

the provisions of said Act of Congress, are hereby placed under the control of the Government of said islands to be administered or disposed of for the benefit of the inhabitants thereof, and the Philippine Legislature shall have power to legislate with respect to all such matters as it may deem advisable; but acts of the Philippine Legislature with reference to land of the public domain, timber, and mining, hereafter enacted, shall not have the force of law until approved by the President of the United States: PROVIDED, That upon the approval of such an act by the Governor-General, it shall be by him forthwith transmitted to the President of the United States, and he shall approve or disapprove the same within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved: PROVIDED FURTHER; That where lands in the Philippine Islands have been or may be reserved for any public purpose of the United States, and, being no longer required for the purpose for which reserved, have been or may be, by order of the President, placed under the control of the Government of said islands to be administered for the benefit of the inhabitants thereof, the order of the President shall be regarded as effectual to give the Government of said islands full control and power to administer and dispose of such lands for the benefit of the inhabitants of said islands.

SECTION 10. That while this Act provides that the Philippine Government shall have the authority to enact a tariff law the trade relations between the Islands and the United States shall continue to be governed exclusively by laws of the Congress of the United States:

PROVIDED, That tariff act or acts amendatory to the tariff of the Philippine Islands shall not become Law until they shall receive the approval of the President of the United States, nor shall any act of the Philippine Legislature affecting immigration or the currency or coinage laws of the Philippines become a law until it has been approved by the President of the United States: PROVIDED FURTHER; That the President shall approve or disapprove any act mentioned in the foregoing proviso within six months from and after its enactment and submission for his approval, and if not disapproved within such time it shall become a law the same as if it had been specifically approved.

SECTION 11. That no export duties shall be levied or collected on exports from the Philippine Islands, but taxes and assessments on property and license fees for franchise, and privileges, and internal taxes, direct or indirect, may be imposed for the purposes of the Philippine Government and the provincial and municipal governments thereof, respectively, as may be provided and defined by acts of the Philippine Legislature, and, where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by the Philippine Government or any provincial or municipal government therein, as may be provided by law and to protect the public credit: PROVIDED, HOWEVER, That the entire indebtedness of the Philippine Government created by the authority conferred herein shall not exceed at any one time the sum of \$15,000,000 exclusive of those obligations known as friar land bonds, nor that of any province or municipality a sum in excess of seven per centum of the aggregate tax valuation of its property at any one time.

SECTION 12. That general legislative powers in the Philippines, except as herein otherwise provided, shall be vested in a legislature which shall consist of two houses, one the senate and the other the house of representatives, and the two houses shall be designated "The Philippine Legislature"; PROVIDED, That until the Philippine Legislature as herein provided shall have been organized the existing Philippine Legislature shall have all legislative authority herein granted to the Government of the Philippine Islands, except such as may now be within the exclusive jurisdiction of the Philippine Commission, which is so continued until the organization of the legislature herein provided for the Philippines. When the Philippine Legislature shall have been organized, the exclusive legislative jurisdiction and authority exercised by the Philippine Commission shall thereafter be exercised by the Philippine Legislature.

SECTION 13. That the members of the senate of the Philippines, except as herein provided, shall be elected for terms of six and three years, as hereinafter provided, by the qualified electors of the Philippines. Each of the senatorial districts defined as hereinafter provided shall have the right to elect two senators. No person shall be an elective member of the senate of the Philippines who is not a qualified elector and over thirty years of age, and who is not able to read and write either the Spanish or English language, and who has not been a resident of the Philippines for at least two consecutive years and an actual resident of the senatorial district from which chosen for a period of at least one year immediately prior to his election.

SECTION 14. That the members of the house of representatives, shall, except as herein provided, be elected triennially by the qualified electors of the Philippines. Each of the repre-

sentative districts hereinafter provided for shall have the right to elect one representative. No person shall be an elective member of the house of representatives who is not a qualified elector and over twenty-five years of age, and who is not able to read and write either the Spanish or English language, and who has not been an actual resident of the district from which elected for at least one year immediately prior to his election: PROVIDED, That the members of the present assembly elected on the first Tuesday in June, nineteen hundred and sixteen, shall be the members of the house of representatives from their respective districts for the term expiring in nineteen hundred and nineteen.

SECTION 15. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter and until otherwise provided by the Philippine Legislature herein provided for the qualification of voters for senators and representatives in the Philippines and all officers elected by the people shall be as follows:

Every male person who is not a citizen or subject of a foreign power twenty-one years of age or over (except insane and feeble-minded persons and those convicted in a court of competent jurisdiction of an infamous offense since the thirteenth of August, eighteen hundred and ninety-eight), who shall have been a resident of the Philippines for one year and of the municipality in which he shall offer to vote for six months next preceding the day of voting, and who is comprised within one of the following classes:

(a) Those who under existing law are legal voters and have exercised the right of suffrage.

(b) Those who own real property to the value of 500 pesos, or who annually pay 30 pesos or more of the established taxes.

(c) Those who are able to read and write either Spanish, English, or a native language.

SECTION 16. That the Philippine Islands shall be divided into twelve senatorial districts, as follows :

FIRST DISTRICT : Batanes, Cagayan, Isabela, Ilocos Norte, and Ilocos Sur.

SECOND DISTRICT : La Union, Pangasinan, and Zambales.

THIRD DISTRICT : Tarlac, Nueva Ecija, Pampanga, and Bulacan.

FOURTH DISTRICT : Bataan, Rizal, Manila and Laguna.

FIFTH DISTRICT : Batangas, Mindoro, Tayabas, Cavite, and Marinduque.

SIXTH DISTRICT : Sorsogon, Albay and Ambos Camarines.

SEVENTH DISTRICT : Iloilo and Capiz.

EIGHTH DISTRICT : Negros Occidental, Negros Oriental, Antique, and Palawan.

NINTH DISTRICT : Leyte and Samar.

TENTH DISTRICT : Cebu.

ELEVENTH DISTRICT : Surigao, Misamis, and Bohol.

TWELFTH DISTRICT : The Mountain Province, Baguio, Nueva Vizcaya, and the Depart-

ment of Mindanao and Sulu.

The representative districts shall be eighty-one now provided by law, and three in the Mountain Province, and one in Nueva Vizcaya, and five in the Department of Mindanao and Sulu.

The first election under the provisions of this Act shall be held on the first Tuesday of October, nineteen hundred and sixteen, unless the Governor-General in his discretion shall fix another date not earlier than thirty nor later than sixty days after the passage of this Act : PROVIDED, That the Governor-General's proclamation shall be published at least thirty days prior to the date fixed for the election, and there shall be chosen at such election one senator from each senate district for a term of three years and one for six years. Thereafter one senator from each district shall be elected from each senate district for a term of six years : PROVIDED, That the Governor-General of the Philippine Islands shall appoint, without the consent of the senate and without restriction as to residence, senators and representatives who will, in his opinion, best represent the senate district and those representative districts which may be included in the territory not now represented in the Philippine Assembly : PROVIDED FURTHER, That there-after elections shall be held only on such days and under such regulations as to ballots, voting and qualifications of electors as may be prescribed by the Philippine Legislature, to which is hereby given authority to redistrict the Philippine Islands and modify, amend, or repeal any provision of this section, except such as refer to appointive senators and representatives.

SECTION 17. That the terms of office of elective senators and representatives shall be six and three years, respectively, and shall begin on the date of their election. In case of vacancy among the elective members of the senate or in the house of representatives, special elections may be held in the districts wherein such vacancy occurred under such regulations as may be prescribed by law, but senators or representatives, elected in such cases shall hold office

only for the unexpired portion of the term wherein the vacancy occurred. Senators and representatives appointed by the Governor-General shall hold office until removed by the Governor-General.

SECTION 18. That the senate and house of representative, respectively, shall be the sole judges of the elections, returns, and qualifications of their elective members, and each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds expel an elective member. Both houses shall convene at the capital on the sixteenth day of October next following the election and organize by the election of a speaker or a presiding officer, a clerk, and a sergeant at arms for each house, and such other officers and assistants as may be required. A majority of each house shall constitute a quorum to do business but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The legislature shall hold annual sessions, commencing on the sixteenth day of October, or, if the sixteenth day of October be a legal holiday, then on the first day following which is not a legal holiday, in each year. The legislature may be called in special session at any time by the Governor-General for general legislation, or for action on such specific subjects as he may designate. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days exclusive of Sundays. The legislature is hereby given the power and authority to change the date of the commencement of its annual sessions.

The senators and representatives shall receive an annual compensation for their services,

to be ascertained by law, and paid out of the Treasury of the Philippine Islands. The senators and representatives shall, in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at the session of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

No senator or representative shall, during the time for which he may have been elected, be eligible to any office the election to which is vested in the legislature, nor, shall be appointed to any office of trust or profit which shall have been created or the emoluments of which shall have been increased during such term.

SECTION 19. That each house of the legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall upon demand of one-fifth of those present, be entered on the journal, and every bill and joint resolution which shall have passed both houses shall, before it becomes a law, be presented to the Governor-General. If he approves the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor-General, who, in case he shall then not approve,

shall transmit the same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approves the same, he shall sign it and it shall become a law. If he shall not approve same, he shall return it to the Governor-General, so stating, and it shall not become a law: PROVIDED; That if any bill or joint resolution shall not be returned by the Governor-General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the legislature by adjournment prevent its return; in which case it shall become a law unless vetoed by the Governor-General within thirty days after adjournment: PROVIDED FURTHER, That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for his approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved. The Governor-General shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner heretofore provided in this section as to bill and joint resolutions returned to the legislature without his approval.

All laws enacted by the Philippine Legislature shall be reported to the Congress of the United States, which hereby reserves the power and authority to annul the same. If at the

termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made, the several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be done, shall be deemed to be reappropriated for the several objects and purposes specified in said last appropriation bill; and until the legislature shall act in such behalf the treasurer shall, when so directed by the Governor-General, make the payments necessary for the purposes aforesaid.

SECTION 20. That at the first meeting of the Philippine Legislature created by this Act and triennially thereafter there shall be chosen by the legislature two Resident Commissioners to the United States, who shall hold their office for a term of three years beginning with the fourth day of March following their election, and who shall be entitled to an official recognition as such by all departments upon presentation to the President of a certificate of election by the Governor-General of said islands. Each of said Resident Commissioners shall, in addition to the salary and the sum in lieu of mileage now allowed by law, be allowed the same sum for stationery and for the pay of necessary clerk hire as is now allowed to the Members of the House of Representatives of the United States, to be paid out of the Treasury of the United States, and the franking privilege allowed by law to Members of Congress. No person shall be eligible to election as Resident Commissioner who is not a bona fide elector of said islands and who does not owe allegiance to the United States, and who is not more than thirty years of age and who does not read and write the English language. The present two Resi-

dent Commissioners shall hold office until the fourth of March, nineteen hundred and seven. In case of vacancy in the position of Resident Commissioner caused by resignation or otherwise, the Governor-General may make temporary appointment until the next meeting of the Philippine Legislature, which shall then fill such vacancy; but the Resident Commissioner thus elected shall hold office only for the unexpired portion of the term wherein the vacancy occurred.

SECTION 21. That the supreme executive power shall be vested in an executive officer, whose official title shall be "The Governor-General of the Philippine Islands." He shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and hold his office at the pleasure of the President and until his successor is chosen and qualified. The Governor-General shall reside in the Philippine Islands during his official incumbency, and maintain his office at the seat of government. He shall, unless otherwise herein provided, appoint, by and with the consent of the Philippine senate, such officers as may now be appointed by the Governor-General, or such as he is authorized by this Act to appoint, or whom he may hereafter be authorized by law to appoint, but appointments made while the senate is not in session shall be effective either until disapproval or until the next adjournment of the senate. He shall have general supervision and control of all of the departments and bureaus of the government in the Philippine Islands as far as is not inconsistent with the provisions of this Act, and shall be commander-in-chief of all locally created armed forces and militia. He is hereby vested with the exclusive power to grant pardons and relieve and remit fines and forfeitures, and may veto any legislation enacted as herein provided.

He shall submit within ten days of the opening of each regular session of the Philippine Legislature a budget of receipts and expenditures, which shall be the basis of the annual appropriation bill. He shall commission all officers that he may be authorized to appoint. He shall be responsible for the faithful execution of the laws of the Philippine Islands and of the United States operative within the Philippine Islands, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia or other local created armed forces, to prevent or suppress lawless violence, invasion, insurrections, or rebellion; and he may, in case of rebellion or invasion or imminent danger thereof, when the public safety requires it, suspend the privileges of the writ of habeas corpus, or place the Islands, or any part thereof, under martial law: PROVIDED, That whenever the Governor-General shall exercise this authority, he shall at once notify the President of the United States thereof, together with the attending facts and circumstances, and the President shall have power to modify or vacate the action of the Governor-General. He shall annually and at such other times as he may be required make such official report of the transactions of the government of the Philippine Islands to an executive department of the United States to be designed by the President, and his said annual report shall be transmitted to the Congress of the United States; and he shall perform such additional duties and functions as may in pursuance of law be delegated or assigned to him by the President.

SECTION 22. That, except as provided otherwise in this Act, the executive departments

of the Philippine government shall continue as now authorized by law until otherwise provided by the Philippine Legislature. When the Philippine Legislature herein provided shall convene and organize, the Philippine Commission, as such, shall cease and determine, and the members thereof shall vacate their offices as members of said commission: PROVIDED, That the heads of executive departments shall continue to exercise their executive functions until the heads of the departments provided by the Philippine Legislature pursuant to the provisions of this Act are appointed and qualified. The Philippine Legislature may thereafter, by appropriate legislation increase the number or abolish any of the executive departments, or make such changes in the names and duties thereof as it may see fit, and shall provide for the appointment and removal of the heads of the executive departments by the Governor-General: PROVIDED, That all executive functions of the government must be directly under the Governor-General or within one of the executive departments under the supervision and control of the Governor-General. There is hereby established a bureau to be known as the Bureau of Non-Christian tribes, which said bureau shall be embraced in one of the executive departments to be designated by the Governor-General, and shall have general supervision over the public affairs of the inhabitants of the territory represented in the legislature by appointive senators and representatives.

SECTION 23. That there shall be appointed by the President, by and with the advice and consent of the Senate of the United States, a vice-governor of the Philippine Islands, who shall have all of the powers of the Governor-General in the case of a vacancy or temporary designate.

removal, resignation, or disability of the Governor-General, or in case of his temporary absence; and the said vice-governor shall be the head of the executive department, known as the department of public instruction, which shall include the bureau of education and the bureau of health, and he may be assigned such other executive duties as the Governor-General may designate.

Other bureaus now included in the department of public instruction shall, until otherwise provided by the Philippine Legislature, be included in the department of the interior.

