

THE FILIPINO DREAM OR NATIONAL PROGRESS THROUGH LAW SINCE THE INAUGURATION OF THE REPUBLIC *

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The dearest dogmas of the modern mind, the *crura cerebri* of all our philosophy, are the beliefs in progress and democracy.—*Durant, Is Progress a Delusion?*, p. 357, *Mansions of Philosophy*.

The great words of high politics are Liberty, Justice and Law—Freedom under Law. These words will never be repealed as the basic stuff of human destiny.—*Henry Luce*.

In short, then, the advancement and ethical progress of the Philippines are inevitable, are decreed by fate. : * * The principal thing to be required of every Filipino of our generation is not to be a literary man but to be a good man, a good citizen who, with his head, his heart, and perhaps his arms, would help achieve progress for his country. * * * May my countrymen also sacrifice their passions for the welfare of the country, may they not seek their good in honors, employments, bribes, adulations, but in virtues that distinguish and adorn free people.—*Rizal, The Philippines a Century Hence*, also cited in *Palma, Pride of the Malay Race*, p. 105; *Epistolario Rizalino* and *Quirino, The Great Malayan*.

The test of progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.—*Franklin D. Roosevelt, Second Inaugural Address, January 20, 1937*.

It is my firm and considered conviction that for this nation to live in peace and progress, those who have less in life should be extended possible assistance in their pursuit of the better life. : * * Our people are impatient for change. We have opened their eyes to the vista of a richer and fuller life. Our people cannot wait any longer, and we owe it to them to give to what we are doing nothing less than our best.—*President Garcia, 56 O.G. 3511, 3986*.

I. INTRODUCTION

In pleading for an American *avant garde*, Henry Luce, the editor of *Time* and *Life* magazines, proclaims: "The business of America is to progress; and Progress is the business of America; we are a nation forever on the march." If progress is the overriding concern of the richest, greatest and most powerful nation on earth, it may as well be the primordial goal of our Republic, America's quondam ward in the Far East.

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The lexicographer says that progress denotes an advance, a movement to an objective, a going or getting ahead, a process of advancing or improving by marked stages or degrees. It is the antithesis of retrogression and stagnation. For example, some believe that the Bar Flunkers' Law, Republic Act No. 972, which allowed bar candidates obtaining a general average of less than 75% to become members of the bar, was a retrogressive measure because it lowered the standards of the legal profession and did not enhance national progress.

Progress, in the context of our times, means a cleaner and more efficient government and less corruption, malfeasance and ineptitude. It means a healthier, stronger and more vigorous citizenry, rid of the ancient plagues and afflictions, and less disease, hunger, misery, poverty, mendicancy, starvation and unemployment. It means more education, literacy, enlightenment and a more widespread dissemination of knowledge and culture, and less ignorance and illiteracy.

It means less criminality and lawlessness, less robbers, thieves, swindlers, traitors, pirates, rebels, kidnappers, murderers, brigands, rapers, forgers, gamblers, drug addicts, prostitutes, fornicators, and sexual perverts. It means a wholesome peace and order situation.

It means a more elevated tone of public morals, a higher concept of morality, a more refined sense of propriety and decency, and no obscene art, literature and movies.

It means a country more economically self-sufficient, with splendid and durable public works that redound to public convenience. It means a stable and prosperous economy. It means more jobs for the willing worker, more opportunities for livelihood, decent wages, and more chances for creative, useful and profitable effort. It means more freedom, more human rights, fuller enjoyment of civil liberties and more guarantees and protection for human dignity and less oppressions and repressions.

It means freedom from want, from immemorial destitution and penury. It means the enjoyment of the minimum comforts of life and a higher standard of living. It means the establishment of a more just and satisfactory social order, more social justice, more social security and more prosperity for everyone.

It means more production of goods, more useful inventions, more works of art and enduring achievements of the human spirit. It means an ascent to a higher plateau of civilization. All these matters are the manifold facets of progress.

National progress means advancement or improvement of the country as a whole. Rizal observed that "in the Philippines there has been plenty of *personal* progress, but there has been no *national* progress. It is the individual that has improved, not the race." He hoped that the coming generation would "strive to enter freely upon the wide road of progress." There was not much national progress during the Spanish regime. There was no appreciable improvement nor amelioration in the subnormal living conditions of the masses. Progress existed only in the upper stratum of society. To use Henry George's expression, the rich became richer and the poor became poorer. As Rizal's Sage Tasio remarked: "Well now, we in the Philippines are moving along at least three centuries behind the car of progress; we are barely beginning to emerge from the Middle Ages."

What is discussed herein is national progress through the instrumentality of law. As our society is legally organized, all progress necessarily must be under the aegis and sanction of law. Even the exportation of cynomolgus monkeys has to be authorized by law (Rep. Act No. 2680, 1960). And President Quirino's acceptance of the "Grand Cordon of the Order of Propitious Clouds" has also to be authorized by law (Rep. Act No. 348). It is axiomatic that mankind should be ruled, not by the law of force but by the force of law.

So pervasive is the law that it may go to the extent of safeguarding an animal's life and liberty. Thus Republic Act No. 1086 punishes the killing, hunting and wounding of the *tamaraw* or *bubalus mindorensis* with three to six months' imprisonment.

Those who do not appreciate the impact of jural law on their daily lives may believe that progress is attainable through means other than State law. For example, the communists' fanatical creed is that progress should be achieved by the forcible overthrow of the existing order. In this sense, their methods of subversion are the very negation of law. On the other hand, the Catholics, who believe in St. Mark but not in Saint Marx, may view progress as the result, not of jural law, but of the operation of Divine Law or the teachings of Jesus Christ.

But generally a nation's laws mirror its progress. As Justice Holmes said, the law "embodies the story of a nation's development through many centuries. * * * The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race."

This paper is a telescopic survey of the progressive laws enacted since the inauguration of the Republic to foster national progress. The effect of the new Civil Code and other Codes on

national progress will not be treated herein. The Codes are not specially intended to enhance national progress. They regulate conflicts of interests among individuals. Their cardinal purpose, which is the basic purpose of all law, is *to establish order with justice*.

There are special enactments during the 15-year period from July 4, 1946 to this time which have been deliberately designed to promote the public welfare. Like all laws, they regulate human conduct, but they do more than that. They have improved the standard of living of the masses, diminished poverty, ignorance and disease, created job opportunities for the unemployed and have generally ameliorated in one way or another the living conditions of the people by affording them chances for enjoying a more prosperous and comfortable life.

Law is not the sole instrument of progress. Other factors bring about progress. "For growth does not proceed with mechanical logic nor with automatic energy; rather, it involves the dynamic interworking of a thousand-and-one imponderables, which must include profound changes in our social, cultural and political attitudes, values and traditions, some of which are age-old and deep-rooted obstacles to progress."

While law is not the only tool for achieving progress, it plays a crucial role in shaping a country's future. We live in an age where the rule of law is paramount.

It is true that Spain bequeathed to us a legal system, together with the Catholic religion and the practice of indolence (the *mañana* habit), as Rizal had shown. Our basic substantive laws are of Spanish origin.

But the rule of law was never followed during the Spanish regime. The government during that period was a government of men and not of laws—of men wearing the cassock, the *soberania monacal*, as Plaridel aptly characterized it. Laws existed, but they were not enforced. Thus, speaking of the Penal Code, Rizal bitterly remarks: "But of what use are all the codes in the world, if by means of confidential reports, if for trifling reasons, if through anonymous traitors any honest citizen may be exiled or banished without a hearing, without a trial? Of what use is that Penal Code, of what use is life, if there is no security in the home, no faith in justice and confidence in tranquility of conscience? Of what use is all that array of terms, all that collection of articles, when the cowardly accusation of a traitor has more influence in the timorous ears of the supreme autocrat than all the cries for justice?"

And describing a lawsuit between Cablesang Tales and the friars, Rizal said: "Viose entonces una lucha como jamas se ha visto bajo el cielo de Filipinas: la de un pobre indio, ignorante y sin amigos, fiado en su derecho y en la bondad de su causa, combatiendo contra una poderosisima corporacion ante la cual la justicia doblaba el cuello, los jueces dejaban caer la balanza y rendia la espada." Rizal himself and innumerable other martyrs were executed without due process of law.

All laws may contribute directly or indirectly to national progress. But special laws may be passed to bring about improvements on certain phases of the national economy. Thus, there is a law to promote the development of the coconut industry (Rep. Act No. 2282) and the tourist industry (Rep. Acts Nos. 1478 and 2627). There is law giving financial assistance to the Music Promotion Foundation (Rep. Act No. 2086). There is a law to promote the rehabilitation of the blind and other handicapped persons and their return to civil employment (Rep. Acts Nos. 1179 and 2615).

From 1900 to 1935 four thousand two hundred seventy-five (4,275) laws were enacted by the Philippine Commission and Legislature. The Commonwealth lawmaking body enacted 733 statutes. As of August 1960, the Congress of the Republic has enacted 3,020 laws, many which will be cited in this paper.

The detailed statistical data on the implementation of those laws cannot be shown here. They are found in the census reports, in the yearbooks of newspapers and magazines and in the messages and speeches of our Presidents. Said documents paint a roseate picture of our economy which can hardly be recognized by the slum-dwellers, the Huk dissidents and the thousands who struggle for a hand-to-mouth existence to keep body and soul together.

Unquestionably, the Philippines has achieved considerable material progress since the first American soldier landed on Philippine soil in 1898 and since Justice George A. Malcolm founded the College of Law of the University of the Philippines in 1911, an event which in itself is a milestone in Philippine progress.

Parenthetically, it should be stated that in its own way the College of Law has contributed substantially to national growth. Well-known is the fact that among the alumni of the College are two Presidents of the Philippines, Manuel Roxas and Elpidio Quirino, wartime President Jose P. Laurel, Chief Justice Ricardo Paras, Justices Cesar Bengzon, Sabino Padilla and other justices of the Supreme Court and Court of Appeals, cabinet members, Senators, Congressmen, Judges and leaders of industry and finance. Justice Mal-

colm himself, in recognition of his "priceless services", has become an adopted son of the Philippines with all the rights, privileges and prerogatives of Philippine citizenship. He "devoted the most fruitful years of his life to the service of the Philippines as founder and dean of the College of Law" and "as Associate Justice of the Supreme Court of the Philippines from 1917 to 1936, during which he distinguished himself as the principal expounder of the fundamental law of the land, and as author of books on the laws and government of the Philippines" (Rep. Act No. 1386).

We have achieved political progress. We have a stable democratic government where the citizens enjoy due process and civil liberties (subject to some abuses and irregularities now and then). Compared with the oppressive government of the Spanish regime, our present government appears Utopian in character. Living conditions and the standard of living have been vastly improved. More persons are wearing shoes and riding in cars. There have been more public works, more schools, more literacy, more industries, more goods and merchandise.

Of course, the present social order is not perfect. There are still much poverty, disease and ignorance. There are still wretched slums and beggars. Lawlessness and criminality are rampant. Public morals have been corrupted by Hollywood. We long for the old pre-Spanish virtues of the race. There has been some preoccupation with the nature of the Filipino soul. The economy is not as strong as it should be. The army of the unemployed is increasing. Government corruption has become a social or national problem of appalling proportions. But progress there has been and this cannot be denied. Our society is not so decadent as to justify a nihilistic revolution that may produce new tyrants and oppressors more fearful than the old. The existing injustices and inequalities may be remedied through legal means.

