1946. The statesmen from Manila who secured the passage of the Hare-Hawes-Cutting Act realized, with Disraeli, that "Finality is not the language of politics." They knew well enough that conditions might arise under which independence at the prescribed moment would be impossible. If so, the Philippine-American relationship then existing might be continued by mutual consent, either indefinitely or for an additional term of years. Meanwhile progress would have been made towards the Philippine national goal and a better interim status achieved. Since the inauguration of the Commonwealth, President Quezon has repeatedly declared that the Philippines must proceed upon the assumption that the terms of the Tydings-McDuffie Act would be carried out as they stand (unless independence were achieved at an earlier date) and prepare itself accordingly.

In July, 1941, however, it is widely felt that economic considerations and uncontrollable international forces may compel the further modification of the program laid down by the Independence Act, or the postponement of its completion. From the day that the Hare-Hawes-Cutting Act, containing economic provisions identical with those later embodied in the Tydings-McDuffie Act of 1934, was enacted, the Filipinos have realized that if, as provided in that measure, they were to be cut off from a highly preferential position in the American market when separated po-

* *The notes of this chapter begin on p. 953. Subject matter notes are indicated by an asterisk.*

litically from the United States in 1946, their country would be ruined and the "independence" granted them by the United States would be a ghastly illusion. "Commonwealth means common death" to the Philippines, proclaimed President Quezon in campaigning against the acceptance of the Hare-Hawes-Cutting Act. As has been recounted in an earlier chapter, the Tydings-McDuffie Act was accepted in Manila in part because Mr. Quezon discovered that he could get nothing better and because President Roosevelt in his message to Congress of March 2, 1934, recommending the approval of the bill stated:

> Where imperfections or inequalities exist, I am confident that they can be corrected after proper hearing and in fairness to both peoples.[1*]

The incompatibility of the political and the economic provisions of the Tydings-McDuffie Act is not solely responsible for the predicament in which the United States and the Philippines placed themselves by arranging to set up an independent Philippine Republic upon an utterly inadequate economic foundation. As the Honorable Francis B. Sayre declared to a Senate Committee in 1939:

> The history of our relationships with the Philippines reflects a continuing conflict of fundamental ideas. While the United States was on the one hand promising independence and taking steps toward the attainment of that objective by legislative enactments and by training the Filipinos in the ideals of self-government, it was on the other hand pursuing a trade policy which had the effect of binding the two countries economically closer together. By the enactment of the United States Tariff Act and the Philippine Tariff Act, both of August 5, 1909, and the United States Tariff Act of October 3, 1913, there was established and amplified a free-trade relationship between the United States and the Philippines not wholly consistent with the promise of ultimate independence.[2]

The extent to which Philippine economy became dependent upon free trade with the United States is suggested by the fact that during the decade ending in 1937 the Islands shipped to the United States between 75 and 87 per cent of its total annual exports and obtained from the United States between 59 and 65 per cent of its total annual imports. Philippine exports to the United States in 1937 were valued at $122,755,000. This constituted over

80 per cent of the value of the aggregate Philippine exports to all countries.[3] Between 1937 and 1940 the volume of Philippine trade enormously increased and an ever larger proportion of it was with the United States. In the latter year exports totaled $309,579,644, of which $256,064,439, or 82 per cent, went to the United States. Imports from the United States increased both absolutely and proportionately, amounting in 1940 to $210,630,854 out of total foreign purchases of $269,720,497.[4]

These figures show the extent to which Philippine trade has become grooved to the United States. It is, however, American purchases of sugar and a few other products of lesser importance which make free trade or highly preferential trade essential at present to the stability of the Philippine economic system. In 1937 sugar accounted for 47 per cent of all Philippine exports to the United States; in 1936 the proportion was 58 per cent. Virtually none of this sugar could have been sold at a profit in the United States except on a free trade or highly preferential basis; nor could any considerable portion of it have been sold anywhere else. The coconut oil and desiccated coconut industries, Philippine cigars and cigarettes, embroideries, and pearl buttons are in a position of like or greater dependence upon free or preferred entry into the United States. Free trade with the United States has made the Philippines prosperous, but this prosperity and the political and social structure which rest upon it can be maintained only by a continuation of a preferential trade relationship with the United States, or by a complete readjustment of the economy of the Philippines.

The Hare-Hawes-Cutting Act and its echo, the Tydings-McDuffie Act, provided a ten year period within which such a readjustment should be made. By certain provisions to be described in a moment, they sought to compel the Philippines to effect a transition from an economy almost wholly dependent upon a free American market to one capable of existing in the competitive world market. These measures were passed under the pressure of special American interests which feared the competition of Philippine products, in most cases without cause, acting in cooperation with the Filipino leaders. The latter were willing to accept an immediate increase in self-government and a definite promise of

independence at a given date even at the risk of disaster when that date arrived. In the opinion of the author most of the Senators and Representatives who voted for the measure did so in the honest belief that the transition period was adequate, and for the purpose of bringing to its consummation the historic Philippine policy of the United States.[5]*

The Tydings-McDuffie Act had scarcely been put into effect before steps were taken to prepare the way for the modification of its economic provisions.[6]* After much preliminary investigation, on April 14, 1937, a Joint Committee composed of American and Filipino experts was appointed by President Roosevelt and President Quezon to study further the problem of Philippine-American trade relations and to submit a joint report with concrete recommendations for the adjustment of Philippine national economy. Prior to the establishment of the Committee it was agreed between President Roosevelt and President Quezon

> that preferential trade relations between the United States and the Philippines are to be terminated at the earliest practicable date consistent with affording the Philippines a reasonable opportunity to adjust their national economy. Thereafter it is contemplated that trade relations between the two countries will be regulated in accordance with a reciprocal trade agreement on a non-preferential basis.[7]*

The Committee regarded its activities as limited by this agreement, which was embodied in its terms of reference, and considered it inexpedient and unjustifiable to recommend any changes in the Tydings-McDuffie Act except such as might be required to remove "imperfections and inequalities" in the sense in which President Roosevelt used that expression in his message to Congress of March 2, 1934.[8] The scope of the Committee's work was, of course, greatly restricted by these limitations.

The Joint Preparatory Committee described as follows the trade provisions of the Independence Act as they stood before they were amended in August, 1939:

> It is convenient to consider the trade provisions of the Independence Act with respect to three time intervals: (1) The first 5 years of the Commonwealth period, dating from November 15, 1935, to November 15, 1940; (2) the second 5 years of the Commonwealth

period, dating from November 15, 1940, to July 4, 1946; and (3) the period commencing with July 4, 1946, the date on which the Philippines will become independent. [The so-called second 5-year period is actually almost 8 months in excess of 5 years.]

During the first 5-year period, free trade between the United States and the Philippines is to continue on the same basis as heretofore, except that limitations are placed upon the maximum amounts of sugar, coconut oil, and cordage which are permitted to enter the United States duty-free. Any shipments in excess of the quotas, according to the act, are to be assessed the full United States duties. The effects of this provision with respect to all three commodities, however, have been variously modified by subsequent legislation. . . .

During the second 5 years of the Commonwealth, the same duty-free quotas will continue to be applicable with respect to the sugar, coconut oil, and cordage shipped to the United States. But the Philippines will be obliged to assess progressively increasing export taxes against these and all other exports to the United States which are not admissible into the United States free of duty when imported from other countries. These export taxes, the proceeds of which will go to the Philippine Treasury, will amount to 5 percent of the prevailing United States duties during the sixth year of the Commonwealth period and will be increased by an additional 5 percent each succeeding year, until in the tenth or last year they will amount to 25 percent of the then-existing United States duties.

No provision is made in the Independence Act for permitting or requiring the curtailment of imports of United States goods into the Philippines during the Commonwealth period, and the Philippines has no legal power to restrict its imports of United States goods during this period by means of quotas or tariffs.

After the Philippines obtains its complete independence on July 4, 1946, it will no longer be required to levy export taxes upon shipments to the United States. At that time, on the basis of present legislation, the full United States duties will be collected on all Philippine goods arriving in the United States; and presumably the full Philippine duties will be collected on all United States goods arriving in the Philippines.[9]

The Joint Preparatory Committee was extremely conservative in its estimate of the probable effects of the economic provisions of the Tydings-McDuffie Act upon trade between the United States and the Philippines and upon the economy of the two countries. Its summary conclusions upon this subject were as follows:

Such abrupt change in trade relations would be certain to affect adversely a number of Philippine export industries as well as others

directly dependent upon them. Many firms would be forced to liquidate on or before the date of independence; and the consequent decline in the volume of business, coupled with increased unemployment, would have serious repercussions on the Philippine economy. American export trade would also be impaired by the sudden imposition of Philippine duties upon United States products.[10]

With a view to affording both American and Philippine interests a reasonable opportunity to adjust themselves to the changed relationship, the Committee recommended certain amendments to the trade regulating provisions of the Tydings-McDuffie Act. One group of recommendations dealt with the portions of the Act effective between 1941 and 1946 and was intended to prevent the too abrupt liquidation of certain Philippine industries during that period. Another set of the proposed amendments changed the date upon which the full American tariff would be applied to Philippine goods from 1946 to 1961 and provided for a gradual reduction of duty-free trade between the two countries during that interval. An administration bill embodying these proposals was introduced into the Senate (S. 1028, 76th Congress, 1st Session). Congress rejected the Committee's post-independence recommendations but embodied its proposals concerning the 1941-1946 period in a law amending the Tydings-McDuffie Act which was approved by the President on August 7, 1939.[11]

The most important of the 1939 amendments to the Tydings-McDuffie Act are those which substituted gradually declining duty-free quotas for gradually increasing export taxes upon shipments to the United States of four classes of goods which the export taxes would have completely excluded from the American market soon after their imposition in 1941. It was expected that this substitution would reduce gradually the volume of exports in these commodities (cigars, other tobacco products, coconut oil, and pearl or shell buttons) but allow a profit to be realized on the remaining portion of the trade.[12]* The Philippine embroidery industry was rescued from sudden destruction after 1941 by the provision that the export taxes on Philippine embroidery shall be based on the value of embroidered articles less the value laid down in Manila of the cloth of United States origin embodied therein. In other words, the duty shall apply only to the value

added in the Philippines and not to the value of the American cloth.[13]

During the Senate hearings on the bill, Secretary Sayre stated:

It would be unfair to the Philippines to wipe out such industries in so short a time without a chance to work out an adjustment. To do so might create not only economic hardships but dangerous social problems as well. . . . By this gradual and progressive elimination, the committee felt that some portion of these industries might be saved and that the unfortunate repercussions upon Philippine economy which would otherwise result might be avoided.[14]

Minor changes were made in the provisions of the Tydings-McDuffie Act regarding sugar and cordage, and it was provided that no export tax should be imposed upon copra or abaca (Manila fiber) not dressed or manufactured. Concerning the all-important question of the effect of the Tydings-McDuffie Act upon Philippine sugar, Secretary Sayre declared in the Senate hearings on the amending bill:

The provisions of the bill with respect to sugar for the remainder of the Commonwealth period are, therefore, substantially the same as those contained in the Tydings-McDuffie Act. In the opinion of the Joint Preparatory Committee the Philippine sugar industry will be able to meet the conditions laid down in the Tydings-McDuffie Act until July 4, 1946, even though it is obvious that there must be a drastic adjustment of that industry if it is to survive after the loss of its preferential position in the American market. The committee's belief that the Philippine sugar industry will be able to do this, of course, is premised upon the assumption that the Philippines will continue to be allowed to ship 850,000 tons of sugar to the United States, subject, of course, to the payment of export taxes and customs duties as provided in the bill. The payment, however, of these levies will require a thoroughgoing readjustment of the Philippine sugar industry, for which time, money, and experimentation are necessary. The committee believes that the Philippines will be able to make these necessary adjustments if they are given a transition period of sufficient length.[15]

Although the recommendations of the Joint Preparatory Committee regarding United States-Philippine trade relations after 1946 were not accepted by Congress, the Committee made important

contributions toward the formulation of a sound policy with reference to American trade with the Islands after the date set for independence. Its report demonstrated that even under normal world conditions the termination of preferential United States-Philippine trade in 1946 would endanger the economic and political stability of the independent Philippine state which the Tydings-McDuffie Act provides shall be established at that time. By doing this and presenting the most thorough study yet made of the many problems involved in the American-Philippine trade relationship the Committee performed a valuable service in preparing the way for a satisfactory solution of these problems at some future time.[16*]

The limitations which were placed upon the Joint Preparatory Committee by the terms of reference under which they worked have already been mentioned. The effect of these limitations upon the scope of the investigations and recommendations of the Committee, and the probable results of the application of their principle to the future trade relations between the United States and the Philippines after independence have been set forth by Mr. Horace M. Pond, one of the most highly respected American business men in the Philippines, in a manner worthy of serious consideration. In an address delivered in Manila on May 27, 1939, Mr. Pond declared:

> From the point of view of the United States, and of a citizen of the United States who cast his lot with that of the Filipino people and prospered as they have prospered, I am glad that that bill (S. 1028) is dead. I am glad because I am convinced that its provisions would have been disastrous to the Philippines and disadvantageous to the United States. The application of the principle on which the provisions of that bill were based to the trade relations between the two countries was, I believe, unwise, unnecessary, and even disastrous.
>
> That principle was set forth in the instructions to the joint committee. It is that "preferential trade relations between the United States and the Philippines are to be terminated at the earliest practicable date consistent with affording the Philippines a reasonable opportunity to adjust their national economy," and that thereafter "trade relations between the two countries will be regulated in accordance with a reciprocal trade agreement on a non-preferential basis." That made it impossible for the committee to present a sound and satisfactory program for Philippine-American trade relations after independence. The approval of the bill would have applied, by an

act of Congress, that principle to future Philippine-American trade relations.

There may be a reason for this principle: Trade preferences for one country constitute discriminations against all other countries, and it has long been the policy of the United States to treat alike the products of all countries (except Cuba) which do not discriminate against the products of the United States. This is known as the most-favored-nation principle. That reason I do not consider valid when applied to the trade relations between the Philippines and the United States. In this case consistency is by no means a jewel. Not only are there precedents for excepting the Philippines in the application of the principle, and especially considering that most commercial treaties between the United States and foreign nations contain exceptions, either regional or as to specific articles, but in practically every trade agreement entered into in recent years between the United States and foreign countries the Philippines has been specifically excepted from the operation of the most-favored-nation principle, and this regardless of the future political status of the Philippines.

The purpose of the present trade policy of the United States is not to destroy trade which already exists, but rather to increase trade and commerce throughout the world. Consistency surely does not dictate that the mutually advantageous trade between the Philippines and the United States shall be destroyed, and especially when destruction may well bring disaster to the Filipino people, the loss of a large market for the United States, force the adoption of bilateralism by the Philippines, and further menace peace in the Far East.[17*]

Of great importance for the future of the Philippine policy of the United States was the action of Congress in adding to the administration bill amending the Tydings-McDuffie Act a section radically changing Section 13 of the latter measure. Section 13 required that a Philippine-American conference be held at least one year prior to the date fixed for Philippine independence "for the purpose of formulating recommendations as to the future trade relations between the government of the United States and the independent government of the Philippine Islands." The amending Act of August 7, 1939, provided that a trade conference shall be called at least two years before the date fixed for independence; and instead of being appointed by the President, the United States representatives shall consist of three Senators, appointed by the President of the Senate, and three members of the House of Representatives appointed by the Speaker, and three persons appointed

by the President.[18] The committee thus provided for may well turn out to be the most important extra-Congressional body which has ever dealt with Philippine affairs. The method by which its American members will be chosen makes it probable that the committee's recommendations will be realistic, in the sense that they will receive favorable consideration by Congress.

While the industries which had been granted a stay of execution by the Act of August 7, 1939, have sought to make the most of their respite, the Commonwealth Government has continued to push its program of national economic readjustment with a view to attaining a position in which it could survive the termination of preferential trade with the United States in 1946. This program has been financed chiefly from the revenues received by the Commonwealth treasury from the coconut oil excise tax levied and collected in the United States. It is designed to increase and diversify agricultural production; to develop more rapidly the mineral, forest, fishery and other natural resources of the Archipelago; to extend and improve transportation and communication facilities; to build up industries and stimulate the consumption of domestic agricultural and industrial products; to increase rapidly Filipino participation in retail trade, now largely in the hands of foreigners; and to find foreign markets for at least a part of the goods which probably cannot be sold in the United States once preferential trade relations have been terminated.

In prosecuting this elaborate plan for the economic transformation of the Philippines the Commonwealth has established more than a score of corporations financed, owned and operated by the Government. Most of them are subsidiaries of the National Development Company, a corporation created years ago to supervise and control the business ventures initiated during the Harrison regime. The policy laid down is for these companies not to enter those fields which would probably be developed by private capital and initiative.

Through these agencies the Commonwealth is now, among other activities, furnishing agricultural and commercial credit on a large scale; importing, storing, selling and regulating the price of rice and corn and developing by-products from these basic foods; operating a national warehousing service for agricultural products;

manufacturing footwear, portland cement, cellulose (from sugar cane bagasse), and cotton textiles; operating food canneries and a coal mine; refining sugar; constructing hydro-electric power plants; prospecting for oil and conducting scientific surveys of the national agricultural and mineral resources; carrying out large scale colonization projects with a view to settling undeveloped areas and relieving over-population elsewhere; and organizing and modernizing the production of hemp and other fibers, coconut products, and tobacco.[19]

That the end purpose of the readjustment program, to reduce the dependence of the Philippines upon the sale of a few products in the protected American market, is a sound one, whatever the future political orientation of the Philippines may be, will scarcely be questioned. Incredible, however, seems the belief that the economic transformation of a nation of seventeen million people could be accomplished within a decade even were ample capital available, which is not the case in the Philippines. Doubtful seems the assumption that a stable semi-industrial and commercial economy can be created among a non-commercial, non-industrial people by the governmental capitalization and management of a certain number of key enterprises. Dangerous is the policy of plunging a new government into large and varied business ventures financed by "windfall" revenue which is likely to cease before the termination of the experimental period through which every business must pass. Yet the basic theory of the Tydings-McDuffie Act is that between 1935 and 1946, largely by governmental action, the Philippines could be prepared to withstand the loss of the highly preferential position in the American market upon which its economy has largely rested since 1909!

As has been indicated, even before the beginning of the war which has now disrupted the economy of the entire world, there was a widespread belief, cautiously expressed by the Joint Preparatory Committee on Philippine Affairs, that unless preferential trade relations between the United States and the Philippines were continued for a considerable period after 1946, the whole economic structure (and possibly, in consequence, the political structure) of the Philippines would be imperiled. By November, 1940, the situation had reached the point at which the Honorable Manuel

Roxas, Philippine Secretary of Finance, could declare in a radio appeal to the United States that, as a result of the world conflict,

> instead of reducing our economic dependence on America, we find ourselves today even more dependent upon her market than we were when Congress enacted the independence law. . . . We now find our task of economic readjustment not only extremely difficult but practically impossible during the period allotted to us.

Secretary Roxas, with the approval of President Quezon, asked that the gradual imposition of quotas and export duties on Philippine exportations to the United States which began with the second half of the Commonwealth period should be postponed until four years after peace has been reestablished, and that the period of economic readjustment should be extended for at least ten years after 1946.[20]

In May, 1941, the National Assembly by resolution appealed to Congress to suspend the graduated export taxes and the quota limitations imposed by the Tydings-McDuffie Act as amended. The position of the Assembly was that changed international conditions had made impossible the orderly readjustment of Philippine economy which was contemplated when the Independence Law was enacted by Congress and accepted by the Philippine Legislature. Meanwhile the Manila press carried stories to the effect that loans of well-nigh astronomical proportions, considering the financial resources of the Philippines, would be sought from the United States for use in keeping American-Philippine trade moving and for purposes of national defense.[21]

It was estimated that the suspension of the export taxes would save Philippine industries (chiefly the sugar business) the payment of some ₱72,000,000 between May, 1941, and July, 1946. The possibility that Congress might suspend the export taxes and lift the quotas now, as requested, and then in 1946 (possibly as a reaction to another post-war depression) insist upon going through with independence without a continuation of preferential trade relations does not seem to have been considered. Were this to be done, the Philippine Republic would be sunk beyond hope of recovery at the moment of its launching.

In the spring of 1941 world conditions are so uncertain that

no government can speak with assurance as to what it will or will not do in any important matter in 1946. By that time the world may have been made safe for the small and the weak, as well as the mighty members of the family of nations. On the other hand, five years hence, the kind of world in which the Philippines has been preparing to live may no longer exist. Should the now ordained separation between the Philippines and the United States be postponed or abandoned, by necessity or choice, could a continuing relationship be worked out which would be reasonably acceptable to both countries?

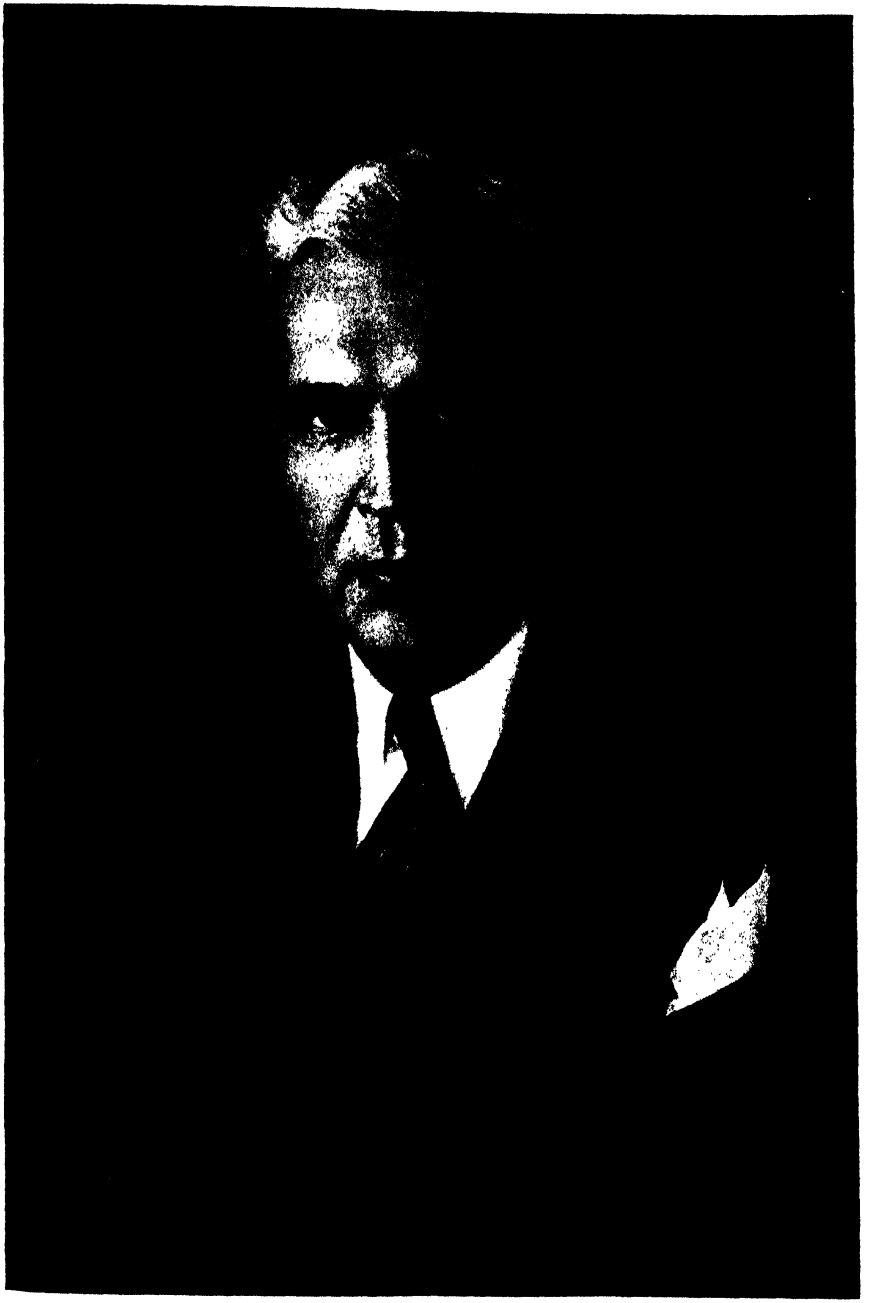
That question was compellingly posed to both peoples in the famous "realistic reexamination" radio address made by United States High Commissioner Paul V. McNutt on March 14, 1939. Mr. McNutt's courageous pronouncement set forth the basic principles upon which he believed that a permanent political and economic relationship between the Philippines and the United States might be established by mutual agreement.

I believe [he declared] that I voice the inherent desire of my Nation when I say that we want to solve the Philippine problem in fairness to all—we want to solve it just as we wish with fairness and justice to solve our domestic problems. It can be solved.

On the political side, our flag and sovereignty should remain, allowing to the Philippines every ounce of domestic autonomy they can absorb—holding in our own hands foreign affairs, tariffs, immigration, currency, and public debt—scarcely more than marks of the necessary reservation of a dominion. We should feel free in case of any crisis to help preserve the democratic basis of the Philippine Government.

On the economic side, we should, from time to time, give the Philippines the best trade deal we can without injuring the domestic producers. We must admit the possibility of competition. The present quantity quotas on sugar, coconut oil, and cordage should be retained and if other or new commodities come into competition with home-side products, they also should be restricted with quotas. Our aim should be to assist with capital and men, with good will and such preferences as we can afford, the return to a complementary and reciprocal economy between the United States and the Philippines.

Then there is the problem of military protection. I venture to predict that so long as our flag flies over the islands no foreign power will trespass, irrespective of the military forces stationed there. So long as our flag flies there, the Philippines will be the cornerstone



THE HONORABLE PAUL V. McNUTT



Photo from "Philippines" magazine

CONFERENCE ON PHILIPPINE AFFAIRS

Left to right: The Honorable Dominador Tan, Member of the Philippine National Assembly; The Honorable J. M Elizalde, Philippine Resident Commissioner; Dr. Rupert Emerson, Director, Division of Territories and Island Possessions; The Honorable José Yulo, Speaker, Philippine National Assembly; The Honorable Harold L. Ickes, Secretary of the Interior.

of peaceful reconstruction in the Far East. I further venture that if our flag comes down, trouble will follow for at least a generation.

* * *

Without too great a loss of time and with the cooperation of the leaders among the Filipinos, we should proceed to a realistic re-examination of the needs of these people and the long-range interests of ourselves. If this study results in a policy favoring a permanent political and economic relationship with the Philippines, it shall be, I trust, because the Filipinos want it and because it is in aid of our national purposes. America will not impose her sovereignty by force upon any people. The enduring welfare and safety of both countries are to be the paramount consideration.

It is my conviction that they are not far apart and that they can be harmonized—harmonized for the salvation of the Philippines, for the larger interests of America, and for the peace of the Pacific.[22]*

Discussion of Mr. McNutt's proposal of "realistic reexamination" has proceeded informally but vigorously for two years both in the United States and in the Philippines. On the day following the address, President Quezon declared that he could not subscribe to the High Commissioner's program. At the same time, he set forth the conditions under which he felt that a permanent political connection would be acceptable to the Philippines, declaring:

Any permanent continuation of political relations between the United States and the Philippines to be acceptable to me must give the Government of the Commonwealth the same powers and authority that are recognized in and exercised by the dominions of Great Britain except as to foreign relations. If such political relationship between the United States and the Philippines cannot be acceptable to the United States, then it will be of little value to attempt to revise the present policy looking toward complete separation between the two countries for I am positive that the Filipino people will not agree to it and I myself could not advocate it.

President Quezon, however, while rejecting the particular conditions suggested by High Commissioner McNutt did not close the door to negotiations upon the general subject of "reexamination." "If the details of your proposals as above stated," he continued, in a radiogram to the High Commissioner, "do not represent yours or the President's final views on the matter, then I would suggest the opening of negotiations or conferences wherein we may be able to adjust our differences of opinion."

"Realistic reexamination" has been widely discussed in the Philippines and has found many advocates. The Philippine Civic League, a non-partisan organization headed by one of the most admirable Filipinos in public life, sought to secure popular support for the proposal. Politically, however, the movement got nowhere. The National Assembly refused to sanction the principle of the postponement or abandonment of independence in 1946. On January 31, 1941, President Quezon concluded his annual message to the National Assembly with these words:

> In the midst of this great crisis, our duty is clear. By a solemn covenant with America, the advent of our national independence is assured. We must prepare for it; we must not procrastinate; we must not falter. Trusting in Divine Providence, we must move forward firmly and courageously to achieve our long-cherished ideal—the establishment of the Philippine Republic—and to secure for our people prosperity, happiness and freedom under the shelter of peace and democracy.

The cynic may regard as mutually exclusive the two goals set for his country by President Quezon: the early establishment of an independent Philippine Republic and the securing of peace, prosperity, happiness, and freedom for the Filipino people. It is possible that the President's continued adherence to the program of independence in 1946 was expressed, in part at any rate, for political purposes at home and in the United States. Yet he underestimates the enduring power of Philippine nationalism who thinks that the Filipinos as a whole will readily agree to defer the realization of their national ideal, even in the face of the dangers with which they are now surrounded. The existence of this deep sentiment of nationalism is an imponderable fact which the Filipino leaders dare not ignore, and which Americans and others who are concerned with the future of the Islands cannot afford to underestimate.[23]

In the same message in which President Quezon proclaimed his country's continued adherence to the ideal of national independence, he announced that he had "assured the government of the United States, in behalf of the Commonwealth, that the entire Philippines—its man-power and material resources—are at the disposal of the United States in the present emergency." Out of this

"emergency" there may develop conditions which will produce an entirely new approach to the problems of the relationship between the United States and the Philippines.

So far as the Philippines enter their minds at all, most Americans are still thinking of the Islands in terms which had their origin in the period of the Spanish-American War. The World War of 1914-1918 was remote from the Philippines and left their relationship with the United States and the established American attitude towards them virtually untouched. In 1941 the Philippine Commonwealth is the pivot of the vital American defense position in the Western Pacific. Although President Quezon's prompt alignment of his country with the United States is not unappreciated, the full significance of his unequivocal stand is not yet generally understood in the United States. For a people living under the shadow of Japan's military might, it was a courageous choice; and it expressed in decisive action the feeling of the Filipinos for America which was proclaimed on Occupation Day, 1938.

It would be strange indeed if this partnership in a perilous undertaking were not to alter the stereotyped attitudes of these two peoples towards each other. Upon the conclusion of the present upheaval the United States will be unable to escape its share of the task of reorganizing the world for peace, in Asia as elsewhere. In this reorganization the Philippines will necessarily be considered not merely *vis-à-vis* America, but as an essential element in the post-war order in East Asia. In that order the interests and the aspirations of the Philippine people, who in the time of crisis unhesitatingly ranged themselves with the United States and the principles of human freedom, will not be disregarded.

Whatever the post-war approach to Philippine problems may be, two general conclusions seem to be warranted by the development of the Philippines and of Philippine-American relations since 1898. The first is that the Philippines has become a nation and although it is not yet an entirely independent one it must be dealt with as such. The second conclusion is that despite the remarkable accomplishments of the past four decades the Philippines still need the protection and economic support of the United States. A careful study of every major problem with which the Commonwealth

has been confronted—national unification, racial integrity, national defense, public education, public health, economic development, and all the rest—shows not only that the problem is far from solution, but raises grave question as to whether it could be solved were the Philippines actually left to stand alone and to be treated by the United States as any other foreign state after 1946.

In the opinion of the author, there can be no final "solution" of most of these problems, or of the problem of the Philippines as a whole. Only in an indefinitely continuing relationship in which each country faithfully meets the obligations assumed towards the other can the interests and honor of the United States and the Philippines be protected and their common purposes realized. The precise form which this relationship should take at any particular future time has been rendered uncertain by unforeseen events beyond the control of either country. It is conceivable that by 1946 conditions may have arisen under which the political and economic separation provided for by the Independence Law would be possible. Ultimately the relationship between the two countries probably will be that which normally exists between friendly independent states. In the years immediately following 1946 there might be merely a temporary prolongation of the present situation; or there might be a continuation of preferential trade between an independent Philippine Republic and the United States; or some new relationship might be set up, either by definite action mutually agreed upon or by the natural processes of constitutional growth which are typical of the American federal system. The means adopted should be rationally selected to accomplish the end in view and not dictated by outworn political shibboleths. The Philippines cannot afford to risk national destruction out of deference to "immediate independence." Nor should America be bound by a possibly inapplicable interpretation of "no responsibility without authority." As Mr. J. Weldon Jones put it in a phrase which won instant approval in the Philippines, there is need for a new vocabulary in the discussion of Philippine-American relations.

Thus far, despite certain shortcomings in American policy towards the Philippines, the Filipino people have benefited immeasurably economically, politically and culturally from their American connection. They have advanced far along the path of

nationhood. If given a reasonable opportunity for survival, they will do their share towards enriching modern civilization. America will not have completely discharged the obligations which it has assumed in the Philippines until this new nation has been given this opportunity. From the standpoint of its own interests and honor the United States cannot afford to walk away from the responsibilities which it assumed when it forcibly extended its sovereignty over Spain's great Oriental colony. It dare not leave its task in the Philippines half done.

APPENDIX I

THE PHILIPPINE COMMONWEALTH AND INDEPENDENCE LAW

(Known as the Tydings-McDuffie Act)

[PUBLIC—NO. 127—73D CONGRESS]
[H.R. 8573]

AN ACT

To provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CONVENTION TO FRAME CONSTITUTION FOR PHILIPPINE ISLANDS

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a constitutional convention, which shall meet in the hall of the house of representatives in the capital of the Philippine Islands, at such time as the Philippine Legislature may fix, but not later than October 1, 1934, to formulate and draft a constitution for the government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this Act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December 1898, the boundaries of which are set forth in article III of said treaty, together with those islands embraced in the treaty between Spain and the United States concluded at Washington on the 7th day of November 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

CHARACTER OF CONSTITUTION—MANDATORY PROVISIONS

SEC. 2. (a) The constitution formulated and drafted shall be republican in form, shall contain a bill of rights, and shall, either as

a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

(1) All citizens of the Philippine Islands shall owe allegiance to the United States.

(2) Every officer of the government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

(4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 6.

(6) The public debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Philippine government, its Provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the constitution, shall be assumed and paid by the new government.

(8) Provision shall be made for the establishment and maintenance of an adequate system of public schools, primarily conducted in the English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

(11) All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.

(12) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine government.

(13) The decision of the courts of the Commonwealth of the Philippine Islands shall be subject to review by the Supreme Court of the United States as provided in paragraph (6) of section 7.

(14) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the government of the Commonwealth of the Philippine Islands and for the maintenance of the government as provided in the constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of government obligations under and in accordance with the provisions of the constitution.

(15) The authority of the United States High Commissioner to the government of the Commonwealth of the Philippine Islands, as provided in this Act, shall be recognized.

(16) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippine Islands all the civil rights of the citizens and corporations, respectively, thereof.

(b) The constitution shall also contain the following provisions, effective as of the date of the proclamation of the President recognizing the independence of the Philippine Islands, as hereinafter provided:

(1) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands.

(2) That the officials elected and serving under the constitution adopted pursuant to the provisions of this Act shall be con-

stitutional officers of the free and independent government of the Philippine Islands and qualified to function in all respects as if elected directly under such government, and shall serve their full terms of office as prescribed in the constitution.

(3) That the debts and liabilities of the Philippine Islands, its Provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippine Islands; and that where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any Province, city, or municipality therein, the Philippine government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

(4) That the government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the treaty of peace with Spain ceding said Philippine Islands to the United States.

(5) That by way of further assurance the government of the Philippine Islands will embody the foregoing provisions (except paragraph 2) in a treaty with the United States.

SUBMISSION OF CONSTITUTION TO THE PRESIDENT OF THE UNITED STATES

SEC. 3. Upon the drafting and approval of the constitution by the constitutional convention in the Philippine Islands, the constitution shall be submitted within two years after the enactment of this Act to the President of the United States, who shall determine whether or not it conforms with the provisions of this Act. If the President finds that the proposed constitution conforms substantially with the provisions of this Act he shall so certify to the Governor General of the Philippine Islands, who shall so advise the constitutional convention. If the President finds that the constitution does not conform with the provisions of this Act he shall so advise the Governor General of the Philippine Islands, stating where in his judgment the constitution does not so conform

and submitting provisions which will in his judgment make the constitution so conform. The Governor General shall in turn submit such message to the constitutional convention for further action by them pursuant to the same procedure hereinbefore defined, until the President and the constitutional convention are in agreement.

SUBMISSION OF CONSTITUTION TO FILIPINO PEOPLE

SEC. 4. After the President of the United States has certified that the constitution conforms with the provisions of this Act, it shall be submitted to the people of the Philippine Islands for their ratification or rejection at an election to be held within four months after the date of such certification, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed constitution and ordinances appended thereto. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the return of the election shall be made. The Philippine Legislature shall by law provide for the canvassing of the return and shall certify the result to the Governor General of the Philippine Islands, together with a statement of the votes cast, and a copy of said constitution and ordinances. If a majority of the votes cast shall be for the constitution, such vote shall be deemed an expression of the will of the people of the Philippine Islands in favor of Philippine independence, and the Governor General shall, within thirty days after receipt of the certification from the Philippine Legislature, issue a proclamation for the election of officers of the government of the Commonwealth of the Philippine Islands provided for in the constitution. The election shall take place not earlier than three months nor later than six months after the proclamation by the Governor General ordering such election. When the election of the officers provided for under the constitution has been held and the results determined, the Governor General of the Philippine Islands shall certify the results of the election to the President of the United States, who shall thereupon issue a proclamation announcing the results of the election, and upon the issuance of such proclamation by the President the existing Philippine government shall ter-

minate and the new government shall enter upon its rights, privileges, powers, and duties, as provided under the constitution. The present government of the Philippine Islands shall provide for the orderly transfer of the functions of government.

If a majority of the votes cast are against the constitution, the existing government of the Philippine Islands shall continue without regard to the provisions of this Act.

TRANSFER OF PROPERTY AND RIGHTS TO PHILIPPINE COMMONWEALTH

SEC. 5. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this Act, except such land or other property as has heretofore been designated by the President of the United States for Military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the government of the Commonwealth of the Philippine Islands when constituted.

RELATIONS WITH THE UNITED STATES PENDING COMPLETE INDEPENDENCE

SEC. 6. After the date of the inauguration of the government of the Commonwealth of the Philippine Islands trade relations between the United States and the Philippine Islands shall be as now provided by law, subject to the following exceptions:

(a) There shall be levied, collected, and paid on all refined sugars in excess of fifty thousand long tons, and on unrefined sugars in excess of eight hundred thousand long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(b) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of two hundred thousand long tons, the same rates of duty which are required by the laws of the

United States to be levied, collected, and paid upon like articles imported from foreign countries.

(c) There shall be levied, collected, and paid on all yarn, twine, cord, cordage, rope and cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of three million pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(d) In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced or manufactured in the Philippine Islands thereafter that may be so exported to the United States free of duty shall be allocated, under export permits issued by the government of the Commonwealth of the Philippine Islands, to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year; except that in the case of unrefined sugar the amount thereof to be exported annually to the United States free of duty shall be allocated to the sugar-producing mills of the islands proportionately on the basis of their average annual production for the calendar years 1931, 1932, and 1933, and the amount of sugar from each mill which may be so exported shall be allocated in each year between the mill and the planters on the basis of the proportion of sugar to which the mill and the planters are respectively entitled. The government of the Philippine Islands is authorized to adopt the necessary laws and regulations for putting into effect the allocation hereinbefore provided.

(e) The government of the Commonwealth of the Philippine Islands shall impose and collect an export tax on all articles that may be exported to the United States from the Philippine Islands free of duty under the provisions of existing law as modified by the foregoing provisions of this section, including the articles enumerated in subdivisions (a), (b), and (c), within the limitations therein specified, as follows:

(1) During the sixth year after the inauguration of the new government the export tax shall be 5 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(2) During the seventh year after the inauguration of the new government the export tax shall be 10 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(3) During the eighth year after the inauguration of the new government the export tax shall be 15 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(4) During the ninth year after the inauguration of the new government the export tax shall be 20 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;

(5) After the expiration of the ninth year after the inauguration of the new government the export tax shall be 25 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries.

The government of the Commonwealth of the Philippine Islands shall place all funds received from such export taxes in a sinking fund, and such funds shall, in addition to other moneys available for that purpose, be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippine Islands, its Provinces, municipalities, and instrumentalities, until such indebtedness has been fully discharged.

When used in this section in a geographical sense, the term "United States" includes all Territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the island of Guam.

SEC. 7. Until the final and complete withdrawal of American sovereignty over the Philippine Islands—

(1) Every duly adopted amendment to the constitution of the government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such constitution.

(2) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the government of the Commonwealth of the Philippine Islands to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.

(3) The Chief Executive of the Commonwealth of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may request.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States High Commissioner to the government of the Commonwealth of the Philippine Islands who shall hold office at the pleasure of the President and until his successor is appointed and qualified. He shall be known as the United States High Commissioner to the Philippine Islands. He shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all civil officials of the United States in the Philippine Islands. He shall have access to all records of the government or any subdivision thereof, and shall be furnished by the Chief Executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States High Commissioner shall immediately report the facts to the President, who may thereupon direct the High Commissioner to take over the customs offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States High Commissioner shall annually, and at such other times as the President may require, render an official report to the President and Congress of the United States. He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provisions of this Act.

The United States High Commissioner shall receive the same compensation as is now received by the Governor General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress, including a financial expert, who shall receive for submission to the High Commissioner a duplicate copy of the reports of the insular auditor. Appeals from decisions of the insular auditor may be taken to the President of the United States. The salaries and expenses of the High Commissioner and his staff and assistants shall be paid by the United States.

The first United States High Commissioner appointed under this Act shall take office upon the inauguration of the new government of the Commonwealth of the Philippine Islands.

(5) The government of the Commonwealth of the Philippine Islands shall provide for the selection of a Resident Commissioner to the United States, and shall fix his term of office. He shall be the representative of the government of the Commonwealth of the Philippine Islands and shall be entitled to official recognition as such by all departments upon presentation to the President of credentials signed by the Chief Executive of said government. He shall have a seat in the House of Representatives of the United States, with the right of debate, but without the right of voting. His salary and expenses shall be fixed and paid by the

government of the Philippine Islands. Until a Resident Commissioner is selected and qualified under this section, existing law governing the appointment of Resident Commissioners from the Philippine Islands shall continue in effect.

(6) Review by the Supreme Court of the United States of cases from the Philippine Islands shall be as now provided by law; and such review shall also extend to all cases involving the constitution of the Commonwealth of the Philippine Islands.

SEC. 8. (a) Effective upon the acceptance of this Act by concurrent resolution of the Philippine Legislature or by a convention called for that purpose, as provided in section 17—

(1) For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 c), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. This paragraph shall not apply to a person coming or seeking to come to the Territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the Territory of Hawaii.

(2) Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the Territory of Hawaii (whether entering such Territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the Immigration Act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such Act other than subdivision (c) thereof, or unless they were admitted to such Territory under an immigration visa. The Secretary of Labor shall by regulations provide a method for such exclusion and for the admission of such excepted classes.

(3) Any Foreign Service officer may be assigned to duty in the Philippine Islands, under a commission as a consular officer, for such period as may be necessary and under such regulations

as the Secretary of State may prescribe, during which assignment such officer shall be considered as stationed in a foreign country; but his powers and duties shall be confined to the performance of such of the official acts and notarial and other services, which such officer might properly perform in respect of the administration of the immigration laws if assigned to a foreign country as a consular officer, as may be authorized by the Secretary of State.