The President may designate the head of an executive department of the Philippine government to act as Governor-General in the case of a vacancy, the temporary removal, resignation, or disability of the Governor-General and the vice-governor, or their temporary absence, and the head of the department thus designated shall exercise all the powers and perform all the duties of the Governor-General during such vacancy, disability, or absence.

SECTION 24. That there shall be appointed by the President an auditor, who shall examine, audit, and settle all accounts pertaining to revenues and receipts from whatever source of the Philippine government and of the provincial and municipal governments of the Philippines, including trust funds and funds derived from bonds issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the government or the provinces or municipalities thereof. He shall perform a like duty with respect to all government branches.

He shall keep the general accounts of the government and preserve the vouchers pertaining

thereto.

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It shall be the duty of the auditor to bring to the attention the proper administrative officer expenditures of funds of property which, in his opinion, are irregular, unnecessary, excessive, or extravagant.

There shall be a deputy auditor appointed in the same manner as the auditor. The deputy auditor shall sign such official papers as the auditor may designate and perform such other duties as the auditor may prescribe, and in case of the death, resignation, sickness, or other absence of the auditor from his office, from any cause, the deputy auditor shall have charge of such office. In case of the absence from duty, from any cause, of both the auditor and the deputy auditor, the Governor-General may designate an assistant, who shall have charge of the office.

The administrative jurisdiction of the auditor over accounts whether of funds or property, and all vouchers and records pertaining thereto, shall be exclusive. With the approval of the Governor-General he shall from time to time make and promulgate general or special rules and regulations not inconsistent with law covering the method of accounting for public funds and property, and funds and property held in trust by the government or any of its branches: PROVIDED, That any officer accountable for public funds or property may require such additional reports or returns from his subordinates or others as he may deem necessary for his own information and protection.

The decisions of the auditor shall be final and conclusive upon the executive branches of

the government, except that appeal therefrom may be taken by the party aggrieved or the head of the department concerned within one year, in the manner hereinafter prescribed. The auditor shall, except as hereinafter provided, have like authority as that conferred by law upon the several auditors of the United States and the Comptroller of the United States Treasury and is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer, or person having official relation with his office.

As soon after the close of each fiscal year as the account of said year may be examined and adjusted the auditor shall submit to the Governor-General and the Secretary of War an annual report of the fiscal concerns of the government, showing the receipts and disbursements of the various departments and bureaus of the government and of the various provinces and municipalities, and make such other reports as may be required of him by the Governor-General or the Secretary of War.

In the execution of their duties the auditor and the deputy auditor are authorized to summon witnesses, administer oaths, and to take evidence, and, in the pursuance of these provisions, may issue subpoenas and enforce the attendance of witnesses, as now provided by law.

The office of the auditor shall be under the general supervision of the Governor-General and shall consist of the auditor and deputy auditor and such necessary assistants as may be prescribed by law.

SECTION 25. That any person aggrieved by the action or decision of the auditor in the settlement of his account or claim may, within one year, take an appeal in writing to the

Governor-General, which appeal shall specifically set forth the particular action of the auditor to which exception is taken, with the reason and authorities relied on for reversing such decision.

If the Governor-General shall confirm the action of the auditor, he shall so endorse the appeal and transmit it to the auditor and the action shall thereupon be final and conclusive. Should the Governor-General fail to sustain the action of the auditor, he shall forthwith transmit his grounds of disapproval to the Secretary of War, together with the appeal and papers necessary to a proper understanding of the matter. The decision of the Secretary of War in such case shall be final and conclusive.

SECTION 26. That the supreme court and courts of first instance of the Philippine Islands shall possess and exercise jurisdiction as heretofore provided and such additional jurisdiction as shall hereafter be prescribed by law. The municipal courts of said islands shall possess and exercise jurisdiction as now provided by law, subject in all matters to such alteration and amendment as may be hereafter enacted by law; and the chief justice and associate justices of the supreme court shall hereafter be appointed by the President, by and with the advice and consent of the Senate of the United States. The judges of the court of first instance shall be appointed by the Governor-General, by and with the consent and advice of the Philippine Senate: PROVIDED, That the admiralty jurisdiction of the supreme court and courts of first instance shall not be changed except by Act of Congress. That in all cases pending under the operation of existing laws, both criminal and civil, the jurisdiction shall

continue until final judgment and determination.

SECTION 27. That the Supreme Court of the United States shall have jurisdiction to review, revise, reverse, modify, or affirm the final judgments and decrees of the Supreme Court of the Philippine Islands in all actions, cases, causes, and proceedings now pending therein or hereafter determined thereby in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved, or in causes in which the value in controversy exceeds \$25,000 or in which the title or possession of real estate exceeding in value the sum of \$25,000, to be ascertained by oath of either party or of other competent witnesses, is involved or brought in question; and such final judgments or decrees may and can be reviewed, revised, reversed, modified, or affirmed by said Supreme Court of the United States on appeal or writ of error by the party aggrieved within the same time, in the same manner, under the same regulations, and by the same procedure, as far as applicable, as the final judgments and decrees of the district courts of the United States.

SECTION 28. That the government of the Philippine Islands may grant franchises and rights, including the authority to exercise the right of eminent domain, for the construction and operation of works of public utility and service, and may authorize said works to be constructed and maintained over and across the public property of the United States, including streets, highways, squares, and reservations, and over similar property of the government of said islands, and may adopt rules and regulations under which the provincial and municipal governments of the islands may grant the right to use and occupy such public property belong-

ing to said provinces or municipalities: PROVIDED, That no private property shall be damaged or taken for any purpose under this section without just compensation and that such authority to take and occupy land shall not authorize the taking, use, or occupation of any land except such as is required for the actual necessary purposes for which the franchise is granted, and that no franchise or right shall be granted to any individual, firm, or corporation except under the conditions that it shall be subject to amendment, alteration, or repeal by the Congress of the United States, and that lands or right of use and occupation of lands thus granted shall revert to the governments by which they were respectively granted upon the termination of the franchises and rights under which they were granted or upon their revocation or repeal. That all franchises or rights granted under this Act shall forbid the issue of stock or bonds except in exchange for actual cash or for property at a fair valuation equal to the par value of the stock or bonds so issued; shall forbid the declaring of stock or bonds dividends, and, in the case of public service corporations, shall provide for the effective regulation of the charges thereof, for the official inspection and regulation of the books and accounts or such corporations, and for the payment of a reasonable percentage of gross earnings into the treasury of the Philippine Islands or of the province or municipality within which such franchise are granted and exercised: PROVIDED FURTHER, That it shall be unlawful for any corporation organized under this Act, or for any person, company, or corporation receiving any grant, franchise, or concession from the government of said islands, to use, employ, or contract for the labor of persons held in involuntary servitude; and any person, company or corporation so

violating the provisions of this Act shall forfeit all charters, grants, or franchises for doing business in said islands, in an action or proceeding brought for that purpose in any court of competent jurisdiction by any officer of the Philippine government, or on the complaint of any citizen of the Philippines, under such regulations and rules as the Philippine Legislature shall prescribe, and in addition shall be deemed guilty of an offense, and shall be punished by a fine of not more than \$10,000.

SECTION 29. That, except as in this Act otherwise provided, the salaries of all the officials of the Philippines not appointed by the President, including deputies, assistants, and other employees, shall be such and be so paid out of the revenues of the Philippines as shall from time to time be determined by the Philippine Legislature; and if the legislature shall fail to make an appropriation for such salaries, the salaries so fixed shall be paid without the necessity of further appropriations therefor. The salaries of all officers and all expenses of the offices of the various officials of the Philippines appointed as herein provided by the President shall also be paid out of the revenues of the Philippines. The annual salaries of the following named officials appointed by the President and so to be paid shall be: The Governor-General, \$18,000; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of the Philippines, with the furniture and effects therein, free of rental; vice-Governor, \$10,000; chief of the supreme justice \$8,000; associate justices of the supreme court \$7,500 each; auditor \$6,000; deputy auditor, \$3,000.

SECTION 30. That the provisions of the foregoing section shall not apply to provincial

and municipal officials; their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the provinces and municipalities, shall be paid out of the provincial and municipal revenues in such manner as the Philippine Legislature shall provide.

SECTION 31. That all laws or parts of laws applicable to the Philippines not in conflict with any of the provisions of this Acts are hereby continued in force and effect.
APPROVED, August 29, 1916.

附録三

「ダイディングス、マクダッフィー」法

千九百三十四年三月二十四日

TYDINGS-McDUFFIE ACT (AN AMENDED RENACTMENT
OF HARE-HAWES-CUTTING ACT)

AN ACT TO PROVIDE FOR THE COMPLETE INDEPENDENCE OF THE PHILIPPINE ISLANDS, TO PROVIDE FOR THE ADOPTION OF A CONSTITUTION AND A FORM OF GOVERNMENT FOR THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Convention to frame constitution for Philippine Islands

SECTION 1. The Philippine Legislature is hereby authorized to provide for the election of delegates to a Constitutional Convention, which shall meet in the hall of the House of Representatives in the capital of the Philippine Islands, at such time as the Philippine Islands may fix, but not later than October 1, 1934, to formulate and draft a constitution for the Government of the Commonwealth of the Philippine Islands, subject to the conditions and qualifications prescribed in this Act, which shall exercise jurisdiction over all the territory ceded to the United States by the treaty of peace concluded between the United States and Spain on the 10th day of December 1898, the boundaries of which are set forth in Article III of

said treaty, together with those islands embraced in the Treaty between Spain and the United States concluded at Washington on the 7th day of November 1900. The Philippine Legislature shall provide for the necessary expenses of such convention.

Character of Constitution—Mandatory Provisions

SEC. 2 (a) The constitution formulated and drafted shall be republican in form, shall contain a Bill of Rights, and shall, either as a part thereof or in an ordinance appended thereto, contain provisions to the effect that, pending the final and complete withdrawal of the sovereignty of the United States over the Philippine Islands—

- (1) All citizens of the Philippine Islands shall owe allegiance to the United States.
- (2) Every officer of the Government of the Commonwealth of the Philippine Islands shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain the faith and allegiance to the United States.
- (3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organization shall be molested in person or property on account of religious belief or mode of worship.
- (4) Property owned by the United States, cemeteries, churches, and personages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

(5) Trade relations between the Philippine Islands and the United States shall be upon the basis prescribed in section 6.

(6) The Public Debt of the Philippine Islands and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States; and no loans shall be contracted in foreign countries without the approval of the President of the United States.

(7) The debts, liabilities, and obligations of the present Philippine Government, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the new Government.

(8) Provision shall be made for the establishment and maintenance of an adequate system of public schools, primarily conducted in the English language.

(9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.

(10) Foreign affairs shall be under the direct supervision and control of the United States.

(11) All acts passed by the Legislature of the Commonwealth of the Philippine Islands shall be reported to the Congress of the United States.

(12) The Philippine Islands recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President, to call into the service of such armed forces all military forces organized by the Philippine Government.

(13) The decisions of the courts of the Commonwealth of the Philippine Islands shall be

subject to review by the Supreme Court of the United States as provided in paragraph (6) of section 7.

(14) The United States may, by presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippine Islands and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of Government obligations under and in accordance with the provisions of the Constitution.

(15) The authority of the United States High Commissioner to the Government of the Commonwealth of the Philippine Islands, as provided in this Act, shall be recognized.

(16) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippine Islands all the Civil Rights of the citizens and corporations, respectively, thereof.

(b) The Constitution shall also contain the following provisions, effect as of the date of the Proclamation of the President recognizing the Independence of the Philippine Islands, as hereinafter provided:

(1) That the property rights of the United States and the Philippine Islands shall be promptly adjusted and settled, and that all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippine Islands.

(2) That the officials elected and serving under the Constitution adopted pursuant to the provisions of this Act shall be constitutional officers of the free and independent government

of the Philippine Islands and qualified to function in all respect as if elected directly under such government, and shall serve their full terms of office as prescribed in the Constitution.

(3) That the debts and liabilities of the Philippine Islands, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the Sovereignty of the United States, shall be assumed by the free and independent government of the Philippine Islands; and that were bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Philippine Government will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on the taxes collected in the Philippine Islands.

(4) That the Government of the Philippine Islands, on becoming independent of the United States, will assume all continuing obligations assumed by the United States under the Treaty of Peace with Spain ceding said Philippine Islands to the United States.

(5) That by way of further assurance the Government of the Philippine Islands will embody the foregoing provisions (except paragraph [2]) in a treaty with the United States.

Submission of Constitution to the President of the United States

SEC. 3. Upon the drafting and approval of the Constitution by the Constitutional Convention in the Philippine Islands, the Constitution shall be submitted within two years after the enactment of this Act to the President of the United States, who shall determine whether

or not it conforms with the provisions of this Act. If the President finds that the proposed Constitution conforms substantially with the provisions of this Act he shall so certify to the Governor-General of the Philippine Islands, who shall so advise the Constitutional Convention. If the President finds that the Constitution does not conform with the provisions of this Act he shall so advise the Governor-General of the Philippine Islands, stating wherein in his judgment the Constitution does not so conform and submitting provisions which will in his judgment make the Constitution so conform. The Governor-General shall in turn submit such message to the Constitutional Convention for further action by them pursuant to the same procedure hereinbefore defined, until the President and the Constitutional Convention are in agreement. Submission of Constitution to Filipino people.

SEC. 4. After the President of the United States has certified that the Constitution conforms with the provisions of this Act, it shall be submitted to the people of the Philippine Islands for their ratification or rejection at the election to be held within four months after the date of such certification, on a date to be fixed by the Philippine Legislature, at which election the qualified voters of the Philippine Islands shall have an opportunity to vote directly for or against the proposed Constitution and Ordinances appended thereto. Such election shall be held in such manner as may be prescribed by the Philippine Legislature, to which the returns of the election shall be made. The Philippine Legislature shall by law provide for the canvassing of the return and shall certify the result to the Governor-General of the Philippine Islands, together with a statement of the votes cast, and a copy of said Constitution and

ordinances. If a majority of the votes cast shall be for the Constitution, such vote shall be deemed an expression of the will of the people of the Philippine Islands in favor of Philippine Independence, and the Governor-General shall, within thirty days after receipt of the certification from the Philippine Legislature, issue a proclamation for the election of officers of the Government of the Commonwealth of the Philippine Islands provided for in the Constitution. The election, shall take place not earlier than three months nor later than six months after the proclamation by the Governor-General ordering such election. When the election of the officers provided for under the Constitution has been held and the results determined, the Governor-General of the Philippine Islands shall certify the results of the election to the President of the United States, who shall thereupon issue a Proclamation announcing the results of the election, and upon the issuance of such Proclamation by the President the existing Philippine Government shall terminate and the new Government shall enter upon its rights, privileges, powers, and duties, as provided under the Constitution. The present Government of the Philippine Islands shall provided for the orderly transfer of the functions of government.

If a majority of the votes cast are against the Constitution, the existing Government of the Philippine Islands shall continue without regard to the provisions of this Act.