At the beginning of this century, when the Americans colonized the Philippines, the Islands were described as a "poverty-stricken country full of good and precious stones, where people could pick dinner off the trees and are starving because they have no stepladders." The standard of living of the common *tao* may be visualized from the song sung by the American soldiers during the Filipino-American war:

"There was once a Filipino *hombre*,
Who ate rice, *pescado y legumbre*,
His trousers were wide, and his shirt hung outside,
And this, I may say, was *costumbre*.

He lived in a nipa *bahay*,
Which served as stable and sty;
He slept on the mat with the dogs and the cat,
And the rest of the family nearby."

As aptly remarked, the Philippines was and is a *rich country* with millions of *poor inhabitants*.

Francis B. Sayre, former American High Commissioner, summed up the progress of the Filipino during the American regime in this wise: "* * * since the Americans came at least he has had uncontaminated water at the village well. He has been free from cholera and plague and smallpox. He has been able to send his children to a good barrio school where they could learn to read and write the English language. Good roads and radios have exposed him to stimulating outside influences. The ferment of national independence is in his soul."

Paul D. Summers, Director of the U.S. Operations Mission here, says: "In the Philippines and elsewhere throughout the developing world, so many millions are adopting new ideas and practices in agriculture and industry, in social welfare and community development, in labor, health and education, with the result that millions more today are having a little more to eat, a little more to sell. This is, in fact, progress in the right direction; progress gained slowly, through gradual changes and improvements in social and economic norms, over deterrent traditions and beliefs. This is the kind of progress truly substantial and lasting."

II. THE FILIPINO DREAM OF A BETTER LIFE

Our forbears, suffering from the thralldom of Spanish misrule, yearned for independence. To satisfy this yearning, the Great Plebeian engineered the Revolution against Spain. The revolutionists, after vanquishing the Spanish forces at a heavy price, enjoyed independence only for a brief interlude. The death knell of the infant Republic was sounded when the American guns boomed across Manila Bay and destroyed the Spanish fleet. The Americans colonized us, as Rizal had foretold. The 20th century dawned on these Islands with the Filipinos again dreaming of the day when independence would be attained.

At first glance, it may seem tragic and lamentable that the heroic sacrifices to make the Philippines free should prove to be a vain and useless endeavor. After liberating themselves from the yoke of a foreign master, the Filipinos shortly thereafter again became the vassals of another suzerain. Yet it would seem now that

American conquest of the Philippines, while at first appearing to be a bitter frustration of the centuries-old dream of independence, was a blessing in disguise. America gave us a chance to prepare for independent nationhood, which was what we really needed in the beginning, as Rizal strongly believed.

Who knows but that the continuation of the First Republic under Aguinaldo might have revealed our stark unreadiness for independence and resulted in pernicious civil wars, dictatorships and political instability? This has been the fate of Latin American republics formerly colonized by Spain. They became independent after overthrowing Spanish domination, but they were sadly unprepared for the onerous responsibilities of independence. The sudden enjoyment of the heady wine of freedom, after having been accustomed to the dregs of slavery, was too much for the newly liberated peoples. This is also the fate of the Congo Republic. Or suppose that, instead of being conquered by America, we fell into the clutches of Japan or Germany, either of which country was waiting to grab the Pearl of the Orient Seas. That misfortune would have been worse than Spanish subjection.

It is not being too pro-American to say now that America's conquest of the Philippines has turned out to be for our benefit. The Philippines at the end of the 19th century required apprenticeship, a transition period of preparation, before becoming independent. While the Philippines remained a ward of America, her inhabitants enjoyed civil liberties and the democratic form of government, the free, democratic way of life.

Of course, America was not motivated by pure and unselfish altruism in colonizing us. She wanted to derive some advantage from the Philippines. No country would spend twenty million dollars and embark on an expensive undertaking of conquering a rabidly nationalistic people like the Filipinos without expecting material returns from her investment.

But America, during the forty-eight years that she colonized us, did not engage in an enterprise of ruthless exploitation of the subject country, as Spain, Netherlands, Britain, France, and Belgium did with respect to their colonies. America exploited us by means of the free trade relationship, but did not bleed and oppress us as the Spaniards did.

America implanted here the principles and practices of democracy. Her benevolent colonial policy was first attested by McKinley's Instructions to the Second Philippine Commission dated April 7, 1900. In these Instructions, the Commission was dir-

ected to make the Filipinos understand that there are "*certain great principles of government which have been made the basis*" of the American governmental system and that *these principles are "essential to the rule of law and the maintenance of individual freedom."* It was noted in the Instructions that the Filipinos "*have, unfortunately, been denied the experience possessed*" by the Americans in *living under the rule of law and enjoying individual freedom.*

The Americans ushered a new era and wrote a new chapter in Philippine history. The rule of law was inaugurated in these Islands. It may be said that any national progress since Manila fell to the Americans on August 13, 1898 has been accomplished through the rule of law.

Treaty of Paris.—The starting law for the American regime in the Islands is the Treaty of Paris of December 10, 1898. By means of this treaty the United States in effect purchased the Philippines and Porto Rico from Spain for twenty million dollars. The treaty respects property rights and makes it perfectly clear that "the civil rights and political status" of the Filipinos would be determined by the United States Congress. This paved the way for the enactment by the U.S. Congress of the organic laws which sketched the framework of government for the Islands. Of more than passing interest is the provision of the treaty that the inhabitants of the Philippines "shall be secured in the free exercise of their religion." This right was one of the objects of the separatist movement against Spain whose government championed bigotry and intolerance and gave a medieval tinge to the Spanish regime in the Philippines.

McKinley's Instructions.—National progress through law during the American regime commenced with McKinley's Instructions, which became the first organic law of the Philippines. They were drafted by Secretary of War Elihu Root, a statesman espousing progressive views.

It should be noted that legislative authority in the Philippines was at first exercised by the Military Governor. Thus, General Orders No. 58, or the Code of Criminal Procedure, were issued by Major General Otis on April 23, 1900, through Assistant Adjutant-General M. Barber, "*in the interest of justice and to safeguard the civil liberties of these Islands.*" General Otis on December 18, 1899 also issued through Assistant Adjutant-General Thomas Barry General Orders No. 68, the Marriage Law.

Pursuant to McKinley's Instructions, legislative authority was transferred to the Commission beginning September 1, 1900. The executive authority wielded by the Military Governor was trans-

ferred to the Civil Governor effective July 1, 1901. William Howard Taft, who was the Chairman of the Commission, became the first Governor-General.

The importance of the Instructions in permanently establishing the rule of law in the Philippines has never been fully appreciated. The role of the Commission in restoring order out of chaos and laying down the foundations of a stable civil administration has never been fully delineated. The Instructions stressed that the Commission should organize a government *designed, not for the satisfaction of the Americans, "but for the happiness, peace, and prosperity" of the Filipinos and that native customs, habits and prejudices should be respected "to the fullest extent consistent" with the organization of a "just and effective government."* Governor Taft translated this directive as meaning that the Philippines is for the Filipinos. This is the earliest expression of the nationalistic Filipino-First Policy, now the dominant working policy of the Garcia administration.

The Instructions, in vesting legislative authority in the Commission, empowered it to enact laws and appropriate funds for the establishment of a revenue system, an educational system, an efficient civil service, the judiciary and local government. The Commission was also invested with authority to appoint government officials. As the principal governing body, the Commission became the architect of Philippine progress, particularly in the political field.

The Commission was instructed to introduce municipal autonomy, to allow the people to select their municipal officials and to give the natives preference in the filling up of government positions. Of far-reaching and lasting significance to the Filipinos is the directive that the great rules of government, found in the Bill of Rights, *"essential to the preservation of these great principles of liberty and law" "must be established and maintained in their Islands for the sake of their liberty and happiness."* Thus, through the Instructions, the Filipinos became the inheritors of the noble Anglo-American tradition of civil liberties and the lofty concept of a government of laws and not of men.

The Instructions attacked the agrarian problem, which had "caused strife and bloodshed in the past," by directing the Commission to hear the complaints against big landed estates and to resolve controversies, but to respect property rights and to hold the welfare of the people as the paramount consideration. "Real, entire and absolute" separation between church and state was enjoined.

The Commission was specially instructed to extend free primary education to all "to fit the people for the duties of citizenship and for the ordinary avocations of a civilized community" and to see to it that the instruction "should be given, in the first instance, in the language of the people."

Knowing that taxation had been a source of popular discontent, President McKinley reminded the Commission that "taxes which tend to penalize and repress industry and enterprise should be avoided; that provisions for taxation should be simple, so that they may be understood by the people; that they should affect the fewest practicable subjects of taxation which will serve for the general distribution of the burden."

The Instructions allowed "the main body of the laws which regulate the rights and obligations of the people" to remain in force and suggested changes 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.*" Finally, all civil and military officials were ordered "to observe not merely the material but the personal and social rights" of the Filipinos and "to treat them with the same courtesy and respect for their personal dignity" which Americans require of each other. The Instructions closed with the conscientious acknowledgment that a "high and sacred obligation rests upon the Government of the U.S. to give protection for property and life, civil and religious freedom, and wise, firm and unselfish *guidance in the paths of peace and prosperity*" to all the Filipinos.

No sublimer statement of policy has been fashioned by the statesmen of a colonizing nation as a testimonial of its good faith and high-mindedness in its treatment of a conquered people. No wonder many Filipinos, who had taken an uncompromising stand for independence, found the American yoke endurable and collaborated with the Americans in guiding the Philippines along the paths "of peace and prosperity."

Philippine Bill.—The Instructions contained the broad directives and guiding principles for colonial administration. A more detailed outline of the civil government to be established in the Islands was necessary. To meet this need, the U.S. Congress on July 1, 1902 passed the so-called Philippine Bill. This law contains a Bill of Rights, provided for the taking of a census, the election of delegates to the Philippine Assembly which became the lower house of the lawmaking body (the Commission being the upper house), confirmed the structure of the existing judicial system, provided for the con-

struction of harbors and port improvements to meet the needs of commerce, regulated the disposition, exploitation and utilization of public lands and other natural resources, particularly the mineral lands, authorized the acquisition of the haciendas owned by religious orders and private persons for resale or lease to actual occupants thereof, authorized the issuance of municipal bonds to finance public improvements and regulated the issuance of franchises and the minting of coins.

The creation of an Assembly or the establishment of popular representation and the nationalization of the national resources, together with the Bill of Rights, are the most vital features of the Philippine Bill.

Jones Law.—In 1916 the U.S. Congress passed the Jones Law or Philippine Autonomy Act. In this law America restated her colonial policy in the Philippines. She made it clear that her purpose in her war against Spain was not for conquest or territorial aggrandizement; that she would grant independence to the Philippines as soon as a stable government could be established therein and that to accomplish such purpose and to prepare fully the Filipinos for the responsibilities of independence, they would be entrusted with a larger control of their domestic affairs through the exercise of popular franchise and governmental powers.

The Jones Law contains the citizenship and Bill of Rights provisions of the Philippine Bill. It broadened popular representation by abolishing the appointive Commission and substituting for it an elected Senate as the upper house of the Legislature. It transferred to the Philippine government all the property rights acquired by the U. S. from Spain under the Treaty of Paris. It defined the powers of the Governor-General as Chief Executive. It provided for the appointment of a Vice-Governor and the creation of an auditing office. It distributed the jurisdiction of the courts and regulated the grant of franchises. The Jones Law enabled the Filipinos to acquire more training and experience in self-government. Governor General Francis B. Harrison implemented the Jones Law by Filipinizing the government even at the risk of antagonizing American officeholders.