(4) For the purposes of sections 18 and 20 of the Immigration Act of 1917, as amended, the Philippine Islands shall be considered to be a foreign country.

(b) The provisions of this section are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all the penal or other provisions of such laws not inapplicable, shall apply to and be enforced in connection with the provisions of this section. An alien, although admissible under the provisions of this section, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this section, and an alien, although admissible under the provisions of the immigration laws other than this section, shall not be admitted to the United States if he is excluded by any provision of this section.

(c) Terms defined in the Immigration Act of 1924 shall, when used in this section, have the meaning assigned to such terms in that Act.

SEC. 9. There shall be no obligation on the part of the United States to meet the interest or principal of bonds and other obligations of the government of the Philippine Islands or of the Provincial and municipal governments thereof, hereafter issued during the continuance of United States sovereignty in the Philippine Islands: *Provided*, That such bonds and obligations hereafter issued shall not be exempt from taxation in the United States or by authority of the United States.

RECOGNITION OF PHILIPPINE INDEPENDENCE AND WITHDRAWAL OF AMERICAN SOVEREIGNTY

SEC. 10. (a) On the 4th day of July immediately following the expiration of a period of ten years from the date of the inauguration of the new government under the constitution provided

for in this Act the President of the United States shall by proclamation withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines (except such naval reservations and fueling stations as are reserved under section 5), and, on behalf of the United States, shall recognize the independence of the Philippine Islands as a separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force.

(b) The President of the United States is hereby authorized and empowered to enter into negotiations with the government of the Philippine Islands, not later than two years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status.

NEUTRALIZATION OF PHILIPPINE ISLANDS

SEC. 11. The President is requested, at the earliest practicable date, to enter into negotiations with foreign powers with a view to the conclusion of a treaty for the perpetual neutralization of the Philippine Islands, if and when Philippine independence shall have been achieved.

NOTIFICATION TO FOREIGN GOVERNMENTS

SEC. 12. Upon the proclamation and recognition of the independence of the Philippine Islands, the President shall notify the governments with which the United States is in diplomatic correspondence thereof and invite said governments to recognize the independence of the Philippine Islands.

TARIFF DUTIES AFTER INDEPENDENCE

SEC. 13. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon

all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least one year prior to the date fixed in this Act for the independence of the Philippine Islands, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the Chief Executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to further trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way any provision of this Act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

IMMIGRATION AFTER INDEPENDENCE

SEC. 14. Upon the final and complete withdrawal of American sovereignty over the Philippine Islands the immigration laws of the United States (including all the provisions thereof relating to persons ineligible to citizenship) shall apply to persons who were born in the Philippine Islands to the same extent as in the case of other foreign countries.

CERTAIN STATUTES CONTINUED IN FORCE

SEC. 15. Except as in this Act otherwise provided, the laws now or hereafter in force in the Philippine Islands shall continue in force in the Commonwealth of the Philippine Islands until altered, amended, or repealed by the Legislature of the Commonwealth of the Philippine Islands or by the Congress of the United States, and all references in such laws to the government or officials of the Philippines or Philippine Islands shall be construed, insofar as applicable, to refer to the government and corresponding officials respectively of the Commonwealth of the Philippine Islands. The government of the Commonwealth of the Philippine

Islands shall be deemed successor to the present government of the Philippine Islands and of all the rights and obligations thereof. Except as otherwise provided in this Act, all laws or parts of laws relating to the present government of the Philippine Islands and its administration are hereby repealed as of the date of the inauguration of the government of the Commonwealth of the Philippine Islands.

SEC. 16. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

EFFECTIVE DATE

SEC. 17. The foregoing provisions of this Act shall not take effect until accepted by concurrent resolution of the Philippine Legislature or by a convention called for the purpose of passing upon that question as may be provided by the Philippine Legislature.

Approved, March 24, 1934.

APPENDIX II

CONSTITUTION OF THE PHILIPPINES *

The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a régime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

ARTICLE I.—THE NATIONAL TERRITORY

SECTION 1. The Philippines comprises all the territory ceded to the United States by the treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.

ARTICLE II.—DECLARATION OF PRINCIPLES

SECTION 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SEC. 2. The defense of the State is a prime duty of government, and in the fulfillment of this duty all citizens may be required by law to render personal military or civil service.

SEC. 3. The Philippines renounces war as an instrument of

* Senate Document No. 43, 74th Congress, 1st Session. The Constitution was ratified by the Philippine electorate on May 14, 1935.

national policy, and adopts the generally accepted principles of international law as a part of the law of the Nation.

SEC. 4. The natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government.

SEC. 5. The promotion of social justice to insure the well-being and economic security of all the people should be the concern of the State.

ARTICLE III.—BILL OF RIGHTS

SECTION 1. (1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

(2) Private property shall not be taken for public use without just compensation.

(3) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.

(4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.

(5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.

(6) The right to form associations or societies for purposes not contrary to law shall not be abridged.

(7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

(8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.

(9) No law granting a title of nobility shall be enacted, and

no person holding any office of profit or trust shall, without the consent of the National Assembly, accept any present, emolument, office, or title of any kind whatever from any foreign state.

(10) No law impairing the obligation of contracts shall be passed.

(11) No *ex post facto* law or bill of attainder shall be enacted.

(12) No person shall be imprisoned for debt or nonpayment of a poll tax.

(13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.

(14) The privilege of the writ of *habeas corpus* shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.

(15) No person shall be held to answer for a criminal offense without due process of law.

(16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.

(17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.

(18) No person shall be compelled to be a witness against himself.

(19) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.

(20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

(21) Free access to the courts shall not be denied to any person by reason of poverty.

ARTICLE IV.—CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.

(2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.

(3) Those whose fathers are citizens of the Philippines.

(4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.

(5) Those who are naturalized in accordance with law.

SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

ARTICLE V.—SUFFRAGE

SECTION 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

ARTICLE VI.—LEGISLATIVE DEPARTMENT

SECTION 1. The Legislative power shall be vested in a National Assembly. The Members of the National Assembly shall not exceed one hundred and twenty, shall be chosen every three years, and shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The National Assembly shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the National Assembly shall consist of ninety-eight Members, of whom eighty-seven shall

be elected by the representative districts as now provided by law; and three by the Mountain Province, and one by each of the other eight existing special provinces. The Members of the National Assembly in the provinces of Sulu, Lanao, and Cotabato shall be chosen as may be determined by law; in all other provinces they shall be elected by the qualified voters therein.

SEC. 2. No person shall be a Member of the National Assembly unless he has been five years a citizen of the Philippines, is at least thirty years of age, and, at the time of his election, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SEC. 3. (1) In case of vacancy in the National Assembly a special election may be called in the corresponding district, in the manner prescribed by law, but the Member thus elected shall serve only for the unexpired term.

(2) Elections for the National Assembly shall be held on the dates fixed by law.

(3) The National Assembly shall convene in regular session once every year, on the second Monday of the month immediately following that on which the election of its Members was held, unless a different date is fixed by law. The National Assembly may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

(4) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. A majority of all the Members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent Members, in such manner and under such penalties as the National Assembly may provide.

(5) The National Assembly may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member. It shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy;

and the *yeas* and *nays* on any question shall, at the request of one-fifth of its Members present, be entered in the Journal.

SEC. 4. There shall be an Electoral Commission composed of three Justices of the Supreme Court designated by the Chief Justice, and of six Members chosen by the National Assembly, three of whom shall be nominated by the party having the largest number of votes, and three by the party having the second largest number of votes therein. The senior Justice in the Commission shall be its Chairman. The Electoral Commission shall be the sole judge of all contests relating to the election, returns, and qualifications of the Members of the National Assembly.

SEC. 5. The Members of the National Assembly shall, unless otherwise provided by law, receive an annual compensation of five thousand pesos each including per diems and other emoluments or allowances and exclusive only of travelling expenses to and from their respective districts when attending sessions of the National Assembly. No increase in said compensation shall take effect until after the expiration of the full term of the Members of the National Assembly elected subsequent to the approval of such increase. The Speaker of the National Assembly shall receive an annual compensation of sixteen thousand pesos until otherwise provided by law.

SEC. 6. The Members of the National Assembly shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the National Assembly, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 7. The National Assembly shall elect from among its Members, on the basis of proportional representation of the political parties therein, a Commission on Appointments and a Commission on Impeachment, each to consist of twenty-one members. These Commissions shall be constituted within thirty days after the National Assembly shall have been organized with the election of its Speaker, and shall meet only while the National Assembly is in session, at the call of their respective Chairmen or a majority of their members, to discharge such powers and functions as are herein conferred upon them.

SEC. 8. (1) No Member of the National Assembly may hold any other office or employment in the Government without forfeiting his seat, nor shall any such Member during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the National Assembly.

(2) No Member of the National Assembly shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the National Assembly during his term of office; nor shall any such Member appear as counsel before the Electoral Commission or any court in any civil case wherein the Government or any subdivision or instrumentality thereof is the adverse party, or collect any fee for his appearance in any administrative proceedings or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office. No Member of the Commission on Appointments of the National Assembly shall appear as counsel before any court inferior to the Supreme Court.

SEC. 9. (1) The President shall submit within fifteen days of the opening of each regular session of the National Assembly a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The National Assembly may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the National Assembly and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 10. The heads of departments upon their own initiative or upon the request of the National Assembly may appear before and be heard by the National Assembly on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 11. (1) Every bill which shall have passed the National Assembly shall, before it becomes a law, be presented to the President. If he approve the same, he shall sign it; but if not, he shall return it with his objections to the National Assembly, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of the National Assembly shall agree to pass the bill, it shall become a law. In all such cases the votes of the National Assembly shall be determined by *yeas* and *nays*, and the names of the Members voting for and against shall be entered on the Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Assembly by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the National Assembly without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of the National Assembly.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SEC. 12. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed or become a law unless it shall have been printed and copies thereof in its final form furnished the Members at least three calendar days prior to its passage by the National Assembly, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the Journal.

SEC. 13. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 14. (1) The rule of taxation shall be uniform.

(2) The National Assembly may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SEC. 15. The National Assembly shall, with the concurrence of two-thirds of all its Members, have the sole power to declare war.

SEC. 16. In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to pro-

mulgate rules and regulations to carry out a declared national policy.

ARTICLE VII.—EXECUTIVE DEPARTMENT

SECTION 1. The Executive power shall be vested in a President of the Philippines.

SEC. 2. The President shall hold his office during a term of six years, and together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The election returns for President and Vice-President, duly certified by the board of canvassers of each province, shall be transmitted to the National Assembly. Upon receipt of such returns the National Assembly shall forthwith, in public session, count the votes, and proclaim the persons elected President and Vice-President. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected, but in case two or more shall have an equal and the highest number of votes for either office, the National Assembly shall, by a majority vote of all its Members, elect one of said persons as President or Vice-President.

SEC. 3. No person may be elected to the office of President or Vice-President, unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. No person elected President may be reëlected for the following term, nor shall the Vice-President or any other person who may have succeeded to the office of President as herein provided at least one year before the election, be eligible to the office of President at such election.

SEC. 5. Elections for President and Vice-President shall be held once every six years on a date to be fixed by the National Assembly.

SEC. 6. The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of six years after their election, and the terms of their successors shall begin from such time.

SEC. 7. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-Presi-

dent-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President shall act as President until a President shall have qualified, and the National Assembly may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be elected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SEC. 8. Before he enter on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

SEC. 9. In the event of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the National Assembly shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

SEC. 10. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the National Assembly shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

SEC. 11. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision

over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines, and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the Commission on Appointments of the National Assembly, shall appoint the heads of the executive departments and bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the National Assembly may by law vest the appointment of inferior officers, in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the National Assembly, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the National Assembly.

(5) The President shall from time to time give to the National Assembly information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the National Assembly.

(7) The President shall have the power, with the concurrence of a majority of all the Members of the National Assembly, to make treaties, and with the consent of the Commission on

Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other ministers duly accredited to the Government of the Philippines.

SEC. 12. (1) The executive departments of the present Government of the Philippine Islands shall continue as now authorized by law until the National Assembly shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

ARTICLE VIII.—JUDICIAL DEPARTMENT

SECTION 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SEC. 2. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of interior courts in—

(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question.

(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(3) All cases in which the jurisdiction of any trial court is in issue.

(4) All criminal cases in which the penalty imposed is death or life imprisonment.

(5) All cases in which an error or question of law is involved.

SEC. 3. Until the National Assembly shall provide otherwise,

the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

SEC. 4. The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either *in banc* or in two divisions unless otherwise provided by law.

SEC. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the Commission on Appointments of the National Assembly.

SEC. 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

SEC. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The National Assembly shall by law determine the residence of judges of inferior courts.

SEC. 8. The National Assembly shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

SEC. 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until the National Assembly shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each Associate Justice, fifteen thousand pesos.

SEC. 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court *in banc*, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the Court.

SEC. 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent.

SEC. 12. No decision shall be rendered by any court of record without expressing therein clearly and distinctly the facts and the law on which it is based.

SEC. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The National Assembly shall have the power to repeal, alter, or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

ARTICLE IX.—IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The Commission on Impeachment of the National Assembly, by a vote of two-thirds of its Members, shall have the sole power of impeachment.

SEC. 3. The National Assembly shall have the sole power to try all impeachments. When sitting for that purpose the Members shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members who do not belong to the Commission on Impeachment.

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold

and enjoy any office of honor, trust, or profit under the Government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.

ARTICLE X.—GENERAL AUDITING OFFICE

SECTION 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the National Assembly shall provide otherwise, the Auditor General shall receive an annual compensation of twelve thousand pesos.

SEC. 2. The Auditor General shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government or the provinces or municipalities thereof. He shall keep the general accounts of the Government and preserve the vouchers pertaining thereto. It shall be the duty of the Auditor General to bring to the attention of the proper administrative officer expenditures of funds or property which, in his opinion, are irregular, unnecessary, excessive, or extravagant. He shall also perform such other functions as may be prescribed by law.

SEC. 3. The decisions of the Auditor General shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record in the manner provided by law.

SEC. 4. The Auditor General shall submit to the President and the National Assembly an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

ARTICLE XI.—CIVIL SERVICE

SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SEC. 2. Officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SEC. 3. No officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law.

SEC. 4. No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.

ARTICLE XII.—CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

SECTION 1. 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 belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand

and twenty-four hectares, nor may any individual acquire such lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The National Assembly may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The National Assembly may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

ARTICLE XIII.—GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SEC. 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 3. The National Assembly shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SEC. 7. The National Assembly shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty *per centum* of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly when the public interest so requires.

SEC. 9. The Government shall organize and maintain a national police force to preserve public order and enforce the law.

SEC. 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

ARTICLE XIV.—AMENDMENTS

SECTION 1. The National Assembly, by a vote of three-fourths of all its Members, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which amendments are submitted to the people for their ratification.

ARTICLE XV.—TRANSITORY PROVISIONS

SECTION 1. The first election of the officers provided in this Constitution and the inauguration of the Government of the Commonwealth of the Philippines shall take place as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four.

SEC. 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the National Assembly, and all references in such laws to the Government or officials of the Philippine Islands shall be construed, in so far as applicable, to refer to the Government and corresponding officials under this Constitution.

SEC. 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases, civil and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SEC. 4. All officers and employees in the existing Government of the Philippine Islands shall continue in office until the National Assembly shall provide otherwise, but all officers whose appointments are by this Constitution vested in the President shall vacate their respective offices upon the appointment and qualification of their successors, if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth of the Philippines.

SEC. 5. The Members of the National Assembly for the Mountain Province shall be elected as may be provided by law.

The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for Members of the National Assembly in such districts as may be provided by law.

SEC. 6. The provisions of this Constitution, except those contained in this article and in Article V, and those which refer to the election and qualifications of officers to be elected under this Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

ARTICLE XVI.—SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION OF THE INDEPENDENCE OF THE PHILIPPINES

SECTION 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines—

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent government of the Philippines and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities of the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippines; and where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Government of the Philippines will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The Government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The Government of the Philippines will embody the foregoing provisions of this article (except subsection (2)) in a treaty with the United States.

ARTICLE XVII.—THE COMMONWEALTH AND THE REPUBLIC

SECTION 1. The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

ORDINANCE APPENDED TO THE CONSTITUTION

SECTION 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines—

(1) All citizens of the Philippines shall owe allegiance to the United States.

(2) Every officer of the Government of the Commonwealth of the Philippines shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.

(3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.

(4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four.

(6) The public debt of the Philippines and its subordinate

branches shall not exceed limits now or hereafter fixed by the Congress of the United States, and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Government of the Philippine Islands, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the Government of the Commonwealth of the Philippines.

(8) The Government of the Commonwealth of the Philippines shall establish and maintain an adequate system of public schools, primarily conducted in the English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

(11) All acts passed by the National Assembly of the Commonwealth of the Philippines shall be reported to the Congress of the United States.

(12) The Philippines recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President of the United States, to call into the service of such armed forces all military forces organized by the Government of the Commonwealth of the Philippines.

(13) The decisions of the courts of the Philippines shall be subject to review by the Supreme Court of the United States as now provided by law, and such review shall also extend to all cases involving the Constitution of the Philippines.

(14) Appeals from decisions of the Auditor General may be taken to the President of the United States.

(15) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippines and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty

and for the discharge of Government obligations under and in accordance with the provisions of the Constitution.

(16) The authority of the United States High Commissioner to the Government of the Commonwealth of the Philippines as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, is hereby recognized.

(17) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively, thereof.

(18) Every duly adopted amendment to the Constitution of the Philippines shall be submitted to the President of the United States for approval. If the President approve the amendment or if the President fail to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.

(19) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or executive order of the Government of the Commonwealth of the Philippines, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippines to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippines, or which in his judgment will violate international obligations of the United States.

(20) The President of the Commonwealth of the Philippines shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the Philippines and shall make such other reports as the President or Congress may request.

SEC. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippines, there shall be a Resident Commissioner of the Philippines to the United States who shall be appointed by the President of the Commonwealth of the Philippines with the consent of the Commission on Appointments. The powers and duties of the Resident Commissioner shall be as provided in section seven, paragraph five of Public Act Num-

bered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, together with such other duties as the National Assembly may determine. The qualifications, compensation, and expenses of the Resident Commissioner shall be fixed by law.

SEC. 3. All other provisions of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, applicable to the Government of the Commonwealth of the Philippines are hereby made a part of this Ordinance as if such provisions were expressly inserted herein.

I HEREBY CERTIFY that this Constitution was adopted by the Constitutional Convention on February 8, 1935.

CLARO M. RECTO

President, Constitutional Convention

ATTEST:

N. PIMENTEL

Secretary, Constitutional Convention

AMENDMENTS

A

Amendments to the Ordinance Appended to the Constitution of the Philippines ratified on October 24, 1939, and approved by the President of the United States November 10, 1939:

"Subsection (5) of section 1 of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

" '(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine.' "

"Section 3 of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

" 'SEC. 3. All other provisions of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine, applicable to the Government of the Commonwealth of the Philippines, are hereby made a part of this Ordinance as if such provisions were expressly inserted herein.' " *

* *Official Gazette*, XXXVII (October 5, 1939), 2435.

Resolution No. 53, Second National Assembly, Third Special Session, November 3, 1939, certifies the adoption of these amendments.

Public Act No. 300, 76th Congress, Chapter 502, 1st Session [H. R. 7096] is appended to the statement of the amendment as published in the number of the *Official Gazette* referred to above, but is not included here because of its length.

The author has been unable to secure any official copy of the Constitution of the Philippines *as amended*. Hence the amendments as adopted are included in this appendix.

B

Amendments to the Constitution of the Philippines ratified June 18, 1940, and approved by the President of the United States December 2, 1940: *

"*Resolved by the National Assembly of the Philippines*, by a vote of not less than three-fourths of all its Members, to propose, as it does hereby propose:

"ARTICLE I

"SECTION 1. To amend Article VI of the Constitution of the Philippines by providing for the establishment of a bicameral legislature in lieu of the legislative body therein provided, so that the said Article VI shall read as follows:

'ARTICLE VI.—LEGISLATIVE DEPARTMENT

'SECTION 1. The Legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives.

'SEC. 2. The Senate shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law.

'SEC. 3. The term of office of Senators shall be six years and shall begin on the thirtieth day of December next following their election. The first Senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the Senators of the first group to serve for a term of six years; those of the second group, for four years; and those of the third group, for two years.

'SEC. 4. No person shall be a Senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualified elector, and a resident of the Philippines for not less than two years immediately prior to his election.

'SEC. 5. The House of Representatives shall be composed of

* Amendment as proposed by Resolution No. 73, Second National Assembly, April 11, 1940, and certified as ratified on June 18, 1940, by Resolution No. 88, Second National Assembly, Fourth Special Session, July 12, 1940.

not more than one hundred and twenty Members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The Congress shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of Members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present Assembly districts. Each representative district shall comprise, as far as practicable, contiguous and compact territory.

'SEC. 6. The term of office of the Members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

'SEC. 7. No person shall be a Member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

'SEC. 8. (1) Elections for Senators and Members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

'SEC. 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

'SEC. 10. (1) The Senate shall elect its President and the House of Representatives its Speaker.

Each House shall choose such other officers as may be required.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner and under such penalties as such house may provide.

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, expel a Member.

(4) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the *yeas* and *nays* on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

(5) Neither House during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

'SEC. 11. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Justice, and the remaining six shall be Members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each House, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior Justice in each Electoral Tribunal shall be its Chairman.

'SEC. 12. There shall be a Commission on Appointments consisting of twelve Senators and twelve Members of the House of Representatives, elected by each House, respectively, on the basis of proportional representation of the political parties therein. The President of the Senate shall be the Chairman ex-officio of the Commission, but shall not vote, except in case of tie.

'SEC. 13. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of their President and Speaker, respectively.

The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of its Members, to discharge such powers and functions as are herein conferred upon it.

'SEC. 14. The Senators and the Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of traveling expenses to and from their respective districts in the case of Members of the House of Representatives, and to and from their places of residence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

'SEC. 15. The Senators and Members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

'SEC. 16. No Senator or Member of the House of Representatives may hold any other office or employment in the Government without forfeiting his seat, nor shall any Senator or Member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the Congress.

'SEC. 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the Electoral Tribunals or before any court in any civil case wherein the Government or any subdivision or instru-

mentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any cause or matter where he may be called upon to act on account of his office. No Member of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

'SEC. 18. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

'SEC. 19. (1) The President shall submit with fifteen days of the opening of each regular session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the Congress and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

'SEC. 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; but if not, he shall return it with his objections to the House where it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by *yeas* and *nays*, and the names of the Members voting for and against shall be entered on its Journal. If any bill shall not be returned by the President as herein

provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of each House.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

'SEC. 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either House unless it shall have been printed and copies thereof in its final form furnished its Members at least three calendar days prior to its passage, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the Journal.

'SEC. 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix,

within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

'SEC. 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

'SEC. 24. The heads of departments upon their own initiative or upon the request of either House may appear before and be heard by such House on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

'SEC. 25. The Congress shall, with the concurrence of two-thirds of all the Members of each House, have the sole power to declare war.

'SEC. 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.'

"SEC. 2. As a consequence of the amendments proposed in section one hereof, to amend section two of Article VII, except the first sentence thereof, and paragraph (7) of section 11 of the same Article; sections 2 and 3 of Article IX; and Article XIV of

the Constitution of the Philippines, so that the same shall read as follows:

'ARTICLE VII.—EXECUTIVE DEPARTMENT

'SEC. 2. * * *. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled.'

'SEC. 11. (7) The President shall have the power, with the concurrence of two-thirds of all the Members of the Senate, to make treaties, and with the consent of the Commission on Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the Government of the Philippines.'

'ARTICLE IX.—IMPEACHMENT

'SEC. 2. The House of Representatives, by a vote of two-thirds of all its Members, shall have the sole power of impeachment.

'SEC. 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members of the Senate.'

'ARTICLE XIV.—AMENDMENTS

'SECTION 1. The Congress in joint session assembled, by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such

amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.'

"SEC. 3. Whenever the words 'National Assembly' appear in the other parts of the Constitution and in the Ordinance appended thereto, the same shall be understood as referring to the 'Congress of the Philippines,' unless the context requires otherwise.

"SEC. 4. The amendments proposed in this Article shall become effective upon the termination of the term of office of the Members of the National Assembly elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five, except the provisions which refer to the election and qualifications of Senators and the Members of the House of Representatives, which shall take effect immediately upon the final adoption and approval of this amendment in accordance with said Constitution but only for the purpose of permitting their election and qualification: *Provided*, That until the expiration of the term of office of the Members of the National Assembly as above stated, they shall continue to act and shall exercise all the powers and perform all the functions upon them conferred by the Constitution, including the power to enact legislation necessary to give effect to this amendment."

"ARTICLE II

"SECTION 1. To repeal section 4 of Article VII of the Constitution of the Philippines and to amend the first sentence of section 2, and the whole of sections 5 and 6, of said article by changing the tenure of office of the President and the Vice-President of the Philippines, so that the said first sentence of section 2 and the said sections 5 and 6, which shall hereafter be known as sections 4 and 5 of Article VII of the Constitution, shall read as follows:

'SEC. 2. The President shall hold his office during a term of four years, and together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. * * *

'SEC. 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

'The terms of the President and Vice-President shall end at noon on the thirtieth day of December following the expiration of

four years after their election, and the terms of their successors shall begin from such time.

'SEC. 5. No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service of the incumbent for the full term for which he was elected.'

"SEC. 2. As a consequence of Section 1 hereof, to change the numeration of sections 7, 8, 9, 10, 11, and 12 of Article VII of the Constitution to sections 6, 7, 8, 9, 10, and 11, respectively.

"SEC. 3. The repeal of section 4 of Article VII of the Constitution shall become effective upon the ratification of this Amendment by the people and its approval by the President of the United States. The other amendments herein proposed shall become effective upon the termination of the term of office of the President and the Vice-President elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five: *Provided*, That the provisions of Section 5 of Article VII of the Constitution, as proposed to be amended in Section 1 hereof, shall apply to every incumbent of the office of the President of the Philippines since the establishment of the Commonwealth.

"ARTICLE III

"SECTION 1. To add an Article to the Constitution of the Philippines, to be designated as Article X, establishing an independent Commission on Elections, reading as follows:

'ARTICLE X.—COMMISSION ON ELECTIONS

'SECTION 1. There shall be an independent Commission on Elections composed of a Chairman and two other Members to be appointed by the President with the consent of the Commission on Appointments, who shall hold office for a term of nine years and may not be reappointed. Of the Members of the Commission first appointed, one shall hold office nine years, another for six years, and the third for three years. The Chairman and the other Members of the Commission on Elections may be removed from

office only by impeachment in the manner provided in this Constitution.

'Until the Congress shall provide otherwise, the Chairman of the Commission shall receive an annual salary of twelve thousand pesos, and the other Members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

'SEC. 2. The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instrumentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.

'No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

'SEC. 3. The Chairman and Members of the Commission on Elections shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government or any subdivision or instrumentality thereof.

'SEC. 4. The Commission on Elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.'

'SEC. 2. As a consequence of the approval of the new Article as proposed in section one hereof, to change the numeration of Articles X, XI, XII, XIII, XIV, XV, XVI, and XVII of the Constitution to Articles XI, XII, XIII, XIV, XV, XVI, XVII, and XVIII, respectively.'

"SEC. 3. If Article I of the Resolution is not ratified by the people, the reference in this article to the Congress or to the Commission on Appointments shall read the National Assembly and the Commission on Appointments of the National Assembly, respectively.

"SEC. 4. The New Article of the Constitution as herein proposed shall take effect immediately upon its ratification by the people and its approval by the President of the United States."

Adopted, April 11, 1940.

NOTES OF CHAPTER I*

1* On January 1, 1939, according to the *Census of the Philippines: 1939*, the population of the Philippines was 16,000,303. Proclamation No. 505 by the President of the Philippines, January 23, 1940. The annual increase in the population is about 2.21 per cent.

The population on January 1, 1939, classified according to citizenship was reported to be as follows:

Filipinos	15,833,649	Foreign (cont'd)	
Foreign		Spanish	4,627
Chinese	117,487	Germany	1,149
46,233 in Manila		Great Britain	1,053
Japanese	29,057	Soviet Union	237
17,888 in Davao		France	197
4,730 in Manila		Holland	168
1,188 in Mt. Prov., principally Baguio		Other countries	3,069
		Countries not reported	901
Americans	8,709	Total Foreign	166,654
3,191 in Manila			
1,958 in Rizal Prov.			
438 in Cavite		TOTAL	16,000,303
755 in Mt. Prov.			

Data from an article in *The Tribune*, October 6, 1940, quoting figures released by the Census Commission, Census of 1939.

2* The growth of the population of the Philippines since 1799 is shown by the following table:

POPULATION OF THE PHILIPPINES AT SELECTED DATES*

Date of Estimate	*Population*	*Authority*
1939	16,000,303**	Census
1918	10,314,310**	Census
1903	6,987,686	Census
1887	5,984,727	Census
1850	3,857,424	Buzeta
1819	2,106,230	Cedulas
1799	1,502,574	Buzeta

* Data for estimates other than that of 1939 from *Census of the Philippine Islands: 1918*, II, 19, 24.

** Non-Christians included; in other estimates excluded.

3* The new figure for the land area of the Philippines is 1,200 square miles greater than the one which has been used for many years. The new Census Atlas of the Philippines contains the following statement with reference to the figure now given:

"Heretofore, in official publications, for the area of the Philippines, 114,400 square miles, equivalent to 296,296 square kilometers, has always been used. This area was determined from the charts existing during the early years of the present

* *Chapter I (The Filipino People) begins on page 3.*

century. However, because of subsequent accurate surveys, it was deemed advisable to undertake a new determination of areas of islands for the 1939 Census.

"The area of the Philippines, based upon surveys made up to January 1, 1939, has thus been found to be 115,600 square miles, equivalent to 299,404 square kilometers. This area includes all islands and islets irrespective of size which project above the sea level at high tide, located within Philippine territory, and includes the areas of all lakes.

"The area of 115,600 square miles or its equivalent, 299,404 square kilometers, should hereafter be used for geographic, statistical or other purposes, where the area of the entire Philippines is involved, instead of the former area of 114,400 square miles or its equivalent, 296,296 square kilometers."

Up to January 1, 1939, 2,773 named and 4,327 unnamed islands and rocks, a total of 7,100, had been charted in the Philippine Archipelago. Quotation and data from *Census Atlas of the Philippines* (Vol. V, *Census of the Philippines, 1939*), Manila, 1940, p. 11.

[4] Division of Statistics, Department of Agriculture and Commerce, *Atlas of Philippine Statistics* (Manila, 1939), p. 41.

[5] *Ibid.*, p. 33; and *Manila Daily Bulletin*, February 26, 1940 (Fortieth Anniversary Edition), p. 70.

[6*] U. S., Foreign Service, *Monthly Trade Review of the Philippine Islands*, XIII (June, 1940), 31. This monthly report is prepared by the Office of the American Trade Commissioner, Manila. It affords the best means of keeping in touch with current economic conditions in the Philippines.

[7] *Ibid.* (October, 1940), 30.

[8*] Invaluable for their factual information and generally sound interpretation are the articles and notes concerning Philippine economic affairs which have appeared in the *Far Eastern Survey*, a fortnightly publication of the American Council of the Institute of Pacific Relations, Inc., New York. These articles are too numerous to list in this volume, but can easily be found by reference to the periodic indexes of the *Survey*.

Robert Aura Smith, an able journalist with long experience in the Philippines, has contributed greatly to American understanding of the potential wealth of the Philippines and its significance to the United States. See his book, *Our Future in Asia* (New York, 1940); also two articles by Mr. Smith: "A Stock Pile Under the Flag," *Asia*, XXXIX (September, 1939), 493-99; and "The Mindanao Treasure Chest," *ibid.* (December, 1939), 712-16.

[9] Address of Judge John W. Haussermann at the Manila Rotary Club, December 14, 1940. *Manila Daily Bulletin*, December 14, 1940.

[10*] *Messages of the President* (Manila: Bureau of Printing, 1937), Vol. 2, Part I, pp. 26-27. The unusual use of the Arabic and Roman numerals to indicate respectively the volume and part of this invaluable collection of documents is that of the publication itself.

[11*] H. Otley Beyer, *Population of the Philippine Islands in 1916* (Manila, 1917). This monograph of 95 pages contains Professor Beyer's classification and brief descriptions of the ethnological groups of the Philippines. It is supplemented by the same author's study, "The Non-Christian People of the Philippines," *Census of the Philippine Islands: 1918* (Manila, 1921), II, 907-957 (also printed as a separate, Manila, 1921). These brief studies are a condensation of the results of years of field work in Philippine ethnology. The volume first mentioned contains a bibliography of the more important titles in Philippine ethnology. See also A. L. Kroeber, *Peoples of the Philippines* (New York, 1919). A recent brief summary of the most generally accepted anthropological, archeological and

ethnological knowledge concerning the peoples of the Philippines is Marcelo Tangco, "Racial and Cultural History of the Filipinos," *The Philippine Social Science Review*, X (May, 1938), 110-127. For information concerning the peoples of the Philippines which was prepared for the use of the early American administrators in the Islands, see "The Native Peoples of the Philippines," *Report of the Philippine Commission*, January, 1900, Vol. I, Part II, pp. 11-16; and Papers No. VIII, "Ethnography"; No. IX, "Ethology"; and No. X, "Idiomography," *ibid.*, III (1901), 329-443.

[12] For a broad, scholarly exposition of the subject of nationalism, the reader can most profitably turn to C. J. H. Hayes' two volumes, *Essays on Nationalism* (New York, 1936), and *The Historical Evolution of Modern Nationalism* (New York, 1931). An excellent brief discussion of the elements of nationality is found in Walter R. Sharp and Grayson Kirk, *Contemporary International Politics*, Chapter V (New York, 1940).

[13] In the Census of 1939, the estimate of the population by religions was as follows:

Roman Catholics	12,603,365
Aglipayans	1,573,608
Protestants	378,361
Mohammedans	677,903
Buddhists	47,852
Shintoists	13,681
Others	67,157
Pagans and persons not belonging to any religious groups	626,008
Persons not reporting religion	12,368

Data furnished by the U. S. High Commissioner prior to publication of the *Census of the Philippines: 1939*.

[14] H. R. 12772, 69th Congress, 1st Session, introduced May 6, 1926; reintroduced as H. R. 15479, 69th Congress, 2nd Session, December 20, 1926. Representative Robert L. Bacon's views on the measure will be found in the *Congressional Record*, 69th Congress, 1st Session, Vol. 67, No. 164, June 24, 1926.

[15] Commonwealth Act, No. 75, October 24, 1936, abolishes the Bureau of Non-Christian Tribes and creates the office of Commissioner for Mindanao and Sulu. For a statement of the policy involved in these actions, see the Message of the President on the abolition of the Bureau of Non-Christian Tribes, July 16, 1936. (*Messages of the President*, Vol. 2, Part I, pp. 205-206.)

Other documents setting forth the Commonwealth's policies concerning Mindanao and Sulu are: "The Development of Mindanao," a speech delivered by President Quezon at Camp Keithley, Lanao, June 6, 1936 (*Ibid.*, Vol. 2, Part I, pp. 111-14); a letter from President Quezon to Major General Paulino Santos on the "Suppression of Lawlessness in Lanao," September 20, 1937 (*Ibid.*), to the Secretary of the Interior, September 20, 1937, on the "Administration of Affairs in Mindanao," (*Ibid.*, pp. 357-62); and a letter from the Secretary to the President to Assemblyman Ombra Amilbangsa, October 8, 1937, on a "Three-Point Policy for Mindanao and Sulu," together with the communication from Assemblyman Ombra to which the President's reply is made. (*Ibid.*, pp. 300-302.)

[16] See pp. 720-21.

[17] A detailed presentation of the problems of the non-Christian peoples of the Philippines seems to be inappropriate in this volume. The story of their development during the past forty years, however, is one of intense interest and great importance, both as a part of the American and Filipino record during that

period and as an example of what occurs when diverse cultures come into enforced contact. A thrilling account of the initiation and early application of American policy in dealing with non-Christian affairs, especially those of the pagan groups, has been given by the late Dean C. Worcester, the great Secretary of the Interior who until 1913 largely dominated this aspect of government in the Philippines. (Dean C. Worcester and Ralston Hayden, *The Philippines, Past and Present*, chapters XX-XXIII, New York, 1930. For a vivid study of the people of the Mountain Province and their government see excerpts from the annual report of Governor John C. Early, 1926, *Ibid.*, App. V, pp. 806-817.)

Dr. Felix M. Keesing and Marie Keesing, the brilliant and indefatigable politico-ethnologists of the Pacific Islands, have written a scholarly account of government and of cultural changes in the Mountain Province, as of 1934 (*op. cit.*). There is an extensive, but not exhaustive ethnological and anthropological literature upon the pagan peoples of the Philippines.

Concerning the government of the Moros during the American period much less has been published. The American and Filipino record in dealing with the proud and stubborn Mohammedans is less satisfactory than the one they have made in governing the Mountain Province. Yet politically the Moros are more important than the pagan mountaineers. Their territory, or what they consider their territory, comprises a considerable proportion of Mindanao, the relatively undeveloped treasure house of the Philippines, and is of significance strategically and otherwise from the international as well as the purely Filipino standpoint. With the settlement and development of Mindanao now being vigorously pushed by the Commonwealth, the relations between the Christians and the non-Christians in the "Southern Islands" are apt to become more important than ever before. One of the ablest of the American administrators in the Philippines, the late James R. Fugate, applied policies and achieved successes as Governor of the Province of Sulu which are of permanent significance in the government of dependent, relatively backward peoples. The author of this volume hopes soon to present a study of the place that Mindanao and Sulu occupy in the national development of the Philippines.

[18] Almost every book about the Philippines contains a statement of its author's opinions concerning the character of the Filipino people. The picture drawn of his compatriots by Dr. José Rizal in 1887 in his remarkable novel *Noli me Tangere* (translated from the Spanish as *The Social Cancer* by Charles Derbyshire, Manila, 1912) is a characterization which should be read by anyone who wishes to understand the Filipino people. It should be remembered, however, that Rizal wrote of the Spanish Philippines and with two purposes in view: to expose certain evils of the Spanish regime and to arouse his fellow countrymen to self-improvement. Hence, he overemphasized what he regarded as undesirable Filipino traits of character.

One of the fairest and most thoughtful appraisals of the Filipino national character is to be found in Camilo Osias, *The Filipino Way of Life* (Boston, 1940), chap. X and *passim*. Throughout former Governor-General W. Cameron Forbes' monumental work, *The Philippine Islands* (Boston, 1928), one finds discerning estimates of Filipino traits and a fine appraisal of the worth of many individual Filipinos. James A. LeRoy's *Philippine Life in Town and Country* (New York, 1905) is a revealing picture of this people as they were at the end of the Spanish regime. Much that is superficial, misleading and unfair has been written about the Filipino people, the grossest libel upon them being Katherine Mayo's *Isles of Fear* (New York, 1924).

[19] Ranging in number from between 700,000 and 800,000 to about 60,000, are the Bikol, Pangasinan, Pampangan, Ibanag, and Sambal groups. The Philippine census makes no return of population by ethnological groups. The

figures given in the text are rough estimates based upon the proportion of the total population which each of these groups comprise, as estimated by Professor H. Otley Beyer in his *Population of the Philippines in 1916*, pp. 19-20. The language map opposite p. 586 gives an idea of the distribution of the ethnological groups.

[20*] See Pedro A. Paterno, *La Antigua Civilizacion Tagalog* (Manila, 1915). This study gives an idea of the distinctiveness of the culture of one of the most strongly marked of the Christian groups.

[21] Address of the President of the Philippines, delivered at the San Juan de Letran College, Manila, November 7, 1937. *Messages of the President*, Vol. 3, Part I, p. 169.

[22] *Ibid.*, Vol. 3, Part I, p. 223.

[23*] "Philippine Land Tenureship," *American Chamber of Commerce Journal*, II (October, 1940), 7-9. This article contains two tables furnished by the Census Commission giving significant information regarding land tenure. One is of *Philippine Families Classified According to Ownership of House and Land, by Provinces: 1939;* the other is of the *Distribution of Real Property Declared for Taxation in Philippines, December 31, 1938.*

[24*] There has been no official count of either group, indeed it would be virtually impossible to make one by any scientific procedure. Probably more than 750,000 Filipinos would be recognized as Chinese, and some 300,000 as Spanish *mestizos*. These figures, however, are little more than guesses, based upon the estimates of a number of persons who are especially interested in Philippine population problems.

[25] Most of the higher officials of the Civil Service are Filipinos with a noticeable proportion of Chinese or Spanish blood.

[26*] The Report of the First Philippine Commission contained the following observations upon the general government of the Islands at the end of the Spanish regime: "It failed to accomplish even the primary ends of good government—the preservation of peace and order, and even the administration of justice; nor can there be any doubt that it proved an engine of oppression and exploitation of the Filipinos. . . . It seemed almost as though the great trust of government had been perverted into a mere instrument for the benefit of the governing class at the expense of their subjects. The revenues were swallowed up by salaries, most of which were unnecessary. The very category of public works is only another designation for salaries. There were in reality no public works.

"The most prominent defects of the government were: (1) The boundless and autocratic powers of the governor-general; (2) the centralization of all governmental functions in Manila; (3) the absence of representative institutions in which the Filipinos might make their needs and desires known; (4) a pernicious system of taxation; (5) a plethora of officials who lived on the country and by their very number obstructed, like a circumlocution office, the public business they professed to transact; (6) division of minor responsibilities through the establishment of rival boards and offices; (7) the costliness of the system and the corruption it bred; (8) confusion between the functions of the state and the functions of the church and of the religious orders." *Report of the Philippine Commission*, 1900, I, 81.

An extended description of the Philippine government as it was found by the first Philippine Commission (the Schurman Commission) with the Commission's recommendations as to the new government which should be built upon the old is to be found in the document just cited.

See also, E. G. Bourne, "Historical Introduction" to E. H. Blair and J. A. Robertson, *The Philippine Islands* (Indianapolis, 1903), I, 19-87, *passim;* and

David P. Barrows, *History of the Philippines* (Yonkers-on-Hudson, 1925), *passim*; Charles H. Cunningham, *The Audiencia in the Spanish Colonies as Illustrated by the Audiencia of Manila (1583-1800)* (Berkeley, 1919), *passim* and chap. X.

NOTES OF CHAPTER II *

[1]* Writing of Philippine constitutional documents which were inspired by the Philippine revolutions against Spain and the United States, Vice-President Sergio Osmeña has declared: "Filipino aspirations for constitutional government were demonstrated by the *Charter and Code of Laws and Morals of the Katipunan* by Emilio Jacinto, the *Provisional Constitution of Biak-na-bato* by Isabelo Artacho, the *Constitution of the Island of Luzon* by General Mabulos, the *Constitutional Program of the Philippine Republic* by Apolinario Mabini, the *Provisional Constitution* by Mariano Poncé, the *Autonomous Projects* of Pedro A. Paterno, the *Malolos Constitution* prepared principally by Felipe Calderon, and the draft submitted by Cayetano Arellano and other Filipinos at the beginning of the American regime." Sergio Osmeña, in the "Introduction," José P. Laurel, *The Three Powers of Government Under the Philippine Constitution* (Manila, 1936), p. xiii.

[2] *Report of the Philippine Commission*, 1900, I, 92-93. For the Malolos Constitution, see *ibid.*, p. 189.

[3] See p. 67, *infra*.

