

OUR CONSTITUTIONAL HERITAGE

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Our national heritage may be classified into three categories: (a) Those related to our people, and these would include our good traditions, the customs and the culture of our race, which should be preserved, a culture which stresses family life, decency and purity in our womanhood, love of parents, respect for elders, a deep sense of moral order and an afterlife, great hospitality, the spirit of "*Bayanihan*" and a simple and unaffected way of life. But all these good Filipino traits and characteristics are being lost through the insidious and pernicious influence of cheap, immoral foreign movies, where crime and sex are paraded and glamorized. We must defend ourselves, and our children against these enemies of our spiritual heritage and our Christian and family life, by being more exacting and discriminating in the entertainment we provide our public.

(b) A second group of our national heritage are the seven thousand islands and the entire territory of our country, with all its natural resources. This territory, and its natural resources are so essential for our very existence as a nation and as a people that our Constitution has found it necessary to define the national territory, to ordain the defense of the state for which all citizens may be required by law to render personal, military or civil service, and to provide for the conservation and utilization of its natural resources.

(c) The third group is our Constitutional heritage, and by this I mean, the fundamental concepts that form the spirit of our Constitution.

Its framers compressed the concepts that constitute our constitutional heritage in the preamble of the Constitution, in these words: "The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote general welfare, and secure to themselves and their posterity the blessings of independence under a regime of justice, liberty, and democracy, do ordain and promulgate this Constitution." This preamble covers two distinct and fundamental heritages of our nation. Our religious heritage and our democratic heritage.

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Our religious heritage is based in our belief in God, in Divine Providence. Now, to believe in God is to believe in His Word, in His eternal Laws and His Commandments. It is to believe in the social nature of man, in the sacredness of the family, the dignity of the worker and the unity of mankind. The fathers of our nation, conscious that our people believe in God, ordained and promulgated the Constitution by imploring the aid of the Divine Providence in the name of the Filipino people. It is true that the Constitution ordains that no law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof; that no religious test shall be required for the exercise of civil or political rights; and that no public money or property shall be used to support any church or minister except when working in the Armed Forces, penal institutions, orphanages, or leprosalia. These are the three inhibitions in our Constitution embodying the doctrine of the separation of church and state. But, as against these provisions in the negative, the Constitution, on the other hand, ordains positively that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed and that optional religious instruction shall be maintained in the public schools as now authorized by law.

Therefore, I am confident that I express the sentiments of my colleagues in the constitutional convention when I say that, although we meant to keep separate the church from the state and vice-versa, it was our desire to acknowledge the supremacy of God over the state. The doctrine of the separation of church and state should not be interpreted as involving the separation of state from God. This interpretation has found expression in the preamble of our Constitution and in many traditions and practices of our own Government as well as of the American Government, from which we have patterned our own. Thus, from time immemorial, Protestant ministers open the sessions of the American Congress with a prayer to the Almighty. And every year, the President of the United States and the President of the Philippines, by official proclamation, dedicate one day of thanksgiving to the Almighty.

Our own constitutional convention began with an invocation by a Catholic Bishop and many of our official acts usually start with similar invocations. We, therefore, expect our President and public officials to pray in private and in public and officially to God. In such actions, we find moral strength of our nation and people, for ultimately, it is only God that can save our country from foreign invasion and the world from a third punetary atomic war.

To believe in God is to believe in the fatherhood of God, and the brotherhood of man. This concept of the brotherhood of man is another of our Constitutional Heritages, and is part or parcel of the spirit of our Constitution. This concept has two angles. One is our duty toward our own nationals, and the other is our duty toward humanity in general.

With reference to our duty toward humanity, that concept finds expression in the provisions by which we renounced war as an instrument of national policy and that by which we adopted the generally accepted principles of international law as part of the law of the Nation. With reference to our duty toward our nationals, the concept of the brotherhood of man is spelled in two sets of provisions of our Constitution: (a) Those that elevate to a constitutional mandate the practice of social justice in the Philippines, and (b) the nationalistic provision of the Constitution by which agriculture, forestry, mining, fisheries, public utilities are reserved to citizens, or to corporations with 60 percent of their capital owned by Filipino citizens.

But it may be asked: Are not these nationalistic defenses and practices inimical to the concept of the brotherhood of man in our relations to mankind?

My answer is that there is no such incompatibility, for aliens are not excluded as they can participate up to 40% in the capital of even those enterprises earmarked with the nationalistic restriction. Considering that the alien population of the Philippines does not exceed 1 million people, or 5 per cent of our population, it is obvious that foreigners are adequately provided a living space in our economy as long as they can participate up to 40 percent of the capital of those enterprises. Aliens, under our Constitution, our laws, our practices and our desires, are welcomed to participate in all lines of economic activities so long as they do not wish to be exclusivistic, and as invited guests, are willing to take a minority participation. Time must come and it should come soon that this formula for alien participation will be extended to new industries.