Independence Law and the Constitution.—In 1934 the U. S. Congress passed the Independence Law or Tydings-McDuffie Law, which was America's redemption of the pledge contained in the Jones Law. The Independence Law provided for the calling of a Constitutional Convention that would frame a Constitution to govern the Philippine Commonwealth during the 10-year transition period and

the succeeding Republic to be established upon the grant of independence on July 4, 1946.

The Constitution was adopted by the Convention on February 8, 1935, approved by President Roosevelt on March 23, 1935 and ratified by the voters at a plebiscite on May 14, 1935. America, honoring her pledge, granted independence to the Philippines on July 4, 1946. Thus, the goal of independence was reached. It was, as General MacArthur said, "one of the great turning points in the advance of civilization in the age-long struggle of man for liberty, for dignity, and for human betterment."

The proclamation of Philippine independence was "the apotheosis of Democracy in the Far East....the final note of that many-centuried melody of yearning that arose one dark morning on the beaches of Mactan, gathered force and tragic sweetness in the precipitous defile of Tirad Pass, on a lonely hill in Balintawak, on a sunny patch of ground at Bagumbayan, and rolled in global thunder through Bataan."

Thus July 4th became the birthday of our Republic and justified Congress in prohibiting cockfighting, horse races and jai-alai games on that memorable date (Rep. Act No. 137).

But the Philippine story did not end with the grant of independence. The inauguration of the Philippine Republic opened a promising and challenging epoch for the Filipinos. Independence has given them the golden opportunity to realize the dream of a better or more comfortable life. This sublime and lofty dream is found in the Constitution whose preamble formulates the fundamental objectives of that great charter in this manner: "*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 regime of justice, liberty and democracy.*" This is the Filipino dream and all national progress is directed to encompass its realization or approximation.

III. NATIONAL PROGRESS THROUGH POSTWAR LEGISLATION

National progress through law cannot be measured by merely reading the recurring amendments to the Tax Code increasing the rates of taxation, or the recent amendments to the Revised Penal Code stiffening the penalties for certain offenses. It cannot be deduced simply from the creation of the rank of lieutenant general in the Philippine Army (Rep. Act No. 1416).

The anatomy of national progress since the inauguration of the Republic may be exhibited through certain specific enactments, which Congress, as the policy-making organ, has intended as tools for national growth. This is as it should be because, as noted by President Garcia, "the progress of a nation has many facets and, in order for such progress to be balanced, it should cover every aspect of our national life—agriculture, industry, communication, commerce, education, culture, and all the other aspects of national existence that give it meaning and substance."

For example, Republic Act No. 1480 declares it a national policy "to give financial assistance to graduates of trade, technical and agricultural schools and colleges with a view to helping them start an industry, own a shop or develop a farm and thus help solve the unemployment problem, and hasten the economic development of the Philippines." For this purpose the law authorizes the Development Bank, formerly the Rehabilitation Finance Corporation, and the Philippine National Bank to grant loans to said graduates who are Filipinos. It is manifest that Republic Act No. 1480 has been nobly conceived by Congress to promote industrial growth.

A good law, with a definite objective, can induce progress in a particular industry. This is illustrated in the tobacco industry. Republic Act No. 682, enacted in 1952, restricted the importation of Virginia leaf tobacco. An amendatory law, Republic Act No. 1194, provided for government price supports for locally grown Virginia leaf tobacco. As noted by Quirico Samonte, these two measures reinvigorated the tobacco industry. The increased tobacco production and the stimulus to the manufacture of cigars and cigarettes created opportunities for employment and augmented Government revenue from specific taxes and saved the country millions of dollars which would have been spent for the importation of Virginia leaf tobacco. Of course, there have been anomalies in the storage of Government tobacco but this is not the fault of the law anymore. As usual, the officials who administer the law are blameworthy.

Before entering on a discursive survey of similar special laws, it may be noted, in passing, that since July 4, 1946 new bureaus, offices and agencies have been created to take charge of the expanding activities of the government and to enhance bureaucratic efficiency. This fact is in itself an evidence of progress.

Among these newly established offices are the Patent Office (Rep. Act No. 165); Bureau of Fisheries (Rep. Act No. 177); Office of the Insurance Commissioner (Rep. Act No. 276); Bureau of Investigation (Rep. Act No. 224); Bureau of Agricultural Extension (Rep. Act No. 680); Bureau of Public Highways (Rep. Act No.

1192) ; Office of State Attorneys in the Department of Justice ; Anti-Dummy Board (Rep. Act No. 1130) ; Court of Tax Appeals (Rep. Act No. 1125) ; Court of Agrarian Relations (Rep. Act No. 1167) ; Juvenile and Domestic Relations Court in Manila (Rep. Act No. 1401) ; Land Registration Commission (Rep. Act No. 1151) ; National Waterworks and Sewerage Authority (Rep. Act No. 1383) ; Philippine Tobacco Administration (Rep. Act No. 1135) ; Division of Tuberculosis (Rep. Act No. 1136) ; Abaca Corporation of the Philippines (Rep. Act No. 1295) ; Philippine Coconut Administration (Rep. Act No. 1145) ; National Marketing Corporation (Rep. Act No. 1345) ; Commission on Parks and Wild Life (Rep. Act No. 826) ; Philippine Tourist Bureau (Rep. Act No. 624) ; Board of Travel and Tourist Industry (Rep. Act No. 1478) ; and Bureau of Soil Conservation (Rep. Act No. 622).

Among the new government corporations are the Development Bank of the Philippines ; Central Bank ; National Shipyards and Steel Corporation (Ex. Order No. 356, 1956) and Philippine Sugar Institute (Rep. Act No. 632).

In 1901 there were only four executive departments : Interior, Commerce and Police, Finance and Justice, and Public Instruction. At present, aside from the Executive Office, there are eleven executive departments : Finance, Justice, Education, Health, Labor, National Defense, Foreign Affairs, Agriculture and Natural Resources, Public Works and Communications, Commerce and Industry and General Services. Some bureaus and offices have become commissions.

During the fifteen-year period from 1946 to date, Congress has created new provinces, chartered cities, towns and barrios. When a *sitio* or village becomes a barrio, or a group of barrios becomes a town, or a town becomes a city, that is an indication of progress.

It should also be noted that several laws enacted since July 4, 1946 provide for the establishment of fishery, trade, rural, and agricultural schools (E. g. Rep. Act Nos. 301, 303, 338, 412, 478, 510, 1735, 313, 1559, 1879). Other laws grant franchises for the operation of radio broadcasting stations. These schools and radio stations obviously contribute to the country's progress. Congress has even sanctioned the establishment of the Philippine Poultry School (Rep. Act No. 1944)

Some laws also provide for the establishment of animal breeding stations and plant nurseries in different municipalities. Congress has seen fit to establish an oyster culture and demonstration station ; appropriating fifty thousand pesos for the purpose (Rep. Act No. 1985). Who would imagine that oyster culture, so well known to

the fishpond owners and shore-dwellers since time immemorial, would merit the expenditure of public funds? This goes to prove that the law will support any activity that may redound to the general welfare.

For convenience, the special laws promoting national progress have been classified under particular headings. President Garcia said that the five tasks which constitute a single package for national progress are (1) the promotion of social justice and the welfare of the masses, (2) economic independence, (3) a balanced economy, (4) the establishment of our dignity as a free people by dealing with the foreign powers on terms of sovereign equality and (5) eradicating or lessening graft and corruption in the public service (55 O.G. 10240). Some of these aspects of national progress are covered by the special laws cited below.

Rehabilitation measures.—The immediate task after the war was rehabilitation. All suffered from the effects of the war. President Osmeña soon after returning to the Philippines decreed a moratorium on the payment of pre-war and wartime debts (Ex. Orders Nos. 25 and 32). Republic Act No. 342 partially lifted the moratorium but maintained it as to the prewar debts of war-sufferers whose rehabilitation was considered a prime concern of the government. However in the 1953 case of *Rutter v. Esteban* the continued enforcement of the moratorium law was pronounced oppressive and unreasonable.

The Bell Trade Act and the Tydings War Damage Act, or the Philippine Rehabilitation Act of 1946, contributed a great deal to the rehabilitation of the Philippines. The Bell Trade Act rehabilitated our export industries such as sugar, copra, abaca, tobacco and cordage. The War Damage Law appropriated \$400,000,000 as war damage compensation, transferred to the Philippine Government \$100,000,000 worth of surplus property and allocated \$120,000,000 for the restoration of public property and essential services.

The Rehabilitation Finance Corporation (RFC) was created in 1946 by Republic Act No. 85. President Roxas said that the RFC was "a great economic instrument for the national welfare". It was designed to provide credit facilities for destroyed enterprises and to expand the country's industry potential. President Roxas envisioned that the RFC would give the people the greatest possible opportunity and encouragement "to participate in the national economic life on every front and in every field."

Republic Act No. 2081 in 1958 converted the RFC into the Development Bank of the Philippines to supply intermediate and long term credits and create provincial and city development banks.

As work animals were scarce after the war, the slaughter of carabaos, cows and horses was prohibited (Rep. Act No. 11).

Another law regarding rehabilitation is Republic Act No. 353, enacted in 1949, which appropriated funds for the rehabilitation of domestic insurance companies.

There is also a law appropriating two million pesos for the rehabilitation of stock farms and breeding stations and centers and for the establishment of new stock farms (Rep. Act No. 372, June 14, 1949).

Republic Act No. 304 rehabilitated government employees by giving them back pay equivalent to their salaries during the Japanese occupation. However, the usual anomalies and corruptions have featured the administration of the Back Pay Law.

The interests on prewar debts owed to the government and government-owned corporations accruing from January 1, 1942 to December 31, 1945 were condoned in order to facilitate the rehabilitation of the debtors (Rep. Act No. 401).

Progress through labor and welfare legislation.—Progress cannot be assessed by counting the millionaires in the country who ride in air-conditioned Cadillacs. What should be evaluated is the situation of those who do not file any income tax returns because they have no income, the thousands who could hardly make both ends meet, worrying about their next meal. The poor cannot be ignored. The urgent task of the State is to help the poor. The term "general welfare" contemplates the poor who are in the majority and who do not enjoy freedom from want. They crave for social justice.

The poor belong to the working classes, the so-called proletariat. The struggle between the democratic and communistic ideologies is a fight to secure the allegiance of the workers. The ferment and unrest throughout the world today have been brought about by the demands of the poor. This upheaval has been diagnosed by a Spanish philosopher as "la rebelion de las masas."

It is futile to sermonize that the workers must be self-reliant and should depend on their own efforts to improve their condition. Life in this nuclear age, this age of the Scientific Revolution, has become so complicated and unmanageable that one can no longer be the master of his fate and the captain of his soul. State assistance has become a categorical imperative to insure the well-being and economic security of those at the base of the social and economic pyramid. This assistance has taken the form of labor and welfare legislation.

The Constitution provides: "The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration." The New Civil Code has laid down the precept that "in case of doubt, all labor legislation and all labor contracts shall be construed in favor of the safety of the poor." The Code contains provisions on household service designed to improve the lot of servants. A government department is dedicated to labor affairs.

Before the war, the only significant labor laws in our statute books are the Workmen's Compensation Law, the Employers' Liability Act, the Eight-Hour Labor Law, the Maternity Leave Law, the Rice Share Tenancy Law, the law creating the Court of Industrial Relations, the law regulating legitimate labor organizations, the law fixing one peso as the minimum wage of laborers employed in public works, the law providing for laborers' dwellings, the law providing for safety standards in certain establishments, the law providing for the bi-weekly payment of the wages of laborers and prohibiting the payment of wages in kind, and the law providing for compulsory arbitration of disputes between landowner and tenant.