[4]* These figures are taken from José M. Aruego, *The Framing of the Philippine Constitution* (Manila, 1936), I, 22-23. Professor Aruego is Dean of the College of Liberal Arts and Professor of Political Science in the University of Manila, and was a delegate in the Constitutional Convention. His work on the framing of the constitution is a first-rate piece of scholarly research, and is the standard authority on the subject. See also Miguel Cauderno, *The Framing of the Constitution of the Philippines* (Manila, 1937), p. 1, for a description of the membership of the Constitutional Convention. Mr. Cauderno was also a member of the Constitutional Convention and has written a valuable account of its proceedings.

[5] See *ibid.*, chap. X, for a discussion of the Lopez *bloc* and the role of the political parties in the Constitutional Convention.

[6]* There were seven committees on the government and functioning of the Convention and forty large committees among which the principal subjects dealt with in the Constitution were divided. The latter group included a Committee on Sponsorship with a membership of eighty-seven which was intended to correlate the recommendations of the subject matter committees and present them to the Convention. The sponsorship committee was so large as to be unwieldy and its work was finally delegated to a sub-committee of seven able and experienced members who, aided by a small technical committee and in cooperation with the President, made the Convention function. More than nine thousand suggestions in the form of precepts were submitted to the Convention by members or groups of members and considered by the appropriate committees. Professor Aruego states that there are few provisions of the Constitution that did not originate in these precepts or in speeches delivered during the early days of the Convention. *Ibid.*, I, 79.

[7]* President Quezon's restraining influence upon the Constitutional Convention is excellently illustrated by the following excerpts from a press account of

* *Chapter II (The Philippine Constitution) begins on page 32.*

a caucus with the convention delegates: "Making a forceful and statesmanlike plea that the Filipino people at this stage of their history 'need all the good will of foreign countries that they could muster,' Senate-President Quezon, in an informal conference and later in a caucus with the delegates to the constitutional convention, dissuaded the Assembly from inserting in the constitution provisions which might arouse the ill will of other nations, such as the proposal to nationalize the retail trade of the country." Being reminded that he had previously given his benediction to this proposal, Mr. Quezon was reported to have replied: "I did that as a Filipino, for deep down in my heart, I am for the idea. But as a political leader, with the success of the future government as our concern, we have to give up some of our narrow convictions." "Finally, President Quezon advised that the constitution be not too detailed and that it be finished as soon as possible." The *Philippines Herald*, January 31, 1935. Upon another occasion the President was quoted as having said in an address to the majority members of the Convention: "I should say that the constitution should deal only with the basic and fundamental matters, and should leave the work of legislation to the Legislature. Such a constitution will need less amendment and will cover more adequately the needs of the country for all times." *Ibid.*, January 9, 1935. The soundness of this advice can scarcely be questioned.

[8*] President Quezon opened the Constitutional Convention "in the name of the Filipino people and the Philippine Legislature," started it in the process of organization and withdrew. The President's right to participate in the proceedings of the Convention was questioned from the floor, but the objectors were overridden by the party machine and even threatened with ejection by the sergeant-at-arms of the House of Representatives.

As illustrative of the views of Mr. Confesor and his associates, see the *Manila Daily Bulletin* of July 28, 1934, in which the Anti-Quezon attitude was expressed, in part, as follows: "The action of President Manuel Quezon in calling a caucus yesterday to inaugurate the constitutional convention provoked bitter criticisms from Tomas Confesor, former director of commerce and industry, and other independent candidates. They declared that the attempt of the legislature to inaugurate the convention smacks of dictatorial policy and is a dangerous precedent in a democratic country. . . . The resentment on the part of the independent delegates was provoked by the move on the part of the political leaders to name the officials of the convention yesterday, long before the convention meets to organize itself. . . . Mr. Confesor declared that the picking up of men by political leaders to run the convention is a very serious precedent and gives notice that in the Philippines a government of men and not of laws is being established." See also statements by Mr. Confesor in the *Bulletin* of July 31 and *The Tribune* of July 29, 1934.

[9] An account of these caucuses appears in the *Manila Daily Bulletin* for July 28, 1934.

[10*] Mr. Quezon's statement to this effect appeared in the *Bulletin* of July 28: Commenting upon the President's position, the *Philippines Herald* of the same date declared editorially: "President Quezon, in explaining this initiative which the leaders took as to the constitutional convention, points to it as a course of action which the legislature had to take in view of its responsibility in having been the creator of the convention. Whether we agree or disagree with him, we should find satisfaction in the result achieved, namely, the placing of the leadership in the convention in capable hands, and in men whose very party allegiances serve to prevent the division of the convention into two hostile camps and to forestall the attendant disruption of its work."

[11] Public Act No. 127, 73d Congress, sec. 1. The Philippine Legislature pro-

vided for the election and holding of the Constitutional Convention in Act No. 4125, May 26, 1934.

[12] The *Philippines Herald*, August 1, 1934.

[13] See p. 367, *infra*.

[14*] See Aruego, *op. cit.*, Vol. I, chap. vii and viii, *passim*, and Cuenco, *op. cit.*, chap. x, for excellent accounts of the role of the political parties in the Constitutional Convention.

[15] Public Act No. 127, 73d Congress, sec. 2. This statute, commonly known as the Tydings-McDuffie Act, or the Philippine Independence Act appears in this volume as Appendix I, p. 807.

[16] The *Manila Daily Bulletin*, July 31, 1934.

[17] The *Philippines Herald*, January 31, 1935.

[18*] Excluding the "Ordinance Appended to the Constitution," for the purpose of making the mandatory provisions of the Tydings-McDuffie Act a part thereof (about 1,000 words), and the 750 words of Articles XV and XVI, which are almost entirely of a transitory nature or affect certain post-independence relations between the Philippines and the United States, the Philippine Constitution contains less than 7,500 words. The instrument is divided into a preamble, seventeen articles, and the appended ordinance.

[19] Constitution of the Philippines, Article II, sec. 1.

[20] *Ibid.*, Article III.

[21] *Ibid.*, Article VI, sec. 8(1).

[22] José P. Laurel, *The Three Powers of Government under the Philippine Constitution*, p. 16. See also V. G. Sinco, "The Separation of Powers in the Philippine Constitution," *Philippine Law Journal*, XV (December, 1935), 281-90.

[23] The Philippine Constitution, Article II, sec. 5.

[24] *Ibid.*, Article XII, secs. 1, 2.

[25*] *Ibid.*, secs. 3, 4. The inclusion of this provision reflected the old Filipino resentment at the possession of vast estates by some of the religious orders, and was intended to make it possible to break up the remaining ones, as well as other large holdings which might give rise to popular unrest.

[26] *Ibid.*, sec. 6. Italics supplied.

[27] *Ibid.*, Article XIII, sec. 6. Italics supplied.

[28] *Ibid.*, sec. 8.

[29] J. P. Laurel, *The Three Powers of Government under the Philippine Constitution*, pp. 8-9.

[30] Constitution of the Philippines, Article II, sec. 2.

[31] *Ibid.*, Article XIII, secs. 2 and 9.

[32*] The Constitutions of the Spanish Republic (1931) and the German Reich (1919) were included in the volume *Planes Constitutionales Para Filipinas. Coleccion de Textos Constitutionales Antiguos y Modernos Para Informacion de los Membros de la Asamblea Constituyente*, prepared by the Honorable Teodoro M. Kalaw, Director of the National Library (Manila, 1934). The applicable portion of Article 37 of the Spanish Constitution appears as follows in Dr. Kalaw's volume: "El Estado podra exigir de todo ciudadano su presentacion personal para servicios civiles o militares, con arreglo a las leges." The corresponding portion of Article 133 of the German Constitution is translated as follows: "All citizens are bound, according to the provisions of the laws, to undertake personal service for the State and the local authorities."

[33] Report of the committee on national defense of the Philippine Constitutional Convention, quoted in Aruego, *op. cit.*, I, 138.

[34*] Comment on the compulsory civil service provision of the Constitution written by General José Alejandrino on April 3, 1936. Quoted, *ibid.*, I, 139. General Alejandrino also extolled the Bulgarian system of compulsory labor service as promoting democracy.

[35] Address of President Manuel L. Quezon before the Constitutional Convention, February 5, 1935. The *Philippines Herald,* February 6, 1935.

[36] Address of President Manuel L. Quezon at the University of the Philippines, February 12, 1935. Quoted in Aruego, *op. cit.*, I, 141. Italics supplied.

[37] Report of Committee on National Defense, cited.

[38] Comment of "Delegate General Alejandrino, father of the national defense idea of the Constitution," on the constitutional provision regarding compulsory civil service. Cited. Italics supplied.

[39] "Speech of the President of the Philippines on the Philippine Constitution and Policies of the Commonwealth Government," delivered at a luncheon meeting of the Foreign Policy Association, New York, April 3, 1937. *Messages of the President,* Vol. 3, Part I, pp. 67-68.

[40] "Speech of . . . the President of the Philippines on Changes in Government and Political Philosophy," at Teachers' Camp, Baguio, May 22, 1936. *Ibid.*, Vol. 2, Part I.

[41*] Among other provisions in the bill of rights not found in the Jones Law may be mentioned those guaranteeing liberty of domicile, a qualified privacy of communications and correspondence, immunity from imprisonment for nonpayment of a poll tax, and immunity from prosecution under a general law after acquittal under a municipal ordinance, or *vice versa.* Two provisions of the Jones Act bill of rights were dropped: those prohibiting the enforcement of any law of primogeniture, and prohibiting plural or polygamous marriages, or the construction of any law to permit such marriages.

[42] J. P. Laurel, *The Three Powers of Government under the Philippine Constitution,* p. 112.

[43] Constitution of the Philippines, Article IV. Class (2), was provided to quiet doubt as to the citizenship of one person, a delegate to the Constitutional Convention. See Aruego, *op. cit.*, I, 204.

[44] Remarks of Delegate Benitez, quoted in Aruego, *op. cit.*, I, 210.

[45] Remarks of Delegate Cauderno, *ibid.*, 211-12.

[46] See chap. XXVIII for a discussion of the Immigration Act of 1940.

[47] Philippine Constitution, Article XI. The development of the civil service under the Commonwealth is discussed in chaps. v and vi.

[48] *Ibid.*, Article X.

[49] *Ibid.*, Article VI, sec. 8.

[50] *Ibid.*, Article VII, sec. 12(2).

[51] *Ibid.*, Article II, sec. 1. Italics supplied.

[52] See Aruego, *op. cit.*, Vol. I, chap. vii, for a discussion of the debate on this subject.

[53*] The amendments to the Tydings-McDuffie Act were made by Public Act No. 300, 76th Congress, August 7, 1939. The amendments to the "Ordinance Appended to the Constitution of the Philippines" made necessary by the Act of Congress were proposed to the Philippine electorate by Resolution No. 39, adopted September 15, 1939, and ratified on October 24, 1939, by a vote of

1,393,453 to 49,633. Resolution 53, Second National Assembly, Third Special Session, November 3, 1939.

[54] For discussion of the legislative amendment, see pp. 228-237; the presidential amendment, pp. 76-83; and the amendment providing for the commission on elections, pp. 455-457. For the amendments, see App. II, *infra*.

[55] The President's Message to the National Assembly, May 15, 1939. *Manila Daily Bulletin*, May 16, 1939.

[56] *Ibid.*

[57] Quoted in an article by B. P. Garcia, "Battle Begins Monday on 25 Days of Debate," *Manila Daily Bulletin*, September 8, 1939.

[58*] Commonwealth Act No. 517, April 25, 1940. This law provided that the proposed amendments should be published in English and Spanish in three consecutive issues of the *Official Gazette* at least twenty days prior to the election, and that copies of the amendments in these languages and the principal native languages should be posted and made available for examination in the voting places. Four hundred thousand pesos were appropriated to cover the cost of the plebiscite.

[59] See pp. 76-83, 228-237, 455-457.

[60*] The official returns of the election of June 18, 1940, on the constitutional amendments proposed at that time were as follows:

	For	*Against*
Establishment of a bicameral legislature.....	1,043,712	275,184
Presidential and Vice-Presidential terms.....	1,072,039	240,632
Commission on Elections.....	1,017,606	287,923

Data from Resolution No. 88, Second National Assembly, Fourth Special Session, July 12, 1940.

[61] Statement of the Honorable Francis B. Sayre, *Manila Daily Bulletin*, December 4, 1940.

NOTES OF CHAPTER III *

[1] See *infra*. Chaps. xiii-xvi, *passim*.

[2] See Constitution of the Philippines, Article VII, secs. 2, 4, and 5, as proposed for amendment by Resolution No. 38, 2nd National Assembly, 1st special session (September 15, 1939), *Official Gazette*, XXXVII (October 21, 1939), 2598-2599.

[3] See pp. 76-83 *infra*.

[4] Constitution of the Philippines, Article VI, sec. 11(2).

[5] *Ibid.*, sec. 9(2).

[6] *Ibid.*, sec. 9(1).

[7*] *Ibid.*, Article X, sec. 3. However, the Tydings-McDuffie Act provides that during the Commonwealth period appeals may be made from the Auditor General to the President of the United States and this provision is included in the Ordinance Appended to the Constitution.

[8] *Ibid.*, Article VI, sec. 12(2). Italics supplied.

[9*] The Jones Act provided that the Governor-General "shall have *general supervision and control* of all the departments and bureaus of the government in

* *Chapter III (The Presidency) begins on p. 60.*

the Philippine Islands as far as is not inconsistent with the provisions of this Act. . . ." Public Act No. 240, 64th Congress, sec. 21. The law also provided that "all executive functions of the government must be directly under the Governor-General or within one of the executive departments under the supervision and control of the Governor-General." *Ibid.*, sec. 22. For a discussion of the differences which arose over this matter between Governor-General Leonard Wood and the Filipino leaders, see Dean C. Worcester and Ralston Hayden, *The Philippines, Past and Present* (New York, 1930), chap. XXXIX, *passim.*

[10] Constitution of the Philippines, sec. 11(2). Italics supplied.

[11] *Ibid.*

[12] See Aruego, *op. cit.*, I, 429-432, for a brief discussion of the debate upon this subject.

[13] Constitution of the Philippines, Article VI, sec. 16.

[14] Quoted in Aruego, *op. cit.*, I, 391.

[15] See *Ibid.*, 387-90, *passim.*

[16] See *Ibid.*, 394.

[17] Among other proposals, the convention refused to adopt amendments to have the President elected by the National Assembly rather than by the people, to withhold the itemized veto power, to return to the Assembly authority to increase the appropriations recommended in the executive budget for the operation of the executive department, to strengthen the Assembly by vesting the power to confirm appointments in that body as a whole rather than in a commission on appointments, to suppress the provision to authorize the National Assembly to delegate to the President the authority to formulate rules and regulations to carry out a declared national policy, to limit the use of that authority, to limit the President's authority to suspend the writ of *habeas corpus*, and so forth. See *Ibid.*, 395.

[18] Constitution of the Philippines, Article IX, sec. 1. For discussion of the provision regarding impeachment, see pp. 209, 231 *infra.*

[19] *Ibid.*, Article VIII, sec. 2.

[20] *Ibid.*, sec. 7.

[21] Address of President M. L. Quezon to the Constitutional Convention, February 5, 1935. *Philippines Herald*, February 6, 1935.

[22] Speech of Hon. Claro M. Recto, President of the Constitutional Convention, delivered in the Hall of the House of Representatives on the night of February 8, 1935, upon the occasion of the closing session of the Convention. From Cauderno, *op. cit.*, Appendix A, pp. 123-5.

[23] A full length biography of President Quezon is: Isabelo P. Caballero and M. de Gracia Concepcion, *Quezon: the Story of a Nation and Its Foremost Statesman* (Manila, 1935). Carlos Quirino, *Quezon, Man of Destiny* (Manila, 1935), is a briefer biographical study. Both books are interesting but in the main uncritical.

[24] President Manuel L. Quezon to Hon. Pedro Magsalin, Chairman, Judiciary Committee, National Assembly, Manila, December 18, 1936. *Messages of the President*, Vol. 1, p. 43.

[25] For example, the National Assembly passed a bill providing for the establishment of a Philippine National Hall of Fame and for the designation of a building to be used for the purpose by the President, subject to the approval of the Speaker of the National Assembly and the Chief Justice of the Supreme Court. One of the reasons given by the President for the veto of this measure

was he did "not wish to establish the precedent of subjecting any act of the President of the Philippines to the approval of any other official of this Government, except as required by the Constitution." See *Message of . . . the President . . . Vetoing Bill No. 1286 . . .*, December 18, 1937.

[26] "Speech . . . on Changes in Government and Political Philosophy," May 22, 1936. *Messages of the President*, Vol. 2, Part I, p. 95.

[27] *Ibid.*, p. 94.

[28] In a press statement dated September 23, 1937, the President's office declared that the *Philippines Herald* in its issue of September 22 misquoted what Mr. Quezon said with reference to the Cuevo-Barredo case. *La Vanguardia* of the same date carries a substantially correct version of the interview, the Malacañang statement declared. *Ibid.*, Vol. 3, Part I, p. 332. For other Malacañang press statements regarding this case, see *ibid.*, pp. 333, 335, 340.

[29] For a letter from President Quezon to Chief Justice Ramon Avanceña, dated September 23, 1937, upon the subject, see *ibid.*, p. 288.

[30] "Speech . . . on Principles of Law and Justice," Manila, 1937. *Ibid.*, pp. 139, *et seq.* Italics supplied.

[31] The provision of the Philippine Constitution is as follows:

"Before he enter on the execution of his office, the President shall take the following oath or affirmation:

"'I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God.' [In case of affirmation, last sentence will be omitted.]" Constitution of the Philippines, Article VII, sec. 8.

[32] Commonwealth Acts No. 494, 496, 498, 499, and 500, September 30, 1939.

[32a] Address of President Manuel L. Quezon to the National Assembly, August 16, 1939. *Manila Daily Bulletin*, August 17, 1939.

[33] *Ibid.*

[34] Constitution of the Philippines, Article VII, sec. 8, as amended. Resolution No. 38, Second National Assembly, September 15, 1939 (*Official Gazette*, XXXVII, No. 126, p. 2599). Italics supplied.

[35] Statement of President Manuel L. Quezon at press conference, August 5, 1939, as reported in Manila press of the following day.

[36] Press statement of President Manuel L. Quezon on the reelection of the President of the Philippines, October 19, 1937. *Messages of the President*, Vol. 3, Part I, p. 338.

[37] Address of President Manuel L. Quezon to the National Assembly, August 16, 1939. *Manila Daily Bulletin*, August 16, 1939. On August 21, Mr. Quezon made even more explicit his desire not to be made eligible for reelection. In a letter to Speaker Yulo which was read at a caucus of the National Assembly, the President requested that if the prohibition against reelection should be removed, this action should be given a prospective and not a retroactive effect. President Manuel L. Quezon to Speaker José Yulo, August 21, 1939. *Manila Daily Bulletin*, August 22, 1939.

[38] *Ibid.* Italics supplied.

[39] *Manila Daily Bulletin*, May 5, 1939.

[40] *Ibid.*, June 10, 1939.

[41] *Ibid.*, June 11, 1939.

[42] *Ibid.*, May 24, 1940.

[43]* For example: In Baguio, Secretary Teofilo Sison "declared that throughout the country a great majority is in favor of reelecting Quezon as President. He explained that this could not be done unless the six-year term provided by the constitution is amended." (*Ibid.*, June 14, 1940.) In Carmoan, Camarines Sur, a popular meeting adopted resolutions endorsing the amendments and urging President Quezon to reconsider his decision so that he might run for reelection. (*Ibid.*, May 11, 1940.) The city council of Baguio adopted similar resolutions (*Ibid.*, May 17, 1940), as did those of other municipalities. In a great meeting in distant Lanao, Mr. Quezon was assured that the amendments would be ratified and both the President and Vice-President reelected. (*Ibid.*) "The candidacy of President Quezon for reëlection was 'launched' by Assemblyman Fausto Gonzales and Jose M. Tapia, general manager of the Pampanga Sugar Development Company, at the proamendment meeting at the Pasedeco Workers Camp last night." (*Ibid.*, June 10, 1940.)

[44] *Ibid.*, June 5, 1940. President Quezon was also reported to have made similar statements in a campaign broadcast. *Ibid.*, June 17, 1940.

[45] *Ibid.*, May 8, 1940.

[46]* One million seventy-two thousand thirty-nine voted for the approval of the amendment regarding the terms of office of the President and Vice President, and 240,632 voted for the disapproval thereof. Resolution No. 88 of the Second National Assembly, Fourth Special Session (July 12, 1940), certifying the approval of the Constitution of the Philippines and the Ordinance Appended Thereto.

[47] *New York Times*, July 27, 1940.

[48] *Manila Daily Bulletin*, June 20, 1940.

[49] *Ibid.*, February 20, 1941.

[50] Address of President Manuel L. Quezon to the National Assembly, August 16, 1939. Cited.

[51]* For the constitutional provisions concerning the conditions under which the Vice-President shall become President, act as President or perform the duties of the President, see Article VII, secs. 7 and 9. Acting in accordance with authority conferred upon it by Article VII, secs. 7 and 9, the National Assembly made further provision for the presidential succession as follows:

"Section 1. When neither the President-elect nor the Vice President-elect shall have qualified, as provided in section seven, Article VII of the Constitution, or in the event of removal, death, resignation or inability, both of the President and Vice President, as stated in section nine, Article VII of the Constitution, the National Assembly shall forthwith elect, by a majority vote of all of its Members, the person or officer who shall act as President until the President-elect or the Vice President-elect shall have qualified, the inability removed, or a President shall have been elected. When the vacancy in the office of President and Vice President shall become permanent, the National Assembly shall determine by resolution whether or not a special election shall be held to elect a President. The call for the National Assembly to convene as herein provided may be made by the Speaker, or the Secretary, or twenty-five Members thereof.

"Sec. 2. In any of the events mentioned in section one hereof, pending the election of an acting President by the National Assembly, a Department Secretary, in the order of rank established in the Administrative Code, will perform the duties of temporary President." Commonwealth Act No. 68, October 23, 1936.

[52] Public Act No. 240, 64th Congress, August 29, 1916, sec. 23; *Revised Administrative Code of the Philippine Islands*, 1917, Title II, Article I, sec. 59.

[53] Executive Order No. 30, May 13, 1936.

[54] Speech of the President of the Philippines on Social Justice and National Defense, January 20, 1937. *Messages of the President*, Vol. 3, Part I, pp. 29-30.

[55] *Ibid.*

[56] See p. 365.

NOTES OF CHAPTER IV *

[1] *Report of the Philippine Commission*, 1900. I, 5.

[2] The Commission continued: "In the Philippine civil service there should be, besides provisions for tests of fitness before appointment, regulations to insure promotion upon merit and a tenure of office during efficiency and good behavior. It would be peculiarly detrimental to the public service in a territory circumstanced like the Philippines if on political ground natives were liable to removal from office as soon as they had learned its duties. However it be in the United States it is absolutely essential to good government in the Philippines that the natives should hold office during efficiency and good behavior." *Ibid.*, 112, 113. In this matter, as in many others, the recommendations of the Schurman Commission were very largely followed in the organization of the Philippine government.

[3] Dean C. Worcester and Ralston Hayden, *The Philippines Past and Present* (ed. 1930, New York, 1930), p. 293.

[4] Act No. 5, Philippine Commission, September 19, 1900.

[5] See Charles Jeffries, *The Colonial Empire and Its Civil Service* (Cambridge, 1938), pp. 13, 19, 57-58.

[6] *Report of the Philippine Commission*, 1902, I, 28.

[7] "Third Annual Report of the Philippine Civil Service Board . . . for the Year Ended September 30, 1903," *Ibid.*, 1903, I, 431.

[8] Whole-hearted acceptance of the merit principle, however, was not universal even among Americans. It is said that when Mr. Taft visited the Islands as Secretary of War in 1905 he facetiously introduced Dr. William S. Washburn, Director of Civil Service, to an accompanying newspaper man as "the most hated man in the Philippines." Not all of this "hatred" came from Filipinos by any means, as is shown by Dr. Washburn's annual reports. Dr. Washburn enforced the law and the regulations of the service against both Americans and Filipinos without fear or favor, and as he was a zealous and indefatigable worker strongly supported from above, he usually was able to checkmate efforts to violate the principles of the merit system from whatever source they arose. Dr. Washburn had served for a number of years as examiner for the United States Civil Service Commission when he was appointed Chairman of the Philippine Civil Service Board in 1901.

Reference to two typical methods by which American administrators sometimes sought to circumvent the Bureau of Civil Service is to be found in the report of the Director for 1907. Several hundred positions had been exempted from examination by provisions in various appropriation acts fixing compensation therefor at other than a per annum rate. "Employees exempted from examination requirements naturally are not satisfied with their status," Dr. Washburn reported, "and after gaining a little experience, chiefs of bureaus are constantly endeavoring to get them into regular classified positions by non-competitive examinations or without any examination, on the ground that they have become

* *Chapter IV (A Colonial Civil Service) begins on page 87.*

valuable and the office cannot afford to lose them. . . . Another evil flowing from exempted positions, is the constant temptation of chiefs of bureaus to assign to classified positions such unclassified employees in violation of law and rules." "Report of the Director of Civil Service, 1907," *Ibid.*, 1907, I, 128.

In the Revised Civil Service Act of 1907 the positions that had been exempted in the appropriation acts referred to by the Director were replaced in the classified service.

[9] "Inaugural Address of the Civil Governor, July 4, 1901." *Report of the Philippine Commission,* December 1, 1900-October 15, 1901, II, 284.

[10] *Ibid.*, I, 23.

[11*] For the comment of the Taft Commission upon the "notoriously corrupt" Spanish service and the Civil Service Act that the Commission had just passed, see *Ibid.*, November 30, 1900, pp. 20-21.

[12*] For example, in 1908 the Director of Civil Service declared: "It is becoming apparent that except those connected with the office of provincial treasurer (an American), officers and employees in the provincial service are in too many cases actually engaged in performing government work but a portion of the time each working day, instead of rendering the full day's work required by law. In many cases the officers and their authorized personnel are not finding enough work to keep them busy. Notwithstanding this fact, promotions have been frequent and excessive. . . . Notwithstanding the failure to work the number of hours required by law, the records of service are often made to show the performance of full days' work. This falsifying of a public document is a species of dishonesty demoralizing and baneful, which seriously impeaches the integrity of all officials participating in such wrongdoing." "Report of the Director of Civil Service, 1908," *Ibid.*, 1908, I, 129.

[13*] In the report of the Civil Service Board of August 23, 1901, official notice was taken of this feeling, as follows: "In view of the criticisms in the Spanish and Filipino press to the effect that Americans and Filipinos who have passed the same examinations for clerk are not paid the same salaries, the latter receiving much less than the former, the board deems it proper to submit a statement of the facts in the case.

"The articles in the press were evidently written under the impression that ability to pass the examinations in Spanish demonstrated the fitness of the persons examined as well as the passing of the examinations in English. It is true that the questions in the examinations in English and Spanish were identical, but it can readily be seen that a person whose general intelligence had been tested in Spanish, but who has no knowledge of English, would be of little service in an office where the business is necessarily transacted in that language. . . .

"The matter of salaries for Americans in civil positions in the Philippines has been a serious problem for some time. It is well known that it costs Americans very much more than Filipinos to live in the Philippines, even where members of both races require practically the same necessities of life. On account of the increased cost of living it has been found very difficult to retain many of the Americans in the service where, by reason of their experience, ability and their knowledge of the English language, they are absolutely needed. These are the considerations which have governed and will no doubt continue to govern, the heads of departments and offices in asking appropriations for salaries for persons qualified to perform work required in the service." *Ibid.*, 1901, II, 290, 291. Discussion upon the question here raised, often acrimonious, continued in the Philippines until the inauguration of the Commonwealth placed control over all Philippine government salaries in the hands of Filipinos alone. See *ibid.*, pp. 283-284; 1904, I, 256, 257; 1907, I, 79, 120-121; 1908, I, 56, 129.

[14] "Report of the Director of Civil Service, 1908," *ibid.*, 1908, I, 130.

[15] In 1908 the Director of Civil Service reported: "The most conspicuous case of violation of the civil-service law during the past year was the illegal employment for about a year, by the provincial governor of Pangasinan of one of his political proteges, Celestino Aragon. Collection of his salary not being allowable under the civil service law, provision for payment thereof during the period of his illegal employment was authorized in an act passed on June 3, during the recent special session of the legislature. This action of the Philippine Legislature is in strong contrast with the following resolution of the Philippine Commission of May 16, 1903, on the proposal to legalize the payment of salary to a person employed in violation of the civil service act: 'On motion, resolved, that it is the sense of the Commission that the views of the Civil Service Board with respect to the employment of Briccio Pantas are correct and that no legislation should be passed making a particular exception which would return to plague the Commission and all others interested in the maintenance of the civil service law'." *Ibid.*, The Aragon incident was a *cause célèbre.*

[16] This measure is discussed at length in the "Report of the Director of Civil Service, 1908." *Ibid.* "This bill was considered unwise by the Philippine Commission inasmuch as it destroyed the independence of the bureau and reduced one of the most important branches of the government to a subordinate and secondary position," the Governor-General declared. "Consideration of the bill was, therefore, indefinitely postponed. Any danger that the bureau of civil service will be consolidated with any other bureau or that it will be in any way hampered or inconvenienced in carrying out the work for which it was organized is very remote. The establishment of an honest and efficient civil service was one of the most important instructions given to the Philippine Commission. There is but little danger that anything will wittingly be done to impair its efficiency or diminish its value to the government." "Report of the Governor-General," 1908, *ibid.*, p. 56.

[17] For an adverse contemporaneous view of the Philippine Civil Service prior to 1905, see H. Parker Willis, *Our Philippine Problem*, chap. III.

[18] In 1903, 19 Americans charged with the official duty of collecting and disbursing money defaulted, some of them to the extent of thousands of dollars. Commenting upon these defalcations, the commission declared: "They are the natural result of the circumstances under which selections for officials in the beginning of this government had to be made. The mode of selection under the civil-service law could not, of course, be applied at first because the government had to become a going concern. The army officers who had begun the civil government here had to be relieved, the number of officers, as civil government spread through the provinces, had to be largely increased and the material from which selections had to be made was those men who had resigned from the army or had been mustered out and proposed to remain in the Philippines. It was impossible in the selection of so many officers to institute a thorough investigation into their lives in the States. There were men among those who have since proved defaulters who changed their names with the view of avoiding the investigation which would have disclosed dishonesty in their past lives. . . .

"The revelations of dishonesty in the officials named above," the Commission added, "have not shaken, but have only strengthened our confidence in the wisdom of the merit system. The means of obtaining information concerning a man's previous character are being much improved and the certainty of tenure produced by the merit system all tend to inspire the civil servant with an esprit de corps and convince him that the only possible course for him to pursue with a view to success is devotion to duty and the interests of the public and the

government. The merit system excludes favoritism, and with favoritism excluded and the reasonable hope of promotion for good work present, there is a certainty of securing honest and enthusiastic civil servants." "Report of the Civil Governor of the Philippine Islands," *Report of the Philippine Commission*, 1903, I, 64-65, 71.

In its report for this same year the Civil Service Board called attention to the fact that only five of the 397 officials who had been removed for cause, since the establishment of civil government in the Islands, had entered the service through examination and certification by the civil service board. *Ibid.*, p. 431. In 1907 the Director of Civil Service reported that of the whole number of subordinate employees who had been removed from the Philippine civil service for cause, only five per cent had entered the service through civil service examination. *Ibid.*, 1907, I, 124.

19* The several laws, the rules, the regulations, and the opinions of the attorney general relating to the civil service, circular letters issued by the board or the director, and the annual reports of the board or the director are published in the *Reports of the Philippine Commission, 1901-1908*. In the report of the Commission for 1905 (I, 706-714, 714-728) are published two important articles by Dr. William S. Washburn: "Civil Service Reform and the Evolution of Good Government" and "The Relations between Climate and Health with Special Reference to American Occupation of the Philippine Islands." The report for 1904 (I, 259) contains an article by Everett E. Thompson, Examiner, Civil Service Board, "Civil Service in Oriental Possessions," that contains interesting comparative data and information.

20* "Filipino officials and employees, it is true have not the same temptations as their American brothers to leave the service, and in time the vacancies caused by separation of Americans will be filled by Filipinos. Meanwhile, however, until Filipinos have been prepared to fill such vacancies, the service will suffer, and suffer severely, for lack of trained and qualified personnel. The difficulty is not only a temporary one, but one which will confront the service for some time to come. Recognition of merit, promotion without favoritism, impartial and just treatment, *and the security that no official will be removed from office for light or trivial causes* will, of course, retain in the service many capable, able, and experienced Americans and Filipinos, but not all required by the government in order to secure the best results." Governor-General Smith then proceeded to recommend the establishment of a pension system for the purpose of more effectively retaining experienced men in the service. *Report of the Philippine Commission*, 1907, I, 80-81.

In 1908 the Governor-General reported: "Filipinos are now employed in the most responsible positions in the government and are thoroughly capable. For the present, nay, for many years to come, this substitution must be largely confined to subordinate positions, not because Filipinos cannot be intrusted with responsible work, but because the number of eligibles for the higher civil-service appointments must continue inadequate until education and training along modern lines shall have increased the number of those capable of passing the civil-service examinations for the higher places." *Ibid.*, 1908, I, 55.

21* Speaking of American policy in the Philippines at the Lake Mohonk Conference, former Governor-General Forbes declared: "Another item which may be laid down as an axiom is the necessity of continuity in the personnel of the Civil Service—which is vital to successful administration. . . . Any violent chances in the personnel of such a service does harm that takes many years to undo, for it makes it difficult, if not impossible, to secure the best class of men for a service which does not assure careers to its meritorious and capable officials." *Speech Made by W. Cameron Forbes at the Lake Mohonk Conference, October, 1914*. Privately printed.

[22*] Mr. Harrison subsequently stated: ". . . the extension of self-government and the spread of democracy—may in themselves have impaired somewhat the efficiency of administration. If so, that disadvantage is more than offset by the gain in contentment of the people, the growth of respect and friendship for the United States, and the valuable lessons in self-government secured by the Filipinos." F. B. Harrison, *The Corner-Stone of Philippine Independence* (New York, 1922), p. 88.

[23*] This policy was in accord with the platform of the Democratic party from 1900, on. See Forbes, *op. cit.*, II, App. XXXVII, pp. 566-571; or Kirk H. Porter, *National Party Platforms* (New York, 1924). In his first annual message to Congress President Wilson declared: "Step by step we should extend and perfect the system of self-government in the islands, making test of them and modifying them as experience discloses their successes and their failures; that we should more and more put under the control of the native citizens of the archipelago the essential instruments of their life, their local instrumentalities of government, their schools, all the common instruments of their communities, and so by counsel and experience set up a government which all the world will see is suitable to a people whose affairs are under their own control."

This statement is not basically at variance with the policy that the Republicans had followed in the Philippines from the beginning. The difference was one of tempo. But when interpreted in the light of the Harrison policy of rapid Filipinization and President Wilson's support of the Clark Amendment withdrawing American sovereignty over the Philippines within not less than two or more than four years from 1915, it has an entirely different meaning.

[24] Harrison, *op. cit.*, p. 86.

[25] *Ibid.*, p. 77.

[26] "Report of the Governor-General," *Report of the Philippine Commission*, 1914, p. 31.

[27*] In his report for 1914 Governor-General Harrison stated that due to this policy "those at the heads of bureaus have now a longer average term of service in the insular government than was before the case." "Report of the Governor-General," *ibid.*, p. 15. Mr. Harrison's own statement regarding the changes in government personnel up to December 31, 1914, may be found in this report, pp. 14-31.

[28] D. R. Williams, *United States and the Philippines*, p. 151.

[29] See *Report of the Director of the Civil Service*, 1916.

[30] This incident was recounted to the author in 1923 by the Filipino in question.

[31*] In Executive Order No. 103, series of 1913, it was decreed that "henceforth executive permission to invest money in the Philippines or to seek outside employment would be granted to government officials only in case the investment or employment would clearly offer no interruption of work, or interference with the time or strength due the government, or cause unfair competition with established business conducted by private persons. Investments already made under former executive permission were not to be disturbed unless they tended unduly to influence the official in the performance of his official duties or impair the credit of the government." "Report of the Governor-General," *Report of the Philippine Commission*, 1914, pp. 30-31. Another order clearly extended the existing prohibition against participation in political activities to include the work of American political parties in the Islands as well as that of Filipino parties. *Circular of the Director of the Civil Service* dated December 9, 1913; *ibid.*, p. 31. On July 9, 1915, upon the advice of the Director of Civil Service an executive

order was issued directing all non-eligibles temporarily employed to take the civil service examinations before the end of the year. "Report of the Governor-General." *Report of the Philippine Commission*, 1915, p. 27.

[32*] The Civil Service was administered until 1905 by a board of three men. The first director of the bureau established in that year was Dr. W. S. Washburn. He was succeeded by Dr. Bolivar L. Falconer, who resigned as director of the bureau in December, 1914, and was succeeded by Mr. Harry L. Hershey, chief examiner, who had been eight years in the insular service. "Report of the Governor-General," *ibid.*, 1914, p. 17. In the Appropriation Act of 1914 the assistant directorship was discontinued (Act No. 2431, December 23, 1914), but was recreated a year later (Act No. 2540, December 18, 1915).

[33*] On January 1, 1915 there were 1,978 Americans in the insular service as compared with about 2,600 on October 1, 1913. Approximately 300 of the decrease may be attributed to a new policy of not importing from the United States new employees for clerical or subordinate positions. Although for a number of years prior to 1913 approximately 500 Americans, on the average, left the service annually, approximately 300 new, untrained men were brought out from the United States. "Report of the Governor-General," *ibid.*, 1914, p. 16. On January 1, 1917, 1,475 Americans remained in the service. Of this number, 501 were teachers, 218 were clerical employees, 190 Constabulary officers, 166 technical and scientific employees, 121 patrolmen, prison guards, etc., and 62 chiefs or assistant chiefs of bureaus, etc. *Report of the Governor-General of the Philippine Islands*, 1916, p. 10.

[34] *Wood-Forbes Report*, p. 45.

[35] *Ibid.*, p. 23.

NOTES OF CHAPTER V*

[1] Constitution of the Philippines, Article XI.

[2] Aruego, *op. cit.*, II, 559.

[3] Constitution of the Philippines, Article XI, secs. 2, 3, and 4.

[4*] The sources of the civil service article of the Constitution are stated by Aruego as being: (1) the various constitutional precepts submitted by the members of the Convention; (2) the information and recommendations given by the Director of the Civil Service, the President of the Civil Service Employees' Association, and the Chief of the Supply Division of the Department of Finance at the public hearings of the civil service committee of the convention; and (3) the independent studies made by the members of the committee of the civil service systems in the Philippines, and in England and of modern constitutions, particularly those of Spain and Germany, and of the states of Ohio and Colorado. Aruego, *op. cit.*, II, 557.

[5] The Coalition Platform, 1935, Sec. VI. *Messages of the President*, Vol. 1 (rev. ed., 1938), pp. 246-52.

[6] *Message of the President of the Philippines to the First National Assembly on Civil Service*, December 16, 1935. The bill submitted, 1st National Assembly, Inaugural Session, No. 168, appears in *Messages of the President, ibid.*, pp. 55-67.

[7] Executive Order No. 8, January 2, 1936. The order was made effective as of January 1.

* *Chapter V (A Commonwealth Achievement) begins on page 104.*

[8] Statement of the Director of Civil Service appearing in *The Tribune*, January 3, 1936.

[9] For example, see an editorial, "The Merit System," appearing in *The Tribune* of January 3, 1931; also, the annual reports of the Director of Civil Service.

[10] Executive Order No. 39, June 23, 1936. This order was issued under authority of Commonwealth Act No. 5, December 21, 1935, giving the President wide power to reorganize the government.

[11] *Civil Service Rules*, Rule XII, secs. 1 and 2.

[12] *Manila Daily Bulletin*, June 25, 1936.

[13] The list of persons embraced in the unclassified service was as follows:

"(a) A secretary, a sergeant-at-arms, and such other officers as may be required and chosen by the National Assembly in accordance with the Constitution.

"(b) Officers, other than the provincial treasurers and Assistant Directors of Bureaus or Offices, appointed by the President of the Philippines, with the consent of the Commission on Appointments of the National Assembly, and all other officers of the Government whose appointments are by law vested in the President of the Philippines alone.

"(c) Elective officers.

"(d) The Secretaries, technical assistants and private secretaries to the President of the Philippines, one private secretary and one assistant private secretary to the Vice President of the Philippines, and those, to the several Heads of Departments.

"(e) The secretarial and office staff of the Speaker and of each Member of the National Assembly.

"(f) One private secretary to each Justice of the Supreme Court.

"(g) Members of the commissioned and enlisted service of the Army and Navy of the Philippines.

"(h) Laborers whose rate of compensation is not more than two pesos per day.

"(i) Persons in the military, naval, or civil service of the United States who may be detailed for the performance of duties with the Government of the Commonwealth.

"(j) Secretaries of provincial boards, assistant provincial fiscals, provincial wardens, provincial sheriffs, deputy provincial sheriffs, and secret agents.

"(k) Members of the various faculties and other teaching force of the University of the Philippines, including the Business Director and the Registrar of said institution.

"(l) Positions which may be declared by the President of the Philippines, upon recommendation of the Commissioner of Civil Service, as policy determining, primarily confidential, or highly technical in nature.

"(m) Deputy governors and special agents of the specially organized provinces of Lanao, Cotabato, Sulu, and Mountain Province."

Commonwealth Act No. 177, November 13, 1936, sec. 8.

[14] *Revised Administrative Code*, secs. 183-191.

[15] *Twenty-eighth Annual Report of the Director of Civil Service* (1927), p. 20. Director Gil made the following very cogent observation concerning the exemption of the positions which he had mentioned: "In exempting such positions from the examination requirement the law must have had good reason, but in actual practice it frequently happens that the unrestricted power thus given appointing officials in the matter of selection is not rightly used, so that the

legitimate purpose sought is often defeated to the detriment of the public service. There are certain highly desirable qualifications which, it is claimed, cannot be brought out in civil service examinations, hence the exemption; but experience has shown that the men recruited lack those very same qualities needed and in fact are sometimes inferior to the average civil service eligible obtained through open competitive tests." It is a well known fact that many of the provincial jails are not well operated and that every so often one of them will be found to be a disgrace to the country. The connection between this relative failure of an important branch of administration and the fact that the provincial wardens have been left outside of the classified service seems obvious.

[16] Executive Order No. 53, September 9, 1936.

[17] Section 16 of Commonwealth Act No. 177 amends Section 682 of the *Revised Administrative Code*, as follows:

"SEC. 682. *Temporary and emergency employees.*—Temporary appointment without examination and certification by the Commissioner of Civil Service or his local representative shall not be made to a competitive position in any case, except when the public interests so require, and then only upon the prior authorization of the Commissioner of Civil Service; and any temporary appointment so authorized shall continue only for such period not exceeding three months as may be necessary to make appointment through certification of eligibles, and in no case shall extend beyond thirty days from receipt by the chief of the bureau or office of the Commissioner's certification of eligibles. Violation of this provision will render such chief of the bureau or office responsible for the payment of salary to such person employed contrary to law as hereinafter provided. It shall be the duty of the Commissioner of Civil Service to provide a register of eligibles as soon as practicable prior to the expiration of the period of temporary employment."

[18] Government of the Commonwealth of the Philippines, *Budget for the Fiscal Year 1941*, p. 71.

[19] Act No. 4187, December 8, 1934, sec. I, F(3), p. 33.

[20] *First Annual Report of the Commissioner of Civil Service* (Manila, 1937), p. 8. This report covers the period November 15, 1935-December 31, 1936.