Transfer of Property and Rights to Philippine Commonwealth

SEC. 5. All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this Act,

except such land or other property as has heretofore been designated by the President of the United States for military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are hereby granted to the Government of the Commonwealth of the Philippine Islands when constituted.

Relations with the United States Pending Complete Independence

SEC. 6. After the date of the inauguration of the Government of the Commonwealth of the Philippine Islands trade relations between the United States and the Philippine Islands shall be as now provided by law, subject to the following exception:

(a) There shall be levied, collected, and paid on all refined sugars in excess of fifty thousand long tons, and on unrefined sugars in excess of eight hundred thousand long tons, coming into the United States from the Philippine Islands in any calendar year, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(b) There shall be levied, collected, and paid on all coconut oil coming into the United States from the Philippine Islands in any calendar year in excess of two hundred thousand long tons, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(c) There shall be levied, collected, and paid on all yarn, twine, cord, cordage, rope and

cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fibers, coming into the United States from the Philippine Islands in any calendar year in excess of a collective total of three million pounds of all such articles hereinbefore enumerated, the same rates of duty which are required by the laws of the United States to be levied, collected, and paid upon like articles imported from foreign countries.

(d) In the event that in any year the limit in the case of any article which may be exported to the United States free of duty shall be reached by the Philippine Islands, the amount or quantity of such articles produced or manufactured in the Philippine Islands thereafter that may be so exported to the United States free of duty shall be allocated, under export permits issued by the Government of the Commonwealth of the Philippine Islands, to the producers or manufacturers of such articles proportionately on the basis of their exportation to the United States in the preceding year; except that in the case of unrefined sugar the amount thereof to be exported annually to the United States free of duty shall be allocated to the sugar-producing mills of the Islands proportionately on the basis of their average annual production for the calendar years 1931, 1932, and 1933, and the amount of sugar from each mill which may be so exported shall be allocated in each year between the mill and the planters are respectively entitled. The Government of the Philippine Islands is authorized to adopt the necessary laws and regulations for putting into effect the allocation hereinbefore provided.

(e) The Government of the Commonwealth of the Philippine Islands shall impose and collect an export tax on all articles that may be exported to the United States from the Philippine Islands free of duty under the provisions of existing law as modified by the foregoing provisions of this section, including the articles enumerated in subdivisions (a), (b), and (c), within the limitations therein specified, as follows:

- (1) During the sixth year after the inauguration of the new Government the export tax shall be 5 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;
- (2) During the seventh year after the inauguration of the new Government the export tax shall be 10 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;
- (3) During the eighth year after the inauguration of the new Government the export tax shall be 15 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;
- (4) During the ninth year after the inauguration of the new Government the export tax shall be 20 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries;
- (5) After the expiration of the ninth year after the inauguration of the new Government the export tax shall be 25 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries.

The Government of the Commonwealth of the Philippine Islands shall place all funds received from such export taxes in a sinking fund, and such funds shall, in addition to other moneys available for the purpose, be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippine Islands, its provinces, municipalities, and instrumentalities, until such indebtedness has been fully discharged.

When used in this section in a geographical sense, the term "United States" includes all territories and possessions of the United States, except the Philippine Islands, the Virgin Islands, American Samoa, and the Island of Guam.

SEC. 7. Until the final and complete withdrawal of American Sovereignty over the Philippine Islands--

(1) Every duly adopted amendment to the Constitution of the Government of the Commonwealth of the Philippine Islands shall be submitted to the President of the United States for approval. If the President approves the amendment or if the President fails to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.

(2) The President of the United States shall have authority to suspend the taking effect of or the operation of any law, contract, or Executive Order of the Government of the Commonwealth of the Philippine Islands, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippine Islands to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair

the reserves for the protection of the currency of the Philippine Islands, or which in his judgment will violate international obligations of the United States.

(3) The Chief Executive of the Commonwealth of the Philippine Islands shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the Philippine Islands and shall make such other reports as the President or Congress may request.

(4) The President shall appoint, by and with the advice and consent of the Senate, a United States High Commissioner to the Government of the Commonwealth of the Philippine Islands who shall hold office at the pleasure of the President and until his successor is appointed and qualified. He shall be known as the United States High Commissioner to the Philippine Islands. He shall be the representative of the President of the United States in the Philippine Islands and shall be recognized as such by the Government of the Commonwealth of the Philippine Islands, by the commanding officers of the military forces of the United States, and by all Civil officials of the United States in the Philippine Islands. He shall have access to all records of the Government or any subdivision thereof, and shall be furnished by the Chief Executive of the Commonwealth of the Philippine Islands with such information as he shall request.

If the Government of the Commonwealth of the Philippine Islands fails to pay any of its bonded or other indebtedness or the interest thereon when due or to fulfill any of its contracts, the United States High Commissioner shall immediately report the facts to the President, who

may thereupon direct the High Commissioner to take over the Customs Offices and administration of the same, administer the same, and apply such part of the revenue received therefrom as may be necessary for the payment of such overdue indebtedness or for the fulfillment of such contracts. The United States High Commissioner shall annually, and at such other times as the President may require, render an Official Report to the President and Congress of the United States. He shall perform such additional duties and functions as may be delegated to him from time to time by the President under the provision of this Act.

The United States High Commissioner shall receive the same compensation as is now received by the Governor-General of the Philippine Islands, and shall have such staff and assistants as the President may deem advisable and as may be appropriated for by Congress, including a financial expert, who shall receive for submission to the High Commissioner a duplicate copy of the reports of the Insular Auditor. Appeals from decisions of the Insular Auditor may be taken to the President of the United States. The salaries and expenses of the High Commissioner and his staff and assistants shall be paid by the United States.

The first United States High Commissioner appointed under this Act shall take office upon the inauguration of the new Government of the Commonwealth of the Philippine Islands.

(5) The Government of the Commonwealth of the Philippine Islands shall provide for the selection of a Resident Commissioner to the United States, and shall fix his term of office. He shall be the representative of the Government of the Commonwealth of the Philippine Islands and shall be entitled to official recognition as such by all departments upon presenta-

tion to the President of credentials signed by the Chief Executive of said Government. He shall have a seat in the House of Representatives of the United States, with the right of Debate, but without the right of voting. His salary and expenses shall be fixed and paid by the Government of the Philippine Islands, until a Resident Commissioner is selected and qualified under this section, existing law governing the appointment of Resident Commissioners from the Philippine Islands shall continue in effect.

(6) Review by the Supreme Court of the United States of cases from the Philippine Islands shall be as now provided by law; and such review shall also extend to all cases involving the constitution of the Commonwealth of the Philippine Islands.

SEC. 8. (a) Effective upon the acceptance of this Act by Concurrent Resolution of the Philippine Legislature or by a convention called for that purpose, as provided in section 17—

(1) For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 [c]), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. This paragraph shall not apply to a person coming or seeking to come to the territory of Hawaii who does not apply for and secure an immigration or passport visa, but such immigration shall be determined by the Department of the Interior on the basis of the needs of industries in the territory of Hawaii.

(2) Citizens of the Philippine Islands who are not citizens of the United States shall not be admitted to the continental United States from the territory of Hawaii (whether entering such territory before or after the effective date of this section) unless they belong to a class declared to be nonimmigrants by section 3 of the Immigration Act of 1924 or to a class declared to be nonquota immigrants under the provisions of section 4 of such Act other than subdivision (c) thereof, or unless they were admitted to such territory under an immigration visa. The Secretary of Labor shall by regulations provide a method for such exclusion and for the admission of such excepted classes.

(3) Any foreign service officer may be assigned to duty in the Philippine Islands, under a commission as a consular officer, for such period as may be necessary and under such regulations as the Secretary of State may prescribe, during which assignment such officer shall be considered as stationed in a foreign country; but this powers and duties shall be confined to the performance of such of the official acts and notarial and other services, which such officer might properly perform in respect of the administration of the immigration laws if assigned to a foreign country as a consular officer, as may be authorized by the Secretary of State.

(4) For the purposes of section 18 and 20, of the Immigration Act of 1917, as amended, the Philippine Islands shall be considered to be a foreign country.

(b) The provisions of this section are in addition to the provisions of the Immigration Laws now in force, and shall be enforced as a part of such laws, and all the penal or other

provisions of such laws not inapplicable, shall apply to and be enforced in connection with the provisions of this section. An alien, although admissible under the provisions of this section, shall not be admitted to the United States if he is excluded by any provision of the immigration laws other than this section, and an alien, although admissible under the provisions of the Immigration Laws other than this section, shall not be admitted to the United States if he is excluded by any provision of this section.

(c) Terms defined in the Immigration Act of 1924 shall, when used in this section, have the meaning assigned to such terms in that Act.

SEC. 9. There shall be no obligation on the part of the United States to meet the interest or principal of bonds and other obligations of the Government of the Philippine Islands or of the provincial and municipal governments thereof, hereafter issued during the continuance of United States Sovereignty in the Philippine Islands: Provided, that such bonds and obligations hereafter issued shall not be exempt from taxation in the United States or by authority of the United States.

Recognition of Philippine Independence and Withdrawal of
American Sovereignty

SEC. 10. (a) On the 4th day of July immediately following the expiration of a period of ten years from the date of the inauguration of the new government under the constitution provided for in this act the President of the United States shall by proclamation withdraw

and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands, including all military and other reservations of the Government of the United States in the Philippines (except such naval reservations and fueling stations as are reserved under section 5), and, on behalf of the United States, shall recognize the independence of the Philippine Islands as separate and self-governing nation and acknowledge the authority and control over the same of the government instituted by the people thereof, under the constitution then in force.

(b) The President of the United States is hereby authorized and empowered to enter into negotiations with Government of the Philippine Islands, not later than two years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval and fueling stations shall remain in its present status.

Neutralization of Philippine Islands

SEC. 11. The President is requested, at the earliest practicable date, to enter into negotiations with foreign powers with a view to the conclusion of a treaty for the perpetual neutralization of the Philippine Islands, if and when Philippine Independence shall have been achieved.

Notification to Foreign Governments

SEC. 12. Upon the proclamation and recognition of the Independence of the Philippine Islands the President shall notify the Governments with which the United States is in diplomatic correspondence thereof and invite said governments to recognize the independence of the Philippine Islands.

Tariff Duties after Independence

SEC. 13. After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: provided, that at least one year prior to the date fixed in this Act for the independence of the Philippine Islands, there shall be held a conference of representative of the Government of the United States and the Government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the Chief Executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify

or affect in any way any provision of this Act relating to the procedure leading up to Philippine Independence or the date upon which the Philippine Islands shall become independent.

Immigration after Independence

SEC. 14. Upon the final and complete withdrawal of American sovereignty over the Philippine Islands the immigration laws of the United States (including all the provisions thereof relating to persons ineligible to citizenship) shall apply to persons who were born in the Philippine Islands to the same extent as in the case of other foreign countries.

Certain Statutes Continued in Force

SEC. 15. Except as in this Act otherwise provided, the laws now or hereafter in force in the Philippine Islands shall continue in force in the Commonwealth of the Philippine Islands until altered, amended, or repealed by the Legislature of the Commonwealth of the Philippine Islands or by the Congress of the United States, and all references in such laws to the government or officials of the Philippines or Philippine Islands shall be construed, insofar as applicable, to refer to the government and corresponding officials respectively of the Commonwealth of the Philippine Islands. The Government of the Commonwealth of the Philippine Islands shall be deemed successor to the present Government of the Philippine Islands and of all the rights and obligations thereof. Except as otherwise provided in this Act, all laws or parts of laws relating to the present Government of the Philippine Islands and its administration

are hereby repealed as of the date of the Inauguration of the Government of the Commonwealth of the Philippine Islands.

SEC. 16. If any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the applicability of such provisions to other persons and circumstances shall not be affected thereby.

Effective Date

SEC. 17. The foregoing provisions of this Act shall not take effect until accepted by current resolution of the Philippine Legislature or by a convention called for the purpose of passing upon that question as may provided by the Philippine Legislature.

(Sgd.): HENRY T. RAINERY

Speaker of the House of Representatives

ROY PITTMAN

President of the Senate Pro Tempore

Approved,

March 24th, 1934,

Franklin D. Roosevelt.

附録四

「マローロス」憲法(假譯)

千八百九十九年一月二十日「マラソアイン」ニ於テ可決

「フィリッピン」革命政府ノ大統領ノ職

「フィリッピン」革命政府大統領兼「フィリッピン」革命政府陸軍元帥兼總司令官「ドン、エミールリオ、アギナルド、イ、ファーム」ハ

「フィリッピン」全市民ニ對シ左記ヲ告知ス

國民代表者ノ議會ハ其ノ至上ノ權限ヲ行使シテ國ノ政治憲法ヲ制定シ予ハ之ヲ裁可シタリ

依テ予ハ右憲法ガ「フィリッピン」人民ノ至上ノ意志タルノ故ヲ以テ右憲法ノ一切ノ部分ニ付之ヲ遵守セシコト竝ニ之ヲシテ遵守セラレシメ、準據セラレシメ及履行セラレシメンコトヲ何レノ種類又ハ階級ニ屬スルモノタルヲ問ハズ一切ノ文武官憲ニ對シ命令ス

千八百九十九年一月二十一日「マローロス」ニ於テ作成ス

エミールリオ、アギナルド

内閣議長

アポリナリーオ、マビーニ

正義ヲ確立シ、共同防衛ニ付規定ヲ設ケ、一般の福利ヲ増進シ及自由ノ恩惠ヲ確保スル爲適法ニ招集セラレタル「フィリッピン」人民ノ代表者タル吾人ハ右ノ目的ヲ達成スル爲宇宙ノ至上ノ立法者ノ援助ヲ祈願シツツ左記ヲ議決シ、決定シ且可決セリ

政治憲法

第一編

共和國

第一條

全「フィリッピン」人ノ政治的結合ハ一箇ノ國ヲ構成シ該國ノ所有土地ハ之ヲ「フィリッピン」共和國ト稱ス

第二條

「フィリッピン」共和國ハ自由ニシテ獨立ス

第三條

主權ハ専ラ人民ニ存ス

第二編

政治

第四條

共和國ノ政治ハ民主制、代議制、交替制且責任制トシ立法權、執行權及司法權ト稱セラルル三箇ノ各別ノ權能ニ依リ行ハル右權能ノ二又ハ三以上ハ決シテ一人又ハ一團體ニ付與セラルルコトナカルベク又立法權ハ唯一名ノ個人ニ付與セラルルコトナカルベシ