Since the inauguration of the Republic, the enactment of certain laws has placed the Philippines in the class of countries with progressive and enlightened labor and welfare laws. It has been remarked that these laws are too advanced for our times.

Foremost among these laws is the 1953 Industrial Peace Act or Republic Act No. 875, also known as the Magna Charta of Labor. The law encourages laborers and employees to organize for the purpose of collective bargaining and for the promotion of their moral, social and economic well-being. It uses the collective bargaining process as a means to promote sound industrial peace and the advancement of the general welfare, health, safety and best interests of employers and employees. It contemplates the settlement of labor disputes through conciliation and mutual agreement. The law was modeled on the Wagner Labor Relations Act and the Taft-Hartley Law of the United States.

The 1951 Minimum Wage Law, Republic Act No. 602, fixes four pesos as minimum wage for employees.

The 1954 Agricultural Tenancy Act, Republic Act No. 1199, has the following beneficent purposes: establish agricultural tenancy relations between landholders and tenants "upon the principle of social justice," afford adequate protection to both tenants and landholders, insure an equitable division of harvests, provide farmers

with incentives for more production, bolster their economic position and encourage their participation in the development of peaceful, vigorous and democratic rural communities. The enforcement of the law is vested on the Court of Agrarian Relations created by Republic Act No. 1267.

To meet adequately the progressively increasing demand for a skilled-labor force necessary to the industrialization of the Philippines and to increase productivity, the National Apprenticeship Act of 1957 has created an Apprenticeship System and a National Apprenticeship Council (Rep. Act Nos. 1826 and 2628). The law establishes a national apprenticeship system through the voluntary cooperation of employers and workers and interested governmental and non-governmental agencies. It provides for the establishment and furtherance of apprenticeship standards to safeguard and promote the welfare of apprentices.

Women and child labor is regulated by Republic Act No. 679 enacted in 1952. Republic Act No. 856, enacted in 1953, gives greater protection to applicants for employment by regulating private employment agencies. Republic Acts Nos. 239 and 1054, enacted in 1954, provide for free emergency medical and dental treatment for employers and laborers of commercial, industrial and agricultural establishments. Republic Act No. 367, effective in 1949, created the Bureau of Industrial Safety whose primary function is to promote the health and safety of all workingmen.

The most progressive welfare law in force today in the Social Security Act of 1954, Republic Act No. 1161. It seeks to develop and perfect a social security system suitable to the needs of the people throughout the Philippines and to provide protection against the hazards of unemployment, disability, sickness, old age and death. It provides for pensions to the unemployed, sick wage earners, disabled employees, and the aged. It also provides for life annuity, retirement and death benefits.

The Social Security Law is an implementation of the principle of social justice guaranteed by the Constitution. President Garcia said that by reason of that law "death has been robbed of some of the venom of its sting; misfortune, some of the horrors of its treachery; and old age, some of the anguish of its fears."

It may be noted that the Social Security Act was foreshadowed by Republic Act No. 532 passed in 1950. This law created a pension commission to study a pension plan for employees and laborers of private business and industry.

Republic Act No. 1787 protects employees, not hired for a fixed term, against arbitrary dismissal.

Obstruction to peaceful picketing, which is an exercise of free speech, is punished by Republic Act No. 1167.

Another manifestation of Congressional solicitude for the welfare of the laborers is found in Republic Act No. 1171 which provides that civil actions on claims of employees and laborers may be commenced in the competent court where the defendant resides or may be found, or where the plaintiff resides, at the election of the plaintiff.

Republic Act No. 856 amended the Private Employment Agency Law (Act No. 2957) by laying down certain conditions for the execution of the contract between the recruiter and the applicant for employment. These conditions are intended for the laborer's protection.

Republic Act No. 761 created the National Employment Service "to ensure the best possible organization of the employment market as an integral part of the national program for achievement and maintenance of maximum employment and the development and use of productive resources."

All these labor and welfare laws are evidences that the so-called "forgotten man" or the common *tao* has not been neglected by the State. The betterment of his lot has become the cherished objective of progressive and enlightened legislation.

Land for the landless.—One solution for the perennial agrarian unrest is the distribution of land among the landless. To accomplish this task, the vast tracts of friar lands were purchased during the early part of the American regime for subdivision and resale to the tenants (Act No. 1120). The public land laws contain provisions for distribution of lands not exceeding 24 hectares by means of homesteads or free patents (Acts Nos. 926 and 2874 and Com. Act No. 141).

Act No. 2806, a 1919 law, authorizes provincial boards to organize and manage agricultural colonies on public lands. Act 4197, a 1935 law, facilitates and promotes the occupation and cultivation of unoccupied public lands through the establishment of settlement districts.

Commonwealth Acts Nos. 20, 260, 378, 420 and 539 authorized the President of the Philippines to acquire private lands for resale in small lots. This implemented the constitutional mandate for the expropriation of lands to be subdivided into small lots and conveyed

at cost to individuals. This job was entrusted to the Rural Progress Administration setup in 1939 but dissolved in 1950 (Ex. Orders Nos. 191 and 376, 46 O.G. 5330).

Commonwealth Act No. 691 provides for the free distribution of public lands with an area of not more than 24 hectares. Republic Act No. 63 provides for the free distribution of residential lots not exceeding an area of 1,600 square meters.

Another law, Republic Act No. 782, grants free patents to occupants of public agricultural lands since July 4, 1945. The land occupied should not exceed 24 hectares.

Commonwealth Act No. 441 in 1939 created the National Land Settlement Administration to facilitate (a) the acquisition, settlement and cultivation of lands; (b) to afford opportunity to own farms to tenant farmers and small farmers from congested areas; (c) to encourage migration to sparsely populated regions and facilitate the amalgamation of the people in different sections of the Philippines; and (d) to develop new money crops to take the place of export crops which may suffer the loss of the preferences which they enjoy in the American market.

The war disrupted the work of the National Land Settlement Administration. It was superseded by the Land Settlement and Development Corporation (Lasedeco) created in 1950 (Ex. Order No. 550).

The Lasedeco was in turn abolished by Republic Act No. 1160 which created the National Resettlement and Rehabilitation Administration (Narra), a pet project of President Magsaysay. The Narra is designed "to speed up the free distribution of agricultural lands of the public domain to landless tenants and farm workers" and to encourage migration to sparsely populated regions. This is in pursuance "of the fundamental policy of the government to promote the level of production, employment and living standards of the people."

President Roxas in 1946 created an Agrarian Commission to recommend measures for the permanent solution of the agrarian problem (Adm. Order No. 38).

The Magsaysay Administration masterminded the Land Reform Act of 1955 (Rep. Act No. 1400). This law avowedly aims "to create and maintain an agrarian system which is peaceful, prosperous and stable." To realize this goal, the law provides that "the Government shall establish and distribute as many family-size farms to as many landless citizens as possible through the opening up of public agricultural land and the division and distribution of private agricultural lands where agrarian conflicts exist." The private lands

would be acquired either by private arrangement with the owners or through expropriation proceedings. The Land Tenure Administration is the agency charged with carrying out this formidable undertaking.

Republic Act No. 926 authorizes the President to convey public agricultural lands as payment for private lands expropriated or acquired by purchase.

In this connection, Republic Act No. 1162, passed in 1954, provides for the expropriation of landed estates or haciendas in Manila and their subdivision into small lots for resale at cost to tenants or occupants. The Tondo Foreshore Act of 1956, Republic Act No. 1597, provides for the subdivision of the Tondo foreshore land into lots and their sale to lessees or bona fide occupants. Government lots in Montalban, Rizal and Lerma Street, Manila have been ordered sold to bona fide occupants (Rep. Act No. 1798). Republic Act No. 2616 provides for the expropriation of Tatalon Estate in Quezon City and for the sale of the lots therein to their bona fide occupants.

If the landless have not acquired any lands up to this time, that lamentable situation cannot be ascribed to the absence of laws for land distribution.

Homes for the homeless.—One expedient to promote social justice and combat communism is to provide homes for the homeless. In 1941 Congress enacted Commonwealth Act No. 648, which created the National Housing Commission. The object of the law is to provide decent housing for those unable to provide themselves with homes. It seeks to promote the physical, social and economic betterment of the inhabitants of the cities and populous towns by replacing slums with low-cost homes and providing community and institutional housing for destitute individuals, families and paupers.

The National Housing Commission was merged with the People's Homesite Corporation. The new entity is known as the People's Homesite and Housing Corporation (Ex. Order No. 93, 43 O.G. 4547) whose efficiency has been impaired by alleged irregularities.

The government, through the PHHC, guarantees not more than fifty per cent (50%) of the losses which may be sustained on loans granted by banks and credit institutions to finance home construction or ownership (Rep. Act No. 222).

Republic Act No. 580, passed in 1950, created the Home Financing Commission, to stimulate home-building and land ownership and to promote the development of land for that purpose. The law provides liberal financing through an insured mortgage system and seeks to develop thrift through the accumulation of savings in insured

institutions. Republic Act No. 1557 in 1956 amended Republic Act No. 580 to enable the Home Financing Commission to carry out its functions effectively and to make it more responsive to peculiar local needs and requirements.

Cities and municipalities are authorized to contract loans for the purpose of purchasing or expropriating homesites and subdividing them for resale at cost. Preference should be given to "Filipino bona fide occupants and to Filipino veterans, their widows and orphans. No such lot shall be sold to any person who already owns a residential lot, and any sale made to such person shall be void." (Rep. Act No. 267).

Another law facilitating the acquisition of home lots is Republic Act No. 730, which allows a Filipino citizen, who has established a bona fide residence on a parcel of public land not needed for public service, to purchase said parcel at a private sale. The price is payable in 10 annual installments.

It is also apropos to mention the Cebu Employees, Laborers, Fishermen and Peasants Housing Corporation, to which Congress granted a special charter in 1957 (Rep. Act No. 2013). This public corporation was created to provide decent housing for the employees and workers of Cebu, to promote their physical, social and economic betterment, by eliminating slums and providing low-cost homes, and to provide institutional housing for destitute individuals and paupers. Through this corporation, the poor Cebuanos aim to realize their dream of a comfortable life.

Measures intended to induce economic progress or to improve the national economy.—Congress has enacted measures specifically designed to induce growth in a particular segment of the national economy, like agriculture or certain industries. But it has also passed laws intended to improve the entire national economy or to foster economic growth.

Thus Republic Acts Nos. 604 and 820 appropriate eighty-three million pesos to constitute a "Counterpart Fund" for any assistance which may be received by the Philippine government from the U.S. government through the Economic Cooperation Administration. "The Counterpart Fund" may be disposed of only "in pursuance of a policy that will provide insofar as possible the *greatest good for the greatest number of the Philippine people, promote economic opportunity, and remove the cause of social discontent and unrest.*"

The projects which may be financed by means of the Counterpart Fund are: (a) construction and rehabilitation of roads and bridges and other transportation facilities to promote marketing of

agricultural, forest and mine products; (b) irrigation systems, flood control, reclamation projects, waterworks and artesian wells; (c) agricultural production and marketing through aids to rural credit; (d) expansion of existing industries and establishment of new ones; (e) improvement of living conditions of the masses by increasing their purchasing power through home industries and the promotion of vocational education, adult and community schools, public health, slum clearance and low-cost housing projects; (f) loans to dollar-producing and dollar-saving industries; (g) technical assistance to agriculture, industry, public works and public administration; (h) financial aid to resettlement projects; (i) purchase of lands to be subdivided and resold to actual occupants; (j) promotion of measures designed to stabilize the monetary situation and reduce the cost of living particularly for the indigent and extraordinarily low-income groups; (k) and importation of goods and commodities essential to the general good of the Filipines.