[21] The rule prescribes that "Examinations of a suitable and practical character, absolutely impartial, and involving such subjects and tests, including experience, as the Director may determine, shall be held to ascertain the relative capacity and fitness of the applicants for the positions to which they seek to be appointed." *Civil Service Rules*, Rule III, sec. 1.

[22] *Civil Service Rules*, Rule XI, sec. 1.

[23] *Report submitted by the Director of Civil Service to the Governor-General*, October 1, 1926. The description given of the type of examination used is still valid.

[24] "Report of the Civil Service Board to the Governor-General, October 5, 1901," *Report of the Philippine Commission*, 1901, II, 300.

[25] *Special Report of the Director of Civil Service to the Governor-General*, October 1, 1926, pp. 6-7.

[26] *Twenty-eighth Annual Report of the Director of Civil Service*, 1927, p. 9.

[27] *First Annual Report of the Commissioner of Civil Service*, Table C, p. 29.

[28] Commonwealth Act No. 177, sec. 11.

[29] *Civil Service Rules*, Rule II, sec. 7.

[30] *Civil Service Rules*, Rule V, sec. 5. In 1923 Governor-General Wood in admonishing office chiefs against automatic retentions made a classic statement

of the true purpose of the probation rule. "The probational period," he declared, "is part of the examination system. The examination established a probability of fitness, but it does not cover the qualities of punctuality, industry, loyalty, dependability, and others necessary for success as a member of the government organization. It is necessary, therefore, that there should be the actual test which is provided by the period of probation." *Memorandum Order*, December 22, 1923.

[31] *Civil Service Rules*, Rule IX, sec. 1.

[32] Commonwealth Act No. 177, sec. 14.

[33] Executive Order No. 111, August 30, 1937.

[34] Lobbying for promotions and salary increases is not infrequent, however, and in 1925 was made the subject of an executive order by Governor-General Wood. "It has come to the knowledge of this office," the order declares, "that a great number of Government employees has resorted to the pernicious practice of lobbying in legislative halls and offices for the purpose of influencing the members of legislative bodies to grant them increases in their compensation. It is understood that in many such cases the increases in salary are not recommended by the chief or by the Department head, and that the employees approach and influence members of the Legislature on their own initiative and responsibility. This practice is certainly destructive of the merit system upon which the Civil Service Law and Regulations are based and is highly unbecoming of public servants. The chief of a bureau or the head of a Department is the proper official to judge whether or not an employee is deserving of an increase in salary. Furthermore, the practice of lobbying tends to keep before the minds of employees thoughts of their own personal advantage in connection with their official duties, instead of the public interest.

"It is therefore ordered that hereafter no employee, whether in the classified or the unclassified service of the Philippine Government, shall lobby for his promotion in salary. Persons guilty of violation of this order shall be proceeded against in accordance with the Civil Service Law and Regulations and shall be subject to removal or such other disciplinary action as the facts may warrant.

"All officials of the Government of whatever class, are enjoined from countenancing, encouraging, or participating either directly or indirectly in the lobbying to which reference is herein made."

Executive Order No. 8, February 14, 1925. Needless to say, this order did not put an end to the pernicious practice which it was intended to suppress.

[35] *Ibid.*, secs. 2, 4. The provision regarding efficiency records is as follows:

"4. There shall be kept in each office, on forms prescribed by the Director for that purpose, a comparative record from which the relative efficiency of employees may be determined. Among the elements of efficiency to be considered are quantity of work or the amount performed, quality of work or the degree of its excellence, physical condition, habits, character, conduct, aptitude and adaptability, punctuality, and attendance. This record shall be at all times open to the inspection of the Director. A report shall be made to the Director semiannually on the proper form, on the first days of January and July, giving the comparative term and corresponding efficiency rating applicable to each person according to the following scheme:

"Excellent: Indicating a superior degree of efficiency or excellence...	90 to 100
"Good: Indicating a high degree of efficiency.....	80 to 89
"Fair: Indicating an ordinary degree of efficiency.....	70 to 79
"Poor: Indicating inefficiency	Below 70"

[36] *First Annual Report of the Commissioner of Civil Service*, p. 11.

In October, 1936, President Quezon vetoed a bill authorizing the automatic promotion of qualified civil service employees upon the ground that it violated

the provision of the Constitution that with certain exceptions appointments to the civil service should be made only after competitive examination. *Message . . . to the First National Assembly upon Vetoing Bill No. 128*, October 29, 1936.

NOTES OF CHAPTER VI *

[1] A. Lawrence Lowell, *The Government of England* (New York, 1912), I, 147.

[2]* *Civil Service Rules*, Rule XIII, secs. 1, 6, 8. The definition is as follows: "Political activity shall consist, among other things, in candidacy for elective office, being a delegate to any political convention or a member of any political committee or directorate or an officer of any political club or similar political organizations, making speeches, canvassing or soliciting votes or political support in the interest of any party or candidate, soliciting or receiving contributions for political purposes, either directly or indirectly, or becoming prominently identified with the success or failure of any candidate or candidates for election to public office." In an executive order issued prior to the electoral campaign of 1925, Governor-General Wood ruled that members of the civil service who wished to run for elective office should resign before engaging in any campaign to further this end, and in any event not more than one month before the date of the election. *Memorandum Order*, January 12, 1925.

[3] *The Tribune*, March 28, 1931.

[4] *The Philippines Herald*, May 11, 1931.

[5]* In addressing a conference of provincial and municipal officials at Capiz, April 17, 1936, President Quezon declared, with characteristic frankness: "Justices of the peace must eschew politics completely. You know, and I know, that all justices of the peace of the Philippines used to be leaders in politics and I am willing to take this fact into consideration. That is a thing of which we were all guilty. I shall not punish the justices who were political leaders with my knowledge and consent when I was President of the Senate. As it was then not my duty to enforce the law, I was glad if there was a justice of the peace willing to help my candidate. . . . I am not willing to tolerate now what I have tolerated in the past. That thing must not happen again. I want to tell you that if any justice of the peace meddles in politics in an election I shall immediately take action against him." *Messages of the President*, Vol. 2, Part I, pp. 83-4.

[6] Ralston Hayden, 'Higher Officials in the Philippine Civil Service," *American Political Science Review*, XXVII (April, 1933), 218.

[7] Editorial, "Fair Play for the Minority Party," *The Tribune*, March 28, 1931.

[8]* *Revised Administrative Code*, secs. 562-566; *Civil Service Rules*, Rule XV; and Executive Order No. 222, September 13, 1939. Government offices are closed on Sundays and public holidays; the latter are numerous because they include both Philippine and American festivals. Overtime work may be required by heads of offices without additional compensation and bureau chiefs may operate on full time during the hot season if they deem the interests of the service require it. Overtime is not infrequently demanded during emergencies, and occasionally some bureau will forego its five-hour day between April 1 and June 15.

[9]* The statutory provisions regarding leave are embodied in the *Revised Administrative Code* as chap. 13, secs. 267-295, as amended. Readjustment appro-

* *Chapter VI (Professional Administrators) begins on page 123.*

priate to conditions under the Commonwealth were affected by Commonwealth Act No. 220, November 29, 1936. The leave regulations of the *Civil Service Rules* are found in Rule XVI.

[10] Appropriate adjustments were made for employees stationed in the provinces or returning from a foreign country.

[11] Commonwealth Act No. 220. See also *First Annual Report of the Commissioner of Civil Service*, pp. 19-20.

[12] These figures are from the appropriation act for 1938 (Commonwealth Act No. 245, December 17, 1937). In the *Thirty-first Report of the Director of Civil Service* (1930), pp. 16-17, appears the following table showing the compensation distribution among civil service employees.

₱6,000 or more	388
4,000 but less than ₱6,000	545
2,000 but less than ₱4,000	2,283
1,200 but less than ₱2,000	5,884
720 but less than ₱1,200	7,208
Less than ₱720	5,946
Total[a]	22,254

[a] Deduct 550 for persons counted more than once by reason of holding more than one position.

The distribution curve is still very much the same as that shown by this table.

[13] Executive Orders Nos. 49 and 50 (August 19 and 24, 1936), *Presidential Message*, September 2, 1936, and Commonwealth Act No. 37, October 7, 1936.

[14] These interesting reports, with tables and comments, will be found in *Labor: Bulletin of the Bureau of Labor*, No. 27, 1929, pp. 96-97, 150-151. Wages have not been materially increased nor have living costs been decreased since that date.

[15] S. E. Macaraig, *Social Problems*, p. 380.

[16] One immediate effect of the under-payment of the lower grades of government employees is plainly stated in a paragraph of the annual report of the Director of Civil Service for 1927. "It has been observed," he states, "that the most common offenses in the service are malversation of public funds, falsification of public documents, irregularities in office and immorality, and that the great majority of those found guilty are low-salaried employees. Due to the meager salary received many a municipal treasurer, postmaster or sanitary inspector falls into temptations just by the sheer force of circumstances." *Twenty-eighth Annual Report of the Director of Civil Service*, 1927, p. 17.

[17] *Manila Daily Bulletin*, April 11, 1932.

[18] In 1904 the Civil Service Board recommended that a retirement and pension system be established, and in 1907 a retirement bill with a limited application to American officials with a minimum salary of not less than ₱6,000. In 1910 another bill was drafted in which no distinction was made between American and Filipino employees. Both bills failed, primarily for financial reasons. (*Report of the Philippine Commission*, 1904, I, 43, 258; 1908, I, 84; 1911, pp. 8-9.) An interesting report, "Civil Service in Oriental Possessions," by Everett E. Thompson, Examiner for the Civil Service Board, appears in the *Report* for 1904, I, 259-263. Bills providing for a general civil service pension fund were introduced during 1926, 1927, 1928 and 1929. That of 1927 was passed by the Legislature but vetoed because "its provisions were manifestly unsound financially." *Report of the Governor-General*, 1927, p. 23.

[19*] Act No. 2589, February 4, 1916. The law was continued from year to year until 1926, when it was amended so as to omit the date before which resignation and application for retirement were required. Act No. 3304, December 2, 1926.

[20] *First Annual Report of the Commissioner of Civil Service*, p. 20.

[21*] The Constabulary retirement system dated back to 1903 (Act No. 618, Philippine Commission, February 6, 1903), but the law governing in 1935 was Act No. 1638, April 30, 1907, as amended by section 874 of the *Revised Administrative Code*. The teachers' retirement system was established by Act No. 3050, March 10, 1922; and the Health Service pensions by Act No. 3173, November 24, 1924.

[22*] Executive Order No. 22, March 17, 1936. It is interesting to note that President Quezon appointed as chairman of this committee the Hon. Salvador Lagdameo, who had served in like capacity on Governor-General Murphy's pensions committee and as a member of the Teachers' Pension and Investment Board. Dr. Luis R. Salvosa, the actuary who had been employed by the Teachers' Pension and Investment Board to make an actuarial study of the teachers' fund, was also a member and the secretary of President Quezon's committee.

[23] The Government Service Insurance System was created by Commonwealth Act No. 186, November 14, 1936. The liquidation of the Teachers' Retirement and Disability Fund, the Pension and Retirement Fund of the Philippine Constabulary, and the Health Pension and Retirement Fund was provided for, respectively, by Commonwealth Acts Nos. 187 and 188, and 189, November 14, 1936.

[24] Ralston Hayden, "Higher Officials in the Philippine Civil Service," cited.

[25*] *Revised Administrative Code* (Act 2711, March 10, 1917, as amended by Act No. 2803, February 28, 1919), sec. 79. The Code provides that there shall be in each department one or more under-secretaries as the appropriation acts may provide. During recent years the heads of a number of services not within one of the cabinet departments have been given the rank and pay of an under-secretary, as for instance, the Commissioner of the Civil Service. The Commissioner of Health and Welfare in the Department of Public Instruction was, in effect, a second under-secretary in this Department.

[26*] In 1928 the salaries of the under-secretaries were fixed at ₱8,500 per annum. Act No. 3437, November 28, 1928. The bureau chiefs received a maximum of ₱7,500. The economic depression caused a substantial reduction in these and other civil service salaries, but in the budget for 1938 they were substantially restored to the earlier level. In 1940 the salary of an under-secretary was ₱9,000. Chiefs of first-class bureaus were paid ₱7,200; but in a number of instances this stipend might be increased to ₱9,000, with the approval of the President.

[27] See Frank O. Lowden, "Permanent Officials in the National Administration of the United States," *American Political Science Review*, XXI (August, 1927), 531.

[28] Governor-General Leonard Wood to the Secretary of War, July 19, 1923. "Cable sent, No. 494," *Report of the Governor-General*, 1923, p. 37.

[29*] Governor-General Wood sought to appoint all of them full Secretaries of Department in 1925, but was blocked by the Philippine Senate. *Ibid.*, 1925, p. 4.

[30] *Ibid.*, 1923, p. 3.

[31] President Manuel L. Quezon to the Honorable Benigno S. Aquino, Chairman, Commission on Appointments, Philippine National Assembly September 2, 1936. *Messages of the President*, Vol. 2, Part I, p. 234. The law authorizes the President either to assume himself the vacant portfolio or to designate one of the other Secretaries of Department as Acting Secretary of the vacant Department.

[32] Ralston Hayden, "Higher Officials in the Philippine Civil Service." Cited.

[33*] Dr. Alexandro Albert, the universally respected Under-Secretary of Education, was appointed to that post in 1917 after having served for 17 years upon the faculty of the Liceo de Manila. He served with credit to himself and his people until after the establishment of the Commonwealth, when failing health caused his resignation.

[34*] This was one of the reasons given for the reorganization of the executive departments under the Jones Act. See *The Filipino Appeal for Freedom*, p. 22. House Document No. 511, 67th Congress, 4th Session.

[35] Worcester and Hayden, *op. cit.*, p. 700.

[36*] For the facts concerning this phase of "Filipinization" with estimates of its results see Worcester and Hayden, *op. cit.*, chap. xxxvi; W. C. Forbes, *The Philippine Islands* (Boston, 1928), Vol. II, chap. xxi; D. R. Williams, *The United States and the Philippines* (New York, 1926), chap. vii; Harrison, *op. cit.*, chap. vi; M. M. Kalaw, *The Development of Philippine Politics, 1872-1920* (Manila, 1926), chap. xii; "Report of the Governor-General, July 1, 1913-December 31, 1914," *Report of the Philippine Commission*, 1914, pp. 14-31; *ibid.*, 1915, pp. 27-31.

NOTES OF CHAPTER VII *

[1] The President's Committee on Administrative Management, *Report of the Committee with Studies of Administrative Management in the Federal Government*. Washington, 1937.

The President's Committee on Administrative Management was composed of Dr. Louis Brownlow, Director, Public Administration Clearing House, Chicago (Chairman); Professor Charles E. Merriam, Chairman, Department of Political Science, University of Chicago; and Dr. Luther H. Gulick, Director, Institute of Public Administration, New York.

[2] *Official Gazette*, Vol. XXXIX, No. 2 (January 4, 1941), pp. 45-48.

[3*] By Executive Order No. 144, dated March 17, 1938, President Quezon abolished the Council of State created in 1928 by Governor-General Stimson (Executive Order No. 130, August 30, 1928) and, at the same time, created a new and much enlarged Council of State. In the Executive Order of March 17, 1938, the following officials were appointed members of the Council "with authority to sit and take part in the deliberations of the Council at such meetings to which they may be specifically summoned by the President": the Auditor General; the Commissioner of the Budget; the Chief of Staff of the Philippine Army; the Commissioner of Civil Service; the Philippine Sugar Administrator; the National Relief Administrator; the President of the University of the Philippines; the members of the National Economic Council; the Chairman of the National Council of Education; the Managers of the Philippine National Bank, National Development Company, Manila Railroad Company, National Rice and Corn Corporation, and National Loan and Investment Board.

The new Council of State has met infrequently. On April 30, 1938, it was summoned to Malacañan for the first time, to discuss the 1939 budget. In September, 1939, emergency sessions were called to consider the effects of the European war on the Philippines. Philippine papers mention a meeting in February, 1940, during which the proposed 1941 Exposition was discussed.

For a discussion of the Harrison Council of State (created by Executive

* *Chapter VII (National Administration and Finance) begins on page 144.*

Order No. 37, October 16, 1918) and the Council created by Governor-General Stimson, see Worcester and Hayden, *op.cit.*, chaps. xxxvii, xxxix, *passim*. After Governor-General Stimson's administration the Council of State gradually declined in importance. During the Murphy regime it met only three or four times and then only to give more or less *pro forma* assent to decisions already reached by the Governor-General, the Cabinet and the legislative leaders.

[4] *Report of the President's Committee on Administrative Management*, p. 5.

[5] MS minutes of the Cabinet meeting held May 22, 1935.

[6] Public Act No. 240, 64th Congress, sec. 21.

[7*] For accounts of the budget system as it operated up to 1923, see *Statement of the Commission of Independence to the Special Mission to the Philippine Islands*, Publications of the Independence Commission, Bulletin No. 3 (Manila, 1931), pp. 15-16; and *The Filipino Appeal for Freedom*, House Document No. 511, 67th Congress, 4th Session, pp. 26-28.

[8] Quirino E. Austria, "The Budgetary System of the Philippine Commonwealth," *Philippine Social Science Review*, II (July, 1935), 2, 3.

[9*] The Budget Commission was established by Executive Order No. 25, April 25, 1936, under authority of Commonwealth Act No. 5, December 31, 1935. The Constitution provides: "Sec. 9. (1) The President shall submit within fifteen days of the opening of each regular session of the National Assembly a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The National Assembly may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget except the appropriations for the National Assembly and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law." The form of the budget is prescribed by Commonwealth Act No. 246, December 17, 1937. By Commonwealth Act No. 549, May 26, 1940, the office of Deputy Commissioner of the Budget, with salary of ₱9,000 per annum, was created.

[10] *Annual Report of the Budget Commission*, 1938, p. 7.

[11] Constitution of the Philippines, Article X; Commonwealth Act No. 522, May 26, 1940.

[12*] Constitution of the Philippines, Article X; Ordinance Appended to the Constitution, sec. 14.

Commonwealth Act No. 327 (June 18, 1938) fixes the time within which the Auditor General shall render his decisions and prescribes the manner of appeal therefrom. The statute provides that appeal may be made within thirty days, (a) To the President of the United States, pending the complete and final withdrawal of United States sovereignty over the Philippines, or (b) To the President of the Philippines if the appellant is a private person or entity. It has been suggested that this law might be interpreted so that if the aggrieved party appealed to the President of the Philippines and lost, he would, under the Philippine statute, be deprived of his right under the Independence Law to appeal to the President of the United States. No case turning on this point has as yet come up for decision.

[13*] Information furnished by the U. S. Department of the Interior. The regulations under which appeals are made from the decisions of the Auditor General of the Philippines to the President of the United States are prescribed in Executive Order No. 8135 issued by the latter dated May 15, 1939, and amended by Executive Order No. 8445, of June 15, 1940. Among other things, this order provides that if the High Commissioner, "acting for and on behalf of the President of the United States," shall concur in the decision of the Auditor General

this decision shall be final. Otherwise the appeal is transmitted to the American President, with the recommendations of the High Commissioner, for final decision.

[14a] For a discussion of the formulation of Article X, which provides for the General Auditing Office, see Aruego, *op. cit.*, Vol. II, chap. xxxvii. As is pointed out by Professor Aruego, the office of the Auditor was established by the executive order of the President of the United States of May 8, 1899. It is thus one of the oldest institutions of the Philippine Government as organized during the American regime.

[15] Commonwealth Act No. 320, June 9, 1938.

[16a] *Report of the Budget Commission*, 1938, p. 9. For a thoughtful presentation of the issues involved in this transfer see the memorandum prepared for the President by the Commissioner of the Budget on the subject, "The Accounting Offices; Their Consolidation with the Auditing Offices not Advisable," *ibid.*, App. M, pp. 89-103.

[17] *Second Annual Report of the United States High Commissioner to the Philippine Islands* (Washington, 1939), p. 36.

[18a] Commonwealth of the Philippines, *Budget for the Fiscal Year 1942, Submitted by The President of the Philippines to the National Assembly on February 11, 1941*, p. 44. Manila, 1941. The comparison of the 1942 estimates with the 1935 expenditures for salaries and wages is not absolutely exact, because meanwhile a different procedure for arranging positions under the classification "salaries and wages" had been introduced. The significance of the comparison, however, is not diminished by this fact. Although fair comparisons in this field are difficult to make, it is safe to say that the proportion of Philippine expenditure for salaries and wages is high, as compared with the accepted norms under American conditions.

[19] Data from the annual budgets of the Philippine Commonwealth.

[20] *Budget for 1935 of the Government of the Philippine Islands* (Manila, 1934), p. 11.

[21] *The President's Special Message*, February 11, 1941 (budget message), Commonwealth of the Philippines, *Budget for the Fiscal Year 1942*, pp. xi-xvi.

[22] *Second Annual Report of the United States High Commissioner to the Philippine Islands* (covering the calendar year 1937, with a review of government finances for the years 1935-36-37), p. 1.

[23a] The only restriction placed by the Revenue Act of 1934 upon the coconut excise tax revenue transferred to the Philippine treasury was to prohibit the use of any of it to subsidize the Philippine producers of coconuts and their derivatives. Before the funds in question were released to the Philippine Government, an understanding as to the general purposes for which they were to be expended was reached by President Quezon and Assistant Secretary of State Francis B. Sayre. (Department of State Release, June 23, 1937.) These purposes were worthy and in the long run (much longer than ten years) might be expected to aid the Philippines to become economically independent of the United States. In the meantime, they were bound to increase the annually recurring overhead expenses of the government and produce an abnormal situation in Philippine economy. The first use made of the funds when they became available in the Philippines was "the accounting of ₱26,840,000 to 'replenish' the general fund for expenditures made and appropriations pending, many of them prior to the first transfer of these funds to the treasury." (*Report of the High Commissioner*, 1937, p. 90.)

In response to Mr. McNutt's recommendations, and those of the Joint Preparatory Committee on Philippine Affairs (JPCPA, *Report*, I, 168), Congress in

the Act of August 7, 1939, amending the Tydings-McDuffie Act sought to safeguard the expenditure of the funds in question. Congress provided that these moneys (and any moneys thereafter appropriated under section 503 of the Sugar Act of 1937) collected after January 1, 1939, and accrued prior to July 4, 1946, should be "used for the purpose of meeting new and additional expenditures which will be necessary in adjusting Philippine economy to a position independent of trade preferences in the United States and preparing the Philippines for the assumption of the responsibilities of an independent state. . . ." The portion of such funds expended by the Commonwealth, the law required, should be budgeted, appropriated, and accounted for separately from other moneys of that Government. Also it was provided that if the President of the United States should find that the Commonwealth Government has failed or is about to fail to meet these or other requirements regarding the expenditure of these funds, he shall cause to be withheld further payments, temporarily or permanently. (Public Law No. 300, 76th Congress, 1st Sess., sec. 19.) The prohibition against the use of any of these funds to aid the Philippine coconut industry was also somewhat relaxed.

This legislation in effect made the President, presumably acting upon the advice of the High Commissioner, responsible for seeing to it that the relatively huge sums which Congress so lightly turned into the Philippine treasury should be spent in such a fashion as to accomplish the Congressional purpose.

For a statement of the appropriations of coconut excise tax funds up to June, 1939, and amounting to ₱163,071,295.50, see a list of such appropriations furnished by the Department of State and included in an extension of the remarks of the Honorable Fred L. Crawford of Michigan in the *Congressional Record*, Vol. 84, No. 155, August 1, 1939, pp. 148886-148887, daily *Record*.

[24] Commonwealth of the Philippines, *Budget for the Coconut Oil Excise Tax Fund Collected on and after January 1, 1939, Fiscal Year, 1940* (Manila, 1940), p. 7. The coconut oil excise tax budget for 1942 totals approximately thirty-three and one half million pesos.

[25] Figured from the Budget for the Coconut Oil Excise Tax Fund, 1940-1941, cited.

[26] Public Act No. 300, 76th Congress, Chapter 502, 1st Session, sec. 19(d).

[27] Data from the annual message of President Quezon, January 31, 1941.

[28] Budget for the Fiscal Year 1942, p. 19.

[29] *Ibid.*, p. 39.

NOTES OF CHAPTER VIII *

[1] *Report of the Philippine Commission*, 1900, I, 75-76.

[2] *Political Constitution*, Articles 34, 35. (*Report of the Philippine Commission*, 1900, I, 193.) See L. H. Fernandez, *The Philippine Republic*, chaps. iii, iv, *passim;* and M. M. Kalaw, *The Development of Philippine Politics (1872-1920)*, pp. 132 ff., for scholarly accounts of the Malolos Congress and its work.

[3] Jorgé Bocobo, "Felipe G. Calderon and the Malolos Constitution," *The Filipino People* (Washington, D. C.), September, 1914. Cited in Fernandez, *op. cit.*, p. 97; see also J. R. M. Taylor, *Philippine Insurgent Records*, Vol. II, 2 AJ. (Cited in Kalaw, *op. cit.*, p. 121.) Taylor, whose attitude towards the government of the

* *Chapter VIII (The Philippine Legislature) begins on page 164.*

Republic was extremely critical, declared that "the men who composed this body were among the ablest natives of the archipelago."

[4] Public Act No. 235, July 1, 1902, sec. 7.

[5] Public Act No. 240, 64th Congress (August 29, 1916), secs. 13, 14, 16. Representatives were required to be over twenty-five years of age, Senators over thirty.

[6] Constitution of the Philippines, Article VI, sec. 1. This section provided that the members of the National Assembly should not exceed 120 and that the Assembly should make an apportionment within three years after the return of every census enumeration and not otherwise.

[7] Public Resolution No. 38, September 15, 1939 (*Official Gazette*, XXXVII [October 21, 1930], 2590), Article I, as amended by Public Resolution No. 73, April 11, 1940 (*Official Gazette*, XXXVIII [May 23, 1940], 1281). The approval of the amendments by the electorate was certified by the National Assembly in Public Resolution No. 123, July 12, 1940.

[8] *Legislative Procedure of the Philippine Commission* (Manila, 1911). Cited in J. M. Aruego, "The Philippine Commission: A Study of the Development of Administration in the Philippines" (MS thesis in the Library of the University of Chicago, 1926), p. 73.

[9] R. Regala, "The Development of Representation in the Philippines," *Philippine Law Journal*, VI (September, 1931), 65.

[10] Sergio Osmeña, *The Problem of Democratic Government in the Philippines—Its Salient Aspects* (Washington, D. C., 1925), p. 7.

[11] C. B. Elliott, *The Philippines: To the End of the Commission Government*, p. 125.

[12] See Forbes, *op. cit.*, Vol. I, chaps. xiii and xiv, *passim*, for Governor-General Forbes' discussion of the Philippine Assembly and its position in the government.

[13] A highly critical description of the Philippine Assembly and its relation with the Commission, containing examples of several of the types of measures mentioned, is to be found in Worcester and Hayden, *op. cit.*, chap. xxv.

[14] See pp. 358-60, *infra*.

[15] *Speech of the Speaker of the Philippine Assembly at San Miguel de Mayumo, P. I., May 7, 1910* (Manila, 1910), p. 16. The criticisms referred to are discussed in J. A. Robertson, "The Extraordinary Session of the Philippine Legislature and the Work of the Philippine Assembly," *American Political Science Review*, IV (November, 1910), 516.

[16] Statement of Senator Sergio Osmeña in the *Manila Daily Bulletin*, September 28, 1931.

[17] See *Directorio Oficial de la Asamblea Nacional* (*Primera Asamblea Nacional, Primer Periodo de Sesiones*) (Manila, 1938), pp. 26-28.

[18] Matthew Thomlinson, "A Personnel Study of the Philippine Legislature," p. 77. MS thesis, University of Michigan, 1933.

[19] The Steering Committee might be regarded as an exception, but its chairman exercised his power primarily as majority floor leader.

[20] Memorandum from the Chief Clerk of the Philippine Senate, dated August 17, 1931.

[21] This discussion of the organization of the House of Representatives in 1931 is based upon contemporary newspaper reports, as follows: The *Manila Daily*

Bulletin, August 8, 27, 29, 1931; the *Philippines Herald*, August 6, 27; *The Tribune*, July 30.

[22] See, as an example, the *Reporter*, Manila, July 13, 1931.

[23] See, for example, an editorial in the *Manila Daily Bulletin*, November 12, 1931.

[24] For example, in 1929 an acrimonious dispute arose between the Steering Committee on the one hand and the Rules Committee on the other. At that time the Steering Committee attempted to undertake the work of outlining and developing the legislative program of the lower house and to assume responsibility for the arrangement of the order of business. Apparently when the committee had been created the intention had been that it should take over many of the powers of leadership which had previously concentrated in the Speaker. It did not immediately undertake the duties of leadership in putting through the legislative program, however, the Rules Committee continuing to be the instrument through which the leaders secured priority for the consideration of bills which they wished to pass the House. The Steering Committee now proposed the Rules Committee should not be allowed to place any bill on the calendar without its previous sanction. Finally, it was agreed that the two committees in joint sitting (but each committee voting separately) were to decide on the bills to be reported by the other committees and the order in which bills were to appear on the calendar. In case of deadlock, the matter should be taken to the house majority caucus for final decision. Quirino Austria, *op. cit.*, pp. 151-157; also MS notes of conversations with the Speaker of the House of Representatives dated July 27, 1931. Hayden Collection.

[25] See, for example, Robert Luce, *Legislative Assemblies* (Boston, 1924), pp. 513-14.

[26] The *Manila Daily Bulletin*, October 27, 1930.

[27] Luce, *op. cit.*, pp. 513-514.

[28] The *Manila Daily Bulletin*, November 24, 1934, commented as follows on the alleged irregularities committed by conference committees during the final days of the session of 1931: "But when it is reported that conference committees, acting under plenary powers, are doing so and so with bills, it is time to stop and ask what plenary powers have been given and can be given to constitute any committee higher than the Legislature. . . . If the so-called conference committees are to redraft bills or modify them in any degree, why not leave the whole matter of legislation to these committees?"

House Rule XIII, 4, provided that except on the last six days of the session it should not be in order to take into consideration the report of a conference committee until copies of the report and an accompanying statement should have been distributed among the Representatives. The fact that nearly all conference committees reported during the last few years of the session made this valuable rule nearly a dead letter.

[29] See the *Manila Daily Bulletin*, November 18, 29, and December 8, 9, 1932. Also, Leonard Wood to the Secretary of War, April 3, 1924, in *Report of the Governor-General*, 1923, pp. 31-32. Referring to the delay which had occurred in submitting to the Governor-General bills which had been passed by the Legislature, General Wood reported:

"Upon inquiries being made as to the delay in the printing and presentation of these bills, it was learned that said bills had not yet been presented to the translator for the proper English translation, and *were held in the office of the President and Speaker for revision.*" [Author's italics]

In a dispatch dated December 7, 1932, the Manila correspondent of the

New York Times declared: "An explosive debate at three successive caucuses revealed wholesale tampering and fixing of many bills passed during the session, including several already signed by the Governor General. Among the doctored measures were the general tariff revision, which mysteriously lost its cotton schedule, and the general pension law, which, Representatives openly allege, was changed at the behest of the bureau director after the passage of the public works bill.

"Governor General Theodore Roosevelt praised the session highly upon its conclusion, but public opinion is rapidly concluding that it was the worst in recent years.

"The press speaks openly of 'legislative iniquity,' while it is now known that the real reason Mr. Roosevelt was obliged to call a special session was simply because the budget was unbalanced as a result of excessive appropriations, insufficient economies and nonpassage of revenue bills. Even Mr. Roosevelt's message calling the special session cites the need to 'rectify errors.' Since it is now known that many bills were tampered with, charges of illegality are becoming stronger, but Mr. Roosevelt indicates that it is impossible now to veto the bills on these grounds, since they were correctly signed."

[30] *Manila Daily Bulletin*, December 12, 1934.

[31*] Lucas, *op. cit.*, p. 87. *The Report of the Governor-General*, 1926, contains a table giving substantially the information given above for the period 1922-1926. The figures for the years after 1926 are calculated from successive *Reports*. The *Report* for 1928 contains no data on this subject. The proportion of vetoes for the years 1932-35 was somewhat less than the average of the preceding decade.

[32] *Ibid.*, 1926, p. 23.

[33] *Ibid.*, 1929, p. 3.

[34*] See the *Manila Daily Bulletin*, December 3, December 7, 1932. In a letter to the Speaker of the House of Representatives explaining the purpose of the special session, Governor-General Roosevelt stated: "I am calling a special session on December 7th because due to the enormous press of vitally important business that came before the last session, there are some inadvertent defects in a few of the important bills approved which, I am convinced, the Legislature will be anxious to rectify. There are measures on which I believe the intent of the Legislature is not borne out by the text of the bills." Quoted in the *Bulletin*, December 6, 1932.

[35] *Report of the Governor-General*, 1923, p. 32.

[36] *Ibid.*, 1929, p. 3.

[37] Luce, *op. cit.*, p. 406.

[38] *Manila Daily Bulletin*, November 12, 1931.

[39] See, for example, the statements of Representative Pedro Sabido, majority floor leader, in the *Manila Daily Bulletin*, October 20, November 12, 1931.

[40*] *Report of the Governor-General*, 1928, p. 8. Governor-General Stimson, however, even in this year of successful cooperation, recognized the evil effects of the congestion of business which marked the end of the legislative session. "With a few simple amendments to the rules of procedure of the two houses aimed to prevent the pressure and confusion of its final days of session," he declared, "a situation could be reached in another year in which very few, if any vetoes would be required, and the technical character and draftsmanship of bills greatly improved."

[41] *Ibid.*, 1927, p. 93.

NOTES OF CHAPTER IX*

[1] See pp. 438-40, *infra.*

[2] Aruego, *op. cit.*, I, 239; Cauderno, *op. cit.*, pp. 69-71.

[3*] *Ibid.*, p. 70. See also Cipriano Cid's series of articles reviewing the circumstances in which the unicameral legislature was decided upon in the *Manila Daily Bulletin,* August 22-25, 1939. Mr. Cid, a competent political writer who followed the proceedings of the Constitutional Convention at first hand and later studied the Convention's records and other documents on this subject, declares that a majority of the Convention favored a bicameral legislature but that they could not agree upon the form to be given the proposed senate.

[4] Cipriano Cid, "Bicameral System Hung on Turn of Fate in Constitutional Convention," *Manila Daily Bulletin,* August 23, 1939; Aruego, *op. cit.*, I, 238.

[5*] *Ibid.*, p. 242. In urging the revival of the Senate in 1940, President Quezon frequently declared that the creation of a unicameral legislature did not represent the considered judgment of the Constitutional Convention.

[6*] Mr. B. P. Garcia, a political writer for the *Manila Daily Bulletin,* declared in an article which appeared on October 30, 1934, that the economy argument was decisive in the Constitutional Convention. Wrote Mr. Garcia:

"On the other hand, the element of economy appears to be a very strong argument in favor of the unicameral legislature. It is generally conceded that the commonwealth as well as the republic will be up against it, financially, so that there will be need of saving every centavo possible. It was this argument ably presented in cold figures by Delegate Serafin Marabut, who is also chairman of the powerful house committee on appropriations, that won the necessary number to secure a majority when the bicameral and unicameral issue came to a head before the convention and the unicameralists emerged with flying colors."

Delegate Marabut was then quoted as having presented some very interesting data concerning Philippine legislative costs and their significance.

"According to Mr. Marabut's figures the maintenance of the two chambers of the law-making body of the Philippines has cost the people since 1916 the enormous sum of ₱30,309,304, of which ₱11,095,327 was spent for the senate and ₱19,215,977 for the house. In 1917, the year following the inauguration of the Philippine senate under the Jones law, the insular government realized a total revenue collection of ₱52,917,475. Of this the legislature spent for its own maintenance a total of ₱960,196, ₱350,412 for the senate and ₱609,784 for the house.

"In 1922, the year following that in which the insular government reached the peak in revenue collections which amounted to ₱94,148,373, the total expenditures of the legislature went up to the respectable sum of ₱2,298,699, of which ₱820,987 was for the senate and ₱1,477,682 for the house. Last year, with a total revenue collection of ₱58,047,374, the total expenditures for both houses amounted to ₱1,667,682, of which ₱602,047 was for the senate and ₱1,065,635 for the house.

"This means, according to Mr. Marabut, that it costs the Filipino people ₱25,679 yearly for the support of each senator and ₱11,120 for each representative. It also means that each of the 2,324 laws which was approved by the legislature during the same period of time has cost the Filipino people an average of ₱13,042.

"'If up to this time,' Mr. Marabut remarked, 'we have been able to support the luxury of a bicameral legislature, we owe it to the bountiful revenue collec-

* *Chapter IX (The Unicameral National Assembly) begins on page 199.*

tions resulting from the material prosperity which our country has been enjoying on account of the free trade with the United States. What concerns us now is to determine whether or not the amount of our government's income during the commonwealth period and during the first years of independence will permit the continuance of maintaining such an expensive legislative system as we now have.'"

[7] Cauderno, *op. cit.*, pp. 70-71, repeating a statement attributed to President Recto.

[8] *Valedictory Address of the Hon. Claro M. Recto, President of the Constitutional Convention,* Cauderno, *op. cit.*, App. A, p. 123.

[9] *Ibid.*

[10] Cauderno, *op. cit.*, p. 70.

[11] The Constitution (Article VI, sec. 1) provides that until an apportionment shall have been made, eighty-seven of the members are to be elected from the pre-existing representative districts, three from the Mountain Province, and one each from the other eight special provinces.

[12] Philippine Constitution, Article V, sec. 1.

[13] Quoted in Aruego, *op. cit.*, I, 216.

[14] *Second Annual Report of the President of the Philippines* (1937), p. 18.

For years President Quezon had been a staunch advocate of woman suffrage. Among the many appeals which he has made for its adoption in the Philippines, the following statement, issued prior to the suffrage plebiscite, is of particular interest:

"Almost every democratic country in the world today has woman suffrage; the Philippines cannot afford to be an exception.

"The common people, the farm laborers, the factory workers, and the small employees will be the first ones to be benefited by the extension of the vote to women, because the majority of these new electors, as is the case with the majority of male electors, belong to the class above mentioned, and, therefore, their influence in the Government will be greater and doubtless will be exerted in favor of measures and legislation that will promote their well-being. The women in the factories, in the barrios, and in the far-flung communities, who are qualified to vote, should all come out and vote for woman suffrage on the appointed day.

"Our cause in America will receive an added impetus when the American people learn that we have granted the right of suffrage to our women." Statement released to the press January 31, 1937, *Messages of the President,* Vol. 3, Part I, p. 313.

[15] Encarnacion Alzona, *The Filipino Woman* (Manila, 1934) is an interesting historical study of the place of woman in Philippine society.

[16] *Manila Daily Bulletin,* June 21, 1940; *Philippine Free Press,* June 29, 1940.

[17] See James K. Pollock, "Election Administration in Michigan," Supplement to the *National Municipal Review,* XXXIII (June, 1934), 346. The New York percentage is figured from the estimates of population and registration in *The Manual for the Use of the Legislature of the State of New York* (Albany, 1936), pp. 838 and 1015. The proportion probably is higher in both states in 1941.

Complete and reliable data concerning registration in the United States as a whole are not available. However, the estimated population eligible for registration in 1940 was approximately 82,000,000. Careful studies have shown that only about 85 per cent of those eligible for registration actually register. The estimated number of registered voters in 1940, therefore, was about 69,700,000 which is approximately 45 per cent of the estimated population of the United States as given in the preliminary report of the United States census for 1940.

[18] Constitution of the Philippines, Article VI, sec. 4.

[19*] "Rules of the Electoral Commission," *Rules of the National Assembly*, 1939, pp. 247-254. In order to facilitate its work, the Commission as a rule assigns cases to individual members for hearing and preliminary study, and then, after discussion, delivers its decisions *en banc*. Important decisions have been penned by the judicial members and in some instances dissenting opinions have been filed. Early in 1937 the Commission was publicly criticized for delay in rendering its decisions upon certain contests. Defending it against charges of undue slowness, Commissioner Gregorio Perfecto, the able Assemblyman from Manila, declared: "There never had been so many election cases as those submitted for decision to the Electoral Commission. There were in all 26 cases and some of them have required much labor and evidence, besides raising new and difficult legal questions. . . .

"In the case of Tolentino vs. Lopez, for instance, the Electoral Commission had to receive the testimony of several hundred witnesses and all knew that to conclude the work it required the Electoral Commission to hold continuous hearings in the morning, afternoon and evening, every day of the week, including Saturdays, Sundays and official holidays, said hearings often lasting until the early hours of the following morning." Quoted in "Electoral Commission Defended by Manila Solon," in *The Tribune*, July 1, 1937.

[20] Constitution of the Philippines, Article XII.

[21*] See pp. 49-50. By prohibiting imprisonment for non-payment of poll tax, one provision of the bill of rights (Article III, sec. 1(12)) made virtually impossible the continuation of the cedula tax or the imposition of any other form of poll tax.

[22] Constitution of the Philippines, Article VI, sec. 12(3). See for a discussion of this provision.

[23] *Ibid.*, sec. 14(1), (3).

[24] *Ibid.*, Article XIII, sec. 7.

[25] *Ibid.*, sec. 8.

[26] *Ibid.*, Article VI, sec. 9(2).

[27] *Ibid.*, sec. 12(1).

[28] *Ibid.*, sec. 12(2).

[29] *Ibid.*, sec. 9(1).

[30] *Ibid.*, sec. 11(2), (3).

[31] *Ibid.*, Article XIII, sec. 3.

[32] *Ibid.*, sec. 4.

[33] *Ibid.*, sec. 5.

[34] *Ibid.*, sec. 6. The National Assembly was also given mandatory instructions concerning the holding of plebiscites on the question of women's suffrage (Article V, sec. 1) and legislative apportionment (Article VI, sec. 1).

[35] *Ibid.*, Article VI, secs. 15, 16 and 14(2).

[36] *Ibid.*, sec. 7.

[37] *Rules of the National Assembly*, 1939, Rule V. The rules of the Commission on Appointments appear on pp. 257-263, and those of the Commission on Impeachment on pp. 267-273 of the above volume.

[38] Constitution of the Philippines, Article VI, sec. 8(2).

[39] See editorial, "The Commission on Appointments," in the *Manila Daily Bulletin*, July 7, 1936.

[40] *The Tribune*, July 2, 1936.

[41] *Ibid.*, December 21, 1935.

[42] Speaking of the article on legislative power, Delegate Manuel C. Briones, the chairman of the Convention's committee on that subject, had declared: "My theory is not likewise to make one power stronger than another power. I wish to adhere to the same essence of the presidential system, namely, the separation of powers—that the powers should be separate and none of them is superior to the others." Quoted in J. M. Aruego, *op. cit.*, I, 230. In voting down a motion to reject the Briones committee's proposal that "No Member of the National Assembly may hold any other office or employment in the Government without forfeiting his seat," the Convention deliberately closed the door to the establishment of a parliamentary system of government. *Ibid.*, I, 231.

[43] See p. 61, *et seq.*

[44] See p. 365, *et seq.* for a discussion of the party situation which existed at the end of 1935.

[45] Speaker Paredes' letter and President Quezon's reply are printed in full on the last page of *The Tribune* of November 7, 1935.

[46] See p. 436, *et seq.*

[47] Quoted in an account of the National Assembly caucus held November 27, 1935, *Manila Daily Bulletin*, November 28, 1935.

[48] Editorial, "Restiveness in the Assembly," *The Tribune*, April 12, 1936.

[49] *Ibid.*, March 19, 1938.