第三編

宗教

第五條

國ハ一切ノ宗教的禮拜ノ平等並ニ教團ト國トノ分離ヲ承認ス

第四編

「フィリッピン」人並ニ其ノ國民的及個人的權利

第六條

左ノ者ハ之ヲ「フィリッピン」人トス

- 一 「フィリッピン」ノ領域内ニ於テ出生シタル一切ノ者、右ノ適用上ニ於テハ「フィリッピン」ノ國旗ヲ掲揚スル船舶ハ「フィリッピン」ノ領域ノ一部ト看做サルベシ
 - 二 「フィリッピン」人タル父及母ノ子孫但シ「フィリッピン」ノ領域外ニ於テ出生シタルヲ妨グズ
 - 三 歸化證明書ヲ得タル外國人
 - 四 歸化證明書ヲ有セザル者ニシテ「フィリッピン」ノ領域ノ何レカノ都市ニ於テ住居ヲ得タルモノ住居ハ公然ノ居所及周知ノ生活様式ヲ有シ且國ノ一切ノ費用ヲ負擔シテ「フィリッピン」ノ領域ノ一地方ニ中斷ナク二年間滞在スルコトニ依リ得ラルルモノトス
- 「フィリッピン」人ノ國籍ハ法令ニ依リ之ヲ喪失ス

第七條

「フィリッピン」人又ハ外國人ハ犯罪ニ因ルカ又ハ法令ニ依ルノ外逮捕セラレ又ハ投獄セララルコトナカルベシ

第八條

逮捕セラレタル者ハ逮捕後二十四時間以内ニ釋放セララルカ又ハ司法官憲ニ引渡サルベシ
逮捕ハ被拘留者ガ權限アル裁判官ニ引渡サレタル後七十二時間以内ニ無効ト判決セララルカ又ハ收檻ニ移サルベシ

關係當事者ハ同一ノ期間内ニ發セララルコトアルベキ命令ノ通告ヲ受クベシ

第九條

「フィリッピン」人ハ權限アル裁判官ニ依リ發セララルル委任狀ニ依ルノ外投獄セララルコトナカルベシ
委任狀ヲ發スルコトヲ得シムル命令ハ收檻行爲後七十二時間以内ニ推定犯罪人ノ聽取ヲ行ヒタル後ニ於テ批准セラレ又ハ裁可セララルベシ

第十條

何人ト雖モ「フィリッピン」人又ハ「フィリッピン」在住外國人ノ住所ニ其ノ承諾ナクシテ立入ルコトナカルベシ但シ火災、洪水、地震若ハ他ノ同様ノ危險又ハ内部ヨリ來リ若ハ救助ヲ求ムルコトヲ得ル距離ニ在ル者ヲ援助スル爲ノ不法侵入ノ緊急ノ場合ニ於テハ此ノ限ニ在ラズ
右ノ場合以外ニ於テハ「フィリッピン」人又ハ「フィリッピン」在住外國人ノ住所ヘノ立入及右ノ者ノ書類又ハ財産ノ搜索ハ權限アル裁判官ノミ之ヲ命ズルコトヲ得且日中ニ於テノミ之ヲ行フコトヲ得
書類及財産ノ搜索ハ常ニ關係當事者若ハ其ノ家族ノ一員ノ立會ノ下ニ於テ又ハ右ノ者ノ在ラザルトキハ同一地ノ居住者タル二名ノ證人ノ立會ノ下ニ於テ行ハルベシ
右ニ拘ラズ犯罪ノ現行中ニ發見セラレ且官憲ガ其ノ代理者ヲシテ追跡セシメタル犯罪人ガ自己ノ住所ニ逃避スルトキハ逮捕ノ爲ニ限り右犯罪人ヲ右住所内ニ追跡スルコトヲ得

右犯罪人ガ他人ノ住所ニ逃避スルトキハ右住所ノ所有者ニ豫メ通告スベシ

第十一條

「フィリッピン」人ハ最終的判決ニ依ルノ外其ノ住所又ハ住居ノ變更ヲ強制セラルルコトナカルベシ

第十二條

郵便局ニ委託セラレタル信書ハ如何ナル場合ニ於テモ管轄官憲之ヲ差止め又ハ開封スルコトヲ得ズ電
信又ハ電話ノ信書モ之ヲ差止ムルコトヲ得ズ

尤モ權限アル裁判官ノ命令ニ依ルトキハ郵便局ニ依リ運搬セラルルコトアルベキ如何ナル信書モ之ヲ
差止ムルコトヲ得ベク且被告ノ立會ノ下ニ之ヲ開封スルコトヲ得

第十三條

投獄、家宅搜索又ハ書面、電信若ハ電報ニ依ル通信ノ差止ノ命令ハ正當ノ理由ヲ有スベシ

命令ガ右ノ條件ニ適合セザルトキ又ハ命令ノ基礎タル事由ガ不法若ハ明ニ不充分ナリト司法的ニ宣言
セラレタルトキハ投獄セラレタルカ、投獄ガ第九條ニ規定セラルル期間内ニ批准セラレザリシカ、住
所ニ強制的ニ立入ラレタルカ又ハ通信ガ差止メラレタル者ハ之ヨリ生ズル責任ヲ要求スルノ權利ヲ有
スベシ

第十四條

「フィリッピン」人ハ犯罪遂行前ニ施行中ナル法令ニ依リ右犯罪ヲ審理スルノ管轄權ヲ有スル判事又ハ
裁判官ニ依リ且右法律ガ定ムルコトアルベキ様式ニ依リテノ外訴追セラレ又ハ宣告ヲ受クルコトナカ
ルベシ

第十五條

法律的手續ヲ經ズシテ拘留セラレ又ハ投獄セラレタル者ハ本憲法ニ規定セラルル場合ヲ除クノ外自ラ
ノ請願又ハ何レカノ「フィリッピン」人ノ請願ニ依リ釋放セラルベシ

法令ハ右ノ場合ニ於ケル略式手續ノ形式竝ニ不法ノ拘留又ハ投獄ヲ命ジ、執行シ又ハ執行セシメタル
者ノ受クベキ身體上及金錢上ノ刑罰ヲ定ムベシ

第十六條

何人ト雖モ司法宣告ニ依ルニ非ザレバ一時的ニモ永久的ニモ其ノ財産又ハ權利ヲ剝奪セラルルコトナ
カルベク且之ガ所有ニ付妨害セラルルコトナカルベシ

何等カノ口實ノ下ニ右ノ規定ニ違反スル官吏ハ生ジタル損害ニ付個人的ニ責任ヲ有スベシ

第十七條

所有者ニ對スル賠償ヲ剝奪前ニ定メテ適當ナル官憲ガ豫メ正當ノ理由ヲ示シテ聲明シタル必要及共同
ノ福利ニ依ルニ非ザレバ何人ト雖モ其ノ財産ヲ剝奪セラルルコトナカルベシ

第十八條

二二二

何人ト雖モ議會又ハ負擔金ヲ課スルノ權限ヲ法律上與ヘラレタル公共團體ニ依リ議決セラレタルニ非ズ且強徵ガ法令ニ依リ定メラレタル形式ニ依リ爲サルルニ非ザル負擔金ヲ支拂フコトヲ強制セララルコトナカルベシ

第十九條

自己ノ市民トシテノ及政治上ノ權利ヲ完全ニ享有スル「フィリッピン」人ハ右權利ノ自由ノ行使ヲ妨害セララルコトナカルベシ

第二十條

「フィリッピン」人ハ又左記ヲ剝奪セララルコトナカルベシ

一 新聞又ハ他ノ同様ノ手段ヲ利用シテ自己ノ思想又ハ意見ヲ言語又ハ文書ニ依リ自由ニ表明スルノ權利

二 公衆道德ニ反スルコトナカルベキ人類生活ノ一切ノ目的ニ關與スルノ權利並ニ最後ニ

三 公立機關及官憲ヘノ個人的又ハ團體的直訴ノ權利、直訴權ハ如何ナル種類ノ武裝軍隊ニ依リテモ行ハラルコトナカルベシ

第二十一條

前條ニ明示セララル權利ノ行使ハ該權利ヲ規律スル一般的规定ニ從フベキモノトス

第二十二條

本編ニ於テ許與セラレタル權利ノ行使ノ際ニ行ハレタル犯罪ハ普通ノ法令ニ從ヒ裁判所ニ依リ罰セララルベシ

第二十三條

何レノ「フィリッピン」人モ教授上又ハ教育上ノ營造物ヲ設ケラルルコトアルベキ規定ニ從ヒ創立シ且之ヲ維持スルコトヲ得

民衆教育ハ國ノ學校ニ於テハ義務的且無料トス

第二十四條

何レノ外國人モ當該事項ヲ規律スル規定ニ從フニ於テハ「フィリッピン」ノ領域ニ自由ニ居住シテ該領域ニ於テ自己ノ業ヲ營ミ又ハ從事ニ關シ法令ガ國ノ官憲ニ依リ發給セララル適格證書ヲ必要トセザル職業ニ專念スルコトヲ得

第二十五條

自己ノ政治上又ハ民事上ノ權利ヲ完全ニ享有スル「フィリッピン」人ハ前記領域ヨリ自由ニ外國ニ赴キ又ハ自己ノ住居若ハ財産ヲ外國ニ移スコトヲ妨害セララルコトナカルベシ但シ軍事上ノ服役及公ノ租

税ノ維持ノ爲ニ負擔ヲ爲スノ義務ハ此ノ限ニ在ラズ

第二十六條

歸化シ居ラザル外國人ハ權限又ハ管轄權ヲ附隨スルコトアルベキ職務ヲ「フィリッピン」ニ於テ行フコトナカルベシ

第二十七條

一切ノ「フィリッピン」人ハ法令ニ依リ要求セラレタルトキハ武器ヲ以テ國ヲ防衛シ及自己ノ財産ニ應ジテ國（政府）ノ費用ノ爲ニ負擔ヲ爲スノ義務ヲ有ス

第二十八條

許與セラレタル權利ノ本編ニ於ケル列舉ハ明白ニ付與セラレザリシ他ノ權利ノ禁止ヲ意味スルモノニ非ズ

第二十九條

官公吏ニ對スル通常ノ裁判所ニ於ケル訴追ノ爲ニハ右官公吏ノ行ヒタル犯罪ノ何タルヲ問ハズ豫メノ認可ハ之ヲ必要トセザルベシ
憲法ノ規定ノ明瞭且決定的ナル明白ナル違反ニ付テハ上級裁判所ノ命令ガ責任ヲ免除スルコトナカルベシ

第三十條

第七條、第八條、第九條、第十條及第十一條並ニ第二十條第一項及第二項ニ規定セララルル保障ハ國ノ安全ガ非常事態ノ下ニ於テ必要トスル場合ニ於テ一時的ニ且法令ニ依リテ行ハルル場合ヲ除クノ外共和國ニ於テモ其ノ何レノ部分ニ於テモ停止セララルルコトナカルベシ

特別ノ法令ガ其ノ適用セララルルコトアルベキ地域ニ於テ公布セラレタルヲ以テ右法令ハ右停止中右停止ヲ必要トスル事情ニ應ジ行ハルベシ

後者ノ法令及前者ノ法令ハ國民議會ニ於テ議決セララルベク又議會ガ閉會中ナル場合ニ於テハ政府ハ常設委員會ト協力シテ右法令ヲ發布スルコトヲ得但シ最短期間内ニ且爲サレタル所ヲ議會ニ通知シタル上之ヲ招集スルコトヲ妨グルコトナシ

尤モ一方ノ法令又ハ他方ノ法令ノ何レニ依リテモ本條第一項ニ於テ付與セララルル保障以外ノ保障ハ之ヲ停止スルコトヲ得ザルベク又「フィリッピン」人ヲ國外ニ放逐シ又ハ之ヲ輸送スルノ權能ヲ政府ニ與フルコトヲ得ズ

如何ナル場合ニ於テモ軍政長官又ハ民政長官ハ豫メ法令ニ依リ規定セラレタル刑罰以外ノ刑罰ヲ設クルコトヲ得ズ

第三十一條

「フィリッピン」共和國ニ於テハ何人ト雖モ特別ノ法令ニ依リテモ特別ノ裁判所ニ依リテモ審理セララルコトナカルベシ何人ト雖モ共和國ニ對スル役務ニシテ法令ニ依リ定メラレタルモノニ對スル補償トシテノ外特權ヲ有シ又ハ利益ヲ享有スルコトナカルベシ「エル、フェーロ、デ、デーラ、イ、マリーナ」(“El fuero de guerra y marina”) (陸軍及海軍ノ管轄權、特權及權能)ハ陸軍及海軍ノ紀律ト密接ナル關係ヲ有スルコトアルベキ犯罪又ハ輕罪ニノミ及ボサルベシ

第三十二條

「フィリッピン」人ハ政府ノ許可ナクシテハ財産ノ「マヨラスゴース」(“mayorazgos”)又ハ「インスティテューションズ」(“Institutions ‘vinculadas’”) (長男相續又ハ遺言ニ依ル永久の限定人相續ノ權原)ヲ設定シ或ハ外國ヨリ榮譽、(“Condecoraciones”) (徽章若ハ勳章)又ハ名譽ノ稱號及貴族ノ稱號ヲ受クルコトナカルベシ。政府ハ如何ナル「フィリッピン」人ニ對シテモ前項ニ掲ゲラルル制度ヲ設クルコトナカルベク又榮譽、(“Condecoraciones”)又ハ名譽ノ稱號若ハ貴族ノ稱號ヲ與フルコトナカルベシ。右ニ拘ラズ國ハ市民ガ其ノ國ニ對シ致スコトアルベキ顯著ナル功勞ニ對シ議會ニ依リ議決セララル特別ノ法令ニ依リ賞典ヲ與フルコトヲ得

第五編

立法權

第三十三條

立法權ハ國民ノ代表者ノ議會ニ依リ行使セララルベシ

右議會ハ特ニ發布セララルコトアルベキ法令ニ依リ決定セラレタル形式及條件ノ下ニ構成セララルベシ

第三十四條

議會ノ議員ハ全國民ヲ代表スベク右議員ヲ選舉スル者ノミヲ代表スルコトナカルベシ

第三十五條

代表者ハ其ノ選舉人ノ命令的要求ニ從ハシメララルコトナカルベシ

第三十六條

議會ハ毎年開催セラルベシ議會ヲ招集シ、其ノ會議ヲ停止シ及閉會シ並ニ議會又ハ議會ナキトキハ常設委員會ト協力シテ法定期間内ニ議會ヲ解散スルハ共和國大統領ノ特權トス

第三十七條

議會ハ每年少クトモ三月間開カルベク議會ノ構成ニ費サルル期間ハ右ノ期間ニハ含まレザルモノトス

共和國大統領ハ遅クトモ四月十五日迄ニ議會ヲ招集スベシ

第三十八條

非常ノ場合ニ於テハ大統領ハ常設委員會ノ同意ヲ得テ法定期間外ニ議會ヲ招集シ及期間ガ一月ヲ超エザルカ又ハ同一ノ議會會期中ニ二回ヲ超エ行ハレザル場合ニハ議會會期ヲ延長スルコトヲ得