The spirit of the Constitution is not, therefore, to exclude aliens from a proper share in our economic activities. But it is the spirit of the Constitution to stimulate national participation and to insure the Filipino's predominant share in essential economic activities. The brotherhood of man does not mean the exploitation of our natural resources by aliens in a larger measure than by nationals. The brotherhood of man does not mean a Philippine retail trade dominated by foreigners. The brotherhood of man does not mean an in-

dependent Philippines in name only, with foreigners dominating and holding an upper hand over our economic activities, and through them, dominating our Congress and our President. The brotherhood of man as proclaimed in the Gospel, and as consecrated in our Constitution, means an equal opportunity to all, to the extent of helping and defending the weak, be he a laborer, a farmer, a foreigner, or a pauper, to make possible in practice the actual exercise of that equal opportunity which is the core of a true democracy. And so long as our citizens, because of lack of experience, because of lack of capital, because of lack of necessary disciplines, are in a weaker position vis-a-vis foreigners, it is the duty of the state under the Constitution to defend them, reserving a major share of our economic activities to our citizens, to the end that our institutions, economic, social and political, may not be dominated by foreign influences, and our people may be truly masters and sovereign in our own land.

More and more we have come to realize that the blessing of independence, to be real, must be predicated in our being masters and beneficiaries of our own heritage. If our trade and most important economic activities are held by other hands, they and not we will rule our country and the Philippines will be merely the puppet state of another more virile nation.

We have analysed the nationalistic spirit of the Constitution and explained that they do not run counter to the concept of the brotherhood of man in our relations to mankind.

Let us now ponder on the provisions that elevate to a constitutional mandate the practice of social justice in the Philippines, which is another phase of the concept of the brotherhood of man. This concept is but a corollary of the concept of the fatherhood of God to all men. If God is the Father in heaven to all men, obviously all men are brothers in God. From this follows that all men are created equal, and this concept is again the basis of democracy.

These concepts of democracy and equality are well fixed in our Constitution. Because of this concept, the Preamble enjoins the Government to promote the general welfare, not the welfare of a privileged class, and to maintain a regime of justice, liberty and democracy. The Declaration of Principles provides for a republican state, where sovereignty resides in the people—not on just one privileged class of people, and the promotion of social justice to insure the well being and economic security of *all* the people (mind the word, *all*) is made the concern of the State. In the Bill of Rights, we find the following provisions—that no person shall be denied the equal protection of the laws, that no law granting a title of nobility shall be enacted, and no involuntary servitude in any form shall exist. And

on the subject of suffrage, we have the constitutional provision which grants the rights of suffrage to all persons, who are twenty-one years of age, and able to read and write, without requiring any property qualifications.

In the Philippines, we take our religious faith and democratic ideals for granted because they are so much of us, even if they are our most precious heritage. Life and health are also taken for granted. We appreciate health better when we have lost it.

And because we take things for granted, we fail to realize that we are not living today to our faith and to our democratic ideals. Our heritage is there consecrated in the Constitution but perhaps not fully understood by our minds nor lived in our hearts. It is the dynamic living religious faith and the real brotherly democracy that should move our society. That is not only possible but imperative to have today.

In 1830, a young French Aristocrat, Alexis de Tocqueville, visited America for nine months. And as a result of that visit, he wrote the famous book, "Democracy in America." He saw that a great democratic revolution was going on but that some people, still hoped that it may yet be checked. De Tocqueville, on the contrary, thought that it was irresistible, that the "gradual development of equality of conditions is a Providential fact . . . all events, as well as, all men contribute to its progress." And he added: "If the men of our time should be convinced, by attentive observation and sincere reflection that the gradual and progressive development of equality is at once the past and the future of their history, this discovery alone would confer upon the change, the sacred character of a divine decree. To attempt to check democracy would then seem a struggle against God himself."

It will be noted that the issue in the times of De Tocqueville was Democracy vs. Aristocracy. The issue today is between lip-service Democracy vs. real flourishing equalitarian Democracy, both in the political and economic fields. This issue was extensively discussed in the Second Educator-Management Congress. The implementation of the Manin Conclusions of the said Congress would bring about real economic democracy and prosperity to all in the Philippines.

Let us ponder on the fact that our heritage from the long past is equality among our people—but this has been mostly equality in poverty. With our natural resources and the advance of science, of mechanization and automation, this heritage can be transformed into an equality in wealth and instruments of production. In the past,

we stressed on the right to work of an individual, to earn his subsistence. The gradual development of equality conditions in a country referred to by De Tocqueville under present economic conditions cannot be stopped by giving everyone a job, a daily wage, while others are accumulating more and more wealth through the most effective instruments of production available today, which are machines. But machines represent either capital (actual savings) or credit received (anticipated savings). It is, therefore, obvious that for the gradual development of equality, conditions, ways and means should be devised and promoted to diffuse the ownership of the instruments of production, and not merely to redistribute the consumption goods once they have been produced by those who monopolize, as a class, the ownership of the instruments of production. This in essence, is the Kelsonian Theory. This is the economic formula that will bring about social justice and real economic equality in our country and transform our heritage of equality in poverty into equality in prosperity. Thus, we create in our beloved country an approximation of the ideal society in which all men are capitalists, and in which the good life that was possible only for the few in the pre-industrial plutocracies and slave economies of the past becomes equally possible for all.

This is the basic Constitutional Heritage of our race, that will make of the Philippines a land of the Morning Sun, not only in the physical but also in the spiritual sense.