[50] Gil M. Montilla, the first Speaker of the National Assembly, was born in 1876, the son of one of the great sugar barons of Occidental Negros. Like other young aristocrats of the time, he was sent to Manila to study at the Ateneo. Graduating in a class which included a number of other young men who later became leaders in the new Philippines, he enrolled as a law student in the University of Santo Tomas. His studies being interrupted by the revolution, he became an active officer in the Filipino army and then as a public school teacher, provincial treasurer, municipal treasurer and president played an important part in the reconstruction of his province. Later, he served as a member of the lower house in the Third and Fourth Legislatures, as Governor of Occidental Negros, and in 1931 was elected to the Philippine Senate. Meanwhile, he had been a leader in the introduction of modern methods in the production and milling of sugar cane in the Islands and had become one of the outstanding figures in this great industry. Were it not for his solid achievements in administration, politics and business, Speaker Montilla might be known as a particularly attractive "playboy"; for he is an ardent sportsman and possesses a charm of personality which has been a great political asset.

[51] *Ibid.*, August 27, 1937.

[52] *Manila Daily Bulletin, The Tribune*, July 23, 1936.

[53] *Manila Daily Bulletin*, October 7, 1936.

[54] *Ibid.*, October 10, 1936.

[55] *Ibid.*

[56] *The Tribune*, December 6, 1936. For examples of the discussion provoked by the Committee on Third Reading, see also, the *Manila Daily Bulletin*, September 30 and October 7, 1936; February 18 and April 29, 1939; and *The Tribune*, October 7 and December 12, 1936; February 12, 1938.

[57] Rules VI, 1 (40), and XI, 8.

[58] See E. G. Aquino, "Library Legislation in the Philippines," *Proceedings of the First National Book Week in the 1934 Librarians' Convention*, pp. 71-72.

[59] Commonwealth Act No. 446, June 8, 1939, A, I, 55-59.

[60] *Manila Daily Bulletin*, July 20, 1938.

[61] *Ibid.*, June 23, 1938.

[62] From an editorial entitled, "Restorations in the National Assembly," *The Tribune*, March 13, 1936. See also other *Tribune* editorials: "The Threat to Popular Government," April 14, 1936; "Say No in the Name of the People," May 31, 1936; "The Challenge Before the Assembly," June 6, 1936.

[63] *Manila Daily Bulletin*, March 16, 1936.

[64] *The Tribune*, March 19, 1938. See also *ibid.*, November 20, 1937, and *Manila Daily Bulletin*, January 31, 1938.

[65*] For example, President Quezon was reported to have declared in a caucus held for the purpose of discussing the organization of the Second Assembly that, "During the past Assembly transaction of business with the assembly and assemblymen suffered delay in many cases because he had to meet nearly each and every one of the members, besides consulting with his own official advisers. The procedure required so much of his time and personal attention that his health was jeopardized." *Manila Daily Bulletin*, January 13, 1939.

[66*] The loyalty of Mr. Yulo to President Quezon was well understood. The anticipated results of his selection as Speaker and the choice of a "strong" politician as floor leader were clearly set forth in an article by B. P. Garcia, an able political writer of the *Manila Daily Bulletin*. Mr. Garcia observed:

"Considering the close relations which exist between President Quezon and Assemblyman Yulo, assemblymen see in this combination a happy omen for the next three years. They believe that to complete the picture there is need of making the floor leader a real power complementing that of the speaker.

"With a strong speaker and floor leader, each enjoying the privileges that are theirs by nature of their office, the assembly will become a real power as contemplated in the Constitution, and each and every member will command the respect not only of bureaucrats but of the public in general." *Manila Daily Bulletin*, November 23, 1938.

[67*] How little the alteration of the status of the speakership depended upon changes in the rules is shown by the fact that the only significant additional power formally vested in the Speaker was that of appointing the employed personnel of the Assembly, with authority to delegate this function to the Secretary thereof. The First Assembly vested this power directly in its Secretary. *Rules of the National Assembly*, 1939, Rule II, 2(e). The Rules also contain the provision that "In addition to those herein specified, the Speaker shall exercise such powers as are attached to his office as head of the Legislative Department of the Commonwealth." Rule II, 5.

[68*] *Manila Daily Bulletin*, January 13, 1939. As reported in an article by Cipriano Cid, headed "Leaders Get Powers Back," the selection of Secretary Yulo as Speaker was decided upon at a legislative caucus which was held immediately after a luncheon tendered by President Quezon to the assemblymen and the members of his cabinet. In this instance, as in all others, the President was reported to have disclaimed any concern over the internal affairs of the National Assembly. Wrote Mr. Cid: "With respect to the selection of the officers of the Assembly which at the luncheon yesterday noon was uppermost in the minds of his guests, Mr. Quezon announced himself as wholly disinterested, saying he was neither for nor against any one who had any aspirations for any of those positions and that the selection should be made by the assemblymen themselves. The President was reported to have remarked that if he intervened in the choice

of assembly officials he would be giving ground to the charge that the assembly is his 'rubber stamp.'"

[69] Rule XI, 5.

[70] Rule XI, 8.

[71] Rule VI, 2.

[72] *Ibid.* This rule also provides that any member who is the author of a bill or proposed resolution referred to a committee or, if there be several authors, the one designated by them, shall be considered as a member of the committee in relation to the consideration of such bill or resolution and others like them of a similar nature, but shall not have a vote in the committee.

[73] Rule VI, 3.

[74] Executive Order No. 144, March 17, 1938. See p. 886 n. 3 for a discussion of the reorganized Council of State.

[75] "Is Assembly Rubber Stamp or Not? Oppus and Solons Join in Query," *Manila Daily Bulletin*, January 27, 1939.

[76] See Cipriano Cid, "Leaders to Get Powers Back," *Manila Daily Bulletin*, January 13, 1939.

[77] Address of Speaker José Yulo at the inaugural session of the Second Philippine Assembly, *Manila Daily Bulletin*, January 24, 1939.

[78] A. H. Escoda, "Quezon Pleads for Senate as Assembly Check," *Manila Daily Bulletin*, May 27, 1940.

[79] *Ibid.*

[80] "Comments upon the Draft of the Constitution of the Philippine Commonwealth," a memorandum for His Excellency, the Governor-General, December 31, 1934. MS copy, Hayden Collection.

[81] *Manila Daily Bulletin*, May 20, 1939.

[82] *Ibid.*, May 15, 1940.

[83] B. P. Garcia, "Expect Quezon to Appear at Caucus Today," *ibid.*, August 28, 1939.

[84] *Ibid.*, April 29, 1940.

[85] In the caucus which preceded the Assembly vote on the amendments, Floor Leader Paredes made the following defense of the proposal to elect the senators at large:

"Some have expressed the fear that a senate composed of senators elected by the nation at large might give rise to the establishment in our country of a privileged class, which might become an oligarchy in the course of years. The argument at first appeared convincing and even tempting, but nothing is farther from the truth. It would be necessary to assume, first: that the directorate of the party have sold themselves to the rich; secondly, that the delegates of the Nacionalista party called upon to choose the nominees for senator have also met the same misfortune; and finally, that the Filipino people, or at least a majority of them, has trafficked in their votes, by sanctioning with them the identification of plutocracy." *Manila Daily Bulletin*, September 15, 1939.

[86] Address of President Quezon to the National Assembly, August 16, 1939. *Ibid.*, August 17, 1939.

[87] *Ibid.* Assemblyman Pedro Sabido declared, "We do not say that a unicameral system is bad; we say that it is good, but we sincerely believe that a two-chamber legislature is better. . . ." He then went on to advance the usual theoretical arguments for a second chamber. The *Philippines Herald*, September 12, 1939. The *Herald* conducted an editorial campaign for all three amend-

ments. Its arguments for a return to bicameralism were wholly theoretical. See editorial, "Recapitulation," in the issue of September 4, 1939. *The Tribune* prefaced an editorial advocating a return to unicameralism with the following tribute to the National Assembly: "The unicameral National Assembly . . . has done a splendid job, has performed the tasks which fell to it in a manner that reflects credit upon every member of the body. The work has, indeed, been done so well that one cannot say with justice that it would have been done better had the single chamber had the assistance of a second, and higher house." "For a National Senate," *The Tribune*, October 7, 1938.

[88] *Manila Daily Bulletin*, February 2, 1938.

[89] The data are from the appropriation acts for the years indicated: 1935, Act No. 4187, sec. 2, A, v, sec. 2, B, v; 1937, Commonwealth Act No. 38, sec. 2, A, ix; 1938, Commonwealth Act No. 245, sec. 2, A, v; 1939, Commonwealth Act No. 300, sec. 2, A, v; 1940, Commonwealth Act No. 446, sec. 2, A, v.

[90]* Constitution of the Philippines, Article VI, sec. 5.

Even the ₱3,000 which was allowed each Assemblyman for clerical assistance during the initial special session of the Joint Assembly was a substantial increase in the former appropriations for this purpose, and was denounced as "a subterfuge to circumvent" the constitutional limitation. For example, see the editorial, "Is This a Subterfuge," *The Tribune*, December 12, 1935. In July, 1936, President Quezon made a public statement denying the truth of newspaper accusations that Assemblymen were not only receiving the salary provided for them in the Constitution, but also the allowance of their clerks. The President supported his statement by a memorandum from the Auditor General certifying that the salaries of clerks of members were paid directly to the clerks and not to the members themselves. The memorandum also set forth: "There is no definite number of clerks employed by each member. Some have only one while others employ even more than 10, but the average is about 5 clerks for each member." For President Quezon's letter and the Auditor General's memorandum, see "Quezon Defends Assembly Members Against Salary Grabbing Charges," *Manila Daily Bulletin*, July 29, 1936. Naturally, Auditor General Hernandez did not go beyond the actual payments made to the clerks. He made no statement as to how many of these employees were the parents, wives, children, nephews or other *parientes* of the legislators, as often happens in Washington; nor did he indicate whether any of their salaries returned to Assemblymen by the "kick-back" route. The public, however, continued to assume that the clerical salaries constituted additional compensation for members of the Assembly, and when the allotment for this purpose was doubled, the cry "Salary grab!" again rang through the land.

[91] *Manila Daily Bulletin*, May 3, 1940.

[92] *Ibid.*, March 22, 1940.

NOTES OF CHAPTER X*

[1]* The most informing brief account of the Philippine system of law is Eugene A. Gilmore, "The Development of Law in the Philippines," *Iowa Law Review*, XVI (June, 1931), 465-479. For further information concerning the law and the courts in the Philippines, see George A. Malcolm, *The Government of the Philippine Islands*, chap. xi; José P. Laurel, *The Three Powers of Government under the Philippine Constitution* (Manila, 1936), chap. v; V. G. Sinco, *Philippine*

* *Chapter X (Philippine Justice) begins on p. 238.*

Government and Political Law, chaps. xv, xvi, xviii, xix, xx-xxviii; Forbes, *op. cit.*, Vol. I, chap. vii; Worcester and Hayden, *op. cit.*, chap. xv; E. N. Lazaro, "The Doctrine of Stare Decisis and the Supreme Court of the Philippine Islands," *Philippine Law Journal*, XVI (March, 1937), 404-419. The *Report of the Philippine Commission*, 1900-01, I, 93-92, is a primary source for the views of the Commission on the legal and judicial system of that time and for the early acts of the Commission regarding the law and the courts.

[2] See José P. Laurel, "Lessons to Be Derived by the Philippine Islands from the Legal History of Louisiana," *Philippine Law Journal*, II, 8-26; 63-95.

[3*] Gilmore, *op. cit.*, pp. 475, 477.

The codes in force in the Spanish Colonial Possessions in 1898 will be found in a series of translations published by the United States War Department, Division of Customs and Insular Affairs, in 1899, 1900 and 1901.

[4] George A. Malcolm, *The Commonwealth of the Philippines* (New York, 1936), p. 189.

[5*] The Court of Land Registration performed its highly technical and specialized functions with efficiency and dispatch and most Americans regarded its abolition as one of the most misguided acts of the Harrison administration. For one of the best accounts of the work of the court and the system for the registration of land titles under the Torrens system and by the cadastral process see Forbes, *op. cit.*, I, 314-329.

Between 1902 and 1906 the Court of Customs Appeals existed for the review of appeal of decisions of the Insular Collector of Customs, and of certain cases decided by the Secretary of Finance and Justice. See *ibid.*, p. 314.

[6*] In 1930 the Philippine Legislature provided for a Supreme Court of fifteen members. Feeling that the number was unnecessarily large, and not approving some of the names laid before it, the United States Senate refused to confirm the Presidential nominations for the additional seats and the size of the Court was again reduced to eleven. Meanwhile, through death and absence from the Philippines, the work of the Court was brought to a stop by the lack of a quorum. G. A. Malcolm, *The Commonwealth of the Philippines*, pp. 182-83; and "Manila High Court Ceases to Function," *New York Times*, April 30, 1931.

[7] Public Act No. 235, July 1, 1902, sec. 10; Public Act No. 240, August 9, 1916, sec. 27; Public Act No. 415, February 13, 1925, sec. 7; Public Act No. 127, March 24, 1934, sec. 7(6). See Sinco, *op. cit.*, pp. 313-315 for discussion of the jurisdiction of the United States Supreme Court in the Philippines.

[8] See Forbes, *op. cit.*, I, 311, n. 1 (table showing by years the number of judges, American and Filipino, of first instance and of land registration, 1902-1926).

[9] *De Lima* v. *Bidwell*, 182 U. S. 1 (1901); and *Downes* v. *Bidwell*, 182 U. S. 244 (1901).

[10*] The pioneering spirit in which Elihu Root dealt with the legal problems which were involved in the government of the islands acquired from Spain is revealed with new clarity in Professor Philip C. Jessup's fascinating biography, *Elihu Root* (New York, 1938), I, 345-48.

[11*] Upon his resignation from the Philippine Supreme Court in January, 1936, Mr. Malcolm became assistant legal adviser to the first United States High Commissioner to the Philippines. He is now, 1941, the Attorney General of Puerto Rico.

[12] Constitution of the Philippines, Article VIII, sec. 7.

[13] Aruego, *op. cit.*, I, 512-515; George A. Malcolm, *The Commonwealth of*

the Philippines, pp. 179-181; L. M. Tañada, *The Constitution of the Philippines*, p. 460.

[14] Judge Andrés Borromeo was such a judge. See *Borromeo* v. *Mariano*, 41 Phil. 327, quoted in Tañada, *op. cit.*, p. 460. So was Judge Pedro Conception, later appointed by President Quezon as the first President of the Court of Appeals and to the Supreme Court. See *Conception* v. *Paredes*, 42 Phil. 529, cited in G. A. Malcolm, *The Commonwealth of the Philippines*, p. 181.

[15] *Report of the Philippine Commission*, January 1, 1900, I, 125.

[16] *Dorr* v. *United States*, 195 U.S. 138 (1904). The leading cases upon the same subject for Hawaii and Puerto Rico, respectively are: *Hawaii* v. *Mankichi*, 190 U.S. 197 (1903); and *Balzac* v. *Porto Rico*, 258 U.S. 298 (1922).

[17] *Balzac* v. *Porto Rico*, 258 U.S. 298 (1922).

[18] See Sinco, *op. cit.*, pp. 311-12.

[19] *Ibid.*, p. 312.

[20] Letter of President Manuel L. Quezon on appointment of justices of the peace, March 16, 1936. *Messages of the President*, Vol. 2, Part I, p. 155 *et seq.*

[21] Speech delivered by President Quezon at Tacloban, Leyte, June 10, 1938. *Ibid.*, Vol. 4, Part I, pp. 73-4.

[22] Constitution of the Philippines, Article VIII, sec. 2.

[23*] Justices of the Supreme Court are removable by impeachment. Justices of the Court of Appeals and judges of first instance may be removed by the President, in case sufficient cause shall exist, in the judgment of the Supreme Court. A judge may be suspended by the President pending proceedings against him. *Revised Administrative Code*, sec. 173. Justices of the peace may be removed from office or otherwise disciplined by the President upon recommendation of the judge of first instance within whose district the court of the justice is situated, or upon his own motion. *Ibid.*, sec. 229.

[24*] The Philippine judicial salary schedule for the courts of record is as follows:

Chief Justice of the Supreme Court	₱16,000
Associate Justices of the Supreme Court	15,000
Presiding Justice of the Court of Appeals	13,000
Other Justices of the Court of Appeals	12,000
Senior Judge of the Court of Industrial Relations	11,000
Other Judges of the Court of Industrial Relations	10,000
Judges of the Courts of First Instance	10,000

Data from Commonwealth Act No. 446, June 8, 1939 (Appropriation Act for 1940).

[25*] Commonwealth Act No. 536, May 26, 1940. A Justice of the Supreme Court who has retired at the age of sixty may be called upon by the President to perform duties in any branch of the government without additional compensation. Associate Justice Pedro Conception (retired) was called upon by President Quezon in 1940 to serve as the first chairman of the newly created Commission on Elections.

[26] *First Annual Report of the President of the Philippines* (1936), pp. 20-23.

[27] Commonwealth Act No. 259, April 7, 1938.

[28] Commonwealth Acts No. 348, August 19, 1938; and No. 545, May 26, 1940.

[29] Commonwealth Act No. 361, August 22, 1938.

[30] Commonwealth Act No. 254, March 4, 1938.

[31] *Third Annual Report of the President of the Philippines* (1938), p. 14.

[32] See *Revised Administrative Code*, chap. 43, *passim*.

[33] Act No. 4007, December 5, 1932, sec. 19.

[34] *Revised Administrative Code*, Articles 1659-66, as amended.

[35] Commonwealth Act No. 350, August 22, 1938.

[36*] Commonwealth Act No. 544, May 26, 1940. No person may be appointed district attorney unless he possesses the qualifications prescribed by law for judges of courts of first instance. The salary of a district attorney is ₱8,000, which is approximately midway between that of a fiscal and that of a judge of first instance.

[37] A brief, clear account of the French institution of the parquet is given in R. C. K. Ensor, *Courts and Judges in France, Germany and England* (Oxford, 1933), pp. 33-35 and Appendix E. For more extended treatment, see René Morel, *Traité élémentaire de Procédure civile* (Paris, 1932); and René Garrand, *Traité théorique et practique d'instruction criminelle et de procédure pénale* (Paris, 1907), I, 171 *et seq.*; L. Duguit, *Traité de Droit Constitutionnel* (3rd ed., Paris, 1930), III, 23 ff. and 63 ff.; and H. Levy-Ullman and B. Mirkine-Guetzévitch, *La Vie Juridique des Peuples: France* (Paris, 1933), pp. 343 ff. See also, O. S. Tyndale, "The Organization and Administration of Justice in France," *Canadian Bar Review*, XIII (1935), 569 ff.

NOTES OF CHAPTER XI *

[1*] *Census of the Philippines, 1939, Special Bulletin No. 1.* There are also two island sub-provinces. For their organization see *Revised Administrative Code*, chap. 56, Article XI, as amended.

[2] See *ibid.*, Article XII, and chap. 63, for the basic law regarding special provinces.

[3*] The township was formerly a unit of government in the Philippines and the township law is included in the *Revised Administrative Code* as chap. 58. This chapter, however, was repealed by Act No. 2824 (March 5, 1919), section 6; and in section 2 of the same act townships were abolished in the provinces organized under the general law. In 1919 provision was made for the incorporation of townships into existing municipalities or their organization as new municipalities. See *ibid.*, p. 989.

Christian settlements in frontier territory which were too small to be organized as barrios were formerly designated as "settlements" or *rancherias* and given a simple form of government. The abolition of these units was provided for by the act cited above. In the frontier areas a small group of houses, or sometimes even a single house, is often called a *sitio*.

[4*] In his instructions to the second Philippine Commission, April 7, 1900, President McKinley directed that body "to devote their attention in the first instance to the establishment of municipal governments in which the natives of the Islands, both in the cities and in the rural communities, shall be afforded the opportunity to manage their own affairs to the full extent of which they are capable and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order and loyalty."

[5] *Report of the Philippine Commission*, 1900, I, 87-92.

* *Chapter XI (Local Self-Government) begins on p. 261.*

[6] Constitution of the Philippine Republic, Article 57, as cited, *ibid.*, p. 91.

See José P. Laurel, *Local Government in the Philippine Islands* (Manila, 1926), chaps. ii-v, for an excellent account of local government under pre-Spanish and Spanish times, and during the Philippine Republic.

[7] *Report of the Philippine Commission*, 1900, I, 91.

[8] General Order No. 43, Series of 1899, Office of the United States Military Governor in the Philippine Islands, August 8, 1899.

[9] General Order No. 40, Series of 1900, Office of the United States Military Governor in the Philippine Islands, March 29, 1900.

[10] Act No. 82, January 31, 1901.

[11] Act No. 83, Feb. 6, 1901, known as the Provincial Code. "The general provincial act did not, by its terms, apply to any particular province, but left the application to particular provinces to be made by special acts. The commission reached the conclusion that it would aid in the pacification of the country; would make the members of that body very much better acquainted with the country, with the people, and with the local conditions and would help to educate the people in American methods, if the commission went to the capital of each province and there passed the special act necessary to break the provincial government and made the appointments at that time. Accordingly the commission visited thirty-three provinces." *Report of the Philippine Commission*, 1901, I, p. 10. An interesting contemporary account of the drafting of this legislation and of the journey through the provinces will be found in Judge D. R. Williams' delightful collection of letters, *The Odyssey of the Philippine Commission* (Chicago, 1913). It had been intended to follow the same procedure in establishing the provincial governments. Conditions improved so rapidly, however, and the demand for civil local government was so strong that this plan was abandoned. The work of municipal organization and inauguration was in most cases performed under the direction of the provincial governors.

[12] *Report of the Philippine Commission*, 1901, I, p. 9.

[13] The number of municipalities has varied between about 850 and about 950. At the end of 1923 there were 859 municipalities and 82 municipal districts in the Philippines. Sixteen of these belonged to the first class (25,000 inhabitants and 18 councilors), 45 to the second class (18,000–25,000 inhabitants, 14 councilors), 209 to the third class (10,000–18,000 inhabitants, 10 councilors), 589 to the fourth class (less than 10,000 inhabitants, 8 councilors). Manila and Baguio have always been chartered cities, each governed under a separate law. Since 1935 Cebu, Iloilo, Zamboanga, Davao and Bacolod, Tagaytay, Quezon City (a new political entity adjacent to Manila), San Pablo, Cavite, and Dansalan have also received special charters in the municipalities numbered.

[14] Act No. 3261, December 7, 1925.

[15] *Report of the Philippine Commission*, 1901, I, 32.

[16] *Ibid.*, 1906, I, 156.

[17] *Ibid.*, 1907, I, 201. From 1903 on, a very large proportion of citizens who possessed the electoral qualifications actually registered. Not only is the franchise highly esteemed, but in the early days a man's vote possessed a distinct material value in many districts. Furthermore, in many provinces the rival political factions saw to it that every possible voter qualified, and in many instances forced onto the register additional persons who were not legally entitled to vote. An especially common method was to secure the registration of a voter under the property qualification by grossly over-estimating the value of his possessions. On the other hand, some persons who were legally entitled to be registered were kept off the books by partisan officials. The Jones Act extended the franchise to include all

male citizens who are able to read and write a native language. In the elections of 1922, 812,611 voters were registered. This number constituted a little over nine per cent of the population of the Christian provinces, and about 40 per cent of the males of voting age. In 1940 there were approximately 2,700,000 registered electors, including women possessing the regular qualifications.

[18] *Report of the Philippine Commission*, 1900, I, 91.

[19] *Ibid.*, 1909, I, 83.

[20] *Ibid.*, 1916, p. 7.

[21] The Commission explained its plan and its hopes thus: "We have thought that by establishing a form of municipal government practically autonomous, with a limited electorate, and by subjecting its operations to the scrutiny and criticism of a provincial government in which the controlling element is American, we could gradually teach them the method of carrying on government according to American ideas. In the provincial government Filipinos are associated intimately with Americans and in the central government the same thing is true. As the government proceeds this association in actual government will certainly form a nucleus of Filipinos, earnest, intelligent, patriotic, who will become familiar with practical free government and this saving remnant will grow as the years go on and it will be the hope of this people." *Ibid.*, 1901, I, 21.

[22] C. B. Elliott, *The Philippines to the End of the Commission Government* (Indianapolis, 1917).

[23] *Report of the Philippine Commission*, 1907, I, 44-45.

[24] Act No. 2501, February 5, 1915.

[25] In 1921 the Executive Bureau established a definite and uniform schedule of salaries for the most important offices in the provinces of the several classes, and used its influence to secure the adoption of such a schedule by the municipalities.

[26] The provincial assessor was appointed by the Chief of the Executive Bureau. Appeals from his assessments were the municipal board, the provincial board, and, finally, to the Executive Bureau. The Commonwealth has notably improved the assessment procedure.

[27] Governor Frank W. Carpenter subsequently made a remarkable success as Governor of the Department of Mindanao and Sulu.

[28] Act No. 4007, December 5, 1932.

[29] Since the inauguration of the Commonwealth the powers and functions of the Department of the Interior have been reduced.

[30] The Murphy changes were only temporary, however.

[31] *Manila Daily Bulletin*, February 16, 1938.

[32] *The Tribune*, March 2, 1938. Italics supplied.

[32a] Cagayan is a rich province extending southward from the northern coast of Luzon. Its great central plain is watered by the Cagayan river and its tributaries, and is shut off from the rest of the world by a turbulent strait to the north and by high mountain ranges on the other three sides. Until the completion of the Santa Fe road in 1923 the province could be reached only by mountain trail or ocean steamer.

[34] *Aurelia Condé*, Petitioner, v. *Pablo Rivera*, Acting Provincial Fiscal, and *Federico Unson*, Justice of the Peace, Lucena, Tayabas, respondents. No. 21741. Jan. 25, 1924. Supreme Court of the Philippine Islands.

[35] Austin Craig, *Lineage, Life and Labors of José Rizal* (Yonkers-on-Hudson, 1914), pp. 86-90; C. E. Russell and E. B. Rodriguez, *The Hero of the Filipinos*

(New York, 1923), pp. 6-13. The latter authors dwell at length upon the incident as "typical of the misgovernment under which the country groaned" during the Spanish regime, and as playing a vital part in arousing Rizal's enmity against the Spanish system.

[86] See pp. 71-73, *infra.*

[87*] The character of the secretary may be well estimated from this excerpt from the 1916 report of the Executive Secretary: "It is hoped that with the employment of private secretaries to attend to matters of confidential and semi-official nature the provincial secretaries will be relieved of duties hitherto required of them, which throw them into close relationship with the political friends of the governor and thus serve to give their positions political color. . . . The provincial governor need no longer judge the desirability and fitness of a prospective appointee to a provincial secretaryship on other than the merits of the person concerned. Hererofore it was necessary, to a certain extent, that the secretary of the provincial board be a man in whom the governor could place implicit confidence, not only in the discharge of his official but personal duties as well." *Report of the Governor-General*, 1916, p. 118.

It may be remarked that in many instances the employment of private secretaries has not altered the political character of the office of provincial secretary.

[88] O. Garfield Jones, "Teaching Citizenship to Filipinos by Local Self-Government," *American Political Science Review*, XVIII (May, 1924), 289-90.

NOTES OF CHAPTER XII *

[1] Commonwealth Act No. 88, October 26, 1936, provided for the State Police Force and Commonwealth Act No. 343, May 23, 1938, repealed Act No. 88, reestablished and reorganized the Philippine Constabulary as a police force separate from the regular army, disbanded the state police force, and returned the municipal, city and provincial police to the jurisdiction of the appropriate local officials. Executive Order No. 156, August 1, 1938, provided for the reorganization of local police forces. See the President's press statement of August 3, 1938. *Messages of the President*, Vol. 4, part 1.

[2] *Manila Daily Bulletin*, January 26, 1937.

[3] *Report of the Secretary of the Interior*, 1936, p. 14.

[4] *Report of the Department of Interior and Labor*, 1933, pp. 8-9.

[5] *Report of the Secretary of Finance*, 1937, p. 10.

[6] Administrative Order No. 12, June 24, 1936.

[7] J. P. Laurel, *Local Government in the Philippine Islands*, pp. 135-137.

[8*] Act No. 183, July 31, 1901; *Report of the Philippine Commission*, 1901, I, 28. The Philippine Commission declared: "It was not thought wise to leave the control of the city government to popular selection. The population of Manila is of a most miscellaneous character. There are 60,000 Chinese, perhaps 7,500 Americans, as many more Spaniards and other Europeans, and of Filipinos of all tribes and languages 175,000. The criminal and turbulent classes are well represented in Manila. The municipal problems presented in the necessity for doubling the water supply, for constructing a sewerage system, for dealing with the noisome moat surrounding the walled city, for filling up part of the small creeks

* *Chapter XII (Increasing Centralization) begins on p. 290.*

or esteros that now intersect the city and are but open sewers, and for dredging out and walling the banks of others useful for navigation are so full of difficulty that they need the best men that can be found to solve them, and popular election would not have resulted in furnishing good material."

[9] Act No. 1869, July 1, 1908.

[10] *Manila Daily Bulletin*, October 9, 1937.

[11] *The Tribune*, September 23, 1937.

[12] The accusations included the splitting of the councilors' *per diems* and various deals regarding the Presidency of the Board. See *Manila Daily Bulletin*, February 24, 1940.

[13] *Ibid.*, March 1, 1940.

[14] Arthur L. Shepard, "Governmental Aid and Control of the Growth of the City of Manila." Unpublished thesis, University of Michigan, 1937.

[15] *Manila Daily Bulletin*, February 26, 1940.

[16] The Charter of Quezon City, Commonwealth Act No. 502, October 12, 1939.

[17] Commonwealth Act No. 51, October 16, 1936, Article III. President Quezon has stated that because of the large foreign population in Davao that city was given a government similar to those of Manila and Baguio, where there are likewise large numbers of foreigners. "Speech of His Excellency, Manuel L. Quezon . . . August 25, 1937," *Messages of the President*, Vol. 3, Part I, p. 115.

[18] Commonwealth Act No. 592, August 19, 1940.

[19] *Manila Daily Bulletin*, October 21, 1938.

[20] *Messages of the President*, Vol. 3, Part I, pp. 115-120.

[21] *Manila Daily Bulletin*, October 26, 1938.

[22] *The Tribune*, January 20, 1937.

[23] Commonwealth Act No. 581, June 8, 1940. The law was enacted without executive approval.

[24] *The Tribune*, October 9, 1940.

[25] See, for example, "Quezon Favors More Powers for Governors," *Manila Daily Bulletin*, February 16, 1938.

[26] For example, the President by executive order directed that in financial matters the local governments should be given the greatest possible degree of freedom. *The Tribune*, November 6, 1937.

[27] *Ibid.*, August 1, 1936.

NOTES OF CHAPTER XIII *

[1] Act No. 292, passed by the Philippine Commission on November 4, 1901, made it unlawful as long as the insurrection should continue, for any person to "advocate independence of the Philippine Islands or separation from the United States whether by peaceful or other means or to officially publish pamphlets advocating such independence or separation." Even after this prohibition was terminated by President Roosevelt's proclamation of July 4, 1902, groups desiring to organize political parties were required to secure the approval of the Commission and no party whose goal was independence was permitted to organize,

* *Chapter XIII (Instruments of Liberty) begins on p. 315.*

until 1906, when preliminary preparations were being made for the Assembly elections of 1907.

The most complete and authoritative account of Philippine political parties is Dapen Liang, *The Development of Philippine Parties* (Hong Kong, 1939). This scholarly monograph, written from original sources, is a discerning study of Philippine parties from the secret societies of the early nineteenth century to the inauguration of the Commonwealth.

[2*] *Report of the Philippine Commission*, 1901, I, 165. A statement, "The Federal Party," signed by T. H. Pardo de Tavera, Benito Legarda and José R. de Luzuriaga (*Ibid.*, pp. 161-165), gives an interesting account of the position of the party in 1901.

[3] M. M. Kalaw, *The Development of Philippine Politics, 1872-1920* (Manila, 1926), chap. ix.

[4*] In 1901 a *Partido Nacionalista* was organized by a group of determined *independistas* headed by Señor Poblete, and a year later was revamped under the leadership of Dr. Dominador Gomez. In 1902 Pedro A. Paterno formed a Liberal Party, which soon became the *Partido Independista.* As Dean Maximo M. Kalaw observes, "The party launched at this time which can claim closest relationship to the Nationalist Party of later years was the *Partido Democrata.*" (Kalaw, *op. cit.*, p. 287.) Among the organizers were Sergio Osmeña and Rafael Palma. Early autonomy and eventual independence were the party goals, and it was represented that for the present the party would perform the functions of an opposition, afterwards offering the voters an alternative to the party in power. In 1904 Bishop Gregorio Aglipay sought to organize a Republican Party dedicated to improving the lot of the people and achieving independence. None of these proposed parties could obtain the approval of the government, however, and none gained any general membership or, indeed, passed beyond the organizational stage. Neither did the *Partido Conservador*, the organization of which was approved by Governor Taft in 1901. This group proposed to preserve the old Spanish ways and retain a cultural connection with Spain. It found no general support and soon died of inanition.

[5*] A considerable number of the Federalist leaders were members of the "Honorary Commission" of distinguished Filipinos that visited the World's Fair at St. Louis in 1904 and traveled extensively in the United States. What they saw and heard there convinced them that the proposal to make the Philippines a state of the Union was both undesirable and impracticable. The *Report of the Philippine Commission*, 1904, I, 356-359, contains brief biographies of the members of this commission.

[6] Forbes, *op. cit.*, II, 119, n. 1.

[7] *Election of Resident Commissioners to the United States*, Philippine Assembly Document No. 250, 2nd Legis., 1st Sess., p. 26.

[8*] *Report of the Philippine Commission*, 1911, p. 3. The Act of Congress approved February 15, 1911, provided: "The present Resident Commissioner should hold office until his successor shall have been duly elected and qualified."

[9] See Forbes, *op. cit.*, II, 110-11, 144 *et seq.*

[10] Liang, *op. cit.*, p. 100.

[11*] This resolution was frequently referred to in the leadership fight of 1921-1922. The quotation is from a resolution adopted by the caucus of the *Nacionalista* Representatives, December 19, 1921, and published in an article by B. P. Garcia which appeared in the *Manila Times*, December 20, 1921.

[12] Executive Order No. 37, October 16, 1918.

[18] Act No. 2711, March 10, 1917, sec. 75.

[14] Senate President Manuel L. Quezon to Speaker Sergio Osmeña, December 23, 1921. Printed in the *Manila Times*, December 24, 1921.

[15] *Report of the Governor-General*, 1919, pp. 4-5; Forbes, *op. cit.*, II, 118, n. 3, and 119, n. 1. In 1919 there were, according to the census of 1918, 2,071,202 men of voting age in the Islands, of whom 46.2 per cent were electors. Out of a registration of 717,295 electors, 672,122, or 92 per cent, voted in this election.

[16] Speaker Osmeña denied having usurped the power of confirmation vested by the Jones Act in the Senate. "In matters of appointments," he declared, "the Senate has the final say in confirmation. Only in the selection of candidates for appointment, or in the negotiations preliminary to selection should the opinion, not the final decision, of the leader come in." Statement made in an interview reported in the *Manila Daily Bulletin*, December 19, 1921.

[17] Address of President Quezon on the leadership question, University of the Philippines. The *Manila Times*, February 4, 1922.

In urging the necessity of guarding the liberties of the people by conducting the government strictly in accordance with law, Mr. Quezon declared:

"Remember that we are just beginning. Democratic life here has been introduced but recently. At best we are like the thirteen early colonies of America.

"Imagine an independent Philippine Republic where the president has so much power that the legislature is constantly obeying what you might call the leadership of the chief executive. What would happen? The South American countries are such democracies. They have republican forms of government and they have liberal constitutions but what are they?

"According to a great student of government of those countries there are only three articles in their constitutions. The first is that all the powers rest with the people; second, that the people delegate all their powers to the president; and third, that the president does as he pleases.

"That is liable to happen in the Philippines if we do not build proper safeguards to our liberties." *Ibid.*

[18] *Manila Times*, December 18, 1921. The most important public statements of Speaker Osmeña and President Quezon regarding the leadership question appear in the *Times*, and in other Manila newspapers, under dates of December 18-25, 1921.

[19] During the latter part of October, 1921, the Senate, without consulting the head of the *Nacionalista* Party, set up a committee to confer with the Governor-General with reference to appointments. Two months later the upper chamber refused to act upon the House appropriation bill before the Christmas adjournment, as it had always done in the past. Mr. Osmeña, realizing that the only kind of leadership that he cared to retain was destroyed, thereupon resigned both as vice president of the Council of State and president of the *Partido Nacionalista*. Subsequent efforts at compromise were futile because neither the old leader nor his rival would budge from the position that he had taken.

In writing to President Quezon concerning his resignations, Speaker Osmeña declared that "the great controversy over the principle that there should be among the *Nacionalistas* in the government a united and responsible leadership so as to keep up the necessary cohesion among them and that their work may be effective, remains the issue. The fundamental question remains unsettled and on account of the interests, not only of the *Nacionalistas* but of the whole country, which wants to secure an ample and effective popular intervention in the government, it should be solved in a complete and final form." Speaker Sergio Osmeña to President Manuel L. Quezon, December 21, 1921. The *Manila Times*, December 22, 1921.

As a result of the developments that followed the Speaker's resignation, Mr. Quezon likewise resigned as President of the Senate. His uncompromising position is revealed by the following statement: "I will always stand by my theory of collective leadership even if I have to leave the *Nacionalista* Party. The time has come for the establishment in the islands of political parties which should fight for principles, not necessarily for the control of the government. I do not care if those who are supporting the theory of collective leadership are never returned to power, but I am sure that if the question is put squarely to the people as an issue in the coming elections, the voters of the old generation and the young men of today will support them." *Ibid.*, December 23, 1921.

Neither the Senate nor the House, the Governor-General nor the *Nacionalista* Party accepted the resignations submitted to them respectively. The net result of the maneuvering in the legislature and the *Nacionalista* caucus was a victory for Speaker Osmeña. Hence, Mr. Quezon's appeal to the people.

[20] *Philippines Herald*, October 19, 1922.

[21] Statement of Senator Sergio Osmeña, *Manila Times*, October 15, 1922; article by Dean Maximo M. Kalaw, *Philippines Herald*, October 15, 1922.

[22] *Ibid.*, February 9, 1923.

[23*] *Ibid.* Upon being elected President of the *Colectivista* Party a few days before the legislature met, Mr. Quezon had declared, "We must either have the full responsibility of a party in power or play the role of an opposition party." *Ibid.*, October 13, 1922. On the following day the *Colectivista* Senators agreed that President Quezon should inform the Governor-General that unless a *Colectivista* cabinet should be appointed, the party would "play the role of an opposition faction." *Ibid*, October 14, 1922. Inasmuch as the *Colectivistas* controlled a majority of votes in the Senate, this would have created a politically impossible situation.

[24*] *Ibid.* The new cabinet was composed, in addition to the Vice Governor and Secretary of Public Instruction, of three *Colectivistas:* Dr. José P. Laurel, Secretary of the Interior; José Abad Santos, Secretary of Justice; and Salvador Laguda, Secretary of Commerce and Communications; and two *Nacionalistas:* Alberto Barreto, Secretary of Finance; and Rafael Corpus, Secretary of Agriculture and Natural Resources.

[25] For President Quezon's statement on this subject, see the *Manila Times*, October 15, 1922.

[26] The decision was taken at a meeting of the *Democrata* senators and representatives and the members of the party's board of directors. *Philippines Herald*, October 14, 1922.

[27*] The *Manila Times*, February 21, 1923. The editorial also explained one practical reason why it was found politically impracticable to include all three parties in the cabinet: "There were five secretaries to be appointed. The Colectivistas and the Nacionalistas were rightfully entitled to two appointments each. The question then became, Shall the other Secretary be appointed from among the Democratas? But if a Democrata had been appointed, the Colectivistas would lose control of the Cabinet, in case the Democrata member should vote with the Nacionalistas.

"The Democratas," the editorial concluded, "can not expect the American Governor-General to fight their battles for them." *Ibid.*

[28] The author's notes.

[29*] The author accompanied the party throughout the tour and reached the conclusion that the people of Tayabas, in any event, heartily approved of the reunion that was symbolized by the appearance of Messrs. Quezon and Osmeña

walking together in the inevitable street parades, and praising each other's statesmanship. In Lukban, a picturesque mountain town, vast crowds stood and shivered in the rain for three hours while the leaders loosed upon them a greater and much warmer flood of oratory. Commenting upon the significance of the journey, the *Manila Times* declared, editorially: "The two parties are now one and the same; together they will carry on the work of construction of the last fifteen years." *Manila Times*, January 29, 1923. The *Times* also observed that, "This match between President Quezon and Senator Osmeña can not help but strengthen the statements made by the Democratas that split between the Nacionalistas and the [*Colectivistas*] was never a real one, but a political device under which a small group of the Nacionalista Party sacrificed themselves voluntarily, accepting all the blame for past mistakes, so that the main body might carry the last election. . . . However," the editorial concluded, "it will probably save the country for the two-party system—which is an undoubted advantage."

[30*] The reunion was effected at a joint convention of the two parties. See *Ibid.*, April 6, 1924.

See also the *Plataforma y Reglamento del Partido Nacionalista Consolidado* (Manila, 1924). The platform begins with this declaration: "Faithful to the common flag that from the most trying days has been the symbol of an irreducible popular aspiration in its struggle without quarter against imperialism and retention, *Nacionalistas* of all shades agree today to fuse the *Nacionalista* and the *Nacionalista-Colectivista* and Liberal parties in one [party] only, which shall be called the *Partido Nacionalista Consolidado*, to the end of working unitedly with the greatest strength and efficacy for the fundamental proposition that has given life and honor to Filipino nationalism, that is: *the immediate, complete and absolute independence of our beloved Philippines.*" After tracing the development of the independence movement and of governmental autonomy in the Philippines, the platform declares that the Governor-General has ruled as a despot, that their liberties and eventual independence are threatened, that there are some Filipinos who are showing moral cowardice and the spirit of servility in the crisis, and that the only salvation of the country lies in immediate and complete independence. Having disclosed these "fundamental principles and propositions," the platform merely lists the 41 separate planks which, it is stated, are to be found in the platforms of the fusing parties.

[31] *Report of the Governor-General*, 1925, pp. 254-255; Forbes, *op. cit.*, II, 118-119; election data furnished by the Executive Bureau, October 6, 1926, MS, Hayden Papers.

[32] See Ralston Hayden, "The Philippines: An Experiment in Democracy," *Atlantic Monthly*, March, 1926; also, Norbert Lyons, "The Nationalist Victory in the Philippine Elections," *Current History*, September, 1925.

[33] *Constitution y Reglamentos del Consejo Supremo Nacional* (Manila, 1926), p. 6.

[34] The formation and organization of the Supreme National Council is clearly, but uncritically, described in Felix Morley, *Our Far Eastern Assignment* (New York, 1926), chap. xv. See also, Forbes, II, 120.

[35] Senator Osmeña's speech is reported in the *Manila Bulletin* of August 4, 1926, and the *Philippines Herald* of August 5; a bitter reply issued by Senator Emiliano Tria Tirona, one of the *Democrata* leaders, is printed in the *Herald* and *The Tribune* of August 6; Representative Recto's reply appears in *The Tribune* of August 7. In the same issue of *The Tribune*, Representative Mendoza, the fiery Manila radical, declared that his followers in the *Democrata* Party were still opposed to the coalition and would never join it, no matter what the other leaders might do.

[86] The *Sunday Tribune*, August 8, 1926.