第三十九條

國民議會ハ憲法ノ修正ヲ爲シ及共和國新大統領ノ選舉ヲ行フ爲臨時議員ト共ニ憲法議會ヲ構成スベシ
右憲法議會ハ國民議會ノ權限ノ終了ノ少クトモ一月前ニ招集セラルベシ
共和國大統領ノ死亡又ハ辭職ノ場合ニ於テハ議會ハ自己ノ權利ニ依リ且其ノ議長ノ請求又ハ常設委員會ノ議長ノ請求ニ依リ直ニ會合スベシ

第四十條

共和國新大統領ノ任命ガ行ハレツツアル間ニ於テハ大審院長ガ右大統領ノ職務ヲ行フベク大審院長ノ地位ハ法令ニ從ヒ大審院ノ裁判官中ノ一名ニ依リ補充セラルベシ

第四十一條

立法議會ノ通常ノ會期外ニ於テ開催セラルルコトアルベキ議會ノ會合ハ無效タルベシ第三十九條ニ依リ定メラルルモノハ此ノ限ニ在ラズシテ右ニ關シテハ議會ハ司法裁判所トシテ構成セラレ右ノ場合ニ

於テハ司法的職務以外ノ職務ヲ行フコトヲ許サレザルモノトス

第四十二條

議會ノ會議ハ公開セラルベシ但シ右會議ハ議會ノ議員中規則ニ依リ定メラレタル或數ノ請願ニ依リ秘密會トセラルルコトヲ得ベク同一事項ノ討議ガ公開シテ繼續セラルベキカ否カハ爾後出席議員ノ表決ノ絶對多數ニ依リ決定セラルルモノトス

第四十三條

共和國大統領ハ敎書ニ依リテ議會ト連絡スベク右敎書ハ政府ノ一長官ニ依リ議長席ヨリ朗讀セラルベシ

政府ノ各長官ハ其ノ要求スル場合ニハ常ニ發言權ヲモ伴ヘル議席ヲ議會ニ於テ有シ且共和國大統領ノ命令ニ依リ任命セラルル委員ニ依ル何レノ特殊ノ案ノ討議ニモ代表者ヲ出スコトヲ得

第四十四條

議會ハ議會ノ命令、右命令ナキ場合ニ於テハ常設委員會ノ命令、檢事總長ノ提議ニ依ル共和國大統領ノ命令又ハ閣議ノ命令ニ依リ、共和國大統領及内閣會議議員、大審院長又ハ檢事總長ガ國ノ安全ニ對シ行ヘル犯罪ヲ審理スル爲自ラ司法裁判所ヲ構成スベシ
法令ハ起訴、審理ノ準備及釋放ニ關スル手續法式ヲ定ムベシ

第四十五條

議會ノ議員ハ其ノ表明シタル意見又ハ其ノ職務ノ遂行上ニ於テ爲シタル表決ニ關シ訴追セラレ又ハ妨害ヲ受クルコトナカルベシ

第四十六條

議會ノ議員ハ議會又ハ常設委員會ノ豫メノ許可ナクシテハ刑事手續ニ於テ訴追セララルコトナカルベシ右議會又ハ委員會ハ適當ナル處置ノ爲ノ行爲ニ付即時通報ヲ受クベシ
議會ノ議員ノ拘引、拘留又ハ逮捕ハ議會又ハ常設委員會ノ豫メノ許可ナクシテハ行ハルコトナカルベシ但シ議會ハ一度拘引命令ノ通告ヲ受ケタル場合ニ於テ右通告後二日以内ニ拘引ヲ許可セザルカ又ハ拘引拒否ノ根據タル理由ヲ示ストキハ責任ヲ招クベシ

第四十七條

國民議會ハ右ノ外左ノ權能ヲ有スベシ

- 一 議會ノ內部管理ノ爲ノ規則ヲ作成スルコト
 - 二 選舉ノ合法性及選舉セラレタル議員ノ法律上ノ資格ヲ調査スルコト
 - 三 議會ノ構成後ニ於テ議會ノ議長、副議長及書記官ヲ任命スルコト
- 議會ガ解散セラレザル期間中ニ於テハ議會ノ議長、副議長及書記官ハ四回ノ議會會期ノ間引續キ其

ノ職務ヲ行フベシ

四 議會ノ議員ニ依リ提出セラレタル辭表ヲ受理シ及規則ニ從フノ條件ノ下ニ賜暇ヲ許與スルコト

第四十八條

如何ナル案モ議會ニ依リ議決セララルニ先テ法律ト爲ルコトナカルベシ
法律ヲ通過セシムル爲ニハ選舉ガ承認セラレ且職務上ノ宣誓ヲ爲シタル議員ノ總數ノ少クトモ四分ノ一ガ議會ニ於テ必要タルベシ

第四十九條

如何ナル法案モ全體トシテ且逐條的ニ議決セラレタルコトナクシテハ議會ニ依リ承認セララルコトナカルベシ

第五十條

議會ハ問責權ヲ有スベク又其ノ議員ノ各ハ辯明聽取要求權ヲ有スベシ

第五十一條

法律ノ提出ハ共和國大統領及議會ニ屬ス

第五十二條

議會ノ議員ニシテ俸給ト共ニ年金、雇傭又ハ手数料ヲ受クルモノハ其ノ職ヲ拋棄シタルモノト解セラ

共和國政府ノ書記官ノ雇傭及特別ノ法令ニ定メラルル他ノ職務ハ本規定ヨリ除外セララル

第五十三條

議員ノ職務ハ四年ヲ一期トシ右職務ヲ行フ者ハ事情ニ應ジ補償トシテ法令ニ依リ定メラレタル金額ヲ受クルノ權利ヲ有ス

全議會會期中缺席スル者ハ右補償ヲ受クルノ權利ヲ付與セラレザルベシ但シ右會期ニ次グ會期ニ於テ出席スルトキハ右權利ヲ回復スベシ

第六編

常設委員會

第五十四條

議會ハ其ノ閉會期間中ノ常設委員會ヲ構成スル爲議員中ノ七名ヲ其ノ會議ノ終了前ニ選舉スベク右常設委員會ハ其ノ最初ノ會合ニ於テ一名ノ議長及書記官ヲ任命スルノ義務ヲ有ス

第五十五條

左記ハ議會ナキ場合ニ於ケル常設委員會ノ職務トス

- 一 本憲法ニ依リ規定セララルル場合ニ於テ共和國大統領、議員、政府ノ長官、大審院長及檢事總長ヲ

起訴スル充分ノ理由存スルカ否カラ宣言スルコト

- 二 議會ガ司法裁判所ヲ構成スベキ場合ニ於テハ臨時會合ノ爲議會ヲ招集スベシ
- 三 審議ノ爲懸案トシテ殘存スルコトアルベキ事務ヲ處理スルコト
- 四 當該場合ノ緊急ガ必要トスルトキ臨時會議ノ爲議會ヲ招集スルコト
- 五 憲法ニ從ヒテ議會ノ職務ニ關シ議會ニ代ルコト但シ法律ヲ制定シ及通過セシムルノ權利ハ此ノ限ニ在ラズ

常設委員會ハ本憲法ニ從ヒテ議長ト爲ル者ニ依リ招集セララルルコトアルベキ場合ニ於テ常ニ會合スベシ

第七編

執行權

第五十六條

執行權ハ共和國大統領ニ存シ大統領ハ書記官ヲ通ジテ之ヲ行使ス

第五十七條

都市及州ニ特有ナル利益並ニ國ノ利益ノ處理ハ法令ニ照シ且最モ充分ナル「デセントラリサシオー」(“decentralization”) (分權) 及行政的自治ノ基礎ニ於テ市町村會、州會及實際ノ行政政府ニ夫々屬ス

第八編

共和國大統領

第五十八條

共和國大統領ハ議會及立法議會トシテ特別ニ會合セル議員ニ依ル絶對多數ノ表決ニ依リ選舉セラルベシ

共和國大統領ノ任期ハ四年トシ再選シ得ルモノトス

第五十九條

共和國大統領ハ議會ノ議員ト同様ニ法律ヲ提案スルコトヲ得ベク又法律ガ議會ニ依リ通過セシメラレ且承認セラレタル場合ニ之ヲ公布シ及其ノ施行ヲ監視シ且確保スベシ

第六十條

法律ヲ施行セシムルノ權能ハ國內的及國際的安全ニ於ケル公ノ秩序ノ保持ニ資スル一切ノモノニ及ボサルベシ

第六十一條

共和國大統領ハ法律ガ最終的ニ承認セラレ且議會ニ依リ送達セラレタル時ヨリ二十日以内ニ之ヲ公布スベシ

第六十二條

右期間内ニ右法律ガ公布セラレザリシトキハ右法律ノ遲滯ノ原因ニ關スル正當ノ理由ヲ具シテ之ヲ議會ニ返付スルコトハ大統領ノ任務ト爲リ此ノ場合ニ於テハ右法律ノ改正ノ手續ヲ爲スベク又議會ガ出席議員ノ少クトモ三分ノ二ノ表決ニ依リ右法律ヲ再通過セシメザルトキハ議會ガ右法律ヲ主張スルモノトハ認メラレザルベシ前記ノ形式ニ依リ法律ヲ通過セシメタルトキハ政府ハ之ヲ十日以内ニ公布シ右法律中ニ政府ノ不同意ヲ掲ゲシムベシ

第六十三條

法律ヲ議會ニ返付セズシテ二十日ノ期間ヲ經過セシメタルトキハ同様ニ政府ハ義務ヲ負フニ至ルベシ
法律ノ公布ガ議會ノ絶對多數ノ投票ニ依リ表明セラレタル表決ニ依リ緊急ノモノト宣言セラレタルトキハ大統領ハ拒否セララルコトヲ得ザル新ナル審査ヲ求ムル自己ノ理由ヲ陳述シテ教書ニ依リ議會ニ對シ要求スルコトヲ得ベク又右法律ハ新ニ承認セラレタルトキハ法定期間内ニ公布セラルベク大統領ガ自己ノ不同意ヲ發表スルコトヲ妨グルコトナシ

第六十四條

法律ノ公布ハ共和國ノ公ノ定期刊行物ニ於テ之ヲ公表スルノ方法ニ依リ行ハルベク又公表ノ日ヨリ三十日後ニ實施セララルベシ

第六十五條

共和國大統領ハ陸軍及海軍ノ統帥權ヲ有スベク且議會ノ豫メノ同意ヲ得テ平和條約ヲ締結シ及之ヲ批准スベシ

第六十六條

平和條約ハ議會ニ依リ通過セシメラル迄ハ拘束力ヲ有セザルベシ

第六十七條

法律ノ施行ノ爲ニ必要ナル權能以外ニ共和國大統領ハ左ノ權能ヲ有スベシ

- 一 法律ニ照シテ文武ノ職ヲ與フルコト
- 二 政府ノ長官ヲ任命スルコト
- 三 外國トノ外交的及通商的關係ヲ指揮スルコト
- 四 迅速且完全ナル裁判ガ全領域ニ於テ行ハルル様注意スルコト
- 五 政府ノ長官ニ關スル規定ヲ除クノ外法律ニ從ヒ犯罪人ヲ釋放スルコト
- 六 國民議會ノ議長ト爲リ及自己ノ許ニ派遣セラレタル外國ノ特派使節及代表者ヲ接受スルコト

第六十八條

共和國大統領ハ左記ヲ行フ爲ニハ特別ノ法律ノ權威ヲ必要トスベシ

- 一 「フィリッピン」ノ領域ノ何レカノ部分ノ讓渡、割讓又ハ交換
- 二 「フィリッピン」ノ領域ヘノ他ノ何レカノ領域ノ合併
- 三 外國軍隊ノ「フィリッピン」領域ヘノ入國ノ許可
- 四 攻撃同盟及防衛同盟ノ條約、特別ノ通商條約—外國ニ補助金ヲ與フルコトヲ規定スルモノ—及個人的ニ「フィリッピン」人ヲ拘束スルコトアルベキ一切ノ條約ノ批准
如何ナル場合ニ於テモ條約ノ祕密條項ハ公開條項ヲ無効ナラシムルコトナカルベシ
- 五 大赦及一般的釋放ノ許可
- 六 貨幣ノ鑄造

第六十九條

共和國大統領ハ法律ノ定ムル要件ニ從ヒ法律ノ遵守及適用ニ關スル規則ヲ制定スルノ權能ヲ有ス

第七十條

共和國大統領ハ議員ノ過半數ノ表決ニ依ル豫メノ同意ヲ得テ議會ノ法定期間ノ滿了前ニ之ヲ解散スルコトヲ得

右ノ場合ニ於テハ議員ハ新ナル選舉ノ爲三月ノ期間内ニ招集セララルベシ

第七十一條

共和國大統領ハ叛逆ノ場合ニ於テノミ責ニ任ズベシ

第七十二條

共和國大統領ノ報酬ハ特別ノ法律ニ依リ定メラルベク右法律ハ大統領ノ任期ノ終ニ至ル迄變更セラルルコトヲ得ズ

第九編

政府ノ各長官

第七十三條

内閣會議ハ一名ノ大統領並ニ外務、内務、大藏、陸海軍、公衆教育、遞信及土木、農業、工業並ニ通商ノ各省ヲ掌ルベキ七名ノ長官ヲ以テ構成セラルベシ

第七十四條

大統領ガ其ノ權力ヲ行使シテ命令シ又ハ規定スルコトアルベキ一切ノ事項ハ該事項ノ屬スル長官ニ依リ署名セラルベシ
官公吏ハ右ノ要件ヲ缺ク如何ナル命令ニモ從フコトナカルベシ

第七十五條

政府ノ各長官ハ政府ノ一般的政策ニ付テハ議會ニ對シ連帶シテ責ニ任ジ又其ノ個人的行爲ニ付テハ各

自ニ責ニ任ズベシ

檢事總長ハ右長官ヲ訴追スベク又議會ハ右長官ヲ裁判スベシ

法律ハ政府ノ各長官ノ責任タル場合、右長官ガ科セラルベキ刑罰及右長官ニ對スル手續法式ヲ決定スベシ

第七十六條

右長官ガ議會ニ依リ有罪判決ヲ下サレタルトキハ右長官ノ釋放ニハ議員ノ絶對多數ノ豫メノ請願ヲ必要トス

第十編

司法權

第七十七條

民事上及刑事上ノ事件ニ於テ法律ヲ國民ノ名ニ於テ適用スルノ權能ハ専ラ裁判所ニ屬スベシ
同一ノ法典ガ共和國全體ニ行ハルベシ但シ特殊ノ場合ニ付法律ガ定ムルコトアルベキ或修正ヲ妨グルコトナシ