Republic Act No. 1000 authorizes the President of the Philip-pines to issue bonds not exceeding *one billion pesos* to finance public works and projects for economic development, such as the expropriation of lands for subdivision and resale.

Republic Act No. 265 in 1948 created the Central Bank to administer the monetary and banking system of the Republic. The bank has for its objectives the maintenance of monetary stability, the preservation of the international value of the pesos and the promotion of "a rising level of production, employment and real income".

A young industrialist has characterized the Central Bank as "the most powerful instrumentality of the government in the pursuance of its economic policies", with "sweeping powers over currency, credit and dollar allocations that the economy of the Philip-pines today whether good or bad, can be properly attributed to the Central Bank. Yet ask any industrialist what his greatest problem is and he invariably answers, "That damn Central Bank!" It is."

Republic Act No. 266 allows the Central Bank to make extraordinary advances to the government not exceeding two hundred million pesos (P200,000,000) for the purpose of servicing its external obligations or to promote productive and income-producing projects. Among these are the rehabilitation or construction of irrigation projects; the expropriation of private lands for a new capitol site; the development of water power and the establishment of industries through the utilization of such power; the purchase of agricultural and residential lands to be subdivided and resold to

actual occupants; the expansion of existing industries or the establishment of new ones essential to the development of the national economy; the financing of resettlement projects; loans to the Rehabilitation Finance Corporation and the financing of homes for laborers or low-salaried employees.

To promote economic and industrial development and safeguard national security, the Export Control Law, Republic Acts Nos. 613 and 999, prohibit the exportation of uranium, atomic energy materials, machinery, scrap metals, etc.

To expand foreign markets for our products and thus assist in the country's economic development, in overcoming unemployment, increasing the purchasing power of the peso and improving the relations with foreign countries, Republic Act No. 1189 authorizes the President of the Philippines to enter into trade agreements with foreign governments.

Republic Act No. 1789, which creates the Reparations Commission, establishes the policy that reparation payments from Japan shall be utilized "in such a manner as shall assure the maximum possible economic benefit to the Filipino people and in as equitable and widespread a manner as possible."

The Dollar Margin Law, Republic Act No. 2609, authorizes the monetary authorities to take steps for the adoption of a four-year program of gradual decontrol. The effects of decontrol are regulated by Republic Act No. 2610 which empowers the Chief Executive to stabilize and check the spiraling of the prices of certain commodities. Republic Act No. 2262 repealed Republic Act No. 1410, known as the Barter Law.

Another measure designed to strengthen the national economy is Republic Act No. 1823, which exempts from the income tax on surplus accumulations that surplus of corporations which is invested in dollar-producing or dollar-saving industries or in bonds of the Central Bank.

The Philippine Coastwise Shipping Act of 1956 finances the construction of coastwise vessels to stimulate coastwise trade (Rep. Act No. 1909).

The usefulness of cooperatives was recognized even before the war. It is well known that the prosperity of the Scandinavian countries is in part due to their exploitation of cooperatives as an instrument to promote the general welfare. Congress in 1957 revived the cooperative movement by enacting the Philippine Non-Agricultural Cooperative Act (Rep. Act No. 2023). Congress made it clear that

its policy is to assist the people to develop their enterprises on a cooperative basis, to strengthen their economic independence by the production of organized methods of industrial production, marketing, distribution and credit, the improvement of processes and other activities and the removal of conditions which hamper the growth of a rising standard of living with a view to promote the general well-being of the people and to expand the national economy. In furtherance of this policy, the government shall encourage and assist in the establishment of a system of cooperative banks all over the country which shall provide banking facilities and reasonable credit for the non-agricultural cooperatives and encourage the distribution of consumer requirements through cooperatives.

A system of wholesale cooperative societies will be established all over the country. They shall provide steady and wholesale source of consumer requirements and act as a link between producers and consumers cooperatives by adopting a policy of gradual transfer of the business of procurement of consumer requirements from the National Marketing Corporation to the Philippine Cooperative Wholesale Society. Government agencies, such as the Central Bank, the Department of Commerce and Industry shall provide technical guidance, financial assistance and other facilities to develop a sound and stable cooperative movement. The law will be administered by the Cooperatives Administration Office.

Republic Act No. 2023, providing for the establishment of a Philippine National Cooperative Bank, has for its purpose to strengthen the cooperative movement in the financial field.

In 1950 Congress enacted Republic Act No. 583 which constituted a small farmers' cooperative loan fund for the purpose of providing credit facilities to small farms and farm tenants.

Aside from establishing rural banks, Congress in Republic Act No. 821 provided for the establishment of the Agricultural Credit and Cooperative Financing Administration (Accfa). This agency, which has recently been in the spotlight due to the controversy among its directors and the anomaly in its sale of fertilizers, is intended to assist small farmers in securing liberal credit. It also promotes the effective groupings of farmers into cooperative marketing associations (Facomas) so that they could sell their products efficiently.

The government, by means of the Accfa and Facomas, expects that the agricultural, livestock, poultry and fishing industries would be placed on a basis of economic equality with the other industries and that the standard of living of farmers and fishermen would be

improved. The sum of one hundred million pesos has been appropriated for the Accfa and Facomas.

But it has been observed that dissensions and demoralization threaten to destroy the agency that could be the farmer's best friend. The ACCFA "has retrogressed so much * * * that many observers have expressed deep concern over its future."

A 1954 law nationalized the retail business (Rep. Act No. 1180). A 1955 law adopts the policy of encouraging Filipino retailers. For this purpose, it has established the Filipino Retailers' Fund to provide credit facilities for Filipino retailers. The Fund guarantees or underwrites loans made by any government financing institution to bona fide Filipino retailers (Rep. Act No. 1292).

The creation of the National Marketing Corporation (Namarco), as successor of the Price Stabilization Corporation (Prisco), is an implementation of the policy of assisting Filipino retailers by supplying them with goods at prices that will enable them to compete successfully in the distribution market, and thus "have greater participation in the distribution system". The Namarco fulfills this function. It procures and distributes goods among Filipino retailers "not for the purpose of making profit but to render an essential public service in order to promote the social and economic welfare of the nation." Whether it has faithfully realized this objective is another question.

Another measure easing up credit facilities for the farmers is Republic Act No. 1085, which authorizes the Development Bank and the Philippine National Bank to grant to homesteader loans not exceeding ₱1,000, without collateral, to be used in the improvement of their homesteads. The loan is payable in 10 years with interest at four percent.

Considerable amounts have been appropriated for the eradication of "kadang-kadang", rats, pests, the abaca mosaic disease and other plant diseases (Rep. Acts Nos. 362, 773, 973, 1176).

Republic Act No. 1499 appropriates money for the purchase of animals in connection with "Operation Livestock Dispersal." This is a project by which animals are distributed to indigent deserving farmers.

Republic Acts Nos. 1146, 1609 and 2076 provide for the sale of fertilizers to farmers at reasonable prices through the Facomas. This effectuates the national policy of increasing farm productivity and agricultural production. However, anomalies have been reported in the disposal of fertilizers by the Accfa.

Agro-industrial progress.—In a *laissez-faire* economy, as envisaged by the physiocrats during the 18th century, the growth of

industries may be left to private initiative, to the self-reliant entrepreneurs and capitalists who do not need government aid or incentives. But in underdeveloped countries, like the Philippines, with a rapidly growing population, where poverty and unemployment are grave problems of State, the government should take measures to hasten industrial progress as a means of creating more jobs and raising the standard of living.

One such measure enacted in 1946 is Republic Act No. 35, or the Tax Exemption Law. It provides that new and necessary industries are exempt from internal revenue taxes for four years from the date of the establishment of such industries. Republic Act No. 901 broadened the tax exemption privilege.

With respect to the oil industry, Republic Act No. 387, the Petroleum Act of 1949, exempts oil refineries from customs duties on imported crude oil for a period of five years after the concession has been approved.

The tax exemption law has given impetus to the establishment of new industries. There have been abuses and irregularities in the enforcement of the law, but generally it has produced a healthy effect on the national economy.

President Garcia said: "Offhand it can be stated definitely that tax-exempt industries have contributed substantially to economic growth. They have led to the establishment heretofore of factory enterprises not known in this country. They have called national attention to the importance of domestic resources, the importance of developing and activating risk-taking, entrepreneurial and management techniques and job skills; the fundamental importance of economic environment that is promotive, supportive and directive of private business decisions and actions."

In order to develop and improve the rice and corn industries, stabilize the price of rice and promote the social and economic conditions of those engaged in the production of these staple foods, Republic Act No. 663 in 1951 recreated the National Rice and Corn Corporation (Naric). The praiseworthy objectives of the law have been nullified by the grave anomalies which have characterized the management of the Naric.

Republic Act No. 2084, passed in 1958, seeks to promote rice and corn production. This law declares that the national policy is "to attain self-sufficiency in rice and corn at the earliest possible time and to provide adequate measures to insure permanent stability in the production of these cereals by marshalling government agencies to increase rice and corn production." Republic Act No. 2207 prohibits the importation of rice and corn.

The law has established a four-year rice and corn production program planned and executed under the direct control of the Rice and Corn Coordinating Council composed of the Secretary of Agriculture and Natural Resources, the Directors of Plant Industry, Public Works, Soils, Agricultural Extension, Animal Industry, Lands and Mines, the Dean of U.P. College of Agriculture, the representative of the Department of General Services, the Agricultural Credit and Cooperative Financing Administrator, and the Naric Manager. The law was effectively enforced in 1959 when the palay crop yielded a bountiful harvest.

A 1960 law, Republic Act No. 3018, appropriates fifty million pesos for the use of Filipino retailers engaged in the rice and corn business. It also creates the Rice and Corn Board to study and recommend measures for the improvement of the rice and corn industry.

There is a Productivity Commission headed by the Chairman of the National Economic Council. The Commission promotes acceptance of the concept of productivity as the basis of economic progress (Ex. Order No. 285, March 11, 1960). President Roxas in 1946 created a Philippine Committee on Food and Agriculture. He issued an order intensifying the national food production campaign.

Republic Act No. 657 promotes the production of cassava flour by requiring importers of wheat flour to buy a certain proportion of cassava flour. The processing of cassava flour is dollar-saving industry.

The Emergency Gold Mining Assistance Act, Republic Act No. 1164, provides for assistance to the gold mining industry.

To provide incentives for the development of the ramie industry, Republic Acts Nos. 1392 and 1768 exempt from customs duties imported ramie goods which were processed abroad from fibers originally produced in the Philippines.

Republic Act No. 1342 appropriates a sum of money for the procurement and propagation of coffee and cacao seeds and seedlings for distribution, at cost, to planters.

The importation of onions, potatoes, garlic and cabbage, except for seedling purposes, has been prohibited, undoubtedly for the purpose of protecting farmers producing these crops (Rep. Act No. 1296).

Republic Act No. 1578 creates the "Livestock Promotion Fund" for the purpose of conserving and developing the livestock industry.