[87*] The results of the election of 1928 were substantially as follows, although there was some doubt as to the party affiliation of one or two members of the House: House of Representatives: *Nacionalista* or *Nacionalista-Consolidado*, 61; *Democrata*, 17; *Independiente*, 6; *Liga Leyte*, 1. Senate: *Nacionalista* or *Nacionalista-Consolidado*, 11. There were four holdover *Democrata* Senators, and most of the independent members of the House soon joined the *Nacionalistas*. See *Directorio Oficial de la Cámara de Representantes*, 8th Legis., 2d. Sess., pp. 6-8, 21; *Manila Times*, June 6, 1928.

In commenting upon the election of 1928, Governor-General Stimson stated: "So far as the presentation of any clear-cut normal insular issues between the two principal parties was concerned, the situation was disappointing. I could discover no such issue, and the leaders of the two parties could point out none when I interrogated them. There seemed to be no questions discussed in the campaign or platforms which could be regarded as a mandate for future insular legislation after the election. On the contrary, nearly all candidates were absorbed entirely in local or personal questions." The cooperation issue Col. Stimson did not regard as "normal," "party," or "political," it being, "on the contrary, of a nature which might be termed revolutionary in character." *Report of the Governor-General*, 1928, p. 7.

[88*] For the *Democrata* resolution regarding dissolution, see the *Manila Tribune*, December 2, 1930; for General Aguinaldo's position, *The Tribune* of December 30; for Dean Bocobo's position, the *Philippines Herald*, December 2; and for Speaker Roxas' arguments the *Herald* for December 20. Mr. Roxas in a letter to the acting president of the *Democrata* Party set forth seven reasons against the dissolution of the two parties, as follows:

"1—Electoral contests would assume sectional and personal character.

"2—Electoral contests being inevitable, old political, or semi-political groups will continue playing party politics, each group presenting its candidates. There being no regular party organizations, political affinities, family ties and traditions will furnish the necessary incentive for electoral struggles.

"3—Struggles of regional or sectional character have been avoided through the existence of national political parties.

"4—America considers the existence of two political parties essential to and necessary for a democratic government. One way of showing America that we are prepared to establish a democratic government is the maintenance of such national parties.

"5—There would be no adequate instrument to make effective the integral responsibility of the legislature before the people.

"6—The 'Bagong Katipunan' may be driven to assume the role of a political party, which would be the signal for the rise of a group or groups to oppose the 'Bagong Katipunan.' Instead of its being an instrument of union, it would provoke division among Filipinos.

"7—The 'Bagong Katipunan' is not a political aggregation."

[89*] The *Nacionalista-Consolidados* elected 6 senators, 69 representatives, 30 provincial governors and 45 members of provincial boards; the *Democratas* 4 senators, 12 representatives, 8 provincial governors and 13 members of provincial boards. See *Report of the Governor-General*, 1931, pp. 12, 92; and the *Philippines Herald*, June 5, 1931, for data on the election. Fate struck at the *Democrata* party after the election when death took one of the party's representatives in the Senate and two of its delegation in the House. All three were replaced by *Nacionalista Consolidados* in special elections.

[40*] The *Democrata* convention of 1931 was attended by about 120 delegates. Senator Ruperto Montinola, minority leader in the Senate, advocated dissolution, which was opposed by Representative Recto. Mr. Recto wished to give the party one more chance to establish itself as a strong opposition, and felt, besides, that disbandment would be treachery to the electorate by *Democratas* elected under the banner of the party. See *Manila Daily Bulletin*, October 5, 1931.

[41] *Ibid.*, October 16 and 26, 1931.

[42*] The vote to disband was 55 to 11. For an account of the discussion which preceded this action, see *ibid.*, February 1, 1932.

In January, 1934, the Director of Commerce denied a petition of *Democratas* who were allied with the Osmeña wing of the *Nacionalista* Party to incorporate and use exclusively the name *Partido Democrata*. The Director declared that the *Partido Democrata* was a "well known and long established national party in the Philippines and has acquired a legal personality" and was therefore a "corporation by prescription." He ruled, however, that Mr. Gregorio Perfecto and his co-applicants did not sufficiently represent the party to rightfully and lawfully claim the use of its name. *Philippines Herald*, January 19, 1934. No group has since established itself as the recognized successor of the old *Democrata* Party. Mr. Perfecto, however, has taken the position that the party did not finally disappear until the fusion of his group with the *Nacionalista Pro Independencia* Party in February, 1934.

NOTES OF CHAPTER XIV *

[1*] The mission was authorized, upon recommendation of President Quezon at a majority legislative caucus held on November 8, 1931, with formal ratification by the Legislature on the following day. It sailed for the United States on December 5. The minority members were Senator Ruperto Montinola and Representative Emiliano Tria Tirona. See *Philippine Magazine*, December, 1931, p. 314, and January, 1932, p. 385.

[2] H. R. 7233, 72nd Cong., 1st Sess.

[3*] The best detailed discussion of the American phase of the movement for Philippine independence is to be found in Professor Grayson Kirk's excellent book, *Philippine Independence* (New York, 1936).

[4*] President Quezon was quoted as having, at a party caucus, reiterated his opinion that "the Mission, or a portion of it, is more needed here at the present time than in the United States, because most of the work there is propaganda work, while here we need the missing members to take part in the deliberations of the Legislature, and to use their ability and influence in reorganization work. Another reason is that they could personally inform us of the pending independence bills and what phases of the bills are acceptable to us and what portion of the pending bills can be eliminated and at the same time ensure their approval by Congress. In view of their own desire, however, I will refrain from pushing the matter." *The Philippine Magazine*, September, 1932, p. 143.

[5] The *Philippines Free Press*, January 28, 1933; the *New York Times*, November 7, 1932.

[6] The cable was sent December 10, 1932. See *The Philippine Magazine*, January, 1933, p. 343.

* *Chapter XIV (The Politics of Independence) begins on p. 351.*

[7] These views were expressed to the writer at the time by members of the "Osrox" mission. See Kirk, *op. cit.*, and report by Mr. Carlos P. Romulo of a conversation between President Quezon and Senator Osmeña, quoted in *The Philippine Magazine*, June, 1933, p. 3.

[8*] Some idea of the campaign carried on against the bill, and the mission, can be gained from the following account of a "popular demonstration" that occurred on December 22, 1932: "Approximately 7,000 people gathered at the Opera House last evening at a meeting to listen to orators attack the Hawes-Cutting bill, ridicule it, castigate it, and tear it to pieces. The gathering also acclaimed with cheers a resolution of protest against the bill, branding it as offensive in some of its provisions and injurious to the economic and political freedom of the Philippines.

"In addition to the vehement and condemnatory speeches, resolutions from the provinces adhering to the sentiment of the meeting against the bill in the form it was passed were received and read to the gathering. . . . Governor Leon G. Guinto of Tayabas, president of the Provincial Governors League, too, was present to add the voice of protest of the provincial executives against the bill. . . ." *Manila Daily Bulletin*, December 23, 1932. President Quezon was not present at this meeting.

[9] Act No. 4007, December 5, 1932.

[10] Senator Benigno Aquino to Senator Elpidio Quirino, *Manila Daily Bulletin*, January 4, 1933.

[11] Senator Elpidio Quirino to Senator Benigno Aquino, *ibid.*

[12] Report of address quoted in *The Philippine Magazine*, February, 1933, pp. 378-388.

[13] See report by Carlos P. Romulo of a conversation between President Quezon and Senator Osmeña on the SS. *Normandie* en route from France to the United States, as quoted in *The Philippine Magazine*, June, 1933, p. 3.

[14] See Senator Osmeña's statements as quoted in the *Philippines Free Press*, July 8 and July 29, 1933.

[15] Address of President Quezon in the Philippine Senate, July 20, 1933, as quoted in the *Philippines Herald*, of that date.

[16] *Ibid.*

[17] *Ibid.*

[18] House Doc. No. 209, 73rd Cong., 2nd Sess., pp. 2-3.

[19] For President Quezon's statement concerning the objectives of his mission, see an interview published in the *Philippines Herald* on the day that the mission sailed, November 3, 1933.

[20*] The break was caused by a disagreeable episode that occurred in the Senate when Senator Osmeña refused to yield the floor for a question when President Quezon requested him to do so. See the *Manila Daily Bulletin*, October 24, 25, 1933. Besides the Chairman, the Tenth Independence Mission was composed of Senator Elpidio Quirino and former Resident Commissioner Isauro Gabaldon. Acting Secretary of Commerce and Agriculture Vicente Singson Encarnacion accompanied the group as technical adviser.

[21*] The resolution is printed in *Compilation of Documents Relating to the Inauguration of the Government of the Commonwealth of the Philippine Islands as Provided in the Philippine Independence Act, Approved March 24, 1934.* House Doc, No. 400, 74th Congress, 2d Sess., p. 1. Cited *infra* as *Compilation of Documents.* The Roosevelt assurance as to future "correction" is given in the resolution as one of the reasons for the acceptance of the Act.

[22] An excellent contemporary account of the election of June 5, 1934, is Bernardo P. Garcia, "The Elections," *The Philippine Magazine*, July, 1934, p. 274. See also, "Parties and Politics," *Philippine Year Book*, II (1934-1935), 35.

[23] Speaking before a post-election gathering of some 2,000 Manila party leaders, President Quezon blamed the *Anti* defeat in the metropolis upon two chief causes: lack of organization, cooperation and effort among the *Nacionalista Consolidado*, Radical and *Democrata Antis*, and resentment of government employees at reductions in pay suffered at the government while the *Antis* were in power. The majority party won only one seat of the ten in the municipal board and one of the two senatorships from the fourth district. *Manila Daily Bulletin*, June 10, 1934.

[24] The organization of the *Nacionalista-Democrata* Party may be traced in the following issues of the Manila newspapers: The *Bulletin*, August 1; *The Tribune*, August 2, 19; the *Herald*, August 15, 18; the *Philippines Free Press*, August 25, 1934. The platform appears in *The Tribune* of August 19, p. 14. The decision of the *Democrata Antis* to fuse with the *Nacionalista Antis* was made at a meeting held under the chairmanship of Senator Sumulong.

[25] The following information about the organization of the party appeared in the *Philippines Herald*, February 9, 1935: "In the resolution approving the fusion, the pros state that the purpose is to encourage the virtues of citizenship, to safeguard the commonwealth, to form a republic in which there shall be no privileged class, to watch over the well-being, and moral, cultural and physical interests of the people, to protect the laboring class, to foster the conservation of the natural resources of the country, and to preserve an independent Filipinc judiciary.

"Other officers elected this morning are Aurelio Periquet as treasurer and Pedro Vera as secretary. The board of directors is so far composed of Manuel Roxas, Benigno Aquino, Senator Ruperto Montinola, Governor Cecilio Santos, José P. Laurel, José Vera, José C. Lacson, Senator Briones, R. Palma, Delegate Camilo Osias, Senator Mabanag, Governor Pablo Angeles David, Rep. N. Rafols, E. Tirona, Manuel de la Fuente, Agaton Cecilio, Eusebio Sison, José Alejandrino, J. Sanvictores, Montano Ortiz, Pedro Sabido, Governor Pelayo, and Mr. Medina. Senator Osmeña was given a vote of confidence to name the other members of the committee.

"The platform committee is composed of Benigno Aquino as chairman, and Rafael Palma, Gregorio Perfecto, Alejo Mabanag, José P. Laurel, and Hermogenes Concepcion. They will also draft the rules for the party."

[26] *Philippines Herald*, January 3, 1935.

[27] *Manila Tribune*, February 19, 20, 1935.

[28] President Quezon's letter, dated February 19, 1935, to Don Miguel Unson appeared in *The Tribune*, February 20, 1935; his address of June 16, in the *Philippines Herald*, June 17, 1935. Senator Sumulong's statement, "After the Coalition, the Deluge" (in translation) appeared in the *Herald* for April 27, 1935.

[29] The Sakdal movement and the disorders of May 2-3, 1935, are discussed, *infra*, pp. 363-64; 378, *et seq.*

[30] The newspapers of this period contain many news stories and editorials on this subject. See article headed, "Provinces to Hit Coalition," in the *Philippines Herald*, January 7, 1935.

[31] President Quezon's speech accepting nomination for the presidency of the Commonwealth. *Philippines Herald*, July 20, 1935.

This address is also included in *The White Book of the Coalition* (Manila, 1935), a 60-page booklet containing a number of important documents concerning

the formation and objectives of the Coalition. This publication was widely distributed during the 1935 campaign.

[82] *The Times* (Iloilo), June 18, 1935.

NOTES OF CHAPTER XV *

[1] On June 25, 1935, Representative Alfonso E. Mendoza, a staunch Manila radical leader, declared that, except for the two Sakdal representatives (who were then being prosecuted in the courts for sedition), he constituted the entire "opposition" in both houses of the legislature. *Manila Daily Bulletin*, June 26, 1935.

[2] *Ibid.*, April 30, 1935.

[3] Serafin E. Macaraig, *Social Problems* (Manila, 1929), p. 258. See also *Report of the Governor-General*, 1923, p. 82; 1924, p. 51.

[4] "A secret organization similar to the old 'Katipunan' known as 'Kapatiran Anak Ng Bayan' or 'Tangulan' came into existence in Bulacan on December 26, 1937. It was during June or July, 1930, when it was reported to the Constabulary that a branch had been organized and members recruited with the object of forming a revolution to obtain the independence of the Philippines and establishing a Philippine Republic. The organization was headed by Attorney Patricio A. Dionisio and Teodoro Alcantara, 'Araw,' Dr. Quintin Santos de Dios, a dentist residing in San Juan, with General Artemio Ricarte, now in Japan, the supreme head. . . . Headquarters Tondo, branches in Manila and adjoining provinces, esp. Bulacan, Rizal, Nueva Ecija, Pampanga, Tayabas, Cavite and Bataan, 'with approximately 40,000 members mostly laborers and tenants. It was rumored that the society was being assisted by the Anti-Imperialist League in Berlin, Germany, and by the Soviet Government of Russia. General attempts to rise against the constituted authority especially during December, were aborted by the vigilance of the Constabulary. The known leaders, Attorneys Patricio A. Dionisio and Vicente R. Almazar, Leon Villafuerte (6 others) arrested and pros sedition. While the members of the Tangulans have apparently quieted down and are reported fast being disbanded since the arrest of their principal leaders, the Constabulary continues its vigilance. . . ." "Report of the Chief of the Philippine Constabulary," 1931. MS, Bureau of Insular Affairs. *Report of the Governor-General*, 1931, p. 25.

[5] Ralston Hayden, "Cooperation in the Philippines Found to Carry Its Penalties," *Christian Science Monitor*, September 12, 1931.

[6] *Ibid.*

[7] Writing of the Colorums, Dr. Serafin E. Macaraig, Professor of Sociology in the University of the Philippines, states: "The *colorums* of Surigao were organized for 'Devotion to the Sacred Heart of Jesus and the Immaculate Heart of Mary.' The people were later on made to believe that José Rizal had returned to life again and would rule the Philippines, so that all the property of those who would not join the movement would be confiscated and distributed to its followers. They were told that, 'In case of an uprising the guns of their enemy would not fire towards them; or that, in case the enemy's guns did fire, the faithful followers' bodies were impenetrable by the bullets of their enemy's guns; or, that if, by accident, any of them were hit and died, he would resuscitate within five days.' The *colorums* of Rizal Province, under the leadership of an

* *Chapter XV (The Unrepresented Minority) begins on p. 376.*

'amang Dios,' planned to revolt against the Government in 1924. In Tarlac, the believers in the *colorums* declared that they ate and talked with José Rizal and Felipe Salvador, who was noted for his 'bandolerismo' during the first part of American sovereignty in the Islands. They believe also that bullets cannot penetrate their bodies. The *colorums* of Agusan, Misamis, Tarlac, Laguna, Batangas, and Pampanga are peaceful; but those of Surigao, Negros Oriental, Negros Occidental, and Leyte have been responsible for many of the troubles and disturbances of the peace in the South." Macaraig, *op. cit.*, pp. 409-410.

[8] "Report regarding the Sakdal Party prepared by the Chief of Staff, Philippine Constabulary for the Secretary of the Interior," May 7, 1935. MS copy, Hayden Papers. Cited hereafter as "Report, Chief of Staff."

[9a] "There is one matter which, it is believed, needs the attention of the office of the Governor-General," declared the Division Superintendent of Schools of Bulacan in his annual report for 1933-34. "There is in this province a political organization known as Sakdal which in the opinion of the writer has very pernicious objectives and procedures. The propaganda of this organization has greatly influenced enrollment in at least two municipalities—San Ildefonso and San Jose del Monte. The objectives are approximately as follows:

"1. To campaign for the non-payment of cedula taxes.

"2. To discourage the payment of land tax.

"3. To establish the vernacular as the language of instruction in the schools instead of English. (To effect this objective they discourage attendance in the public schools and have established some Tagalog schools.)

"4. To reduce the budget of the government.

"5. Non-cooperation with the present government so that a change in the form of the present government can be brought about."

The party in this province was founded by one Benigno Ramos." Excerpts from the "Annual Report of the Division Superintendent of Schools for Bulacan for the School Year 1933-34." MS, Bureau of Education, Manila.

[10] "Report, Chief of Staff."

[11] Statement of Dean Conrado Benitez of the College of Business Administration, University of the Philippines, quoted in the *Philippines Free Press*, July 21, 1934, p. 8.

[12] "Report, Chief of Staff."

[13a] At his safe base of operations in Tokyo, Benigno Ramos, on May 6, 1935, stated to an Associated Press correspondent that "the uprising was planned 'to frustrate the May 14 plebiscite on ratification of the commonwealth constitution. . . .' 'I urged waiting,' related the stocky Filipino, denounced by Senate President Manuel L. Quezon, according to New York dispatches, as a 'political racketeer.'

" 'My lieutenants, however, reported that it was difficult to hold the people in check owing to the plebiscite.' " *Manila Daily Bulletin*, May 7, 1935.

[14] "Report, Chief of Staff."

[15a] One of the unsolved riddles of the Sakdal uprising is why the Constabulary staff, which had known for at least 12 hours that serious trouble might occur on the night of May 2, allowed General Basilio Valdez, Chief of Constabulary, to leave Manila in ignorance of the situation and under conditions that made it impossible for him to return for almost a week.

[16a] This class is almost entirely without arms. There were no rifles and probably not more than a score of modern shotguns and as many revolvers in the possession of the thousands of men who were involved in this episode. A larger number of *paltiks* (home-made shotguns) were captured and these

crude weapons are constantly being manufactured in disaffected portions of the Islands. Against modern arms, however, they are wholly ineffective.

[17] These statements are based upon the evidence of many witnesses, Sakdal and non-Sakdal.

[18] "Report of the Committee Appointed by Acting Governor-General J. R. Hayden to Investigate the Uprisings of May 2 and 3, 1935," p. 6. MS copy, Hayden Papers.

[19] Record of conversation with Governor John C. Early, dated January 14, 1931. Hayden Papers.

NOTES OF CHAPTER XVI *

[1*] A partial list of the signers of the constitution of the *Partido Filipinista* published in the *Manila Daily Bulletin*, December 21, 1934, included the names of four generals, four colonels, four captains and three lieutenants in Aguinaldo's revolutionary army.

[2] *Philippines Free Press*, June 1, 1935, p. 30.

[3] *Ibid.*

[4*] The following comment upon the announcement of Aguinaldo's candidacy appeared in the *Manila Daily Bulletin*, May 27, 1935: "In political circles where men of the majority predominate, General Aguinaldo's announcement was received without the least surprise but with admiration for his courage in deciding to face the biggest political combine to be effected in the country—the proposed coalition of President Manuel Quezon and Senator Sergio Osmeña. Veteran politicians predicted that Aguinaldo's movement will precipitate the coalition."

[5*] *Manila Daily Bulletin*, June 6, 1935; *Philippines Free Press*, June 13, 1935. The *Free Press* declared that:

"It was the original plan of Bishop Aglipay to help Gen. Aguinaldo in the present campaign. 'But,' he said, 'I have to run on account of the insistence of my followers. So I am in this fight to win. There is now being felt a general lack of confidence in the governing party and in our leaders. I travelled all over the Islands lately and observed that 75 per cent of the people are dissatisfied with the leadership of Mr. Quezon.'"

Bishop Aglipay told of his break with the senate president, who was to be one of his two opponents, thus: "I was once fooled by Mr. Quezon—at the time he invited me to meet him aboard the cutter *Banahaw*. That was in March, 1933. He told me then that he would not accept the Hare-Hawes-Cutting law, and should the supporters of the Osrox mission win and succeed in having the people accept the law, he would leave the government, not accepting even the position of a *barrio* lieutenant, to live with the masses as an unknown citizen, and so manifest his protest against the HHC act. But President Quezon, although he did not accept the HHC bill, brought back the Tydings-McDuffie law, which is the same measure that he condemned, only with a different name."

[6*] *Ibid.* Bishop Pedro Lagasca of the Independent Church, one of Aglipay's campaign managers, was quoted as having given the same explanation of Aglipay's determination not to withdraw from the race. "Although Bishop Lagasca denied any possibility of fusion," the *Philippines Herald* declared on August 21, "he, however, explained that the overwhelming majority of voters in the Ilocano

* *Chapter XVI (The First Presidential Election) begins on p. 401.*

provinces would prefer to vote for the senate president than for the general. His chief argument is that it is the sincere belief of the Ilocano voters, especially the lower classes, that General Aguinaldo was responsible for the death of General Antonio Luna.

" 'Considering this fact, although I doubt the truth of this historical assertion, the withdrawal of Bishop Aglipay will benefit the candidacy of President Quezon more than that of General Aguinaldo,' Bishop Lagasca explained." On September 3, the *Manila Daily Bulletin* printed a statement attributed to Bishop Aglipay himself, as follows: "Bishop Gregorio Aglipay explained to the *Bulletin* yesterday that those who will vote for him will not necessarily vote for Aguinaldo in case of a fusion of their forces. The Bishop said that in all probability they will vote for Quezon and Osmeña."

[7] *The Tribune*, June 29, 1935.

[8] *Manila Daily Bulletin*, May 4, 1935.

[9] *Ibid.*, May 4, 7, June 26, July 22. The newspapers for this period are full of speculations upon the actual relations between Aguinaldo and the *Sakdalistas*.

[10] Vicente Albano Pacis, "Are You a Voter?" *Philippines Herald*, September 16, 1935. This article is an interesting rating of the three tickets on the basis of experience, education and training, comprehension and ability to carry out their platforms.

[11] *Manila Daily Bulletin*, June 3, 1935.

[12] The *Philippines Herald*, September 12, 1935. Aguinaldo invariably spoke in Tagalog, his speeches often being translated into English, Spanish, Visayan, or some other local dialect.

[13] *Manila Daily Bulletin*, July 5, 1935.

[14] *Philippines Herald*, July 24, 1935.

The impartial, American-owned *Manila Daily Bulletin* (July 6, 1935) commented upon Aguinaldo's campaign in an editorial entitled "Aguinaldo's Isles of Fear." "General Aguinaldo has much to say in attacking the existing leadership," the editorial declared, "but so far he has not offered a great deal along the line of concrete proposals for rectifying the ills which he alleges exist, the ills of which he says the masses complain to him as he travels through the provinces. . . .

"Miss Katherine Mayo, who a few years ago wrote a book on the Philippines entitled 'The Isles of Fear,' was severely criticized by Filipinos in and out of politics. She was charged with presenting an unfair and one-sided picture. Much of the criticism and the comment by General Aguinaldo in his campaign is noticeably similar in tone to parts of Miss Mayo's book, similar too in its failure to offer constructive proposals on the other side or in rectification."

[15] For example, see the *Philippines Herald*, August 28, 1935.

[16] Statement issued by Coalition headquarters, *The Tribune*, September 11, 1935.

[17] The *Philippines Herald*, September 5, 1935.

[18] *Ibid.*, July 24, 1935.

[19] In an editorial entitled "Not a Politician," the *Manila Daily Bulletin* (May 14) commented upon the ineptness of Aguinaldo's campaign, and concluded that "General Aguinaldo's course of action in this case thoroughly proves the correctness of his oft-repeated statement that he is not a politician."

[20] *Philippines Herald*, July 22, 1935.

[21] *Manila Daily Bulletin*, September 13, 1935.

[22] *Ibid.*, July 27, 1935.

[23*] *Ibid.*, July 19, 1935. The ceremony and ritual so dear to the ordinary Filipino were provided in full measure at this meeting. The party flag, "all white with a nipa house in the middle flanked by the rays of the rising sun, was exhibited for the first time last night," the *Bulletin* reported. The arrival of candidates Quezon and Osmeña "was greeted with a flourish of trumpets and beating of drums. . . . Representative Ramon Diokno delivered a stirring speech explaining the meaning of the occasion. . . . During his speech, Mr. Diokno stressed the need of loyalty and being true to the flag of the coalition without any mental reservations. He asked that the lights be put out for a few minutes so that those who felt that they could not be loyal and true to that flag, could walk out unseen from the gathering. As the lights went out and darkness prevailed the drums beat as drumming out those who were to leave—but none left. This fact was cheered enthusiastically when the lights were put on again.

"Representative Diokno then asked the leaders to get up and with their right hand on the heart, they took the oath of allegiance."

[24] *Ibid.*, August 27, 1935.

[25] *Ibid.*

[26] *Ibid.*, September 5, 1935.

[27] Address at Philippine Columbian Association, September 25, 1935. Quoted in Caballero and Concepcion, *op. cit.*, p. 454. See also *Manila Daily Bulletin*, September 26, 1935.

[28] The Coalition platform was a brief, 14-point document.

[29] *Philippines Herald*, September 2, 1935.

[30] *Ibid.*, July 29, 1935.

[31*] See, for instance, the *Manila Daily Bulletin* story published on November 17, telling of the apprehension felt in Rizal and Laguna Provinces upon election day, and detailing Constabulary precautions against unlawful Sakdal activities, including a possible attack on the city of Manila.

[32] Data from "Votes Cast for President and Vice President During the Commonwealth Election Held September 17, 1935." *Philippine Statistical Review*, II (1935), 201-226.

[33] Post-election statement of General Aguinaldo as quoted in *The Graphic*, September 26, 1935.

[34] *Manila Daily Bulletin*, October 5, 1935.

[35] General Emilio Aguinaldo to Governor-General Frank Murphy, October 11, 1935. Quoted in *Manila Daily Bulletin*, October 17, 1935.

[36*] Governor-General Frank Murphy to General Emilio Aguinaldo, October 16, 1935. The text appears in the *Manila Daily Bulletin*, October 17, 1935, as do the texts of the Governor-General's reference of General Aguinaldo's complaint to the President of the Philippine Senate and his order directing the Secretary of Justice to investigate the General's allegations and where the evidence showed violation of the law to proceed against officials or individuals who appeared to have been guilty.

[37] *Ibid.*, October 23, 1935.

[38] President Franklin D. Roosevelt to the Honorable Frank Murphy, United States High Commissioner to the Philippine Islands, December 7, 1935. *The Tribune*, January 8, 1936.

NOTES OF CHAPTER XVII *

[1] Address on Difficulties and Problems of the Coalition Party, September 7, 1937, *Messages of the President*, Vol. 3, Part I, p. 124.

[2] *Ibid.*, p. 126.

[3] "*Resolucion Para la Ratificacion de la Fusion de los Partidos Coaligados*," September 20, 1937. MS, Hayden Collection.

[4] See pp. 448-49, *infra*.

[5] Address of President Quezon on Difficulties and Problems of the Coalition Party, September 7, 1937, *Messages of the President*, Vol. 3, Part I, p. 128. Italics supplied.

[6] *The Tribune*, May 25, 1938.

[7] *Ibid.*, June 23, 1938.

[8] *Ibid.*, May 29, 1939.

[9] "National Campaign Manager Aquino, it was pointed out [at *Nacionalista* headquarters], exercises vast powers as a 'trouble shooter' for the party. His suggestions unless overruled by President Quezon will stand insofar as the party is concerned." *Manila Daily Bulletin*, June 29, 1938.

[10] See, for example, *ibid.*, September 5, 1938, for a story to the effect that Mr. Quezon was grooming Secretary Yulo for the speakership.

[11] *The Tribune*, September 23, 1938.

[12] *Ibid.*, April 19, 1938.

[13] *Manila Daily Bulletin*, August 3, 1938.

[14] *Ibid.*, December 3, 1938.

[15] *Ibid.*, December 8, 1938.

[16] *Ibid.*, December 3, 1938.

[17] *Report of the Government Survey Board* (Manila, 1938), pp. 116-17.

[18] The Survey Board recommended that ₱21,000 be appropriated for paid minority personnel. The staff proposed, consisted of one legal assistant, one technical assistant, one accountant, two stenographers, three clerks and one messenger. *Ibid.*, p. 118.

[19] Address delivered at San Juan de Letran College, Manila, November 7, 1937. *Messages of the President*, Vol. 3, Part I, p. 166.

[20] Conference of the President of the Philippines with a delegation of the Young Philippines, Manila, September 29, 1937. *Ibid.*, pp. 133-134.

[21] *Manila Daily Bulletin*, July 22, 1939.

[22] *The Tribune*, May 31, 1938. After the election of 1938 the Manila press reported that the Allied Minorities were seeking to secure the leadership of a number of *Nacionalistas* who had suffered defeat and were at outs with the organization. See *Manila Daily Bulletin*, November 11, 1938.

[23] An informed Manila view of the conditions which have prevented the formation of a substantial opposition party is expressed in the following excerpt from an editorial in the *Manila Daily Bulletin* of September 26, 1938:

"The weakness of the minority political organizations in the Philippines makes it virtually certain that there will be no strong opposition until the ma-

* *Chapter XVII (One-Party Government) begins on p. 436.*

jority party splits. When that may come and what may cause it no one can say.

"The opposition groups have made a rather pitiful showing in their efforts to combine. They have done as much fighting among themselves as they have against the majority. The chief factor explaining their failure to unite is their lack of anything in common to be used as real platform material. About all they have in common is that they all are against the majority party and its candidates.

"The history of party organizations in democratic countries affords sufficient evidence to support the theory that absolute control by one party is virtually certain to be followed by a split. The majority party here has had several ructions, but its leaders have been notably successful in reuniting the forces because in no case have the party rebels had a leader sufficiently strong to organize a formidable opposition."

[24*] For example, former Governor Pablo David was reported to have declared at a *Nacionalista* rally in Pampanga: "What the Filipinos now need is complete harmony. We must not fight each other if we want to secure our independence. There is no need of an opposition party which will only serve to destroy democracy here. The United States High Commissioner is closely watching the National Assembly and other branches of the Philippine government for any abuse of powers. He is the best opposition party in the Philippines." *Ibid.*, November 2, 1938.

[25*] The election law of the Philippines is Chapter 18 of the *Revised Administrative Code*, as amended. The leading work on the history of the suffrage and electoral system of the Philippines, and the law of elections as developed down to 1931 is the scholarly treatise, José P. Laurel, *The Election Law* (Manila, 1931).

[26] Commonwealth Act No. 233, September 15, 1937, sec. 417.

[27] Second National Assembly, Second Session, Resolution No. 73, Article X.

[28] The organization of the *Nacionalista* Party is provided for in "*Reglamento*" (Rules of the *Nacionalista* Party, adopted on September 20, 1937). Mimeographed sheets. Hayden Collection. See also *Reglamentos del Partido Nacionalista-Democrata Pro-Independencia* (Manila, 1935).

[30] *Ibid.*, chap. II, Article 6 (translated).

NOTES OF CHAPTER XVIII*

[1*] Constitution of the Philippines, Article XIII, sec. 5.

Section 4 of the same article provides: "The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period."

Probably the most important volume on Philippine education which has appeared since the publication of the Monroe Survey Report in 1925 is a volume commemorating twenty-five years of work in the College of Education, University of the Philippines: Antonio Isidro and others, *Education in the Philippines* (Manila, 1939). This work consists of studies of eighteen phases of Philippine education prepared by experts in the several fields covered.

An interesting comparative study is: L. E. Blauch and C. F. Reid, *Public Education in the Territories and Outlying Possessions*, Washington, 1939 (Staff Study No. 16, The [U. S.] Advisory Committee on Education). The Philippines is not included in this study.

* *Chapter XVIII (Quality or Quantity?) begins on p. 463.*

[2] Zaide, *op. cit.*, pp. 83-84.

[3*] See H. A. Wyndham, *Native Education: Ceylon, Java, Formosa, the Philippines, French Indo-China, and British Malaya, passim* and chap. XIX.

One of the best brief descriptions of the degree of education existing in the Philippines in 1898 is given in the first annual report as Secretary of Public Instruction of General James F. Smith, whose investigations and experience enabled him to speak with authority on the subject. See *Report of the Philippine Commission*, 1903, III, 669-673. Cited and extensively quoted in Forbes, *op. cit.*, I, 411-415.

[4] *Ibid.*, chap. XIV.

[5] "Constitution of the So-Called Philippine Republic" (Malolos Constitution), Fourth Title, Article 23; "A Proposed Constitution for the Island of Negros," Article VII; "A Draft of a Constitution Prepared for the Commission by Certain Eminent Filipinos," Article XXV. These documents appear as Exhibits V, VI and VII in the *Report of the Philippine Commission*, 1900, Vol. I. The educational article of the Mabini constitutional draft, Title Ten, is printed in "Public Instruction During the Revolutionary Regime," a collection of decrees and other documents appearing in *The Philippine Social Science Review*, XI (November, 1939), 398-408.

[6] *Report of the Philippine Commission*, 1903, III, 695.

[7] Act No. 74, Philippine Commission, January 21, 1901.

[8] Concurrent Resolution No. 17, Philippine Legislature, November 9, 1925.

[9*] A Filipino statement of the educational objectives of the public school system is found in the Joint Educational Committee of the Philippine Legislature, *Joint Legislative Committee Report on Education* (Manila, 1926), chap. II, pp. 23-44, *passim.*

A more recent exposition of Filipino educational goals by one of the leading educators and public men of the present generation of Filipinos will be found in Camilo Osias, *The Filipino Way of Life* (Boston, 1940), chaps. VII and VIII.

[10*] Board of Educational Survey, *A Survey of the Educational System of the Philippine Islands* (Manila, 1925). Cited hereafter as *Monroe Survey Report.* The survey was conducted under authority of Acts No. 3162 (March 8, 1934) and No. 3196 (December 2, 1924) of the Philippine Legislature, which appropriated ₱100,000 for the purpose. The survey was in charge of a Board of Educational Survey composed of Dr. Paul Monroe, chairman, José Paez, and Dr. Stephen P. Duggan, and was made by an Educational Survey Commission composed of Drs. Carter Alexander, Frederick G. Bonser, George S. Counts, Stephen P. Duggan, Harold Rugg, Jesse F. Williams, Lester M. Wilson, and Miss Mary E. Pennell. Thirteen Philippine educational experts aided the commission as research assistants. Dr. Trinidad H. Pardo de Tavera, "who was by universal consent the most polished and productive scholar of the present generation of Filipinos and a fearless, outspoken leader," and who "added much to the prestige of the Board and greatly assisted in its judgments," served as a member of the Board of Educational Survey until his death, on March 28, 1925. *Ibid.*, p. 4. Mr. José Paez, who succeeded him, is an able engineer who in 1925 was the General Manager of the Manila Railroad Company.

[11] "Report of President Quezon's Educational Survey Committee," March 5, 1936, printed in *The Philippine Social Science Review*, VIII (June, 1936), 161-193.

[12] Executive Order No. 19, February 19, 1936.

[13] The chairmanship of the National Council of Education was the last public post to be held by the late President Palma.

[14a] Administrative Order No. 109, November 3, 1939. The committee as originally constituted included the Secretary of Public Instruction (Chairman); the Secretary of Finance; the Chairmen of the Committees of Public Instruction, Appropriations and Ways and Means of the National Assembly; the Commissioner of the Budget, and the Director of Education.

[15a] The executive order creating the Council of Education commences as follows:

"Whereas, the Constitution of the Philippines prescribes certain definite educational objectives to be accomplished through the medium of the schools;

"Whereas, the present system of public instruction was devised under a political status and social conditions different from those which now exist or which will arise in the near future as a result of political and economic changes;

"Whereas, with the settlement of the question of Philippine independence, the political future of the Philippines has been determined, making possible a more definite orientation of educational aims;

"Whereas, an educational system can only render permanent social benefits when it is in keeping with the economic conditions and opportunities obtaining in each epoch;

"Whereas, for a proper recasting of our educational system it is necessary to make available to the Government the wisdom and experience of men who have been engaged in the study of education in its varied aspects and have the ability to envision the qualities in character, learning and vocational aptitudes which should be possessed by Filipino citizens in order that they may be reared in civil efficiency and trained to serve the nation"; Executive Order No. 119, February 19, 1936.

[16] *Manila Daily Bulletin*, February 26, 1940 (Fortieth Anniversary number), p. 117. In 1938 there were 10,926 schools, 38,006 teachers, 1,738,868 pupils in the system. *Thirty-ninth Annual Report of the Director of Education for the Calendar Year 1938* (Manila, 1939), p. 4. The annual volumes of this report will be cited hereafter as *Report, Director of Education.*

[17a] The total school population is estimated by multiplying the total population by 25.87448 per cent, which is the ratio of the total population 7–17 years of age in the Philippines to the total population as reported by the 1918 census. If this ratio is applied to the population of the Philippines as estimated in the 1938 census, the school population is approximately 4,147,200, of whom approximately 44.8 per cent were enrolled in the public schools during the academic year 1939-40. In 1938-39 approximately 41 per cent were enrolled.

[18] David T. Blose and Henry F. Alves, *Statistics of State School Systems*, 1935-36 (Washington, 1938), Table 4, p. 60. (Chap. II of Vol. II of the Biennial Survey of Education in the United States: 1934-36. Bulletin, 1937, No. 2 [Advance Pages].)

[19] Computed from tables on pp. 1179 and 1180, *Statesman's Yearbook*, 1939.

[20] Computed from Table 4, p. 541 and Table 8, p. 544, *Japan-Manchoukuo Year Book*, 1939 (Tokyo, 1939).

[21] Computed from Table 3, p. 518 and Table 12, p. 522, *ibid.* Calculated from total enrollment.

[22] *Report, Director of Education*, 1938, Table 1, p. 93, and population of the Philippines as estimated in the Census of 1939.

[23] Blose and Alves, *op. cit.*, Table 4, p. 59.

[24] Computed from Table 1, p. 1, and Table 2, p. 124, *Japan-Manchoukuo Yearbook*, 1939.

[25] Constitution of the Philippines, Article XIII, sec. 5.

[26] *Report, Director of Education,* 1938, Tables 7, 8, 10, pp. 98-99.

[27] *Ibid.,* p. 4.

[28] E. M. Foster, *Statistical Summary of Education, 1935-36* (Washington, 1939), Table 13, p. 17. (Chap. i, Vol. II, of the Biennial Survey of Education in the United States: 1934-36. Bulletin, 1937. No. 2 [Advance Pages].)

[29*] About 6½ per cent of the children in the schools are in the lowest of the intermediate grades, the fifth, and about 3⅓ per cent in the highest, the seventh. In round numbers, 1½ per cent are found in the first year of the high school and 7/10 of one per cent in the fourth year. Computed from Table 18, p. 104, *Report, Director of Education,* 1938. In the United States 13 per cent of the total enrollment is in the first grade, 23 per cent in the first two grades, 33 per cent in the first three grades, and 42 per cent in the first four grades. Computed from Blose and Alves, *op. cit.,* Table 2, p. 57.

[30] *Report of the National Council on Education to the Secretary of Public Instruction,* August 24, 1936, Table I, p. 2. *Messages of the President,* Vol. 2, pt. I, p. 288.

[31] Computed from Blose and Alves, *op. cit.,* Table 2, p. 57.

[32] *Japan-Manchoukuo Yearbook,* 1939, Table 4, p. 125.

[33] *Monroe Survey Report,* p. 133.

[34] *Ibid.,* p. 206.

[35] *Report of the Council on Education to the Secretary of Public Instruction,* August 24, 1936, pp. 1, 3.

[36] *Message to the National Assembly,* March 25, 1938.

[37] *Report, Director of Education,* 1938, p. 62.

[38] *Ibid.,* 1937, pp. 14-15.

[39] Commonwealth Act No. 586, August 7, 1940.

[40] *Ibid.,* sec. 2.

[41] Commonwealth Act No. 381, August 23, 1938.

[42] *Report, Director of Education,* 1938, p. 54 and diagram, p. 55.

[43] *Ibid.*

[44] Government of the Commonwealth of the Philippines, *Budget for the Fiscal Year 1941,* p. 35.

[45*] In normal times about 11 per cent of the annual appropriations in Japan were for education (computed from p. 1061 of the *Statesman's Year Book,* 1932, which gives Japan's educational expenditures in 1931-32 on education and the total expenditures; see *Fifty-ninth Annual Report of the Minister of Education for 1931-1932* (Tokyo, 1938) for information concerning Japanese education). In Korea about 15 per cent (computed from Table 10 (b), p. 521; and Table 12, p. 522, *Japan-Manchoukuo Yearbook,* 1939) and in Formosa (computed from Table 7 (b), p. 543; and Table 8, p. 544, *ibid.*) and the Netherlands Indies (computed from tables on pp. 1180 and 1181, *Statesman's Year Book,* 1939) about 4 per cent were allotted to this service in 1937. For information concerning European educational finance, see F. H. Swift, *European Policies of Financing Educational Institutions* (Berkeley, 1939), pp. vii-viii, University of California Publications in Education, Vol. VIII (1933-1939).

[46] *Report, Director of Education,* 1938, p. 55.

NOTES OF CHAPTER XIX*

[1] The phrase is from an editorial entitled "Anonymous Builders," in *The Tribune* of December 28, commenting upon an address by the then Acting President of the Senate, Don Sergio Osmeña, upon the celebration of the tricentenary of the College of San Juan de Letran.

[2] *Report, Director of Education,* 1938, p. 49.

[3] *Ibid.*, p. 48.

[4] *Ibid.* In the preceding year the Director had declared that most of the newly added classes were improperly housed. *The Tribune,* December 10, 1937.

[5] *Report, Director of Education,* 1938, p. 50.

[6]* In the words of the present Director of Education: "The curricula of the public schools under the Bureau of Education are designed to achieve the aims of education under the Commonwealth, offer a wide range of studies and activities, are adapted to the aptitudes and abilities of the youth of the land, give special attention to handicapped children, and include training in specialized fields." *Ibid.*, p. 5. The curriculum data herewith presented are selected from pp. 5-15 of this report. See also an informing discussion of this subject: Edwin H. Sanguinet, *An Approach to Curriculum Construction Based on a Child Activity Study in the Philippine Islands* (Manila, 1934).

[7] *Report, Director of Education,* 1938, p. 80.

[8] The data regarding expenditures for textbooks and a discussion of this subject are given in the *Report, Director of Education,* 1938, p. 81.

[9] *Ibid.*, p. 67.

[10] *Ibid.*, Table XV, p. 65.

[11] *Ibid.*, p. 67.

[12] Statement of the Director of Education, *Manila Daily Bulletin,* February 26, 1940.

[13] *Report, Director of Education,* 1938, pp. 67-68.

[14] *Message to the National Assembly,* November 10, 1939.

[15] *Report, Director of Education,* 1916; *ibid.*, 1937, Table IX, pp. 132-133; *ibid.*, 1939, Table 23, p. 92.

[16] *Monroe Survey Report,* pp. 44-45.