右法律ニ於テハ通常ノ民事上及刑事上ノ裁判ニ付一箇ヲ超ユル管轄權ガ一切ノ人民ニ對シ設ケラルルコトナカルベシ

第七十八條

裁判所ハ一般の及市町村ノ規則ガ法令ト一致スル限ニ於テノ外右規則ヲ適用スルコトナカルベシ

第七十九條

司法權ノ行使ハ大審院及法律ニ依リ定メラレタル裁判所ニ存ス
右裁判所ノ構成、組織及他ノ特性ハ基本法ニ依リ規律セラルベシ

第八十條

大審院長及檢事總長ハ議會ニ依リ共和國大統領及政府ノ諸長官ト協力シテ任命セラルベク且執行部及立法部ヨリ絶對ニ獨立スベシ

第八十一條

何レノ市民モ司法部ノ裁判官ガ其ノ職務ノ遂行上ニ於テ犯スコトアルベキ犯罪ニ付一切ノ右裁判官ヲ相手トシテ公ノ訴訟ヲ提起スルコトヲ得

第十一編

州會及市町村會

第八十二條

州會及市町村會ノ構成及權能ハ各自ノ法律ニ依リ規律セラルベシ

右法律ハ左ノ原則ニ從ヒ規律セラルベシ

- 一 州又ハ都市ノ私ノ利益ヲ各自ノ自治體ニ依リ統轄シ及管理スルコト
- 人民ニ依ル直接選舉ノ原則ハ右自治體ノ組織ノ爲ノ基礎ナリトス
- 二 法律ニ依リ定メラルル範圍内ニ於テ右自治體ノ會議ヲ公開スルコト
- 三 豫算、計算法及重要ナル命令ヲ公表スルコト
- 四 州自治體及市町村自治體ガ其ノ權限ヲ超エテ一般ノ及私ノ利益ヲ害スルコトヲ防止スル爲政府及適當ナル場合ニ於テハ國民議會ガ干涉スルコト
- 五 州及市町村ノ課稅ガ國ノ課稅體系ニ反對的ナルコトナカラシムガ爲租稅ニ關シ右州會及市町村會ノ權限ニ於テ決定スルコト

第十二編

國ノ施設

第八十三條

政府ハ法律ニ從ヒ前年ノ收支豫算ニ付爲サレタル變更ヲ示シ且前年度ノ貸借對照表ヲ同封セル收支豫算ヲ毎年議會ニ提出スベシ

議會ガ開催セラルルコトアルベキ場合ニハ豫算ハ議會ノ第一回會合後十日以内ニ議會ニ提出セラルベシ

第八十四條

如何ナル支拂モ支途振當法又ハ他ノ特別ノ法律ニ從ヒ且此等ノ法律ニ依リ定メラレタル形式及責任ノ下ニ爲サルル場合ヲ除クノ外爲サルルコトナカルベシ

第八十五條

國ノ貨物及財産ヲ處理シ又ハ國民ノ信用ヲ基礎トシテ借款ヲ得ル爲政府ハ法律ニ依リ權限ヲ付與セラ
ルルコト必要ナリ

第八十六條

本憲法ニ從ヒ共和國政府ガ負ヒタル公ノ負債ハ國民ノ特別ノ保障ノ下ニ置カルベシ
負債ハ之ヲ支拂フ爲ノ財源ガ同時ニ議決セラレザル限り起サルルコトナカルベシ

第八十七條

收入、公ノ支出又ハ公ノ信用ニ關スル一切ノ法律ハ豫算ニ關スル法律ノ一部分ト看做サレ且一部分ト
シテ公表セララルベシ

第八十八條

議會ハ共和國大統領ノ勸告ニ依リ毎年陸上及海上ノ兵力ヲ定ムベシ

第十三編

憲法ノ修正

第八十九條

議會ハ修正セララルベキ條項ヲ特ニ指定シテ憲法ヲ修正スルコトヲ自己ノ動議ニ基キ又ハ共和國大統領
ノ提案ニ依リ決議スルコトヲ得

第九十條

宣言ガ爲サレタルトキハ共和國大統領ハ議會ヲ解散シ且憲法議會ヲ招集スベク憲法議會ハ爾後三月以
内ニ開催セララルベシ招集通知書ニハ前條ニ掲ゲラルル決議ガ挿入セララルベシ

第十四編

憲法ノ遵守及宣誓並ニ用語

第九十一條

共和國大統領、政府、議會及一切ノ「フィリッピン」市民ハ忠實ニ憲法ヲ遵守スベシ又立法機關ハ違反
者ノ責任ガ明ナラシメラルル爲ニ最モ實際的ナル事項ヲ規定シタル上憲法ガ正確ニ遵守セラレタリヤ
及違反ガ矯正セラレタリヤヲ支途振當法ノ承認後直ニ検査スベシ

第九十二條

共和國大統領モ他ノ何レノ官公吏モ豫メ宣誓ヲ爲スコトナクシテハ其ノ任務ノ遂行ヲ開始スベカラズ

右宣誓ハ大統領ニ依リテハ國民議會ニ於テ爲サルベシ

國ノ他ノ一切ノ吏員ハ法律ニ依リテ定メラレタル官憲ノ面前ニ於テ右宣誓ヲ爲スベシ

第九十三條

「フィリッピン」ニ於テ用ヒラルル各言語ノ使用ハ隨意トス右使用ハ法律ニ依リテノミ且公ノ權限ヲ帶ビタル文書及司法事務ニ付テノミ規律セラルルコトヲ得右文書ニ關シテハ現在ニ於テハ「スペイン」語ガ使用セラルベシ

經過規定

第九十四條

「フィリッピン」諸島ノ解放前右諸島ニ於テ施行中ナリシ法律ハ當分ノ間且第四十八條竝ニ基本法ノ作成、「フィリッピン」市民ニ許與セラレタル權利ノ増進及適用竝ニ憲法ニ依リ定メラレタル公立機關ノ制度ニ關シ議會ニ依リ任命セラレタル委員會ヲ妨グルコトナクシテ共和國ノ法律ト看做サルベシ同様に左記ハ施行中ノモノト看做サルベシ

婚姻及市民登録ニ關スル民法ノ規定ニシテ「フィリッピン」諸島ノ總督ニ依リ停止セラレタルモノ、

右民法第七十七條、第七十八條及第七十九條竝ニ第八十二條ヲ實施スル爲ノ千八百八十八年四月二

十六日ノ訓令、右民法第三百三十二條ニ依リ參照セラレタル千八百七十年六月十七日ノ市民登録法

竝ニ地方長官ガ市民登録簿ヘノ記入ノ擔當ヲ繼續シ及「カトリック」教徒ノ結婚式ニ干涉スルコト

ヲ妨グルコトナクシテ右法律ヲ施行スルコトニ關スル千八百七十年十二月十三日ノ規則

第九十五條

前條ニ掲ゲラルル法律ノ承認及施行ニ至ル迄ノ間同條ニ依リ暫定的ニ實施セラレタル「スペイン」國ノ法律ノ規定ハ特別ノ法律ニ依リ修正セララルコトヲ得

第九十六條

議會ガ第九十四條ニ從ヒ承認スルコトアルベキ法律ヲ公布シタル後ハ共和國政府ハ國ノ一切ノ機關ノ即時ノ組織ニ必要ナル命令及規則ヲ發布スルノ權限ヲ有ス

第九十七條

革命政府ノ大統領ハ直ニ共和國大統領ノ稱號ヲ用フベク且憲法議會ガ開催セラレ確定のニ右ノ任務ニ就クベキ者ヲ選舉スルニ至ル迄右任務ヲ遂行スベシ

第九十八條

右議會ハ之ヲ構成スル議員及選舉又ハ命令ニ依リ選舉セラルルコトアルベキ議員ト共ニ四年間即チ明

年四月十五日ニ始マル本議會會期ノ全期中存續スベシ

第九十九條

第四條第二項ニ定メラレタル一般の規則ニ拘ラズ國ガ其ノ獨立ノ爲ニ奮闘スルコトヲ要スル期間中ニ於テハ政府ハ豫見セラレザリシ事件ヨリ生ズルコトアルベキ法律ノ規定セザル如何ナル問題及困難ヲモ議會ノ閉會ノ際命令ニ依リテ決定スルノ權限ヲ本憲法ニ依リテ有ス右命令ハ常設委員會及第一回會合ノ際議會ニ通報セラルルコトヲ得

第一百條

第三編第五條ノ實施ハ立法議會ノ開催ニ至ル迄本憲法ニ依リ停止セラル其ノ間「フィリッピン」僧侶ノ宗教的儀式ヲ必要トスルコトアルベキ地ノ自治團體ハ右僧侶ノ生計ノ爲ノ備ヲ爲スベシ

第一百一條

第六十二條及第六十三條ノ規定ニ拘ラズ共和國大統領ニ依リ議會ニ返付セラレタル法律ハ翌年ノ議會會期ニ至ル迄再通過セシメラルルコトナカルベク大統領及內閣會議ハ停止ニ付責ニ任ズルモノトス右ノ條件ニ從ヒ再通過シタルトキハ右法律ノ公布ハ十日以内ニ義務的タルニ至ルベク大統領ハ右法律ニ對スル自己ノ不同意ヲ聲明スベシ

右法律ガ爾後ノ議會會期ニ於テ再通過セラレタルトキハ右法律ハ初メテ議決セラレタルモノト看做サルベシ

追加條

專政的政府ガ「カウイーテ」ニ於テ組織セラレタル日タル昨年五月二十四日ヨリ前記諸島ニ在ル宗教團體ニ依リ所有セラルル一切ノ建物、財産及他ノ附屬物ハ「フィリッピン」政府ニ返還セラレタルモノト了解セラルベシ

千八百九十九年一月二十日「バラツアイン」ニ於テ

議會議長

ベードロ、アー、バテールノ

長官 バープロ、テクソーン

長官 バープロ、オカンボ

THE MALOLOS CONSTITUTION, 1899.

111112

Sanctioned at Barasoain, January 20, 1899.

Presidency of the Revolutionary Government of the Philippines

DON EMILIO AGUINALDO Y FAMY, *President of the Revolutionary Government of the Philippines, and Captain-General and Commander in Chief of its Army*

Know all Philippine citizens : That the Assembly of Representatives of the nation, using its sovereign power, has decreed, and I have sanctioned the political Constitution of the State.

Therefore : I command all the military and civil authorities of any class or rank to keep it and cause it to be kept, complied with, and executed in all its parts, because it is the sovereign will of the Philippine people.

Done at Malolos on the 21st day of January in the year eighteen hundred and ninety-nine.

EMILIO AGUINALDO

The President of the Council :

APOLINARIO MABINI

WE, the representatives of the Philippine people, lawfully invoked, in order to establish justice, provide for common defense, promote general welfare, and insure the benefits of freedom, imploring the aid of the Sovereign Legislator of the Universe in order to attain these purposes, have voted, decreed, sanctioned the following :

POLITICAL CONSTITUTION

TITLE I

The Republic

ARTICLE 1. The political association of all the Filipinos constitutes a nation, the estate of which is denominated Philippine Republic.

ART. 2. The Philippine Republic is free and independent.

ART. 3. Sovereignty resides exclusively in the people.

TITLE II

The Government

ART. 4. The Government of the Republic is popular, representative, alternative and responsible, and is exercised by three distinct powers, which are denominated legislative, executive, and judicial. Two or more of these powers shall never be vested in one person or corporation ; neither shall the legislative power be vested in one individual alone.

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TITLE III

Religion

ART. 5. The State recognizes the equality of all religious worships and the separation of the Church and the State.

TITLE IV

The Filipinos and their National and Individual Rights

ART. 6. The following are Filipinos:

1. All persons born in Philippine territory. A vessel flying the Philippine flag shall, for this purpose, be considered a portion of the Philippine territory.
2. The offspring of a Filipino father and mother although born outside the Philippine territory.

3. Foreigners who have obtained certificates of naturalization.

4. Those who, without it, may have gained "vecindad" (residence) in any town of the Philippine territory.

It is understood that residence is gained by staying two years without interruption in one locality of the Philippine territory, having an open abode and known mode of living and contributing to all the charges of the nation.

The nationality of the Filipino is lost in accordance with the laws.

ART. 7. No Filipino or foreigner shall be arrested or imprisoned, except on account of crime, and in accordance with the laws.

ART. 8. Any person arrested shall be discharged or delivered over to the judicial authority within twenty-four hours following the arrest.

Any arrest shall be held without effect or shall be carried to commitment within seventy-two hours after the detained has been delivered over to a competent judge.

The party interested shall receive notice of the order which may be issued within the same time.

ART. 9. No Filipino shall be imprisoned except by virtue of the mandate issued by a competent judge.

The decree by which the mandate may be issued shall be ratified or confirmed, after having heard the presumed criminal within seventy-two hours following the act of commitment.

ART. 10. No one shall enter the domicile of a Filipino or foreign resident in the Philippines without his consent, except in urgent cases of fire, flood, earthquake, or other similar danger, or of unlawful aggression proceeding from within or in order to assist a person within calling for help.

Outside of these cases, the entrance in the domicile of a Filipino or foreign resident of the Philippines and the searching of his papers or effects can only be decreed by a competent

judge and executed during the day.

The searching of the papers and effects shall take place always in the presence of the party interested or of an individual of his family, or in their absence, of two resident witnesses of the same place.

Notwithstanding, when a delinquent may be found in *flagranti*, and pursued by the authority with its agents, may take refuge in his domicile, he may be followed into the same only for the purpose of apprehension.

If he should take refuge in the domicile of another, notification to the owner of the latter shall precede.

ART. 11. No Filipino shall be compelled to change his domicile or residence except by virtue of a final judgment.

ART. 12. In no case can correspondence confined to the post-office be detained or opened by the governing authority, nor can that of the telegraph or telephone be detained.

But, by virtue of a decree of a competent judge, any correspondence which may be conveyed by the post-office can be detained and also may be opened in the presence of the accused.

Art. 13. Any decree of imprisonment, of search of abode, or of detention of the correspondence written, telegraphed, or telephoned, shall be justified.

When the decree may fall short of this requisite, or when the motives on which it may be founded may be judicially declared unlawful or notoriously insufficient, the person who may have been imprisoned, or whose imprisonment may not have been ratified within the term prescribed in Art. 9, or whose domicile may have been forcibly entered, or whose correspondence may have been detained, shall have the right to demand the responsibilities which ensue.

ART. 14. No Filipino shall be prosecuted or sentenced, except by a judge or tribunal who, by virtue of the laws in force prior to the commission of the crime, has jurisdiction to take cognizance of the same, and in the form which the latter may prescribe.

ART. 15. Any person detained or imprisoned without the legal formalities, unless in the cases provided in this Constitution, shall be discharged upon their own petition or that of any Filipino.

The laws shall determine the form of proceeding summarily in this case, as well as the personal and pecuniary penalties incurred by him who may order, execute, or cause to be executed, the illegal detention or imprisonment.

ART. 16. No person shall be deprived temporarily or permanently of his property or rights, nor disturbed in the possession of them, unless by virtue of a judicial sentence.

Those functionaries who under any pretext infringe this provision shall be personally responsible for the damage caused.