Republic Act No. 249 appropriated P200,000 for canvassing, locating and evaluating mineral deposits needed in the development of industries. Republic Acts Nos. 1828 and 2077 authorize the development and exploitation and utilization of the Surigao mineral deposits either by the government or by means of private enterprises. Republic Act No. 386 promotes the exploration, development and exploitation and conservation of the country's petroleum resources.

Republic Act No. 414 provides P150,000 for the promotion of home industries and the revival and operation of the Craftsman Section of the Vocational Division of the Bureau of Public Schools.

Government corporation like the National Development Company and the National Steel and Shipyards Corporation (Nassco) are supposed to contribute to the country's industrial growth. They have not lived up to expectations. The purposes for which they have been organized have not been fully accomplished. They have not been administered with honesty and efficiency. There is a growing conviction that the government should liquidate these corporations to avoid further losses. *The government has no business to be in business.*

Finally, Republic Act No. 2261 seeks to promote economic development by giving incentives to marginal and sub-marginal industries.

Rural progress.— Rural development is a global movement. There is a Philippine Rural Reconstruction Movement headed by Dr. James Yen and Cornelio Balmaceda.

President Quirino in 1948 tried to improve conditions in rural areas by means of the Presidential Action Committee on Social Amelioration (PACSA) which was under the Social Welfare Commission. Then in 1954 President Magsaysay created the Community Development Planning Council.

Executive Order No. 156 in 1956 created the Office of Presidential Assistant on Community Development (PACD) "to implement the program of community development throughout the Philippines, to carry out effectively the program of giving the rural population fair and full opportunities in the pursuit of a dignified and abundant life, and to provide effective planning and coordinating machinery in the success of the above policies." Through community development workers, the PACD has accomplished projects intended to increase the production and income of the barrio people and improvement projects such as community centers, bridges, roads, playgrounds and health and sanitation projects.

President Garcia explained that in theory the community development program of the PACD is intended to unleash "a revolution of rising expectations" in the rural areas by bringing about a perceptible change in the attitudes of our people from one of dependence on government to self-reliance, and thus helping to create a rural citizenry that is alert, dynamic, responsive and self-reliant.

The grant of more autonomy to more than 20,000 barrios is provided for in the Barrio Charter, Republic Act No. 2370, enacted in 1959. President Garcia has characterized the Barrio Charter as a "transcendental piece of legislation" because it "seeks to give local people the freedom to manage their own affairs with the least interference from the national, provincial, or municipal governments." It is designed to strengthen democracy as an institution in the barrios.

Rural progress is also the object of Republic Act No. 720, otherwise known as the Rural Banks' Act, passed in 1952. Rural banks are a means to "promote and expand the rural economy in an orderly and effective manner by providing the inhabitants of rural communities with credit facilities that will improve their productive activities and encourage cooperatives. The rural banks, in cooperation with the government agencies, are expected to provide advice on business and farm management and on the proper use of credit for production and marketing.

The Artesian Wells Act of 1955 takes care of the operation, maintenance and repair of artesian wells, which are indispensable to barrio-dwellers.

The maintenance of peace and order is a grave problem in rural areas. That task falls directly on the shoulders of the barrio lieutenants. To compensate them for their valuable service, Republic Act No. 538 authorizes municipal councils to secure for them accident insurance policies with a face value of ₱1,000 and an annual premium of ₱3.

It is interesting to note that Republic Act No. 1978 has made the barrio lieutenant a person in authority for purposes of the Revised Penal Code.

Educational and cultural progress.— Aside from the free, democratic way of life, America's most precious legacy to us is our educational system. While the Spaniards built churches, the Americans built schools. Spain sent here missionaries; America sent teachers. Every town and barrio in the Philippines, which cannot point to a church, at least can boast of a school. The pursuit of education has become a second religion to us. Government policy

on education has been aptly stated thus: "*Ang pagpapalatal ng mamamayan ay siyang pangunahing tungkulin ng pamahalaan. Tina-tawagan ang mga paaralan upang paunlarin ang mga diwang pambayan at kabutihang asal.*"

Republic Act No. 1124 created the Board of National Education which formulates, implements and enforces general educational objectives and policies, coordinates the offerings, activities and functions of all educational institutions in the country with a view to accomplishing an integrated nationalistic and democracy-inspired educational system.

One criticism of elementary education was that the six-year single-session elementary course produced graduates who could not read and write well. The deficiencies in their basic training adversely affected their high school and collegiate performance. The Elementary Education Act of 1953, Republic Act No. 896, restores the seventh grade.

The law proclaims that "the main function of the elementary school" is "to develop healthy citizens of good moral character, equipped with the knowledge, habits, and ideals needed for a happy and useful home and community life." It makes compulsory the enrollment of seven-year old children in public schools, subject to certain exceptions.

Other laws dealing with education are Republic Act No. 778, which converted the Philippine School of Commerce into the Philippine College of Commerce; Republic Act No. 416 which converted the Philippine Normal School into a college; Republic Act No. 2237 which converted the Philippine School of Arts and Trades into a college; Republic Act No. 332 which converted the School of Forestry of the University of the Philippines into a college; Republic Act No. 763 which established the Mindanao Institute of Technology, and Republic Act No. 807 which created the Mindanao Agricultural College. Republic Act No. 176 created the National Commission on Educational, Scientific and Cultural Matters.

The Constitution provides that arts and letters shall be under the patronage of the State. To implement this provision, Republic Act No. 722 encourages the holding of operas, concerts, recitals, dramas, painting and art exhibitions, flower shows and literary, oratorical or musical programs by exempting from amusement tax the gross receipts obtained from such cultural activities.

Republic Act No. 411 provides for the establishment and operation of *one thousand municipal libraries by the Bureau of Public Libraries throughout the Philippines.*

The Spanish law, which requires the compulsory teaching of 24 units of Spanish in all colleges and universities, has a nationalistic and cultural objective. The law provides that the Spanish courses should include the teaching in the original Spanish of Mabini's "Memorias de la Revolucion Filipina," the speeches in the Malolos Congress, and the poems of Rizal, Apostol, Guerrero, and others (Rep. Acts Nos. 709 and 1881). Republic Act No. 343 includes Spanish as one of the subjects in the high school course. The objectives of the Spanish law have not been attained. There is a clamorous agitation for its repeal.

Republic Act No. 2086 appropriates P100,000 annually as an aid to the Music Promotion Foundation which has a special charter (Rep. Act No. 1370).

Progress in science and research.—The Constitution provides that "the State shall promote scientific research and invention." President Garcia said that "scientific and technological progress is a matter of stark necessity. It is necessary in order that our people may enjoy a larger share of the bounty of our nation. Science must be harnessed into increasing the yields of our soil, expanding the limits of our resources, extracting new products from the unexploited raw and waste material processes, and multiplying productive capacity as to stimulate a more abundant life."

The Science Act of 1958, Republic Act No. 2067, was passed to implement the constitutional provision. The law aims "to promote scientific and technological research and development, foster invention, and utilize scientific knowledge as an effective instrument for the promotion of national progress." The law created the National Science Development Board, the National Institute of Science and Technology and the Philippine Atomic Energy Commission.

President Garcia said that under Republic Act No. 2067, "we have committed ourselves to the concept using scientific knowledge as an instrument for the promotion of national progress."

The Science Board has broad powers to finance and assist constructive projects in scientific research and to study the ways of upgrading science education. It is assisting the Science Foundation of the Philippines in the nation-wide search for science talent. It is combating the menace of plant diseases.

Republic Act No. 770 in 1952 created the Science Foundation of the Philippines to promote basic and applied scientific research in the mathematical, physical, medical, biological, engineering and other sciences, award scholarships and fellowships in sciences, foster

interchange of scientific information, aid in the establishment of laboratories and encourage science clubs and societies.

Republic Act No. 1606 seeks to promote scientific, engineering and technological research, invention and development. That law authorizes the government to grant scholarships in science, engineering and technology; grant bonus and financial aid to brilliant and deserving researchers; employ the services of recognized scientists, engineers and technologists, and perform other activities leading to that end.

Republic Act 1287 has a similar objective. It grants a special privilege to any person who discovers or invents a new process, discovery or invention for the conversion of any native agricultural raw product into a product which will stabilize not only the national economy but also the dollar resources. An example of such a process would be the conversion of native leaf tobacco into tobacco with the same quality as the Virginia type. The special privilege is the exclusive right to exploit said process for twenty-five years together with tax exemption.

Public works.—Concrete and tangible evidence of national progress may be discerned in the public works constructed by the government. Good roads, bridges and buildings give the taxpayers the consolation of enjoying some benefit from the contributions which they have paid to the government.

The first law enacted by the Commission on September 1, 1901 was an act appropriating two million Mexican dollars for highways and bridges. This law, which placed the Islands on the road to progress, consists of less than 100 words. It empowers the Military Governor to spend the money for the "construction and repair of such highways and bridges as in his judgment may be most conducive to public welfare."

The administration, construction and integration of highways have been improved by Republic Act No. 917, the Philippine Highway Act of 1953, and by the creation of the Bureau of Public Highways.

The Limited Access Highway Act was enacted "for the immediate preservation of the public peace, health and safety, and for the promotion of the general welfare" (Rep. Act No. 2000).

Republic Act No. 2701 seeks to eliminate the wasteful pork barrel projects by making sure that a public works project should be finished and not left unfinished as heretofore practised.

Republic Act No. 216 allocated some foreign loans to the construction of a fertilizer plant and the Ambuklao and Maria Cristina hydroelectric projects "for the purpose of giving impetus to industrial development and to aid agriculture."

Republic Act No. 1298 appropriates money for the Marikina and Ilog dams. Republic Act No. 314 allots national funds for the repair and construction of municipal roads. Republic Act No. 473 provides for the development of the road system in Mindanao and Sulu. Republic Act No. 105 increases the appropriations for the operation of irrigation systems. Republic Act No. 2612 empowers the Chief Executive to borrow twelve million dollars to finance a nationwide telecommunications expansion and improvement project.

Public health measures.—Republic Act No. 1082 creates rural health units for 1,300 municipalities each manned by a municipal health officer, dentist, nurse, midwife and sanitary inspector, working under the supervision of a provincial health officer.

Other laws to safeguard public health are: Republic Act No. 298 which appropriates funds to subsidize charity beds for indigent person in private hospitals located in places far from provincial hospitals; Republic Act No. 299 which appropriates money for the prevention and control of schistosomiasis, a skin disease; Republic Act No. 339 which appropriates money for the repair and reconstruction of provincial hospitals; Republic Act No. 1136, reorganizing the Tuberculosis Division in the Department of Health; Republic Act No. 662 which establishes a blood plasma dehydrating plant, and Republic Act No. 124, which provides for a full-time physician to undertake the medical examination of students in private institutions.

President Garcia admitted that "notwithstanding our impressive record of achievement in the public health and welfare to such an extent that the Philippines has become a model country in Asia, poor environmental sanitation is still a priority problem in almost all towns and cities in our country. We still have the unfortunate existence of unsanitary toilets, exposed garbage, unsafe water supply, slum areas, open esteros, dirty markets and surroundings, stray animals, and the like. Malnutrition is still a big problem and many of our people still have undesirable health practices. Our health and hospital facilities, supplies and equipment are far from adequate to meet the growing needs and demands of the public."

Nationalism and progress.—President Garcia has repeatedly said that nationalism is "the chosen instrument * * * for speedy national growth and development" (55 O.G. 9646) and is "a fundamental policy of my administration" (56 O.G. 3988).