[17]* The problems and accomplishments of the rural schools and their teachers are understandingly set forth by a leading authority in Camilo Osias, *Barrio Life and Barrio Education* (Yonkers-on-Hudson, 1921). The author truly states in his introduction: "In a country like the Philippines, where life is essentially rural, the position of the barrio teacher is one of great responsibility and importance. . . . Not infrequently is he isolated, dependent almost entirely upon his measure of common sense and initiative for the solution of the many and varied problems that present themselves to him. The supervisor, either because of the inadequacy of transportation or means of communication, has not been able to give the amount of supervision which he knows full well the barrio teacher sorely needs."

[18] *Report, Director of Education,* 1923, pp. 38-39.

[19] *Revised Administrative Code,* chap. 25, Article I; chap. 36, secs. 908-911, as amended. The most important amendments are found in the Reorganization Act of 1932 (Act No. 4007, December 5, 1932).

* *Chapter XIX (Schoolteachers and School Administrators) begins on p. 482.*

For comparative purposes, see an able study of American school administration: Katherine A. Frederic, *State Personnel Administration with Special Reference to Departments of Education* (Washington, 1939). (The [U. S.] Advisory Committee on Education, Staff Study No. 3.)

[20] *Ibid.*, sec. 37.

[21]* Dr. Gabriel R. Mañalac was born in Cavite in 1890. His secondary education was received at the Cavite High School and the Ateneo de Manila. Later he studied at Tabor College, was graduated from Grinnell, and received his doctoral degree in education from New York University. Except during the years 1912-1918, when he was studying in the United States, he has been in the service of the government since 1909. As a permanent official of the government, Dr. Mañalac has never taken any part in politics.

For accounts of Dr. Mañalac's defense of the schools against Speaker Roxas's charge that they were killing the new Philippine nationalism, see *The Tribune*, November 18, 1930; the *Philippines Herald*, November 20, 1930; and the *Manila Daily Bulletin*, November 21, 25, 1930.

[22] *Report of the Philippine Commission*, 1904, III, 895-96.

[23] *Revised Administrative Code*, sec. 917. See also Bureau of Education, *Service Manual*, pp. 240-60; *Monroe Survey Report*, pp. 545-49.

[24] The *Report of the Director of Education*, January 1 to June 30, 1939 (pp. 23-29), contains a clear description of the organization of the public school system.

[25] *Monroe Survey Report*, p. 520 *et seq.*; pp. 192-194.

[26] Report submitted to the Director of Education by a Committee of the Division Superintendents' Conference on the *Monroe Survey Report*, May 21, 1926, pp. 3-4. MS, Hayden Collection.

[27]* In 1922 the financial situation of the Government made it impossible to carry out as planned the educational extension provided for by the ₱30,000,000 appropriation of 1918 (Act No. 2782). The Director of Education commented upon this interruption as follows: "It is thought however that this interruption in plans for the further extension of elementary education came not without certain beneficial results, particularly since it furnished the educational system, after so much hasty expansion, with a period of not wholly unwelcome relief during which more attention could be given to concentration, standardization, and consolidation. . . ." *Report, Director of Education*, 1922, p. 26.

[28] *Monroe Survey Report*, pp. 48 *et seq.*, 62 *et seq.*, 86 *et seq.*, 221, 229, 391, 413, 530 *et seq.*, 558 and elsewhere.

[29] *Ibid.*, p. 48.

NOTES OF CHAPTER XX*

[1]* See chaps. ix and x in Camilo Osias, *The Filipino Way of Life* (Boston, 1940), for an interesting discussion of this contemporary movement written by one of its leaders. In chap. ix will be found extensive quotations from an address in which President Quezon expounded his views upon the need for "national spiritual reconstruction."

[2]* Executive Order No. 217, August 19, 1939. The statement is as follows:

"1. Have faith in Divine Providence that guides the destinies of men and nations.

* *Chapter XX (Education for Citizenship) begins on p. 512.*

"2. Love your country, for it is the home of your people, the seat of your affections, and the source of your happiness and well-being. Its defense is your primary duty. Be ready at all times to sacrifice and die for it if necessary.

"3. Respect the Constitution which is the expression of your sovereign will. The government is your government. It has been established for your safety and welfare. Obey the laws and see that they are observed by all and that public officials comply with their duties.

"4. Pay your taxes willingly and promptly. Citizenship implies not only rights but also obligations.

"5. Safeguard the purity of suffrage and abide by the decisions of the majority.

"6. Love and respect your parents. It is your duty to serve them gratefully and well.

"7. Value your honor as you value your life. Poverty with honor is preferable to wealth and dishonor.

"8. Be truthful and be honest in thought and in action. Be just and charitable, courteous but dignified in your dealings with your fellowmen.

"9. Lead a clean and frugal life. Do not indulge in frivolity or pretense. Be simple in your dress and modest in your behavior.

"10. Live up to the noble traditions of our people. Venerate the memory of our heroes. Their lives point the way to duty and honor.

"11. Be industrious. Be not afraid or ashamed to do manual labor. Productive toil is conducive to economic security and adds to the wealth of the nation.

"12. Rely on your own efforts for your progress and happiness. Be not easily discouraged. Persevere in the pursuit of your legitimate ambitions.

"13. Do your work cheerfully, thoroughly, and well. Work badly done is worse than work undone. Do not leave for tomorrow what you can do today.

"14. Contribute to the welfare of your community and promote social justice. You do not live for yourselves and your families alone. You are a part of society to which you owe definite responsibilities.

"15. Cultivate the habit of using goods made in the Philippines. Patronize the products and trades of your countrymen.

"16. Use and develop our natural resources and conserve them for posterity. They are the inalienable heritage of our people. Do not traffic with your citizenship."

[3] Commonwealth Act No. 589, August 19, 1940.

[4] See pp. 465-66, *supra.*

[5] *Report of the Philippine Commission*, 1903, III, 698.

[6] For a statement of the vocational courses and schools and their enrollment in 1938-39, see pp. 486-87, *supra.*

[7] "The Work of the Bureau of Education, a Memorandum," p. 7. MS Memorandum, with data, prepared in 1931 by the Director of Education. Hayden Collection.

[8] In attributing personal cleanliness and neatness to the influence of the schools, the Monroe Commission, as it did in many other ways, revealed its lack of background knowledge of the Philippines. These traits are characteristic of the Filipino people. On the other hand, public or semi-public buildings used by large numbers of people are not ordinarily well kept.

[9] *Monroe Survey Report*, pp. 275-76.

[10] *Ibid.*, pp. 275-300.

[11] "A General Report on Vocational Education in the Philippine Islands." MS copy, Hayden Collection. This report was not published, although certain

sections of it were mimeographed and distributed among school authorities in the Philippines.

[12] *Ibid.*, p. xxix.

[13] The headlines quoted appeared as follows: *The Tribune*, May 1, 1931; *Philippines Herald*, March 21, 1931; *Manila Daily Bulletin*, April 27, 1931; *Philippines Herald*, March 25, 1931; *La Vanguardia*, January 21, 1931; *The Tribune*, January 23, 1931; *Manila Daily Bulletin*, May 8, 1931. Between January and May, 1930, ten articles written by Dr. Prosser appeared in the Sunday edition of the *Philippines Herald* and two on general education in *The Tribune*.

[14] Inquiring why the immense majority of students prefer the academic to the vocational schools, *La Vanguardia* found the answer, in part, in a statement of that wise and good leader of his people, Don Rafael Palma. Writing as President of the University of the Philippines, Don Rafael declared:

"The establishment of the vocational and technical schools ought to follow the permanent establishment of local industries. These ought to precede the others in the natural order, because the students will not go to the schools unless there are opportunities for them after graduation. The supply follows the demand in this respect, and the industrial schools have at present no justification because there are no industries which they are able to serve."

La Vanguardia, January 21, 1931. The quotation is from the essay, "Tendencias Educacionales" in Rafael Palma, *Alma Mater* (Manila, 1930), pp. 108-109.

A study of one phase of vocational education in which scholarly research is combined with wide practical experience is: Deogracias Borlongan, "The Significance of Vocational Choices of Philippine High School Seniors" (MS. doctoral dissertation, University of Michigan, 1941).

[15] Interview with Professor Henry S. Townsend, Dean of Men, University of the Philippines, *The Tribune*, January 11, 1931.

[16] "Report of President Quezon's Educational Survey Committee," printed in the *Philippine Social Science Review*, VIII (June, 1936), 189. Italics supplied.

Some upper-class Filipinos are still none too keen about having their children till the soil in the school gardens. Yet they no longer resist the determination of the school authorities that all shall perform the prescribed labor. "When we first started gardening," one division superintendent relates, "we found that the sons of the richer families were having the work on their plots done by their fathers' servants. They felt that they would be disgraced if they were to do it themselves. But we made them work right along with the *tao's* sons. It has been a long time now since we have had any trouble of that sort."

[17] Editorial, "Por Que No Atraen?" *La Vanguardia*, January 21, 1931.

[18] Bureau of Education, *Economic Survey Report* (Manila, 1929), pp. 51-52.

[19] Commonwealth Act No. 313, June 9, 1938; *Report, Director of Education*, 1938, pp. 51, 53.

[20] Except that chartered cities financially able to do so shall continue to support the intermediate classes within their jurisdiction.

[21] E. M. Foster, *Statistical Summary of Education*, 1935-36, Table 13, p. 17.

[22] *Ibid.*

[23] *Report, Director of Education*, 1938, p. 63.

[24] See Theodore Roosevelt, *Colonial Policies of the United States* (New York, 1937), pp. 160-62.

[25] Constitution of the Philippines, Article XIII, sec. 5.

[26] Report of the National Council of Education to the Secretary of Public

Instruction, Manila, August 24, 1926. *Messages of the President,* Vol. 2, Part I, p. 298.

[27] Commonwealth Act No. 495, October 26, 1936.

[28] Quoted in *Annual Report of the Director of Adult Education,* 1939, pp. 40-41.

[29] Annual Message of the President to the National Assembly, January 31, 1941.

NOTES OF CHAPTER XXI *

[1] *Message . . . to the First National Assembly on Changes in Appropriations for the University of the Philippines,* November 7, 1937.

[2] An Act for the purpose of founding a university for the Philippine Islands . . . Act No. 1870, June 18, 1908 (commonly known as the Charter of the University of the Philippines), amended by Act No. 2024, January 30, 1911; Act No. 2483, February 5, 1913; Act No. 2759, February 23, 1918; Act No. 3197, December 2, 1924; Act No. 3745, November 24, 1930; Act No. 4044, February 18, 1933; and Commonwealth Acts No. 64, October 21, 1936, and No. 443, June 3, 1939.

[3] Dr. Paul C. Packer, Dean of the College of Education, University of Iowa, and Dr. Edward C. Elliott, President of Purdue University.

[4] For a number of years the Northern Luzon Junior College was maintained by the University at Vigan.

[5] *Ibid.*

[6] *Ibid.*

[7] Act No. 2140, December 8, 1933. *Report Number One of the National Research Council of the Philippine Islands* (Manila, 1935), is a volume of 1005 pages and contains a sketch of the organization of the National Research Council, historical accounts of the development of every branch of scientific research in the Philippines, brief biographies and bibliographies of the members of the Council, a descriptive list of laboratories and some of the special equipment available for research work in the Philippines, a tentative program of activities adopted by the several divisions of the Council, and other material concerning the Council and its activities.

[8] Constitution of the Philippines, Article XIII, sec. 4.

[9] *Report of the Government Survey Board,* pp. 31-33, 57-61, 120-127, 260, 263.

[10] Act No. 443, June 3, 1939.

[11] Act No. 1870, June 18, 1908, as amended.

[12*] The period of service of the members of the Board of Regents of the University of the Philippines has been too brief for effectiveness. During the ten years ending in 1938, with a Board of 11 members, 33 individuals had served as members and 5 as chairmen of the Board.

[13*] An excellent illustration of legislative restriction of the authority vested in the Board of Regents by the charter of the University is found in the Appropriation Act for 1934, which provided that the salary of the President of the University should not exceed ₱12,000, that no person on the University pay roll should receive a salary greater than that received in 1933, and that no professor

* *Chapter XXI (The University of the Philippines) begins on p. 534.*

brought from the United States or a foreign country should be paid more than ₱9,000. Act No. 4074, October 19, 1933.

[14] *Message . . . to the First National Assembly on Changes in Appropriations for the University of the Philippines*, November 17, 1937.

[15] Act No. 300, June 9, 1938. A further reduction of ₱18,377 was made in 1940.

[16] *Monroe Survey Report*, p. 669. Chapter ix of the report is devoted to the University of the Philippines.

[17] Act No. 442, June 3, 1939. Eight million five hundred thousand pesos of the amount appropriated was made immediately available, with the balance to be released in annual increments through 1949.

[18] For example, the alumni of the University of the Philippines considerably outnumbered those of any other educational institution in the Constitutional Convention, the House of Representatives of the Tenth Philippine Legislature, and the First National Assembly.

NOTES OF CHAPTER XXII *

[1*] *Third Annual Report of the President of the Philippines*, 1938, p. 13. For the purposes of the act of 1936 regarding private education, "the term private school or college shall be deemed to include any private institution for teaching, managed by individuals or corporations, which is not subject to the authority and regulations of the Bureau of Education or of the University of the Philippines, or of the Bureau of Public Welfare, and which offers courses of kindergarten, primary, intermediate or secondary instruction or superior courses in vocational, technical, professional or special schools by which diplomas or certificates are to be granted or titles and degrees conferred." Commonwealth Act No. 180, November 13, 1936.

[2*] Walter G. M. Buckisch, "The Relation Between Private Education and the State in the Philippines, 1924-1933" (MS, Stanford University, 1935), p. 253. Dr. Buckisch, after long experience in the Philippine public schools, served as Philippine Commissioner of Private Education from 1925. when the post was established, until it was abolished by the Reorganization Act of 1932. His study (a doctoral dissertation at Leland Stanford Junior University) is a valuable contribution to our knowledge of an important aspect of education not only in the Philippines, but wherever problems arise concerning the relation between private education and the state.

For further description and discussion of private education, see Alzona, *op. cit.*, chap. xxii; Gregorio F. Zaide, *Philippine History and Government* (Manila, 1938), chap. viii; Fr. Evergisto Bazaco, *The Church in the Philippines* (published in Spanish and English, Manila, 1938), chap. xvi; *Monroe Survey Report*, chap. vi; Joint Legislative Committee Report on Education (cited), chap. xi; Archie L. Ryan, *Religious Education in the Philippines: A Study of the Organization and Activities of the Philippine Islands Sunday School Union, Now the Philippine Council on Religious Education* (Manila, 1930); Laubach, *op. cit.*, chaps. xix-xxiv; Department of Public Instruction, *Manual of Information for Private Schools* (Manila); M. V. de los Santos, "Contributions of Private Schools to Philippine Education," *Philippine Yearbook*, IV (1936-37), 97-100. Professor Zaide's *Catholicism in the Philippines* is thoroughly documented and its footnotes provide an extensive classified bibliography of the educational activities of the Church.

* *Chapter XXII (Private Education) begins on p. 549.*

[3] The basic law regulating private education is Act No. 2706 (March 10, 1917), as amended by Act No. 3075 (March 16, 1923) and Commonwealth Act No. 180 (November 13, 1936). The Corporation Law of 1906 (Act No. 1459, March 1, 1906) gave the government its first hold over the private schools by providing that incorporated colleges and universities could grant diplomas or confer degrees only upon the approval of the Secretary of Public Instruction, to be granted under such terms and conditions as he might prescribe.

[4] *Monroe Survey Report,* chap. vi. The Monroe Commission's report on private education was analyzed and in many respects criticized in the *Joint Legislative Report on Education,* chap. xi.

[5] The government withdrew its approval from 10 per cent of the courses in operation in 1926, from 13 per cent in 1927, and from 15 per cent of those operated in 1928. Buckisch, *op. cit.,* p. 169.

[6] Act No. 4007, December 5, 1932, sec. 17.

[7] Constitution of the Philippines, Article XII, sec. 5.

[8] Commonwealth Act No. 180, November 13, 1936.

[9] Zaide, *op. cit.,* p. 96.

[10] de los Santos, *op. cit.,* p. 98.

[11] Morrow, *op. cit.,* p. 421.

[12] *Letran News, Commencement Issue,* 1934. Figured from lists of the two senior classes.

[13] "The Spirit of the PWU," *Philippines Herald,* March 30, 1939.

NOTES OF CHAPTER XXIII *

[1] See p. 466, *supra.*

[2] See Forbes, *op. cit.,* Vol. II, chap. xvi. For a discussion of the church problems of this period see Donald D. Parker, "Church and State in the Philippines," *Philippine Social Science Review,* X (November, 1938), 354-371 (abstract of a doctoral dissertation, University of Chicago, 1936).

[3] The Rev. Louis L. R. Morrow, *A Short History of the Filipino People* (Manila, 1936), p. 423.

[4] See Morrow, *op. cit.,* p. 429; Zaide, *op. cit.,* pp. 36-38.

[5] Forbes, *op. cit.,* II, 65, and 373.

[6*] For an example, see the *Manila Daily Bulletin,* June 27, 1938.

[7*] The Organic Act of the Philippine Islands of 1902 (Public Act No. 235, September 24, 1901), sec. 5, contains only the following provisions regarding the relations between the church and state: "That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed."

The Organic Act of 1916 (sec. 3) contains a much broader provision upon the same subject, declaring:

"That no law shall be made respecting an establishment of religion or prohibiting the free exercise thereof, and that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall

* *Chapter XXIII (Church and State) begins on p. 560.*

forever be allowed; and no religious test shall be required for the exercise of civil or political rights. *No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such.*" (Italics supplied.)

It would seem obvious that Section 928 of the *Revised Administrative Code* was out of harmony with the italicized portion of Section 3 of the Jones Law. The question of constitutionality, however, was never raised against the provision of the Code.

The Tydings-McDuffie Act (sec. 2 (a) (3)) merely requires of the Commonwealth: "Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship."

[8] Constitution of the Philippines, Article XIII, sec. 5.

The Constitution contains two other provisions with reference to religion. The first, Article III (the bill of rights), sec. 1 (7), provides: "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights." The other provision is found among the limitations placed upon the fiscal powers of the legislature (Article VI, sec. 13 (3)), as follows:

"No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support, of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium."

[9] Bill 3307, as originally introduced into the Philippine National Assembly.

[10] Message of the President to the National Assembly, June 4, 1938.

[11] S. Osmeña, "Memorandum Submitted to His Excellency the President of the Philippines by S. Osmeña, Vice-President and Secretary of Public Instruction, Regarding Bill No. 3307 of the National Assembly, pending approved by His Excellency, May 19, 1938," p. 24. MS, Hayden Collection.

[12] *The Tribune*, September 7, 1937.

[13] "Letter of His Excellency Manuel L. Quezon, President of the Phillipines, on President's Participation in the XXXIII International Eucharistic Congress," January 9, 1940. *Messages of the President*, Vol. 3, Part I, p. 273. In the same letter President Quezon also informed the Archbishop of his regret that he found it "absolutely necessary to leave for the United States" at a date which would make it impossible for him to be present in Manila during the Congress.

[14] "Letter of His Excellency Manuel L. Quezon, President of the Philippines, on Filipinization of the Archbishopric of Manila," September 8, 1937. *Ibid.*, p. 277.

[15] "Letter of His Excellency Manuel L. Quezon, President of the Philippines, on Father Edwin Ronan as Organizer of the Philippine Army's Chaplains Service," September 7, 1937. *Ibid.*, p. 281.

[16] Data furnished to the United States High Commissioner by the Census Commission, census of 1939.

[17] Frank C. Laubach, *The People of the Philippines: Their Religious Progress and Preparation for Spiritual Leadership in the Far East* (New York, 1925), p. 141. For a scholarly account of the origin and early development of the Philippine

Independent Church, see James A. Robertson, "The Aglipay Schism in the Philippine Islands," *Catholic Historical Review*, IV, 315-344. See also: Juan A. Rivera, "The Aglipayan Movement" (a University of the Philippines master's thesis), *Philippine Social Science Review*, IX (December, 1937), 301-328, and X (February, 1938), 9-35; Laubach, *op. cit.*, chap. ix; Homer C. Stuntz, *The Philippines and the Far East*, chap. xix; Forbes, *op. cit.*, II, 61-62; and Parker, *op. cit.*, *passim.*

[18] Stuntz, *op. cit.*, p. 489.

[19] Rivera, *op. cit.*, p. 27.

[20] *Ibid.*, pp. 29-30.

[21*] "Commission Reports and Findings of the Philippine Conference Held in Washington, D. C., April 9-14, 1940" (Indianapolis: Philippine Committee of the Foreign Missions Conference of North America (mimeographed), 1940), p. 3. Cited hereafter as "Commission Reports and Findings."

The most complete account of Protestantism in the Philippines is contained in F. C. Laubach, *The People of the Philippines*, cited. Homer C. Stuntz, *The Philippines and the Far East*, cited, gives an account of the early years of the Protestant missions which is the more interesting because it is written by one of the founders of the Methodist Church in the Philippines. Archie L. Ryan, *Religious Education in the Philippines*, cited, is a study of the organization and activities of the Philippine Islands Sunday School Union and the Philippine Council on Religious Education. The educational activities of the Protestant churches are discussed in chap. xxii, *supra*. One of the clearest descriptions of the organization, activities and accomplishments of the Philippine Protestant churches is to be found in the Rev. Dr. Enrique C. Sobrepena, "Evangelical (Protestant) Churches in the Philippines," *The Advance: A National Journal of Christian Opinion* (San Fernando, La Union, Philippines), VI (April, 1939), 16-27; see also Parker, *op. cit.*, *passim.*

[22] Statement of the Rev. Dr. Arthur J. Brown, quoted in "Commission Reports and Findings," p. 1.

[23] *Ibid.*, p. 2.

[24*] "The general territorial divisions which have been modified but which have been followed in the main were as follows: The Methodists were responsible for work north of Manila on the Island of Luzon with the exception of the provinces of La Union, Ilocos Norte and Ilocos Sur, which were to be the United Brethren territory. The United Brethren were also to be responsible for the Mountain Province. The central territory of the archipelago, embracing Cebu, Bohol, Leyte, Samar, Panay, Romblon and Masbate, was under the jurisdiction of the Baptist and Presbyterian Boards. Subsequent conferences arranged for the Baptist Board to work in Panay, Occidental Negros and Romblon. The American Board was assigned responsibility for the Island of Mindanao. Subsequently the Christian and Missionary Alliance began work in Mindanao, and by agreement with the American Board and the United Evangelical Church, worked in territory around Zamboanga and in Jolo.

"The missionaries of the Disciples Board [Disciples of Christ] came in the first years and accepted territorial assignment in Ilocos Norte, parts of Ilocos Sur, and in certain territories in and near Manila. Early in the days of American occupation, the Episcopal Board while not participating in the Evangelical Union started work in Manila, and among the Moros in the south and the mountain tribes in the north." *Ibid.*, p. 2. Manila was open territory.

NOTES OF CHAPTER XXIV *

[1] Pedro Chirino, *Relacion de las Islas Filipinas i de lo que en ellas [h]an trabaiado los padres de la Compañia de Iesus* (ed. Manila, 1890), p. 7. Quoted in a different translation in Cecilio Lopez, *The Language Situation in the Philippine Islands* (Manila, 1931), p. 7. Father Chirino lived in the Philippines from 1595 to 1635.

[2*] "The National Assembly shall take steps toward the development and adoption of a common language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages." (Constitution of the Philippines, Article XIII, sec. 3); "The Government of the Commonwealth of the Philippines shall establish and maintain an adequate system of public schools, primarily conducted in the English language." (Ordinance Appended to the Constitution, sec. 1(8)); "Provision shall be made for the establishing and maintenance of an adequate system of public schools, primarily conducted in the English language." (Public Act No. 127, 72nd Congress, sec. 2(a)(8)).

[3] Commonwealth Act No. 184, November 13, 1936, as amended by Commonwealth Act No. 333, June 18, 1938.

[4*] A press report stated that this opinion was expressed by the Hon. Norberto Romualdez, the chairman, and the Hon. Camilo Osias, a member of the Committee on National Language of the National Assembly, *Manila Daily Bulletin*, November 15, 1936.

[5] Executive Order No. 134, December 30, 1937.

[6] Executive Order No. 263, April 1, 1940. The order stated that inasmuch as the Institute had "already performed the main duties imposed upon it by law," it would not be necessary for the members to hold further sessions, unless otherwise directed by the President.

[7] Commonwealth Act No. 570, June 7, 1940.

[8] *Manila Daily Bulletin*, December 30, 1937.

[9] *Message . . . to the First National Assembly on the Creation of an Institute of National Language*, October 27, 1936.

[10*] H. Otley Beyer, *Population of the Philippine Islands in 1916* (Manila 1917), p. 17, tables IV and V, and Part II, *passim*. See also Lopez, *op. cit.*, pp. 4-6. Dr. Lopez, who is a member of the faculty of the University of the Philippines and the executive secretary of the Institute of National Language, points out that the estimated number of Philippine languages varies according to different authorities and calls attention to the fact that Beyer lists only forty-three languages, excluding the minor dialects. Lopez states that the "tribes" which speak the "best known" languages fall into three general groups according to their religions. "Those that speak Baran, Ibanag, Iloko, Pangasinan, Sambal, Pampangan, Tagalog, Bikol and the Bisayan languages are Christians; the Sulus, Magindanaos and Malanaos are Mohammedans; while the remaining tribes mentioned are pagans."

[11*] *Ibid.*, p. 3. The Austronesian group is more extensive than the Malayo-Polynesian group set up by those authors who excluded the Melanesian languages. The Austronesian trunk means what P. W. Schmidt included in the group, namely:

I. Indonesian (Malay, Batak, Tagalog, etc.)

* *Chapter XXIV (Wanted: A National Language) begins on p. 583.*

II. Melanesian
III. Polynesian

The Austronesian languages cover that vast region which extends from Madagascar in the west to Hawaii and Easter Island in the east, and from Formosa in the north to New Zealand in the south, excluding the Papuan languages of New Guinea, the aboriginal tongues of Australia and other less important idioms. The Indonesian languages were classified by Friedrich Mueller in two groups: the Tagalog group which included the languages of the Philippines, Formosa, the Marianas and Madagascar; and the Malayo-Javanese group, including Malay, Javanese, Sundanese, Batak of Sumatra, Makassar and Bugi of Celebes and Dyak of Borneo. Friedrich Mueller, *Grundriss der Sprachwissenschaft*, Wien, 1876-88, Bd. II, Abt. 2, cited in Lopez, *op. cit.*, p. 8. Professor H. H. Bartlett has stated to the writer that the Mueller classification of the Marianas and Madagascar with the Philippine group is not in accord with modern ideas. The Mariana dialects have Melanesian affinity and are often placed in a Micronesian group; the Madagascar dialects are a group by themselves, falling within the general group Indonesian but far nearer to the Javanese group than the Philippines. There is an extensive Dutch scholarly literature on the Indonesian languages.

[12] Trinidad A. Rojo, *The Language Problem in the Philippines* (Research Monograph No. 1, The Philippine Research Bureau, New York-Manila, 1937), p. 45.

[13] Dr. Najeeb M. Saleeby, *The Language of Education in the Philippine Islands* (*Manila*, 1924), p. 33.

A presentation of the results of scientific research in the similarities of Philippine languages is found in Cecilio Lopez, "General Features of Philippine Languages," *Philippine Social Science Review*, IX (September, 1937), 201-207.

[14] "*Constitucion Provisional de la Republica Filipinas*," a draft prepared by Isabelo Artacho and Felix Ferrer, and approved at Biak-na-Bato, November 1, 1897, Article VIII. Printed in *Planes Constitucionales Para Filipinas* (a collection of constitutional texts prepared for the constitutional convention of 1934 by the National Library) (Manila, 1934), p. 26.

"Programa Constitucional de la Republica Filipina," prepared by Apolinario Mabini and submitted to the Revolutionary Government at Cavite on June 6, 1898, Article X. *Ibid.*, pp. 69-70.

[15] "*La Constitucion de Malolos*," promulgated by President Emilio Aguinaldo January 21, 1899, Article 93. *Ibid.*, p. 90 et seq. The Malolos constitution also appears in *Report of the Philippine Commission*, 1900, p. 189 *et seq.*

[16] *Ibid.*, 1903, III, 700-701. Concerning the similarities and differences between the Philippine tongues, Dr. Barrows wrote: "All of these dialects belong to one Malayan stock. Their grammatical structure is the same. The sentence in each one of them is built up in the same way. The striking use of affixes and suffixes which gives the speech its color is common to them all. There are, moreover, words and expressions which are identical to them all. A hundred common words could readily be selected which would scarcely vary from one language to the other; but the fact still remains that while similar in grammatical structure, these languages are very different in vocabulary—so different that two members of any two different tribes brought together are unable to converse, or at first even to make themselves understood for even the simplest steps of intercourse. The similarity of structure makes it very easy for a Filipino of one tribe to learn the language of another, but nevertheless these languages have preserved their distinctions for more than three hundred years of European rule and in the face of a common religion and in spite of considerable migration and mixture between the different tribes." *Ibid.*

[17] Saleeby, *op. cit.*, p. 12.

[18] David J. Doherty, "Conditions in the Philippines," p. 7. Senate Document No. 170, 58th Congress, 2d Session.

Dr. Doherty stated that he had met no one in the Philippines who believed that English could become a vernacular in the Islands and that the authorities did not seem to expect that it could or would. He believed that the fusion of the dialects was possible and desirable and stated that in 1903 he had inspired Lopé K. Santos, then one of the editors of *El Renacimiento*, to call all of the native editors and writers into a conference and make an attempt to "fuse these dialects into a uniform or common one." Dr. Doherty appealed to the authorities in Manila and Washington for aid in the work of fusion, and to encourage the study of the vernacular by its employees and teachers and to influence them to translate into the vernaculars books useful for the culture of the Filipinos.

[19] See Lopé K. Santos, "The Vernacular as a Factor in National Solidarity and Independence," *Proceedings of the First Independence Congress*, pp. 165-68.

[20] Rojo, *op. cit.*, pp. 56-57.

[21] Maximo M. Kalaw, *Introduction to Philippine Social Science*, p. 272. Chapters XII and XIII of this book deal with the subject "Language and Literature."

[22] *Ibid.*, p. 274.

[23] *Ibid.*, pp. 272-73.

For an informal and thoughtful discussion of the adaptation of English to Filipino needs, see an interesting article by a member of the Department of English of the University of the Philippines: Winifred O'Conner Pablo, "English in the Philippines," *Philippine Social Science Review*, X (February, 1938), 35-42.

[24] See H. A. Wyndham, *Native Education*, chaps. ix, xix, *passim*.

[25] *Ibid.*, p. 91.

[26] See J. Hardeman, "The Budget of the Netherlands Indies," *Bulletin of the Colonial Institute of Amsterdam*, I (November, 1937), 20-31.

[27] See Wyndham, *op. cit.*, p. 192. See also Virginia Thompson, *French Indo-China* (New York, 1937), pp. 284-307, *passim*, for an informing discussion of the language problems met by the educators of that colony. "Primary education," Dr. Thompson states, "has finally had the courage to diverge radically from the French model; now in only higher education do the two systems resemble each other. Its basis is the three R's, taught in the native languages, along with moral precepts, rules of hygiene, and an introduction to the history and geography of Indo-China, its agriculture, and history [sic], with an optional course in the French language for pupils desiring to pursue their studies further." The primary schools in Indo-China have even less holding power than those of the Philippines. "This course is limited to three years," Dr. Thompson explains, "for the very practical reason that the vast majority of children cannot give more time than that to education. At the close of the first year half of the children withdraw: half of the remainder do likewise at the end of the second year, so if the time limit were extended there would be virtually no pupils." *Ibid.*, p. 300.

[28] Kenneth P. Landon, *Siam in Transition* (Shanghai, Chicago, 1939), p. 82, and chap. v.

[29] *Ibid.*, pp. 225-26.

[30] *Monroe Survey Report*, p. 127.

[31] *Ibid.*, p. 140.

[32] *Ibid.*, p. 43. The Board of Educational Survey also made a qualified recom-

mendation that the dialects should be used in giving instruction to children in manners and morals. *Ibid.*, p. 28.

[33] Joint Educational Committee of the Philippine Legislature, *Joint Legislative Committee Report on Education* (Manila, 1926), pp. 100-108, *passim.* Senator Camilo Osias, an able and thoroughly trained professional educator, was a co-chairman of this Committee.

[34] Professor Cecilio Lopez estimates that in not more than two or three per cent of Filipino homes is English used in any way outside of school. *Op. cit.*, p. 16.

[35*] This statement is based upon repeated observations carefully made in the hallways, playgrounds and meeting places of the University, and is confirmed by the students themselves. When English is used it is usually by students belonging to different language groups.

[36] See letter from Jorgé B. Vargas, Secretary to the President, to R. Estanislao, citing Act No. 190, sec. 12, as amended by Act No. 3504; secs. 15 and 922, *Revised Administrative Code;* and Executive Order No. 44, series of 1912. *Manila Daily Bulletin,* Jan. 15, 1938.

NOTES OF CHAPTER XXV *

[1*] See Forbes, *op. cit.*, I, 416, citing *Report of the Philippine Commission,* 1900, I, 32; and Vol. II, App. XXIV, 495-96.

The Census of 1903 showed that of the population over ten years of age 44.5 per cent could read in some language spoken in the Philippines. Only 20.2 per cent could both read and write, as compared with 90 per cent in 1900 in the United States, and only 1.6 per cent had received the Philippine equivalent of a common school education. *Census of the Philippine Islands,* 1903, I, 84.

[2] James A. LeRoy, *Philippine Life in Town and Country,* pp. 234-35.

[3] *Census of the Philippine Islands,* 1918, II, 57.

[4] Information given to the United States High Commissioner by the Census Commission, Census of 1939.

[5*] The provinces more than 60 per cent literate and their respective percentages were: Batanes, 61.0; Bulacan, 67.9; Camarines Norte, 72.8; Laguna, 65.5; Manila, 80.7; Rizal, 67.3; Tayabas, 67.4; Zambales, 60.6. The provinces which were less than 40 per cent literate were: Bukidnon, 36.4; Capiz, 37.8; Cebu, 36.8; Cotabato, 19.9; Mountain, 29.1; Negros Oriental, 31.0; Palawan, 39.5; Samar, 37.3; Sulu, 18.5; Zamboanga, 33.5. Data compiled from *Census of 1939,* Vol. I, Table 13.

[6] Teofilo del Castillo y Tuazon, *A Brief History of Philippine Literature* (Manila, 1937).

[7] Euphronio Alip, *Tagalog Literature* (a historico-critical study) (Manila, 1930).

[8] *Ibid.*, p. 14.

[9] Rizal's first novel, *Noli me tangere,* was published in Berlin (1887), then in Manila (1899), the United States (in translation, 1900), and in Spain (1902). His *El Filibusterismo* was first published in Ghent (1891), then in the Philippines (1900), and later in Spain.

[10] For discussion of the Filipino press of this period, see Forbes, *op. cit.*, II, 71-78, and Appendix XXII; Worcester and Hayden, *op. cit.*, pp. 52-57, 680-681; Carson Taylor, *History of the Philippine Press* (Manila, 1927), p. 24 *et seq.;* and

* *Chapter XXV (Literacy and Literature) begins on p. 604.*

Epifanio de los Santos, "The Philippine Revolutionary Press," 1898-1899 (a translation of excerpts from a manuscript written in 1922), *ibid.*, pp. 49-55.

[11] Harley H. Bartlett, "Vernacular Literature in the Philippines," *Michigan Alumnus Quarterly Review*, XLII (June 27, 1936), 217-218.

[12] The *Monroe Survey Report* stated: "The great body of Filipinos read nothing, neither in English, in Spanish, nor in the various dialects. The combined circulations of all daily and weekly newspapers and magazines substantiate this conclusion. In fact most teachers read relatively little. Certainly not more than two or three per cent of the people of the Philippines, most of whom are concentrated in three or four large cities, continue to read English after leaving school." *Monroe Survey Report*, p. 135.

[13] *Wood-Forbes Report*, p. 6.

[14] Figured from "List of Publications Entered Into the Second Class of Mail Matter in the Bureau of Posts," 1937. MS, furnished by Bureau of Posts, Manila. Cited hereafter as Bureau of Posts, "List of Publications."

[15] Information from the publishers of *The Tribune*, *La Vanguardia*, *Taliba*, and the *Manila Daily Bulletin*.

[16] Walter Robb, "On the Place of Books in the Home," *The Tribune*, June 20, 1934, reprinted in Philippine Library Association, *Proceedings of the First National Book Week and the 1934 Librarians' Convention* (Manila, 1935), pp. 84-85.

[17] See also an interesting paper by John W. Osborn, "Books and Book Selling in the Philippines," Philippine Library Association, *op. cit.*, pp. 47-58, and Bartlett, *op. cit.* Mr. Miller also listed the leading American magazines read by Filipinos in the order of their popularity and sales volume, as follows: Weekly: *Liberty*, *Saturday Evening Post*, *Collier's*, *Life*, *Time*; Monthly: *Readers Digest*, *Cosmopolitan*, *Red Book*, *Popular Mechanics*, *McCall's Magazine*.

[18] See Teodoro M. Kalaw, "The National Library, A Resume of Its Activities," *ibid.*, pp. 78-79; and Estaquio G. Aquino, "Library Legislation in the Philippines," *ibid.*, pp. 67-77.

[19] See J. Scott McCormick, "School Libraries in the Philippines," Philippine Library Association, *op. cit.*, pp. 59-66 (reprinted in the *Philippine Social Science Review*, VII (January, 1935), 22-31); and Melchor T. Villanueva, "Our Public School Libraries," *ibid.*, pp. 127-133.

[20] I. V. Mallari, "Architects and Architecture in the Philippines," *Philippine Magazine*, XXVII (August, 1930), 156, and (October, 1930), 296. See also, I. V. Mallari, "The Bonifacio Monument," *ibid.* (October, 1930), p. 284; A. V. H. Hartendorp, "Philippine Regional Architecture," *ibid.*, XXXI (June, 1934), 231; and A. V. H. Hartendorp, "The Applied Art of the Lanao Moros," *ibid.*, XXIX (March, 1933), 437.

[21] An interesting sketch of Filipino painters is Ignacio Manlapaz, "Certain Filipino Painters," *ibid.*, XXIX (March, 1933), 444.

[22] Address of President Manuel L. Quezon at San Juan de Letran College, Manila, November 7, 1937. *Messages of the President*, Vol. 3, Part I, p. 167.

[23] Saleeby, *op. cit.*, pp. 28-30.

[24] George C. Butte, *Shall the Philippines Have a Common Language?* (an address delivered before the Catholic Women's League of Manila, August 23, 1931. Manila, 1931), p. 19. Dr. Butte meant in the first four grades of the elementary schools. See *ibid.*, p. 14.

[25] *Ibid.*, p. 10.

[26] *The Tribune*, August 26, 1931.

[27] *Philippines Herald,* August 29, 1931.

[28•] Aruego, *op. cit.,* II, 634-35.

For a discussion of the early efforts of Filipinos to establish a common national language, and an account of the steps to this end taken in the Constitutional Convention and during the early days of the Commonwealth, see Norberto Romualdez, "Our Common Tongue," *Philippine Social Science Review,* VIII (December, 1936), 301-308. Mr. Romualdez, an authority on Philippine languages, is chairman of the National Assembly's Committee on National Language.

[29] *Ibid.,* p. 635.

[30] Constitution of the Philippines, Article XIII, sec. 3.

[31] Aruego, *op. cit.,* II, 644.

[32] See *ibid.,* II, 637, 644-45.

[33] One of the political writers of the *Manila Daily Bulletin* stated that in the Constitutional Convention "there was no dissent relative to the probability of Tagalog being chosen." *Manila Daily Bulletin,* December 30, 1937.

[34•] Vocabularies are being prepared by the Institute of National Language in "Tagalog-Sebu, Tagalog-Hiligaynon, Tagalog-Iloko, Tagalog-Samar-Leyte, Tagalog-Bikol, Tagalog-Pangasinan, Tagalog-Pampangan, Tagalog-Ibanag, Tagalog-Magindanaw, and Tagalog-Ivatan." Jaime C. DeVeyra, Director of the Institute of National Language, to J. R. Hayden, January 3, 1940. MS, Hayden Collection.

[35] *Ibid.*

[36] *Manila Daily Bulletin,* January 26, 1940.

[37•] The attitude of thoughtful Filipinos toward the future value of English is well illustrated by the reasons for making English one of the official languages which were advanced by the committee on official language of the Constitutional Convention, as follows:

"a. English is now very widely diffused throughout the Islands, especially among the masses.

"b. The present generation, with the exception of a limited portion, has been educated in English, and the coming generation are also being educated in the English language.

"c. The great staff of teachers that has been developed has been educated in English and use English as a means of instruction.

"d. English is the prevailing commercial language in the Orient, and the bulk of commercial transactions therewith or with America is conducted in said language.

"e. Millions have been spent in the education of the masses in English, in the training of teachers, preparation of system of instruction, books, periodicals, etc., and the nation can ill afford the loss of so much time, money, and energy spent in its study and diffusion.

"f. A great mass of literature, especially by the younger generation of Filipinos, is written in the English language.

"g. The mandatory provision of the Tydings-McDuffie Law making English as the principal basis of instruction and the introduction of a similar provision in the recommendation of the Committee on Public Instruction."

Aruego, *op. cit.,* II, 687-88.

[38] Saleeby, *op. cit.,* pp. 34, 45.

[39•] Bartlett, *op. cit.,* pp. 214-215.

It is hardly accurate to say that an attempt has been made "to replace the vernaculars with English," although the statements of the Bureau of Education have not always been clear and consistent upon this point. For instance, in the

annual report of the Director for 1919 it is stated that the "introduction of the English language into all parts of the Philippine Islands with the intention of making it the common language of the people" had not been "undertaken with the simple idea of teaching the Filipino youth to understand English, but it has been undertaken with the idea of making English the medium of expression on the street and in the home, as well as in the classroom, in the school shop, and on the school playground." *Report, Director of Education*, 1919, p. 11.

[40] *Manila Daily Bulletin*, January 26, 1940.

[41] *Message . . . to the First National Assembly on the Creation of an Institute of National Language*, October 7, 1936.

[42] See an editorial, "*Dos palabras a Mr. Hayden*," in *El Comercio*, July 7, 1922.

[43] The two figures are the totals of the Spanish and English-speaking people as reported by provinces in the *Census of 1939*, Vol. I, table 5.

NOTES OF CHAPTER XXVI *

[1] Figures quoted from "Boletin de la Estadistica de la Ciudad de Manila," in Bureau of Health, "Health Conditions in the Philippine Islands" (Manila, 1926), p. 6. (Report prepared for the Hon. Carmi A. Thompson.) MS Copy, Hayden Collection. The death rate for Manila was given at 34.60. The vital statistics of pre-American days were entirely unreliable. It is not likely, however, that the death and infant mortality rates were over-estimated. The infant mortality rate varied greatly from year to year, depending upon the presence or absence, or the severity, of epidemic disease.

[2] Lord Lloyd, *Egypt Since Cromer* (London, 1933), I, 75.

[3] Philippine vital statistics for the provinces were little more than rough guesses in 1904, when for the first time systematic and determined efforts were made to collect them. For Manila they were somewhat more accurate, but still far from being reliable. Infant mortality varied greatly from year to year. In 1904 the Manila rate was 811.35 per 1,000 births but this high rate was due to an epidemic. In 1911 the rate was 334.45 per 1,000 births. The infant mortality figures given are taken from Forbes, *op. cit.*, I, 361. The estimate of the general death rate in Manila in 1904 is from the *Report of the Philippine Commission*, 1904, II, 5; the estimate for 1913 from the same report for 1914, p. 81. In the latter document it is stated that Manila is the only portion of the Islands having complete vital statistics.