ART. 17. No person shall be deprived of his property unless through necessity and common welfare, previously justified and declared by the proper authority, providing indemnity

to the owner previous to the deprivation.

ART. 18. No person shall be obliged to pay contribution which may not have been voted by the Assembly or by the public corporations legally authorized to impose it, and which ex-action has not been made in the form prescribed by law.

ART. 19. No Filipino who may be in the full enjoyment of his civil and political rights shall be hindered in the free exercise of the same.

ART. 20. Neither shall any Filipino be deprived of:

1. The right of expressing liberally his ideas and opinions either by word or by writing, availing himself of the press or of any other similar means.
2. The right of associating himself with all the objects of human life which may not be contrary to public morality; and, finally.
3. Of the right of direct petitions, individually or collectively, to the public powers and to the authorities.

The right of petition shall not be exercised through any class of armed force.

ART. 21. The exercise of the rights expressed in the preceding article shall be subject to the general provisions which regulate them.

ART. 22. Those crimes which are committed upon the occasion of the exercise of the rights granted in this title shall be punished by the tribunals in accordance with the common laws.

ART. 23. Any Filipino can found and maintain establishments of instruction or of educa-

tion, in accordance with the provisions which may be established.

Popular education shall be obligatory and gratuitous in the schools of the nation.

ART. 24. Any foreigner may establish himself liberally in the Philippine territory, subject to the provisions which regulate the matter, exercising therein his industry or devoting himself to any profession in the exercise of which the laws may not require diplomas of fitness issued by the national authorities.

ART. 25. No Filipino who is in the full enjoyment of his political and civil rights shall be hindered from going freely from the territory, nor from removing his residence or property to a foreign country, except the obligations of contributing to the military service and the maintenance of the public taxes.

ART. 26. A foreigner who has not been naturalized shall not exercise in the Philippines any office which may have attached to it authority or jurisdiction.

ART. 27. Every Filipino is obliged to defend the country with arms when he may be called upon by the laws, and to contribute to the expenses of the State (government) in proportion to his property.

ART. 28. The enumeration of the rights granted in this title does not imply the prohibition of any other not expressly delegated.

ART. 29. Previous authorization shall not be necessary for the prosecution of public functionaries before ordinary tribunals whatever may be the crime which they commit.

Superior mandate shall not exempt from responsibility in case of manifest infraction, clear

and determinate, of a constitutional provision. In the other cases it shall exempt only the agents who may not exercise the authority.

ART. 30. The guaranties provided in Articles 7, 8, 9, 10 and 11 and paragraphs 1 and 2 of the 20th Article shall not be suspended in the Republic nor any part of it, unless temporarily and by means of a law, when the security of the State shall demand it in extraordinary circumstances.

It being promulgated in the territory to which it may apply, the special law shall govern during the suspension according to the circumstances which demand it.

The latter as well as the former shall be voted in the national Assembly, and in case the Assembly may be closed the government is authorized to issue it in conjunction with the permanent commission without prejudice to convoking the former within the shortest time and giving them information of what may have been done.

But neither by the one nor the other law can there be suspended any other guaranties than those delegated in the first paragraph of this article nor authorizing the Government to banish from the country or transport any Filipino.

In no case can the military or civil chiefs establish any other penalty than that previously prescribed by the law.

ART. 31. In the Philippine Republic no person shall be tried by special laws nor special tribunals. No person shall have privileges nor enjoy emoluments except as compensation for services to the Republic and which are fixed by law. "*El fuero de guerra y marina*" (the

jurisdiction, privileges, and powers of army and navy) shall extend solely to the crimes and misdemeanors which may have intimate connection with the military and maritime discipline.

ART. 32. No Filipino shall establish "mayorazgos" or institutions "vinculadoras" (title of perpetual succession by eldest son or institutions entailed) of property, or accept honors, "condecoraciones" (insignia or decoration of orders) or titles of honor and nobility from foreign nations without the authorization of the Government.

Neither shall the Government establish the institutions mentioned in the preceding paragraph, nor grant honors "condecoraciones" or titles of honor and nobility to any Filipino.

Notwithstanding, the nation may reward by a special law, voted by the Assembly, eminent services which may be rendered by the citizens to their country.

TITLE V

Legislative Power

ART. 33. The legislative power shall be exercised by an Assembly of Representatives of the nation.

This Assembly shall be organized in the form and under the conditions determined by the law which may be issued to that effect.

ART. 34. The members of the Assembly shall represent the entire Nation, and not exclusively those who elect them.

ART. 35. No Representative shall be subjected to any imperative mandate of his electors.

ART. 36. The Assembly shall meet every year. It is the prerogative of the President of the Republic to convoke it, suspend and close its sessions and dissolve it, in concurrence with the same or with the permanent commission in its default, and within legal terms.

ART. 37. The Assembly shall be open at least three months each year, not including in this time that which is consumed in its organization.

The President of the Republic shall convoke it, at the latest, by the 15th of April.

ART. 38. In an extraordinary case he can convoke it outside of the legal period, with the concurrence of the permanent commission, and prolong the legislature, when the term does not exceed one month nor takes place more than twice in the same legislature.

ART. 39. The national Assembly, together with the extraordinary Representatives, shall form the constituents in order to proceed to the modification of the Constitution and to the election of the new President of the Republic, convoked at least one month previous to the termination of the powers of the former.

In the case of the death or of the resignation of the President of the Republic, the Assembly shall meet immediately by its own right and at the request of its President or of that of the permanent commission.

ART. 40. In the meantime while the appointment of the new President of the Republic proceeds, the President of the Supreme Court of Justice shall exercise his functions, his place being filled by one of the members of this tribunal, in accordance with the laws.

ART. 41. Any meeting of the Assembly which may be held outside of the ordinary

period of the legislature shall be null and void. That which is provided by Art. 39 is excepted, and in that the Assembly is constituted a tribunal of Justice, not being allowed to exercise in such case other than judicial functions.

ART. 42. The sessions of the Assembly shall be public. Notwithstanding, they can be made secret at the petition of a certain number of its individuals, fixed by the regulations, it being decided afterwards by an absolute majority of the votes of the members present whether or not the discussion of the same matter be continued in public.

ART. 43. The President of the Republic shall communicate with the Assembly by means of messages, which shall be read from the rostrum by a Secretary of the Government.

The Secretaries of the Government shall have a seat in the Assembly, with the right to the floor whenever they ask it, and may be represented in the discussion of any particular project by commissioners designated by decree of the President of the Republic.

ART. 44. The Assembly shall constitute itself a tribunal of justice in order to try the crimes committed against the security of the State by the President of the Republic and individuals of the Council of Government, by the President of the Supreme Court of Justice, by the Solicitor-General of the nation by means of a decree of the same, or of the permanent commission in its absence, or of the President of the Republic at the proposal of the Solicitor-General, or of the Council of the Government.

The laws shall determine the mode of procedure for the accusation, preparation for trial, and pardon.

ART. 45. No member of the Assembly shall be prosecuted or molested for the opinions which he may have expressed or for the votes which he may have cast in the exercise of his office.

ART. 46. No member of an Assembly shall be prosecuted in a criminal proceeding without previous authorization of the same or of the permanent commission, to whom shall immediately be given information of the act for proper disposition.

The arrest, detention, or apprehension of a member of the Assembly shall not take place without previous authorization of the same or of the permanent commission; but the Assembly having once been notified of the decree of arrest, it shall incur responsibility if, within two days following the notification, it does not authorize the arrest or gives reasons upon which its refusal is founded.

ART. 47. The national Assembly shall have, besides, the following powers:

1. To frame regulations for its interior government.
2. To examine the legality of the elections and the legal qualifications of the members elected.
3. Upon its organization to appoint its President, Vice-President, and Secretaries. While the Assembly has not been dissolved, its President, Vice-President, and Secretaries shall continue exercising their offices during the four legislatures; and
4. To accept the resignations presented by its members, and grant leaves of absence subject to the regulations.

ART. 48. No project shall become a law before being voted upon by the Assembly.

In order to pass the laws there shall be required in the Assembly at least a fourth part of the total number of members, whose elections may have been approved and who may have taken the oath of office.

ART. 49. No bill shall be approved by the Assembly without having been voted upon as a whole, and article by article.

ART. 50. The Assembly shall have the right of censure and each one of its members the right to be heard.

ART. 51. The introduction of laws belongs to the President of the Republic and to the Assembly.

ART. 52. A Representative of the Assembly who accepts from the government a pension, employment, or commission with a salary, shall be understood to have renounced his office.

The employment of the secretary of the government of the Republic and other offices prescribed in special laws are excepted from this provision.

ART. 53. The office of Representative shall be for a term of four years, and those who may exercise it have the right, by way of indemnity, according to the circumstances, to a sum determined by the law.

Those who may absent themselves during the whole legislature shall not be entitled to this indemnity, but will recover this right if they assist in those which follow.

TITLE VI

The Permanent Commission

ART. 54. The Assembly, before the closing of its sessions, shall elect seven of its members in order to constitute a permanent commission during the period of its being closed, the latter being obliged in its first session to designate a president and secretary.

ART. 55. The following are the functions of the permanent commission in the absence of the Assembly.

1. To declare whether or not there is sufficient reason to proceed against the President of the Republic, the Representatives, Secretaries of the Government, President of the Supreme Court of Justice, and the Solicitor-General in the cases provided by this Constitution.
 2. To convoke the Assembly to an extraordinary meeting in those cases in which it should constitute a tribunal of justice.
 3. To transact the business which may remain pending for consideration.
 4. To convoke the Assembly to extraordinary session when the exigency of the case may demand; and
 5. To substitute the Assembly in its functions in accordance with the Constitution, exception being made of the right to make and pass the laws.
- The permanent commission shall meet whenever it may be convoked by him who presides in accordance with this Constitution.

TITLE VII

The Executive Power

ART. 56. The executive power shall reside in the President of the Republic, who exercises it through his Secretaries.

ART. 57. The conduct of the interests peculiar to the towns, the provinces, and of the State corresponds respectively to the municipal assemblies, to the provincial assemblies, and to the active administration, with reference to laws, and upon the basis of the most ample "decentralization" (distribution) and administrative autonomy.

TITLE VIII

The President of the Republic

ART. 58. The President of the Republic shall be elected by an absolute majority of votes by the Assembly and the Representatives specially met in constitutive chamber..

His term of office shall be for four years and he shall be reeligible.

ART. 59. The President of the Republic shall have the proposal of the law as well as the members of the Assembly, and shall promulgate the laws when they have been passed and approved by the latter and shall watch over and insure their execution.

ART. 60. The power of causing the laws to be executed extends itself to all that which conduces the conservation of public order in the interior and the international security.

ART. 61. The President of the Republic shall promulgate the laws within twenty days following the time when they have been transmitted by the Assembly definitely approved.

ART. 62. If within this time they shall not have been promulgated, it shall devolve upon the President to return them to the Assembly with justification of the causes of their detention, proceeding in such case to their revision, and it shall not be considered that it insists upon them if it does not repass them by a vote of at least two-thirds of the members of the Assembly present. Repassing the law in the form indicated the Government shall promulgate it within ten days, causing its nonconformity to appear therein.

In the same manner the Government shall become obligated if it allows to pass the term of twenty days without returning the law to the Assembly.

ART. 63. When the promulgation of a law may have been declared urgent by a vote expressed by an absolute majority of the votes of the Assembly the President can call upon them by a message, stating his reasons for a new deliberation, which can not be denied, and the same law being approved anew, shall be promulgated within the legal term, without prejudice to the President's announcing his nonconformity.

ART. 64. The promulgation of the laws shall take place by means of their publication in the official periodical of the Republic and shall take effect after thirty days from the date of publication.

ART. 65. The President of the Republic shall have command of the army and navy, making and ratifying treaties of peace, with the previous concurrence of the Assembly.

ART. 66. Treaties of peace shall not be binding until passed by the Assembly:

ART. 67. In addition to the necessary powers for the execution of the laws, the President of the Republic shall have the following:

1. To confer civil and military employment with reference to the laws.
2. To appoint the Secretaries of the Government.
3. To direct diplomatic and commercial relations with foreign powers.
4. To see to it that speedy and complete justice is administered in the entire territory.
5. To pardon offenders in accordance with the laws, excepting the provision relative to the Secretaries of the Government.
6. To preside over national Assemblies and to receive the envoys and representatives of the foreign powers accredited to him.

ART. 68. The President of the Republic shall need the authority of a special law:

1. In order to alienate, cede, or exchange any part of the Philippine territory.
2. In order to annex any other territory to that of the Philippines.
3. In order to admit foreign troops into Philippine territory.
4. In order to ratify treaties of alliance, offensive and defensive; special treaties of commerce—those which stipulate to give subsidy to a foreign power—and all those which may bind individually the Filipinos.

In no case shall the secret articles of a treaty nullify those which are public.

5. In order to grant amnesties and general pardons.

6. In order to coin money.

ART. 69. The President of the Republic has the power to make regulations for the compliance and application of the laws in accordance with the requisites which the same prescribe.

ART. 70. The President of the Republic may, with the previous concurrence of a majority vote of the Representatives, dissolve the Assembly before the expiration of its legal term.

In this case they shall be convoked for new elections within a term of three months.

ART. 71. The President of the Republic shall only be responsible in cases of high treason.

ART. 72. The compensation of the President of the Republic shall be fixed by a special law, which can not be changed until the end of the presidential term of office.

TITLE IX

The Secretaries of the Government

ART. 73. The Council of the Government shall be composed of a President and seven Secretaries, who shall have charge of the offices of Foreign Affairs, Interior, Treasury, Army and Navy, Public Instruction, Public Communications and Works, Agriculture, Industry, and Commerce.

ART. 74. All that which the President may order or provide in the exercise of his authority shall be signed by the Secretary to whom it belongs. No public functionary shall comply with any order lacking this requisite.

ART. 75. The Secretaries of the Government are responsible jointly to the Assembly for

the general policy of the Government and individually for their personal acts.

The Solicitor-General of the nation shall prosecute and the Assembly shall judge them.

The laws shall determine the cases of responsibility of the Secretaries of the Government, the penalties to which they are subject, and the mode of procedure against them.

ART. 76. If they should be convicted by the Assembly, their pardon needs the previous petition of an absolute majority of the Representatives.

TITLE X

The Judicial Power

ART. 77. To the courts shall belong exclusively the power of applying the laws in civil and criminal cases in the name of the nation.

The same Code shall govern in the entire Republic without prejudice to certain modifications which for particular circumstances the laws may prescribe.

In them shall not be established more than one jurisdiction for all the citizens in ordinary trials, civil and criminal.

ART. 78. The courts shall not apply the general and municipal regulations except in so far as they conform with the laws.

ART. 79. The exercise of the judicial power resides in the Supreme Court of Justice and in the tribunals which are prescribed by the laws.

Their composition, organization, and other attributes shall be governed by the organic laws.