Congress in the preamble of the Rizal Law (Rep. Act No. 1425) said that "today, more than any other period of our history, there is a need for a rededication to the ideals of freedom and nationalism for which our heroes died." To achieve this end, the law makes it compulsory to include in the curricula of all public and private schools, colleges and universities courses on the life, works and writings of Jose Rizal. By this means the school may develop moral character, personal discipline, civic conscience and teach the duties of citizenship.

Among the nationalistic policies introduced during the Garcia administration is the so-called "Filipino First Policy". This was announced in Resolution No. 204 of the National Economic Council dated August 21, 1958, approved by President Garcia. That policy is not "intended to be an exclusivistic or chauvinistic instrument of hate or discrimination against aliens," nor "does it suggest economic abundance on a silver platter nor a parliamentary edict through which the Philippines can be legislated into economic progress and prosperity." It is a recognition of the preferential right of the Filipinos to control their national patrimony or economy.

Nationalism used to be fostered by the National Economic Protectionism Association (Nepa). During the early thirties, President Roxas, believing that he could be another Andres Bonifacio, launched the *Ang Bagong Katipunan*. It was a movement urging Filipinos to patronize native products. The campaign fizzled out, but the Nepa spirit is not dead. The government still believes that native products should be patronized. Thus, Republic Act No. 912 requires the use of Philippine-made materials or products in government projects or public works constructions. The Director of Public Works enforces the law.

Nationalism as well as love of country is kept alive by Republic Act No. 1265 which makes the flag ceremony compulsory in all educational institutions.

Republic Act No. 37 grants preference to Filipinos in the lease of stalls in the public market. Republic Act No. 1180 nationalized the retail trade. Republic Act No. 3018 limits the right to engage in the rice and corn industry to Filipinos. Republic Act No. 131 strengthened the Anti-Dummy Law.

If our economy is still dominated by aliens, the fault lies in the Filipinos themselves—their apathy and neglect, their failure to grasp the opportunities which the law has afforded them for becoming masters in their own land.

Political progress and the improvement of public administration.

—President Roxas observed: "If freedom is a sign of progress, we have progressed as far as any people in the world today. *I know of no people anywhere who have greater political and social freedom than we have in the Philippines.*"

Press freedom was strengthened by Republic Act No. 53, as amended by Republic Act No. 1477, which provides that the publisher, editor, columnist or reporter of any newspaper, magazine or periodical cannot be compelled to reveal the source of any news-report or information appearing in said publication, which was related in confidence to such publisher, editor or reporter, unless the court or a House or Committee of Congress finds that such revelation is demanded by the security of the State.

The practice of policemen of keeping detained persons incomunicado, to facilitate the perpetration of third degree or torture and the extracting of involuntary confessions of guilt, is curbed by Republic Act No. 857, which punishes any public officer who obstructs, prohibits, or otherwise prevents the exercise of the right of attorneys to visit and confer with arrested persons.

On the other hand, Republic Act No. 1083 increased the period for the detention of arrested persons from six to nine and eighteen hours, for less grave and grave felonies, respectively.

During these days, when the democracies are engaged in a titanic struggle to check subversive communism, one relevant question is whether communism can be checked without abridging human rights, like free speech, free assembly and freedom of association.

The Philippines has taken the uncompromising stand that communism can be outlawed without violating human rights. Following the example of other countries, our Congress enacted in 1957 the "Anti-Subversion Law" (Rep. Act No. 1700). This law characterizes the Philippine Communist Party as an organized conspiracy to overthrow the Government.

It declares illegal the Communist party and its successors, and punishes as a crime membership therein with a maximum penalty of six years' imprisonment. Leaders of the party are punishable with death.

It is noteworthy that the law clearly provides that it should not be interpreted "as a restriction to freedom of thought, of assembly and of association for purposes not contrary to law as guaranteed by the Constitution."

It should not be understood that the Philippine Government started to crush communism only in 1957, when it enacted the Anti-Communism Law. This law is only the latest weapon employed by the Philippines to stamp out the evil forces of subversion.

The law is a reaffirmation of the 1948 declaration of the President of the Republic that the Communist Party and its organs are illegal associations. It is also a confirmation of a 1932 ruling of our Supreme Court which declared the Philippine Communist Party an illegal association because of its inflammatory advocacy of the forcible overthrow of the government.

The government has wisely enacted the Anti-Subversion Law. There is no question that if the communists come into power in this country, all our freedoms would become academic. Moreover, the laws already mentioned reveal that the government is doing its best to eliminate the injustices which breed communists.

In connection with the streamlining of the government, Republic Act No. 51 authorized President Roxas to reorganize the executive departments, bureaus, offices, agencies and other government instrumentalities. This resulted in the issuance of Executive Order No. 94.

In 1948, Republic Act No. 422 authorized the Chief Executive to reorganize the executive departments, bureaus, offices and government-owned corporations. On paper this law has laudable objectives. It is bottomed on the policy that there should be simplicity, economy, and efficiency and improved service in the transaction of public business. This policy would be attained by (1) limiting expenditures to the lowest amount consistent with the efficient performance of essential services; (2) eliminating duplication and overlapping services; (3) consolidating services of a similar nature; (4) abolishing unnecessary services and (5) defining and limiting executive functions, services and activities.

The implementation of Republic Act No. 422 is found in Executive Order No. 392 issued by President Quirino on January 1, 1951.

The Reorganization Act of 1954, Republic Act No. 997, provides that the reorganization of the government should aim to promote economy, efficiency, the more effective management of public business, and the "better execution of the laws."

Progress in public administration has been accelerated with the passage of the Civil Service Act of 1959 (Rep. Act No. 2260), the withholding income tax and the pay-as-you file system in income taxation (Rep. Act No. 1051), the decentralization of accounting

services, the creation of the Counsel of Administrative Management (Ex. Order No. 339) and the creation of the Department of General Services.

The Revised Budget Act of 1954, Republic Act No. 992, has improved budgetary procedure. It contemplates the performance budget "based on functions, activities, and projects, in terms of expected results."

Republic Act No. 1792 constitutes the Supreme Court as an independent Electoral Tribunal to try, hear and decide protests against the election of the President-elect and Vice-President-elect.

The Arbitration Law, Republic Act No. 876, lays down rules for the extrajudicial settlement of disputes. It enables the parties to avoid the delays of judicial litigation.

In 1946 Congress by resolution created a Local Government Reform Commission to make a thorough study of the local government system and to suggest reforms calculated to make local institutions more autonomous and progressive. The resolution was based on these postulates: That good, stable and autonomous municipal governments are essential to the development of a civic-spirited, vigilant and militant citizenry; that without the spirit of municipal institutions, any system of free government which a nation may establish cannot have the spirit of liberty; that existing local governments leave much to be desired in the matter of material progress, as they are antiquated and not in keeping with the new social trends and concepts; and that the paternalistic attitude of the national government should be stopped so that local institutions may be developed.

These goals were implemented in 1959 with the passage of Republic Act No. 2264, which amended the laws governing local governments by increasing their autonomy. It also reorganized the structure of provincial governments.

Greater autonomy in the preparation of municipal and provincial budgets is provided for in Republic Acts Nos. 1062 and 1063.

Republic Act No. 1515 provides for a more autonomous government for municipal districts.

The pressing political problem remaining unsolved is the amendment of the Constitution. Among the proposed amendments are the restoration of the six-year term for the President without reelection, the election of Senators by districts, a provision for making the Vice-President the Presiding Officer of the Senate, so that he would have something to do, the synchronization of national and local elections, the modification of the double jeopardy rule by allow-

ing the prosecution to appeal from a judgment of acquittal and the creation of a new tribunal to pass upon protests against the election of Senators and Congressmen.

Progress in the anti-graft campaign.—The stamping out of graft and corruption in the government has become a monstrous problem. Massive, herculean exertions are necessary to clean the Augean stables of the government which reek with venalities. President Garcia's theme of "Discipline for National Greatness" should for the moment be changed to National Discipline Against Graft.

The moral disintegration that has produced widespread dishonesty in officialdom after the war exists also in the U.S. Thus, Frank Gibney, in *The Operators*, notes that "today we live in a climate of fraud, a Genial Society not only surfeited with honey, but one that practices the corruption it professes to condemn and secretly applauds the by-passing of the moral and ethical precepts that it professes to embrace."

For many officials, public office is no longer a public trust. In Mark Twain's words, public office has become private graft. The New Reign of Greed is a Reign of Graft. Graft is the Social Cancer gnawing at the vitals of the government. An apt commentary on the present situation is found in *El Filibusterismo*: "An immoral government presupposes a demoralized people, a conscienceless administration, greedy and servile citizens in the settled parts, outlaws and brigands in the mountains."

President Roxas started the campaign against graft by requiring all Department Secretaries, Undersecretaries, directors and assistant directors of bureaus and ranking officials of government corporations to file a sworn declaration of their financial assets (Adm. Order No. 37). President Magsaysay amplified the order to cover all government employees. The statement of assets and liabilities is now a mandatory requirement found in the 1960 Anti-Graft and Corrupt Practices Act (Rep. Act No. 3019).

Not all government officials are corrupt. There are honest officials who do not tolerate graft. In 1949 a Senate President allegedly advocated the protection, or, at least, tolerance of graft and corruption in the government, and placed the interest of grafters and corrupt officials as supreme and above the welfare of the people. He was reported to have said: "We are not angels. When we die, we all go to hell. It is better to be in hell because in that place there are no investigations, no Secretary of Justice, no Secretary of the Interior to go after us. When Jesus Christ died on the Cross, he made a distinction between a good crook and the bad crook. We can aspire to be good crooks."

An indignant Senate ordered the investigation of its President because under his doctrine "it is impossible for an honest and clean government to exist." (Senate Res. No. 18, Feb. 21, 1949). The Senate found him guilty of grave misconduct and suspended him for one year.

Executive Order No. 1378 created an Anti-Graft Committee. President Quirino created the Integrity Board, while President Mag-saysay created the Presidential Complaints and Action Committee. This was superseded by the Presidential Commission on Administration, Performance and Efficiency, an instrumentality used for keeping the Chief Executive informed on the status, progress and problems of governmental activity (Ex. Order No. 306, July 15, 1958).

Republic Act No. 1379 declares the forfeiture in favor of the State of any property found to have been unlawfully acquired by any public officer or employee. Some employees have already been sued under this law. It should be vigorously enforced.

Republic Act No. 1827 regulates lobbying in the Congress and in the Commission on Appointments. Its purpose is to prohibit corrupt or undesirable methods of lobbying, to promote a high standard of ethics in lobbying, to prevent harassing, unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension or revocation of such license.

The 1960 Anti-Graft and Corrupt Practices Act (Rep. Act No. 3019) lists the different corrupt acts which are penalized and the different forms of influence peddling and indirect bribery which were rampant at the time of its passage. This law may be of some help in ridding the government of venal officials.

The Non-Christian Filipinos.—The law has not forgotten the aboriginal tribes whose ancestors first owned this country. Republic Act No. 1888 seeks to effectuate in a more rapid and complete manner the economic, social, moral and political advancement of the Non-Christian Filipinos, known as the National Cultural Minorities. It aims to render real, complete and permanent the integration of these minorities into the body politic. This task has been entrusted to the Commission on National Integration, whose three members are selected solely upon the basis of their expert knowledge of the customs, social organizations, and problems of said minorities.

The establishment of the University of Mindanao in Dansalan City is intended to intensify the education and hasten the integration of the Muslims and cultural minorities (Rep. Acts Nos. 1387 and 1893).

Congress acknowledged that some progress had been attained in Mountain Province, Nueva Vizcaya and Agusan when in 1946 it repealed a 1913 law which prohibited the sale of ardent spirits and intoxicating liquors in these provinces (Rep. Act No. 27).