[4] This statement could not be proven to the satisfaction of all critics. No doubt there are communities in the tropics where, from a statistical point of view, the health conditions are as good or better than they are in the Philippines. But when all factors are given due consideration, there are few comparable tropical countries that are more healthful than the Philippines.

[5] For the early development of public welfare and specialized maternal and child health work, see *infra*, pp. 681-82, *et seq.*

[6] See *Wood-Forbes Report*, pp. 17-18; and the *Report of the Governor-General*, 1924, pp. 7, 8, for the statistics of the cholera and smallpox epidemics which cost 115,000 preventable deaths. The same period saw an increase in the crude death rate from 22.61 to 28.21 during the years 1915-1919, inclusive; an increase in the infant mortality rate from 175.58 to 206.07. This was a part of the cost of demonstrating what will happen in the Philippines should there be

* *Chapter XXVI (A Modern Health and Welfare Program) begins on p. 636.*

even a brief relaxation of the precautionary and preventive measures dictated by modern public health practices. Figures from Philippine Bureau of Health, "Health Conditions in the Philippines," p. 16. Memorandum prepared for Col. Carmi A. Thompson, 1926. MS copy in Hayden Collection.

[7] George E. Vincent, *The Rockefeller Foundation, A Review of Its War Work, Public Health Activities and Medical Education Projects in the Year 1917* (New York, 1918), pp. 31-32.

Experience has since shown that under Philippine conditions the money spent in operating such a ship can be expended to better advantage in some other form of health work. In 1934 a hospital ship was considered for the Sulu Archipelago, but it was decided that more could be accomplished by doctors and public health nurses on land.

[8] So far as the author knows, no complete account of the work of the Rockefeller Foundation in the Philippines has been published. The annual reports of the International Health Division deal with the subjects of the Foundation's activities (such as yellow fever, malaria, public health education) rather than with geographical or political units, and it is difficult to draw from them a clear picture of the work in any particular country. Among other publications describing the work of the Foundation in the Philippines may be mentioned: Vincent, *op. cit.*; Paul F. Russell, *Malaria and Culicidae in the Philippine Islands: History and Critical Bibliography, 1898 to 1933* (Manila, 1934); . . . *Biological and Medical Research at the Bureau of Science*, Manila; . . . "Epidemiology of Malaria in the Philippines," *American Journal of Public Health*, Vol. 26 (January, 1936); Jacobo Fajardo and José P. Bantung, *op. cit.*, Appendix B, pp. 30-35. A popular account of the work of the Foundation in the Islands appeared in the *Philippines Free Press*, July 20, 1935, p. 34.

[9] Act No. 4007, December 5, 1932, secs. 5, 14, 15, 16.

[10] For a vivid description of the early development of the public health service, see Worcester and Hayden, *op. cit.*, chap. xvi; and Victor Heiser, *An American Doctor's Odyssey* (New York, 1936), chaps. 4-15, 24.

[11*] Basically, but subject to modification to meet local requirements, the personnel of each center in Manila consisted of three full-time physicians, a part-time physician furnished by the Philippine Islands Anti-tuberculosis Society, and ten nurses. In 1935, 60 nurses were employed in community health-social center work, and there were also a Chief of Centers and a Chief Nurse. The Tondo Center is utilized as a training center for nurses who are to be employed in public health nursing and social work. The following table shows the volume of work performed by the Manila centers during the first nine months of 1935:

WORK PERFORMED BY THE FOUR COMMUNITY HEALTH-SOCIAL CENTERS IN MANILA DURING THE PERIOD OF JANUARY 1, 1935 TO SEPTEMBER 10, 1935

	Tondo	San Nicolas	Sta. Cruz	Sampaloc	Total
Number of families registered	4,073	3,474	3,527	3,417	14,491
Number of visits to homes	11,223	10,129	10,279	8,890	40,551
Number of individuals attending the center clinics	40,134	26,317	29,008	24,082	119,501

Major George C. Dunham, "Memorandum. Public Health and Welfare Activities from 1932 to 1935, Inclusive," p. 12. MS Copy, Hayden Collection.

[12] Executive Order No. 450, October 6, 1933.

[13] Act No. 4184, December 7, 1934.

[14] Act No. 4095, November 29, 1933; Act No. 4154, December 1, 1934.

[15] Executive Order No. 516, October 19, 1934. The organization and functions of the National Emergency Relief Board and its provincial and municipal subsidiaries are described in the Board's *Pamphlet No. 1, Organization* (Manila, 1934).

[16] Act No. 4197, February 12, 1935.

[17] Act No. 4160, December 1, 1934. In 1935 an additional ₱100,000 was appropriated for typhoon relief and to repair the damages done to school buildings by typhoons. Act No. 4217, August 6, 1935.

[18*] The summary report of the Director of Health for 1936 states that at the end of that year 60.81 per cent of the entire population, excluding the City of Manila, had access to family toilets, and declares that the five-year campaign is giving "good results." The Division of Sanitation, in another section of the same report, states that approximately 71 per cent of the population outside of Manila is served. While in the first paragraph on the subject it is declared that "good results" are being achieved in the campaign, a few lines below an explanation is given for the "poor showing" and "slow progress" made. *Report of the Bureau of Health*, 1936, pp. 18, 80. These discrepancies are noted to indicate the difficulties faced in dealing with health statistics. The almost certain fact is, of course, that neither estimate is closer than 10, perhaps 15, per cent to absolute accuracy. This is close enough, however, to warrant the general conclusions which are drawn from the figures.

[19*] Apparently reliable information indicates that since 1936 there has been retrogression in some aspects of this work.

[20] Commonwealth Act No. 4158, December 1, 1935.

[21] These committees were created, respectively, by Executive Order No. 440, September 1, 1933, and Executive Order No. 436, August 18, 1933.

[22] Philippine Leprosy Commission, *Report of the Philippine Leprosy Commission* (presented to the Governor-General, September, 1935), Manila, 1935 (reprinted from the *International Journal of Leprosy*, Vol. 3, No. 4 (1935), pp. 389-442), pp. 409-410.

[23] *Ibid.*, p. 408.

[24] Commonwealth Act No. 161, November 9, 1936.

[25] Dr. George C. Dunham, "Memorandum for the Governor General, Public Health and Welfare Activities from 1932 to 1935, Inclusive" (Manila, October 26, 1935), pp. 38-39. Ms copy, Hayden Collection.

NOTES OF CHAPTER XXVII *

[1*] Public Act No. 240, 64th Congress, August 29, 1916, sec. 23. The Jones Act also provided that the Bureau of Education should likewise be in the Department of Public Instruction and that the Bureau of Non-Christian Tribes should be in a department to be designated by the Governor-General. *Ibid.*, sec. 22.

* *Chapter XXVII (Public Health and National Independence) begins on p. 668.*

[5] The National Rice and Corn Corporation is one of the instrumentalities designed to accomplish this purpose.

[6] The data in this resume of health-welfare activities since 1935 were furnished by the Commissioner of Health and Welfare in a memorandum dated August 31, 1938. MS, Hayden Collection. Data concerning the status of the program at the end of 1940 are taken from the annual message of the President to the National Assembly, January 31, 1941. *Manila Daily Bulletin*, February 1, 1941.

[6a] Executive Order No. 299, August 19, 1940.

[6b] *Manila Daily Bulletin*, May 12, 1939. The need for popular education as to the benefits to be derived from modern medicine is revealed by the following statement from the same article: "It was divulged by many doctors practicing in remote places that the people abhor going to hospitals. The ignorant class has formed the idea that people who go to hospitals never come out alive. One doctor explained that in order to educate the people and encourage them to take their patients to hospitals he never takes very sick patients to a hospital. Instead he takes those who are certain of recovery so that they can go out and tell the people what an attractive place hospitals are and how well they take care of patients."

[7] Commonwealth Act No. 442, June 3, 1939.

[8] Commonwealth Act No. 330, June 18, 1938, sec. 1 (b), (c), (d), (e), (f), (g), (h), (i), (j).

[9] Commonwealth Act No. 245, December 17, 1937, sec. 6, items I-IV-118, 21, 22; Commonwealth Act No. 300, June 9, 1938, sec. 6, items I-IV-23, 25, 27.

[10] Estimate furnished the Hon. Fred L. Crawford of Michigan by the Department of State. *Cong. Rec.*, 84 (August 1, 1939), 14886.

[11] The department was set up by executive order under authority of Commonwealth Act No. 430 (May 31, 1939), which provided for the creation of the Department of National Defense and the Department of Public Health and Welfare.

[12] *Annual Report of the Bureau of Health*, 1936, p. 24.

[13] Commonwealth Act No. 561, June 7, 1940.

[14] See Annual Report of the Bureau of Health, 1936.

[15] Act No. 4187, December 8, 1934, p. 226; Commonwealth Act No. 300, June 9, 1938. *Official Gazette*, XXXVI (December 17, 1938), 3424.

[16] *Report of the Bureau of Health*, 1936, p. 21.

[17] *Revised Administrative Code*, chap. 37, as amended, for organization of the Philippine Health Service.

[18] *Ibid.*, sec. 1012.

[19] Executive Order of the President, January 3, 1900. *Report of the War Department*, 1901, Vol. I, Part IV, p. 421. Philippine *Revised Administrative Code*, sec. 1130.

[20] *Second Annual Report of the President of the Philippines*, 1937, p. 13.

[20a] *Report of the Governor-General*, 1914, p. 279; 1915, p. 236. The private organizations which received allotments from government funds and operated under the supervision of the Public Welfare Board were: the Philippine Anti-tuberculosis Society, the *Gota de Leche*, the Philippine National League for the Protection of Early Infancy, the Women's Club of Manila, the *Association de Damas Filipinas*, the Philippine Orphanage Association and the Lucena Hospital.

[21] This bill appears as Appendix A in the *Annual Report of the Director of Public Welfare*, 1936, p. 37. In the explanatory note which precedes this bill the

following statement is made: "Such matters in the provinces as providing for the destitute, needy and helpless, be they young or old, the unemployed, the delinquents, etc., are not receiving and never have received any attention from the Government." This statement is no longer strictly accurate, but the start that has been made, although encouraging, is slight.

[22*] The First National Assembly gave evidence of its awareness of this need by passing a law extending the authority of the Director of Public Welfare over minor delinquents in the provinces and appropriating funds to make it easier for poor provinces and municipalities to meet the expense of maintaining such persons at Welfareville or in other institutions or homes approved by the Director. Commonwealth Act No. 100, October 28, 1936.

NOTES OF CHAPTER XXVIII *

[1] Veto Message Relating to Philippine Independence, House Document No. 524, 72d Congress, 2d Session (January 13, 1933).

[2] Commonwealth Act No. 613, August 26, 1940. This was the date upon which President Roosevelt's approval made the measure a law. President Quezon approved it on May 28.

[3] The Tydings-McDuffie Act provides, "Acts affecting . . . immigration shall not become law until approved by the President of the United States." Public Act No. 127, 73d Congress, Section 2(a)(9).

[4*] For information regarding the Chinese in the Philippines during pre-Spanish and Spanish times, see Berthold Laufer, *The Relation of the Chinese to the Philippines* (Washington, 1908); D. P. Barrows, *History of the Philippines*, pp. 73-75; *Report of the Philippine Commission*, January, 1900, Vol. X.

[5*] See S. Lai, "The Development of Chinese Journalism in the Philippines," in the *Manila Times*, February 19, 1923, for an interesting discussion of this subject.

The Chinese newspapers published in Manila circulate throughout the Philippines. In 1938 the dailies had a combined circulation of about 32,000 and the weekly of about 1,000.

[6*] Shoe dealers, hat dealers, cigar and cigaret dealers, soap manufacturers, tobacco-leaf dealers, rice merchants, cloth merchants, clothing and dry goods merchants, grocers, cigar and cigaret manufacturers, hardware merchants, glassware merchants, second-hand dealers, lumber merchants, drug store owners, slaughterers, importers and exporters, blacksmith merchants, panciteria and restaurant owners, and medical drug store owners, sari sari store owners, fruit merchants, and vegetable merchants.

[7] H. K. Kwong, Consul-General for China, to Hon. C. W. Franks, Secretary to the Governor-General, Manila, December 8, 1930. MS copy, Hayden Collection.

[8] Data excerpted from table, "Distribution of Real Property Declared for Taxation in Philippines, December 31, 1938," in "Philippine Land Tenureship," *American Chamber of Commerce Journal*, XX (October, 1940), 8.

[9*] Act No. 2972, February 21, 1921. Discussions of the Chinese Bookkeeping Act are to be found in the following publications: *China Review*, I (July, 1921), 26 and Ta Chen, "Chinese Migrations with Special Reference to Labor Conditions," Bulletin No. 340, Bureau of Labor Statistics, Washington, 1923.

* *Chapter XXVIII (The Philippines, China and Japan) begins on p. 691.*

[10] *Yu Cong Eng* v. *Trinidad*, 271 U. S. 500 (1926).

[11] *Memorandum Regarding Act No. 2972 of the Philippine Legislature, Known as the Bookkeeping Law*, pp. 14, 18. Undated memorandum presented to Congress by representatives of "The Chinese Chamber of Commerce of Manila, and all the Chinese residents in the Philippine Islands."

[12] Act No. 3292, December 2, 1926.

[13] Act No. 4176, December 5, 1934.

[14] Commonwealth Act No. 113, November 1, 1936.

[15] Letter from the President to the Speaker of the National Assembly on the effectivity of the Chinese Bookkeeping Law, September 14, 1936. *Messages of the President*, Vol. 2, Part I, p. 243.

[16] Philippine Constitution, Article XII, sec. 1; Article XIII, sec. 8.

[17] *Manila Daily Bulletin*, October 18, 1940.

[18] *Ibid.*, January 6, 1941.

[19] *Ibid.*, December 28, 1940.

[20] Address of President Manuel L. Quezon at the inauguration of the Philippine Chamber of Commerce, July 29, 1938. *Ibid.*, July 30, 1938.

[21] *Memorandum Regarding Act No. 2972 of the Philippine Legislature, Known as the "Bookkeeping Law,"* pp. 4-10, *passim.*

[22] For discussion of the Chinese in southern Asia, see: W. J. Cator, *The Economic Position of the Chinese in the Netherlands Indies* (Chicago, 1936); Amry Vandenbosch, *The Dutch East Indies* (2nd ed., Berkeley, California, 1941), chaps. i, xix, *passim;* J. S. Furnivall, *Netherlands India, A Study in Plural Economy* (Cambridge, 1939), chaps. i, xi, xii, *passim;* Rupert Emerson, *Malaysia, A Study in Direct and Indirect Rule* (New York, 1937), *passim;* R. O. Winstedt, ed., *Malaya, The Straits Settlements and the Federated and Unfederated Malay States* (London, 1923), chaps. vii, xiii; K. P. Landon, *Siam in Transition*, chap. iv and *passim;* T. E. Ennis, *French Policy and Developments in Indo-China*, p. 124, *et seq.* and *passim;* Virginia Thompson, *French Indo-China* (New York, 1937), p. 165 *et seq.* and *passim*, and K. P. Landon, *The Chinese in Thailand.*

Helmut G. Callis, *op. cit.*, estimates Chinese business investments in the Netherlands Indies as being about 150 million U. S. dollars; in British Malaya, as nearly 200 million; in Thailand as 100 million; in French Indo-China, as about 80 million; and in Burma, as from 10 to 15 million. In the opinion of the author these are conservative estimates.

In 1933 Professor C. F. Remer estimated that the "family remittances" in the following sums were made from southeast Asia to China, as follows: from the Netherlands Indies, 29.4 million Hong Kong dollars; from British Malaya, 42.0 million Hong Kong dollars; from Thailand to Hong Kong, 20 million Hong Kong dollars; and from Indo-China, 5 million Hong Kong dollars. C. F. Remer, *Foreign Investments in China* (Macmillan, New York, 1933), pp. 179ff., table, p. 185.

[23] *Manila Daily Bulletin*, December 19, 1938. In 1939, 85 per cent of the capital investment in rice mills in this area was Chinese. *Ibid.*, April 12, 1939.

[24] Data from the annual reports of the Collector of Customs.

[25] Data from annual reports of the Collector of Customs.

[26] Figures from tables on pp. 1103 and 1104, *Statesman's Year Book*, 1939.

[27] Letter from the Japanese Consul-General, S. Koshida, to the Governor-General, December 3, 1930. MS "Vetoed Bills, 1930," Vol. II, Office of the Governor-General.

[28] Letter from Y. Morokuma, President of the Japanese Associations of the Philippines to the Governor-General, December 2, 1930. *Ibid.*

[29] "A survey of Japanese Fishing Enterprises in the South Seas," extract translated from *Suisan Shuho*, May 1, 1940, in *Contemporary Opinions on Current Topics*, No. 331 (May 23, 1940).

[30*] One hectare equals 10,000 square meters, or 2.471 acres. The data concerning Japanese landholdings in Davao are taken from a report rendered on February 11, 1935, by a committee of investigation appointed by the Secretary of Agriculture and Commerce of the Philippine Islands. Other data concerning the Japanese in Davao have been drawn from a statement prepared by a representative of the Japanese community there in March, 1934, supplemented and verified from numerous other sources of information, including the report mentioned above and other official reports.

Much of the material concerning Davao here presented appears in J. R. Hayden, *Memorandum on American Experience with Problems of Population in the Philippines and Puerto Rico*, U. S. Memorandum No. 4, International Studies Conference, Tenth Session, Paris, 1937. See also, J. R. Hayden, "Japan, China and the Philippines," *Foreign Affairs*, 11 (July, 1933), 711-715.

[31*] An exception is the experimental plantation of the International Harvester Company, located near the head of the Gulf. This plantation, which is operated with a high degree of efficiency and a careful regard for the interests of its employees, is an example of what could have been accomplished had American capital, initiative and business experience been available for the development of the province,—or the Philippines in general.

[32] Act No. 4197, February 12, 1935.

[33] Message of the President delivered at the opening of the first session, Manila, June 16, 1936. *Messages of the President*, Vol. 2, Part I, p. 161.

[34] Commonwealth Act No. 441, June 3, 1939.

[35*] An interesting product of such a visit is *Japan at a Glance: Travel Impressions—A Study in Japanese-Philippine Relations* (Manila, 1934), written by M. Farolan, an able Manila journalist. The volume contains introductory notes by the late Hon. Teodoro M. Kalaw, who was then Director of the National Library of the Philippines and the Hon. Atsushi Kimura, at that time the Consul-General of Japan in Manila.

[36*] For example, Mr. Farolan writes: "It is more fitting that now that the ideal of independence is soon to be realized, we should know the part that Japan had played in our efforts to achieve nationhood and in our campaigns for freedom—how Japan has been a safe refuge for many of our countrymen persecuted for their revolutionary activities, how Japanese had encouraged and helped with their arms and resources the cause of Philippine freedom and last but not least how the quiet but indomitable women of samurai had often cast their lot with our own countrymen and helped by their thrift, sacrifices and faith to make their Filipino revolutionary husbands realize their aims and missions." *Ibid.*, pp. 44-45.

See Enrique J. Corpus, "Japan and the Philippine Revolution," *Philippine Social Science Review*, VI (October, 1934), 249-298 for a scholarly account of this subject.

[37] James K. Eyre, Jr., "Japan and the Philippines," *Philippine Social Science Review*, X (May, 1938), 144.

[38] *The Tribune*, September 14, 1934.

[39*] *Ibid.* See also, "The Menace of a Monroeism," a feature editorial in the *Philippines Herald*, December 15, 1934. This editorial declared, in part:

"If the United States had preceded the promulgation of the Monroe Doctrine with acts of penetration and annexation; if it had established its international prestige by machine gun and bayonet beyond its own frontiers; in short, if it had acquired dominion in South America before telling the Europeans to keep off that grass—this so-called Asiatic Monroeism would not sound so fantastic to our ears.

"But accomplished facts tell a quite different story from the story of the Monroe Doctrine of history. These facts inspire us with misgivings, with dread. They conjure up a picture of stratagems and spoils, of loyalties strange to our national spirit, of economic vassalage, and of what Senator Recto calls our 'political extinction.'

"That political extinction is, indeed, bound to come unless we watch out. Asia is not a land of the free, as America was the land of the free when the Monroe Doctrine was promulgated. Rather, it may be said that Asia is the dominion of the inexorable biologic law of necessity.

"This law of necessity is forever exacting its terms. Many millions of human beings, multiplying beyond control, with scant means within their borders to supply their needs, and unwelcome in other lands—these are the law, the inexhaustible energy behind Asiatic Monroeism, the monster that is capable of crushing any people that may obstruct its course."

[40] *Manila Daily Bulletin*, August 31, 1940.

[41*] *Ibid.*, April 25, and August 31, 1940. The *Bulletin* also stated that the American immigration experts who assisted in drafting the bill did not participate in determining the quota fixed by the bill when it was introduced into the National Assembly.

[42*] Yasotaro Morri, "Closing Doors in the Philippines," *Contemporary Japan*, IX (June, 1940), 689-697. Mr. Morri, formerly managing editor of the *Osaka Mainichi*, and until recently executive editor of the *Japan Times and Mail*, is now associated with the Foreign Affairs Association of Japan.

[43*] *Manila Daily Bulletin*, May 3, 1940. The declaration quoted was made by Assemblyman De la Paz, who also made the following significant statement: "The discussion of the bill on which we are now casting our votes, provoked a very unpleasant incident. I say unpleasant because the protest made against the reduction of the quota of 1,000 to 500 immigrants, without distinction as to race or nationality was such that it appeared that henceforth, especially after we get our independence, we shall not be able to legislate on purely domestic matters which may harm the nationals of other countries, without certain allegedly vested interests being brought up."

[44] Commonwealth Act No. 473, June 17, 1939.

NOTES OF CHAPTER XXIX *

[1] Catherine Porter, "Preparedness in the Philippines," *Far Eastern Survey*, X (April 7, 1941), 64. Miss Porter's article is an informed and thoughtful presentation of the problems of the defense of the Philippines.

[2] Message to the National Assembly, January 31, 1941. *Manila Daily Bulletin*, February 1, 1941.

[3] Public Act No. 127, 73d Congress, sec. 11.

[4] *Ibid.*, sec. 10.

* *Chapter XXIX (National Defense) begins on p. 730.*

[5a] At the end of 1939 the United States troops stationed in the Philippines included 509 commissioned officers, 54 warrant officers, and 4,330 enlisted men, and the Philippine Scout force of 44 commissioned officers and 6,386 enlisted men. Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, Vol. IX (March 13, 1940).

[6a] The division had a strength of 14,000 men, who were chosen from 28,000 volunteers. All officers above the rank of major (save one Filipino graduate of West Point) were Americans. The United States Government paid for one month and the Philippine Government for two months of the three months' training. See *Report of the Governor-General*, 1917, pp. 1-4; 1918, p. 6; 1919, p. 26; also F. B. Harrison, *The Corner-Stone of Philippine Independence*, chaps. x, xi, xii, *passim*. An interesting account of the vicissitudes of the guard is given in a lively article by Alva J. Hill, "The Philippine Army During the World War," *The Philippine Forum*, Vol. I, No. 12, Vol. II, No. 1 (November and December, 1936).

[7] *Report of the Special Mission of Investigation to the Philippine Islands to the Secretary of War* (Washington, 1921), p. 23.

[8] For example, see Cablegram of Governor-General Wood to the Secretary of War, March 14, 1924. *Report of the Governor-General*, 1925, p. 33.

[9] Document No. 524, 72d Congress, 2d Session, p. 4.

[10] *Philippine Constitution*, Article II, secs. 2 and 3.

[11] "Coalition Platform," *Messages of the President* (rev. ed.), I, 246-47.

[12a] House Bill No. 735, 10th Philippine Legislature, 1st Session.

The title of the bill is descriptive of its provisions: "An Act Creating the Bureau of National Defense in the Government of the Philippine Islands, Defining Its Powers and Duties; Providing for Compulsory Military Instruction in all Public and Recognized Private Schools, Colleges or Universities; Providing for Scholarships in Military and Naval Schools in the United States or Foreign Countries; and Creating an Officers' and Enlisted Reserve Corps of the Philippine Islands and Appropriating the Necessary Funds Therefor, and for other Purposes."

[13] *Message from the Governor-General to the House of Representatives disapproving House Bill No. 735*, December 7, 1934.

[14a] Manuel L. Quezon to the Secretary of War, November 19, 1934, in Major General Douglas MacArthur, *Report on National Defense in the Philippines* (Manila, 1936), pp. 14-15. Mr. Quezon wrote: "The progress of events in the Philippine Islands assures the establishment there of a Commonwealth Government during the coming calendar year. One of the most pressing responsibilities that will coincidentally devolve upon the new government will be the initiation and development of a sound national defense system accurately adjusted to the strategic situation and defensive needs of the Islands. It is of the most urgent importance that this system reach a state of reasonable efficiency before the time arrives when, under existing conventions, the protection of the United States shall have been completely withdrawn. From that time onward existence of an adequate defense for the Philippines will be a powerful influence in preserving peace in that region, since, even should international treaties for neutralization of the Islands be consummated, pronounced weakness will encourage disorders and invite aggression. Obviously the new nation's military policy, both by inclination and compulsion, will be purely defensive, but its defenses must command respect. No question incident to the establishment of the new government concerns me more than does this one."

The text of President Quezon's letter to American officials requesting the

sending of the military mission appears in the *Manila Daily Bulletin*, January 14, 1935.

[15] *U. S. Code*, Supplement IV, Title 10, sec. 540.

[16] *Second Annual Report of the United States High Commissioner to the Philippine Islands*, p. 21.

[17] Commonwealth Act No. 1, First National Assembly, Inaugural Session, approved December 31, 1935. Cited hereafter as National Defense Act.

[18] "Message of the President of the Philippines to the First National Assembly on National Defense." November 25, 1935. *Messages of the President* (rev. ed., Manila, 1936), I, 18 *et seq.*

[19] National Defense Act, Article I, sec. 2, Paragraph h.

[20] "Message of the President . . . to the First National Assembly on National Defense," November 25, 1935, *Messages of the President*, I, 22.

[21] *Third Annual Report of the President of the Philippines*, 1938, p. 10. The President further stated that the "objective is the production in the 10 military districts into which the islands have been divided, of reserve units so distributed among the several arms and services as to develop in each district a tactical division every three years." The training periods begin January 1 and July 1 of each year.

[22] *Philippines Herald*, January 26, 1940.

[23] *Ibid.*, p. 24.

[24] "Philippine Motor Torpedo Boats," *Shipbuilding and Shipping Record*, April 6, 1939, p. 428.

[25] *Ibid.*, p. 24.

[26] Catherine Porter, "Preparedness In the Philippines," cited.

[27] Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, IX (March 13, 1940), 71.

[28] *Message of the President to the National Assembly*, January 31, 1941. *Manila Daily Bulletin*, February 1, 1941.

[29] *Third Annual Report of the President of the Philippines*, 1938, pp. 11-12.

[30] Major General Douglas MacArthur, *Report on National Defense in the Philippines*, p. 44.

[31] Address delivered by Field Marshal Douglas MacArthur before a group of Philippine Army officers assembled in his office, August 3, 1936. *The Tribune* (Manila), August 4, 1936.

[32] See, for example, George Fielding Eliot, *The Ramparts We Watch* (New York, 1938), p. 60.

[33] *Hearings before the Committee on Military Affairs, House of Representatives, Sixty-third Congress, First Session* (Washington, 1933), p. 21.

[34] In 1939 the nautical school which is training personnel for the off-shore patrol had an enrollment of about 70 and an officer staff of nine.

[35] Major General Basilio Valdez, Chief of Staff, Philippine Army, has publicly recognized the impossibility of denying Philippine waters to hostile warcraft. In an article which discusses the handicaps which geography imposes upon the defense of the Archipelago, General Valdez declares: "Geographically, we are at a disadvantage. If we had one big Island instead of 7,000 small ones, our geographic situation for defense might be more advantageous. As it is, all our territory must be defended with emphasis on the defense of vital areas. This makes it necessary to have some defensive force on each and every Island, or else

to maintain enough air and naval force to ensure inter-island communication against all comers. The former is the less expensive solution of one geographic difficulty; the latter is beyond our means." *Philippine Forum*, I (February, 1936), 56.

[36] *Philippine Constitution*, Article II.

[37] Address of President Manuel L. Quezon upon administering the oath of office to the Honorable Teofilo Sison as the first Secretary of National Defense, November 1, 1939. Official transcript, *Manila Daily Bulletin*, November 2, 1939.

[38*] *Ibid.*

On January 26, 1940, in a newspaper interview upon the occasion of his sixtieth birthday, Field Marshal MacArthur gave a somewhat ambiguous answer to the question, "Can the Philippines be defended successfully by Filipinos against military aggression?" In the course of the interview, he stated that "the Philippine Defense Plan intends to establish, here in the far reaches of the Pacific Ocean, an island Switzerland." He also declared, after pointing out the dangers and difficulties which are inherent in any assault on a defended shoreline, that "the Philippines may achieve a respectable defense and enjoy a reasonable safety if it is prepared and determined to repel attacks classed as adventurous, both in strength and purpose." And "he concluded the interview by saying that the question first propounded, 'Can the Philippines achieve a respectable posture of defense?' should be re-worded to ask, 'Will the Filipino people enthusiastically and effectively support, as a patriotic duty and even at personal sacrifice, a system calculated to give permanence to national liberty?'" *The Philippines Herald*, January 26, 1940.

[39] Theodore Roosevelt to John Hay, January 28, 1905. Quoted in Tyler Dennett, *Roosevelt and the Russo-Japanese War* (New York, 1925), p. 110.

[40] Address by the Hon. Maximo M. Kalaw in the National Assembly, quoted from *The Philippine Form*, I (February, 1936), 83.

[41] President Quezon's Budget Message for the fiscal year 1940-41, *Manila Daily Bulletin*, February 7, 1940.

[42] Catherine Porter, "Philippines Enlarging Preparations for National Defense," *Far Eastern Survey*, IX (March 13, 1940), 70.

[43*] See, for instance, the editorials, "Cuba's Political Picture," in *The Tribune*, December 13, 1935, and "The Army's Status," in the *Manila Daily Bulletin*, March 5, 1937. The latter article dealt with the old problem as to whether the military or the civil tribunals have jurisdiction over a soldier who is charged with violation of the criminal code.

[44] *Manila Daily Bulletin*, December 13, 1936.

[45] President Manuel L. Quezon, "Social Justice and National Defense." (An address delivered to members of the Cabinet, the National Assembly, and Provincial Governors and Treasurers, Manila, January 20, 1937.) *Messages of the President*, Vol. 3, Part I, pp. 31, 32.

[46] Speech of the Hon. Maximo M. Kalaw in the National Assembly, quoted in *The Philippine Forum*, I (February, 1936), 75, 78, *passim*.

[47] The germane provisions of the Tydings-McDuffie Act are included in secs. 1, 5 and 10 of that law. The estimate of the value of the removable equipment on Corregidor is from a source believed by the author to be reliable.

NOTES OF CHAPTER XXX*

[1] Address of President Manuel L. Quezon, "Filipino Gratitude to the United States," *Messages of the President*, Vol. 4, Part I, p. 131.

[2] *Philippines Herald*, January 24, 1931.

[3*] For an authoritative exposition of the law of the Constitution concerning territory under the sovereignty of the United States, but not a part of any state as it had developed to the year 1929, see Westel W. Willoughby, *The Constitutional Law of the United States*, I, chapters xxii-xxxii. New York, 1929 (2nd ed.).

A convincing argument was made by the late Judge Daniel R. Williams that Congress is not constitutionally empowered to alienate the sovereignty of the United States over the Philippines. See D. R. Williams, "Is Congress Empowered to Alienate Sovereignty of the United States?" *Virginia Law Review*, XII (No. 1, November, 1925), 1-33. Judge Williams' views on this subject were subsequently published (without date) in a pamphlet, *Comments on the Political and Economic Status of the Philippines*, by the San Francisco Chamber of Commerce, and in other forms. Although perhaps legally sound, Judge Williams' publications do not suggest any legal process by which Congress and the President could be prevented from effectively withdrawing American sovereignty from the Islands. For a rebuttal of Judge Williams' argument, see E. Douglas Hamilton, "In Re Alienation of Sovereignty," *ibid.*, XII (No. 7, May, 1927), 521-542.

The author has reason to believe that Judge Williams interested himself in this subject upon the suggestion of certain Americans in Manila who wished to offer an "out" upon constitutional grounds to congressmen who had advocated Philippine independence, but who might be converted to the retentionist point of view.

[4] Speech radiocast from the United States by President Quezon to the people of the Philippines, April 4, 1937. From *Second Annual Report of the United States High Commissioner to the Philippine Islands* (1937), pp. 128-131.

[5] Public Act No. 127, 73rd Congress, Sec. 8 (A) (1), Sec. 14.

[6*] For an able study of the problems raised by Filipino immigration into Hawaii and the mainland of the United States, see Bruno Lasker, *Filipino Immigration to Continental United States and Hawaii*. Chicago, 1931. A more recent brief treatment of this subject is given in, Joseph R. Hayden, *Memorandum on American Experience with Problems of Population in the Philippines and Puerto Rico. U. S. Memorandum No. 4, International Studies Conference, Tenth Session, 1937* (mimeographed).

[7] Conversation between the President of the Philippines and the United States High Commissioner broadcast over Station KZRM, Manila, August 14, 1938. *Messages of the President*, Vol. 4, Part I, p. 141.

[8] Public Act No. 127, 73d Congress, sec. 7(4).

[9] Executive Order No. 8,135, May 15, 1939.

[10*] Press statement of the President of the Philippines, *Messages of the President*, Vol. 2, Part I, p. 444.

In what President Quezon himself called a "frank" statement, the President has further elucidated his views regarding the High Commissionership and recorded for posterity an interesting sidelight upon the relations between himself and High Commissioner McNutt. Mr. Quezon leaves the impression that the

* *Chapter XXX (The United States and the Philippines) begins on p. 760.*

ability to play "a good game of poker" would be an asset to any High Commissioner under present conditions. *Ibid.*, Vol. 3, Part I, pp. 110-113.

[11] Public Law No. 127, 73d Congress, sec. 2(14).

[12] J. Weldon Jones, "Duties and Procedure of the Financial Section of the High Commission [sic]," *Recorder*, "Office of the U. S. High Commissioner Number," March, 1938 (Manila).

[13] From the list of employees of the United States High Commissioner's Office as of March 31, 1940, furnished by the Division of Territories and Island Possessions, United States Department of the Interior.

[14] Paraphrased from Joseph R. Hayden, "America and the Philippine Commonwealth," *Foreign Affairs*, XIV, 643-644.

[15*] The annual reports of the Chief of the Bureau of Insular Affairs, which until 1939 appeared in the annual reports of the Secretary of War (and were also printed separately), comprise a valuable source for the study of American-Philippine relations.

[16] *Report of the Joint Preparatory Committee on Philippine Affairs*, I, 9.

[17*] The State Department has a representative in the High Commissioner's Office and stations a consul and a vice-consul in Manila whose chief functions are to issue visas to Filipinos under the fixed annual immigration quota of fifty, and to issue quota, non-quota and non-immigrant visas to nationals of foreign countries. The American Trade Commissioner in Manila is also under the jurisdiction of the Department of State. The American military forces in the Islands are organized as the Department of the Philippines, while the shore establishment of the Navy forms the Sixteenth Naval District.

In addition to performing its strictly military functions, the United States Army has rendered other services of importance to the Philippines throughout the period of American sovereignty. Especially valuable in the past have been the contributions made to the public health program of the Islands by Army Medical Corps officers detailed to serve as advisers to the Governor-General. Of constantly increasing usefulness is the system of air fields covering the remote and unsettled portions of the Archipelago as well as its more highly developed areas which the Army laid out in cooperation with the Insular Government between 1933 and 1936. Invaluable aid has been rendered to civil aeronautics by United States Army Air Corps officers detailed to the Philippine Government. During the past five years the Department of the Philippines has cooperated in the development of the Commonwealth's national defense program, lending material and personnel for this purpose. For many years past the official and personal relations between the officers of the United States Army and Navy and the officials of the Philippine Government have been so cordial as to increase the friendly feeling of the Filipino people as a whole for the United States.

In cooperation with the Philippine Government the United States Coast and Geodetic Survey operates the Philippine Bureau of Coast and Geodetic Survey. The basic work of the Bureau is the survey of the coastal waters of the Philippine Archipelago, but the data collected are used by many agencies.

The United States Veterans Administration maintains an office in Manila to serve the approximately 600 American and 3,400 Filipino veterans resident in the Philippines. The benefits paid in the form of pensions, compensation, insurance, and adjusted compensation, and the other expenditures of the office amount to more than three and one-quarter million pesos per annum, this sum being so widely distributed as to have a beneficial effect upon the general economic and social life of the Philippines.

In addition to the regular establishments which have been mentioned a

number of agencies of the Federal Government have loaned to the Commonwealth Government experts who have been of great assistance in dealing with the problems of its formative years.

[18] Public Act No. 127, 73rd Congress, Sec. 7 (5); Commonwealth Act No. 11, December 31, 1935.

NOTES OF CHAPTER XXXI *

[1*] See pp. 361-62, ante. The concurrent resolution of the Philippine Legislature accepting the Tydings-McDuffie Act cited this statement as one of its reasons for accepting the measure, even though the Legislature believed that certain provisions of the Act needed further consideration. *Compilation of Documents Relating to the Inauguration of the Government of the Commonwealth of the Philippines*, House Doc. No. 44, 74th Congress, 2d Session, p. 1.

[2] *Hearings before the Committee on Territories and Insular Affairs, United States Senate, Seventy-sixth Congress, First Session, on S. 1028*, p. 22. (Referred to hereafter as *Senate Hearings*, 1939.)

[3] Joint Preparatory Committee on Philippine Affairs (hereafter referred to as JPCPA), *Report*, I, 25.

[4] Bernardo Ronquillo, "Islands Overseas Trade Best Since 1929; Commerce Shifts to United States," *Manila Daily Bulletin*, January 28, 1941.

[5*] By far the best account of the influences which operated to produce the Hare-Hawes-Cutting Act and the Tydings-McDuffie Act is to be found in Professor Grayson Kirk's scholarly and penetrating book, *Philippine Independence: Motives, Problems, and Prospects*. New York, 1936.

[6*] At the request of the Philippine Legislature and at the expense of the Philippine Government a special Congressional committee composed of Senators Carl Hayden, Millard E. Tydings, Kenneth McKellar, William Gibbs McAdoo, and Ernest W. Gibson visited the Islands during 1934. Senator Hayden, who came to the Philippines ahead of his four colleagues, reported his findings in a letter addressed to the Honorable Millard E. Tydings, Chairman of the Senate Committee on Territories and Insular Affairs (S. Doc. 120, 74th Cong., 1st Sess.). Senators Gibson and McKellar submitted reports to the Senate (S. Doc. 57, 74th Cong., 1st Sess., pts. 1 and 2). Toward the end of 1934 the Interdepartmental Committee on Philippine Affairs undertook at the request of the President to coordinate the views of all the departments and agencies of the Government interested in the Philippines and seek some solution for the problem. Under the auspices of that committee, Dr. Frank A. Waring and Dr. Ben F. Dorfman, Chief Economic Analysts, the United States Tariff Commission, conducted investigations in the Philippines and prepared a report, *United States-Philippine Trade-With Special Reference to the Independence Act and Other Recent Legislation* (United States Tariff Commission's Report No. 118, second series, 1937). This document is of basic importance in the study of its subject.

[7*] Department of State Press Release, March 18, 1937.

Assistant Secretary of State Francis B. Sayre, then Chairman of the Interdepartmental Committee on Philippine Affairs, was chairman of the Joint Committee until shortly before its departure for the Philippines. He was succeeded by the Honorable J. V. A. MacMurray. Speaker José Yulo of the Philippine House of Representatives was vice-chairman of the committee and chairman of the

* *Chapter XXXI (A New Vocabulary) begins on p. 788.*

Filipino delegation; the Honorable Joseph E. Jacobs, Chief of the Office of Philippine Affairs, Department of State, was vice-chairman of the committee and the chairman of the American group. For the organization and activities of the Joint Committee see JPCPA, *Report*, I, 3-5.

[8] *Ibid.*, pp. 12-13.

[9] JPCPA, *Report*, I, 20-21.

[10] *Ibid.*, p. 35.

[11] Public Act No. 300, 76th Congress (H. R. 7096).

[12] The quotas are established as follows:

". . . For the calendar year 1940, the quotas, hereafter called original quotas, shall be as follows:

"'a. cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes including wrappers), two hundred million cigars;

"'b. scrap tobacco, and stemmed and unstemmed filler tobacco described in paragraph 602 of the Tariff Act of 1930, four million five hundred thousand pounds;

"'c. coconut oil, two hundred thousand long tons;

"'d. buttons of pearl or shell, eight hundred and fifty thousand gross.'"

For each calendar year thereafter through the calendar year 1945, each of the said quotas shall be the same as the corresponding quota for the immediately preceding calendar year, less 5 per cent centum of the corresponding original quota.

"'For the period January 1, 1946, through July 3, 1946, each of said quotas shall be one-half of the corresponding quota specified for the calendar year 1945.'" Public Act No. 300, 76th Congress (H. R. 7096), sec. 6(3).

[13] *Ibid.*, sec. 6(3)(c).

[14] *Senate Hearings*, 1939, p. 28.

[15] *Ibid.*, p. 26. The amendment provided that the quota of 50,000 tons assigned to refined sugar might be applied to raw sugar, wholly or in part. Public Act No. 300, 76th Congress (H. R. 7-96), sec. 6(3)(d).

[16] The act approved August 7, 1939, embodied a number of other provisions based upon the recommendations of the Committee. The most important of those in its immediate effects is the one designed to give assurance that the payments made to the Philippine Government of the proceeds of taxes levied in the United States upon certain imported Philippine goods shall be used only in ways which will aid the Philippines to adjust its national economy to the loss of a preferential position in the American market.

[17] *Congressional Record*, Vol. 84, No. 149 (July 25, 1939), p. 13975 of daily *Record*.

An interesting suggestion for reconciling the present American reciprocal trade agreements policy with permanent preferential trade with the Philippines was made by Professor Grayson Kirk in "Philippine-American Relations: Recent Trends," *Political Science Quarterly*, LIV, 321-42.

An excellent recent study of American-Philippine trade is to be found in Ethel B. Dietrich, *Far Eastern Trade of the United States*. New York, 1940 (Institute of Pacific Relations Inquiry Series).

[18] Public Bill No. 300, 76th Congress, Sec. 4.

[19] President Quezon's annual messages to the National Assembly, 1940 and 1941, report briefly the progress of the program for economic readjustment.

[20] "Philippine-American Relations: Address by Manual Roxas," *Congressional Record*, December 2, 1940, p. 21236 (daily *Record*).

[21] *Manila Daily Bulletin*, May 12, 1941.

[22*] From an address of the Honorable Paul V. McNutt at the Institute of Public Affairs, University of Virginia, Charlottesville, Virginia, July 7, 1939. *Congressional Record*, 84 (July 18, 1939), 13184 of daily *Record*. This quotation is identical with the corresponding portions of Mr. McNutt's radio address broadcast from Washington, March 14, 1939.

The same views regarding "realistic reexamination" were reiterated by Mr. McNutt in "The Philippines: Asset or Liability," *The Annals of the American Academy of Political and Social Science*, 215 (May, 1941), 93. A convincing exposition of the mutual benefits derived from American-Philippine preferential trade was made by Governor McNutt in a message to the National Foreign Trade Council, November 3, 1938.

[23] Paraphrased from Joseph Ralston Hayden, "The Philippines at the Threshold of Independence," *ibid.*, p. 100.

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