Miscellaneous laws.—Other laws having a bearing on national progress are cited below:

A progressive step was taken by Congress when it passed Republic Act No. 127, which repealed section 21 of Act No. 2472, the Locust Act. In consequence of the repeal, national government employees, employees of common carriers, priests, ministers of the gospel, physicians, pharmacists and lawyers are no longer exempt from rendering service in the destruction of locusts.

Congress has also acted wisely in regulating the practice of different professions and vocations, such as veterinary medicine and surgery (Rep. Act No. 382); dentistry (Rep. Act No. 417); optometry (Rep. Act No. 1998); chemical engineering (Rep. Act No. 318); chemistry (Rep. Act No. 754); dental hygienists (Rep. Act No. 768); nursing (Rep. Act No. 877); sanitary engineering (Rep. Act No. 1361); civil engineering (Rep. Act No. 514); architecture (Rep. Act No. 515); master plumber (Rep. Act No. 1378); electrical engineering (Rep. Act 184); and the practice of medicine and medical education (Medical Act of 1959, Rep. Act No. 2382).

The Philippine Overseas Shipping Act of 1955 (Rep. Act No. 1407) encourages Filipino to engage in the overseas shipping business. The law recognizes that "shipping commands a transcendental position in the economic development and growth of a nation. One of the urgent needs of the Philippines is a well-balanced Philippine merchant marine."

Republic Act No. 487 gives protection to the insuring public against the unfair and unjust practices of insurance companies. It regulates the business of general agents of insurance companies and discourages delay in the payment of insurance claims.

To discourage private hoarding and encourage bank deposits which may be utilized in loans to assist in the economic development of the country, Republic Act No. 1405 prohibits the disclosure or an inquiry into deposits with any banking institution.

The General Banking Act regulates banks and banking institutions (Rep. Act No. 337 enacted in 1948).

Executive Order No. 98 of March 11, 1946 created a National Urban Planning Commission to supervise the creation of urban areas

that will best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development.

The Supreme Court itself has become aware of the necessity of raising the standards of the legal profession and preventing it from being swamped with incompetents. It has required that those desiring to study law should have completed the course of study prescribed for a bachelor's degree, majoring in political science, logic, English, Spanish, history or economics (Res. of Dec. 20, 1957, amending Rule 127, Rules of Court).

General remarks.—A casual scrutiny of the aforecited special laws reveals the conscientious and resolute effort of the government to promote the general welfare and accelerate the country's growth. If said laws have failed to contribute to national progress, as nobly envisioned by their framers, the failure must be ascribed to lack of proper implementation, and not to the apathy of Congress and the Chief Executive in hastening progress through legislation. Those numerous laws with their salutary purposes would be of tremendous assistance in enhancing the people's welfare, if only they were enforced wisely and vigorously. Progress can be attained within the framework of a democratic government.

The lofty objectives of a good law may be defeated by inept implementation. As an example, mention has been made of the law creating the Accfa, whose directors have been quarrelling and whose former head is charged with having enriched himself while in office. Another conspicuous instance is the Reparations Law. The declared national policy is to "utilize all reparation payments procured in whatever form from Japan * * * in such manner as shall assure the maximum possible economic benefit to the Filipino people and in as equitable and widespread manner as possible." For this purpose, all goods and services paid as reparations should be utilized "to promote the economic rehabilitation and development of the country" (Rep. Act No. 1789).

It is doubtful if this purpose has been realized. If news reports are to be given credence, anomalies galore have been committed in the enforcement of the Reparations Law.

President Garcia is reported to have said: "As a nation we can be proud of the fact that our growth has been fast and steady. We have attained self-sufficiency in food where there has always been deficiency. We attained favorable balance of trade where we had deficits since Independence. The progress in industrialization in 1957 has been remarkable. Our dollar reserve has climbed up con-

siderably. Our fiscal position has gained in stability and our peso in strength. Our movement in economic nationalism has acquired a tremendous momentum. Our national dignity before the eyes of the world has been elevated in stature and our friendship with Uncle Sam is now on even firmer and more enduring basis. Above all, the creative energy of our people has been aroused to reach new frontiers of advancement in producing and building" (56 O.G. 14).

On the other hand, President Garcia also admitted that, while there have been solid achievements, we are also facing stupendous problems. He says: "Our population has grown (now 27 million), and continues to grow, at a tremendous rate. Our expanding economy can hardly keep pace with our expanding labor force many of whom continue to remain unemployed or underemployed. Much of our forest resources have been denuded, our fishing grounds destroyed. Two of our major export industries, coconut and abaca, have been attacked by mysterious diseases. A good portion of our people continue to live out their lives in illiteracy or disease or both. Our growing industry and agriculture continue to demand technical skills, better methods and processes, new means of utilizing wastes, of improving products, of creating new ones from abundant raw materials" (56 O.G. 722).

Last July 4th, President Garcia painted the state of our economy in glowing colors. After observing that laws had been passed to stabilize the government's fiscal position and national economy, he concluded that "happily the outcome was the stabilization of our finances, the strengthening of the peso, the rise of the credit and confidence of the world in our Republic, the attainment of favorable balance of trade for the first time in postwar years, the rise of the dollar reserves now nearing \$200 million, and the doubling of the gross national income from six to almost 12 billion pesos."

On the other hand, a year ago, a German economist, summoned to diagnose our ailments, reported that three basic ills afflict our economy: namely, undeveloped natural resources, serious unemployment and lack of capital. He said these maladies were not being solved by existing monetary and economic policies, like the arbitrary foreign exchange control.

IV. CONCLUDING OBSERVATIONS

This survey cites the postwar laws enacted for the realization of the Filipino Dream. They were designed to foster national progress. There are already numerous good laws in the statute books to cover every aspect of the national economy. At the moment we are deluged with a plethora of laws (someone has called it legislative

diarrhea). The country will not suffer at all if the legislative mill stands still for the next twenty years and Congress confines itself to essential legislation, like the budget and public works bill. If during that twenty-year period Congress would do nothing but conduct investigations to find out how existing laws were being enforced, national progress would be incalculably advanced thereby.

What is imperative is the wise administration and judicious enforcement of these laws. All the laws devised by the ingenuity of the human mind will not lead us to the millennium, if the men entrusted with their enforcement are determined to perpetrate injustices and are apathetic to the public welfare. True that our government is a government of laws, but laws are enforced by men. The justest laws may be frustrated and nullified through unjust and oppressive implementation by the men charged with their enforcement. Only recently there was an outcry against a cabinet member who was fined only five pesos for late filing of his income tax return. A higher penalty was imposed on ordinary taxpayers.

One of the arresting facts of the Revolutionary era is that, in spite of the ignorance and obscurantism during the Spanish regime, the Philippines during that period was able to produce a galaxy of extraordinary men cast in heroic mold. These men were authentic patriots with unsullied character and integrity and with adequate culture. Heroes, like Rizal, Bonifacio, Mabini, the Del Pilars, and the constellation of illustrious men who formed the Malolos Constitutional Convention were outstanding Filipinos. They were dedicated to the general welfare. They placed the country's weal over and above personal profit. They were not concerned with providing for their future.

The present times demand new heroes and men of character, like those who appeared during the Revolutionary era. There have been some men of character and integrity since the Revolution, men like Rafael Palma, Trinidad Pardo de Tavera, Vicente Ilustre, Juan Sumulong, Jose Abad Santos, the great jurists, Cayetano Arellano, Florentino Torres, Victorino Mapa, Manuel Araullo, Ignacio Villamor, Ramon Avanceña, and the other Supreme Court Justices.

We also need industrious men. As Dr. Encarnacion Alzona has said, "a young independent nation like ours undoubtedly has a pressing need for industrious men and women, if our Republic is to survive." She cites Justice Villamor for the observation that "no people could progress unless they were industrious." Villamor himself wrote the lives of forty "Industrious Filipinos", all exemplary citizens. Rizal hoped that new men would spring from our soil who

would strive to enter freely upon the wide road of progress and labor together to strengthen the fatherland, both internally and externally.

But generally and with some notable exceptions, these past six decades of the post-Revolutionary period have produced only politicians, rather than genuine statesmen, public officials engrossed in providing for their future and using power and office for personal aggrandizement. President Garcia himself said: "The call today is for men and women of stout hearts and willing hands, and a burning desire to make their country prosperous and free. To make this country strong, we must stand together and work together. All of us should be ready to give up something of ourselves for our country. * * * I believe that government has no business to exist if it cannot enhance the general welfare. * * * Countless opportunities for service, for sacrifice, for real dedication awaits men and women of this country today."

Heroism usually arises in war, but it may also be spawned in times of peace. Greatness, in the sense of being a benefactor of humanity, or having served faithfully one's country and people, may be attained through the arts of peace.

The present times call for more law-abidingness and stricter observance of the civic virtues. There is nothing wrong in aspiring for wealth but one could amass wealth and still be honest.

The status-seekers and the strivers for creature comforts should not lose their character in their struggle for "a place in the sun". There is the law to be obeyed, and its immortal canons are the safest guides for righteous conduct: "Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith."

At the same time, the particular laws implementing these basic rules should be constantly improved and adjusted to meet changing conditions. The law, to be an effective instrument of progress, should create a climate and milieu that would enable the individual to exploit and utilize his faculties to the utmost, to work and live comfortably, and to enjoy and exercise those inalienable human rights that conduce to his happiness and welfare.

National progress is the sum total of individual progress. As President Roxas said: "You cannot expect everything from the government; the government alone cannot create the wealth needed for the sustenance of the whole nation. This duty devolves upon all our people for their individual welfare and our national prosperity."

There can be no individual progress if the human spirit is handicapped by a harsh and unpleasant environment brought about by

unjust or inadequate laws. A well-ordered polity, governed by just and good laws, can immeasurably assist a person in accomplishing useful and enduring achievements that will improve the human condition and endow his life with that immortality which is man's only hope of counteracting the nullifying effect of death.

Man is born to die but he is also born to achieve. As a notable contemporary French writer says, "man is what he achieves." His achievements give meaning and purpose to his life. They make life worth living, in spite of man's mortality, and disprove the poet's cynical view that life is "a tale told by an idiot full of sound and fury signifying nothing."

A legal philosopher on his ninetieth birthday gave this summation of life: "To live is to function. That is all there is in living. * * * the work is never done while the power to work remains." He could have added that a man can function best and fashion his heaven on earth, through useful toil, under a regime of justice, liberty and democracy—the Filipino dream, which could well be the dream of any other nation in this troubled and suffering world. Progress can be attained gradually by means of democratic processes and the endeavors of free men in a free society. Immediate progress to be attained by sacrificing liberty and by enslaving the individual should be rejected.

As a young and dynamic nation, composed of free individuals, twenty-seven million strong, our goal should be the Golden Age and the summit of a grand and glorious destiny, as envisioned in progressive laws. Unflinching determination and persevering industry will lead us to that goal. We must courageously strive for the realization of the national ideals as crystalized in the Filipino Dream, the same dream that Isagani had of a country where "*el comercio, la industria, la agricultura, las ciencias se desarrollaran al amparo de la libertad y de leyes sabias y equitativas.*"

This sublime dream will become a nightmare if the officials, charged with the enforcement of the laws, are corrupt, incompetent or indifferent to the public welfare and if they tolerate the injustices that now and then oppress and torment the mass of humble citizens, from whom government authority emanates and in whom sovereignty ultimately resides.