ART. 80. The President of the Supreme Court of Justice and the Solicitor-General shall be appointed by the national Assembly in concurrence with the President of the Republic and Secretaries of the Government, and shall be absolutely independent from executive and legislative departments.

ART. 81. Any citizen may institute a public prosecution against all the members of the Judicial Department for the crimes they may commit in the exercise of their office.

TITLE XI

Provincial and Municipal Assemblies

ART. 82. The organization and powers of the provincial and municipal assemblies will be regulated by their respective laws.

The latter shall be regulated according to the following principles:

1. Government and management of the private interests of the provinces or towns, by their respective corporations, the principle of popular and direct election being the basis for the organization of said corporations.
2. Publicity of their sessions within the limits prescribed by law.
3. Publications of the budgets, accounts, and important ordinances.
4. Intervention of the Government, and in the proper case by the national Assembly in order to prevent the provincial and municipal corporations from exceeding their powers, to the prejudice of general and individual interests.

5. Determination in their powers in matter of taxes, in order that the provincial and municipal taxation may never be antagonistic to the system of taxation of the State.

TITLE XII

The Administration of State

ART. 83. The Government shall present yearly to the Assembly budgets of income and expenses, setting forth the alterations made in those of the preceding year and inclosing the balance of the last fiscal year in accordance to law.

When the Assembly may meet the budgets shall be presented to it within ten days following its first meeting.

ART. 84. No payment shall be made except in accordance with the Appropriation Law or other special laws, in the form and under the responsibilities fixed thereby.

ART. 85. It is necessary that the Government be authorized by law in order to dispose of the goods and properties of the State or to secure a loan upon the credit of the nation.

ART. 86. The public debt which is contracted by the Government of the Republic in accordance with this Constitution shall be under the special guaranty of the nation.

No indebtedness shall be created unless at the same time the resources with which to pay it are voted.

ART. 87. All the laws relating to incomes, public expenditures, or public credit shall be considered as a part of those of the budgets, and shall be published as such.

ART. 88. The Assembly shall fix each year, at the recommendation of the President of the Republic, the military forces of land and sea.

TITLE XIII

Amendment to the Constitution

ART. 89. The Assembly, upon its own motion or at the proposal of the President of the Republic, may resolve to amend the Constitution, prescribing for the article or articles which should be modified.

ART. 90. The declaration made, the President of the Republic shall dissolve the Assembly and convene the constituent assembly which shall meet within three months following. In the notice of convocation shall be inserted the resolution referred to in the preceding article.

TITLE XIV

The Observance and Oath of the Constitution and the Languages

ART. 91. The President of the Republic, the Government, the Assembly, and all the Filipino citizens, shall faithfully keep the Constitution; and the legislative power, immediately after the approval of the Appropriation Law shall examine if the Constitution has been exactly observed and infractions have been corrected, providing that which is most practicable in order that the responsibility of the transgressors may be made effective.

ART. 92. Neither the President of the Republic nor any other public functionary shall enter upon the performance of his duty without previously taking the oath.

Such oath shall be taken by the President of the Republic before the national Assembly.

All other officials of the nation shall take it before the authorities determined by law.

ART. 93. The use of the languages spoken in the Philippines is optional. It can only be regulated by the law, and solely as to the acts of public authority and judicial affairs. For the purpose of those acts shall be used at present the Spanish language.

TRANSITORY PROVISIONS

ART. 94. In the meantime and without prejudice to the 48th article and the commissions which may have been appointed by the Assembly for the preparation of the organic laws, the development and application of the rights granted the Filipino citizens, and for the regime of the public powers determined by the Constitution, the laws in force in these Islands before their emancipation shall be considered as the laws of the Republic.

In like manner shall be considered in force: the provisions of the Civil Code in respect to marriage and civil registry, suspended by the Governor General of the Islands; the Instruction of the 26th of April, 1888, in order to carry into effect Articles 77, 78, 79 and 82 of said Code; the Law of Civil Registry of the 17th of June, 1870, referred to by Article 332 of the same, and the regulations of the 13th of December, 1870, for the execution of this law, without prejudice to the local chiefs continuing in charge of the entries in the civil registry and

intervening in the celebration of the marriage of Catholics.

ART. 95. Pending the approval and enforcement of the laws referred to in the preceding article the provisions of the Spanish laws provisionally made effective by said article may be modified by special laws.

ART. 96. After promulgating the laws which the Assembly may approve in accordance with the 94th article, the Government of the Republic is authorized to issue the decrees and regulations necessary of the immediate formation of all the organizations of the State.

ART. 97. The President of the Revolutionary Government shall at once assume the title of President of the Republic, and shall exercise said office until the constituent assembly meets and elects the person who is to fill said office definitely.

ART. 98. This Congress, with the members who compose it, and those who may be returned by election or decree, shall continue four years—that is to say, the whole of the present legislature, beginning the 15th of April of next year.

ART. 99. Notwithstanding the general rule established in the 2nd paragraph of the 4th article, during the time the country may have to struggle for its independence, the Government is hereby authorized to determine, at the close of Congress, whatever questions and difficulties, not provided for by law, may arise from unforeseen events, by means of decrees, which may be communicated to the permanent commission and to the Assembly on its first meeting.

ART. 100. The execution of the 5th article of title 3 is hereby suspended until the meeting of the constituent assembly.

In the meantime, the municipalities of those places which may require the spiritual services of a Filipino priest shall provide for his maintenance.

ART. 101. Notwithstanding the provisions of Arts. 62 and 63, the laws returned by the President of the Republic to Congress shall not be repassed until the legislature of the following year, the President and his Council of Government being responsible for the suspension. Having repassed according to these conditions, its promulgation becomes obligatory within ten days, the President stating his nonconformity thereto.

If it should be repassed in subsequent legislatures, it will be considered as being voted for the first time.

Additional Article. From the 24th of May last, on which date the dictatorial government was organized in Cavite, all the buildings, properties, and other belongings possessed by the religious corporations in these Islands shall be understood as restored to the Filipino Government.

Barasain, January 20, 1899.

The President of the Congress

PEDRO A. PATERNO

The Secretaries:

PABLO TECSON

PABLO OCAMPO

附錄五

「フィリッピン」憲法(假譯)

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千九百三十五年二月八日「マニラ」市ニ於ケル「フィリッピン」憲
法會議ニ於テ採擇
同 年三月二十三日米國大統領裁可

- 第十四條 修正
- 第十五條 過渡的規定
- 第十六條 「フィリッピン」ノ獨立ノ公布ト共ニ效力ヲ生ズル特別規定
- 第十七條 聯邦ト共和國
- 憲法附屬ノ命令

「フィリッピン」人民ハ正義、自由及民主主義ノ政體ノ下ニ其ノ理想ヲ實現シ、國民ノ世襲財産ヲ保存開發シ、一般ノ福祉ヲ増進シ竝ニ自己及其ノ子孫ニ對シ獨立ノ幸福ヲ保障スル政府ヲ樹立センガ爲天祐ヲ祈願シツツ本憲法ヲ制定シ之ヲ發布ス

第一條 國土

第一節

「フィリッピン」ハ千八百九十八年十二月十日合衆國「スペイン」國間ニ締結セラレタル「パリ」條約ニ依リ合衆國ニ讓渡セラレ右條約第三條ニ境界ノ規定セララルル一切ノ地域、千九百年十一月七日「ワシントン」ニ於テ合衆國「スペイン」國間ニ締結セラレタル條約及千九百三十年一月二日合衆國「グレート、ブリテン」國間ニ締結セラレタル條約ノ中ニ包含セララルル一切ノ島嶼竝ニ現「フィリッピン」諸島政府ガ管轄權ヲ行使シツツアル一切ノ地域ヨリ成ル

第二條 原則ノ宣言

第一節

「フィリッピン」ハ共和國ナリ主權ハ人民ニ存シ政府ノ一切ノ權能ハ人民ヨリ發ス

第二節

國防ハ政府ノ主要ナル任務ニシテ此ノ任務ノ遂行ノ爲ニハ一切ノ市民ハ文武ノ公役ニ服スルコトヲ法律ヲ以テ要求セララルルコトアルベシ

第三節

「フィリッピン」ハ國策ノ具トシテノ戰爭ヲ拋棄シ一般ニ承認セラレ居ル國際法上ノ原則ヲ國法ノ一部トシテ採用ス

第四節

市民トシテノ能力ヲ得シムル爲ノ青年ノ養育ニ關スル兩親ノ當然ノ權利及義務ハ政府ノ援助及支持ヲ受クベシ

第五節

一切ノ人民ノ福祉及經濟的安定ヲ確保スル爲ノ社會的正義ノ助長ハ國ノ關心事タルベシ

第三條 民權要綱

第一節

- (一) 何人ト雖モ正當ナル法律上ノ手續ヲ經ズシテ生命、自由又ハ財産ヲ剝奪セララルルコトナカルベク又何人ト雖モ法律ノ均等ナル保護ヲ拒否セララルルコトナカルベシ
- (二) 私有財産ハ適當ノ代價ナクシテハ公用トシテ沒收セララルルコトナカルベシ
- (三) 不當ノ捜査及差押ニ對シ自己ノ身體、家屋、文書及家財ガ安全ナルノ人民ノ權利ハ侵サルルコトナカルベク又原告及其ノ提供スル證人ヲ宣誓又ハ誓言ヲ爲サシメテ取調べタル後ニ於テ裁判官ガ嫌疑充分ナリト思考スル原因ニ基クニ非ザレバ逮捕狀ハ發セララルルコトナカルベシ逮捕狀ニハ捜査場所及逮捕セララルベキ又ハ差押ヘラルベキ物ヲ特ニ明記スベシ
- (四) 法律ノ定ムル範圍内ニ於ケル居住及住居變更ノ自由ハ毀損セララルルコトナカルベシ
- (五) 通信及信書ノ祕密ハ裁判所ノ合法的命令ニ依ルカ又ハ公ノ安寧及秩序ノ爲別段ノ必要アル場合ヲ除クノ外侵サルルコトナカルベシ
- (六) 法律ニ違反セザル目的ノ爲組合又ハ結社ヲ組織スルノ權利ハ剝奪セララルルコトナカルベシ
- (七) 宗教ノ創立ニ關スル又ハ宗教ノ自由ナル實行ヲ禁止スル法律ハ制定セララルルコトナカルベク又宗教的職業及禮拜ノ自由ナル從事及享樂ハ差別又ハ優先權ナクシテ永久ニ許容セララルベシ市民權又ハ政治的權利ノ行使ニ付テハ何等ノ宗教上ノ宣誓ヲモ要スルコトナカルベシ
- (八) 言論若ハ出版ノ自由又ハ平穩ニ集合シテ不法ヲ匡救スルコトヲ政府ニ請願スルノ權利ヲ剝奪スル

法律ハ制定セララルルコトナカルベシ

- (九) 貴族ノ稱號ヲ付與スル法律ハ制定セララルルコトナカルベク又利得又ハ信用ヲ伴フ職ニ在ル者ハ何人ト雖モ國民議會ノ同意アルニ非ザレバ外國ヨリ如何ナル贈與、報酬、公職又ハ如何ナル種類ノ稱號ヲモ受クルコトヲ得ズ
- (十) 契約上ノ義務ヲ毀損スル法律ハ可決セララルルコトナカルベシ
- (十一) 遡及的 (ex post facto) 法律又ハ民權及財産剝奪法ハ制定セララルルコトナカルベシ
- (十二) 何人ト雖モ負債ノ故又ハ人頭税不拂ノ故ヲ以テ投獄セララルルコトナカルベシ
- (十三) 意思ニ反スル服役ハ如何ナル形式ノモノタルヲ問ハズ存在スルコトナカルベシ但シ當事者ノ適法ニ有罪ト判決セラレタル犯罪ニ對スル刑罰トシテノ場合ハ此ノ限ニ在ラズ
- (十四) 人身保護令狀 (writ of habeas corpus) ノ特權ハ停止セララルルコトナカルベシ但シ公安上右停止ヲ必要トスル侵入、叛逆又ハ叛亂ノ場合ハ此ノ限ニ在ラズ右事件ノ何レニ於テモ其ノ期間中ニ於テ右停止ノ必要存スル場合ニハ常ニ右特權ハ之ヲ停止スルコトヲ得
- (十五) 何人ト雖モ正當ナル法律上ノ手續ヲ經ズシテハ刑事上ノ犯罪ニ付責任アリト判決セララルルコトナカルベシ
- (十六) 有罪ノ證據歴然タル死罪ノ被告人ヲ除クノ外何人ト雖モ有罪ノ判決前ニ於テハ充分ノ保證金ヲ以

ヲ保釋ヲ受クルコトヲ得過分ノ保釋金ハ要求セラルルコトナカルベシ

(七) 一切ノ刑事訴追ニ於テハ被告人ハ反對事實ガ證明セラレザル限り無罪ナリト推定セラルベク又自ラ及辯護人ヲ用ヒテ審理ヲ受ケ、自己ニ對スル訴追ノ性質及理由ノ通知ヲ受ケ、迅速且公開ノ公判ヲ受ケ、證人ト對面シ竝ニ自己ノ爲ニスル證人ノ出廷ヲ確保スル爲ノ強制的召喚命令ノ發出ヲ受クルノ權利ヲ享有スベシ

(六) 何人ト雖モ自己ニ不利益ナル證人タルコトヲ強要セラルルコトナカルベシ

(五) 過分ノ罰金ハ課セラルルコトナカルベク又殘酷ニシテ異常ナル刑罰ハ課セラルルコトナカルベシ

(四) 何人ト雖モ同一ノ犯罪ニ付再ビ處罰セラルルコトナカルベシ一ノ行爲ガ法律及命令ニ依リ罰セラレタルトキハ其ノ何レカノ一方ニ基ク有罪判決又ハ免訴ハ同一ノ行爲ニ付テノ他ノ訴追ヲ不能ナラシムベシ

(三) 何人ト雖モ貧窮ヲ理由トシテ裁判所ニ於ケル自由ノ訴訟ヲ拒マルルコトナカルベシ

第四條 市民權

第一節

左ノ者ヲ「フィリッピン」市民トス

(一) 本憲法採擇ノ時ニ「フィリッピン」市民タル者

(二) 「フィリッピン」諸島ニ於テ外國人タル父母ノ間ニ出生シタル者ニシテ本憲法採擇前ニ「フィリッピン」諸島ニ於テ公職ニ選任セラレタルモノ

(三) 父ガ「フィリッピン」市民タル者

(四) 母ガ「フィリッピン」市民タル者ニシテ成年ニ達シタル際「フィリッピン」市民タルコトヲ採擇シタルモノ

(五) 法律ニ從ヒ歸化シタル者

第二節

「フィリッピン」市民權ハ法律ノ定ムル方法ニ依リ之ヲ喪失シ又ハ再取得スルコトヲ得

第五條 選舉權

第一節

選舉權ハ法律ガ別段ニ無資格トセザル男子タル「フィリッピン」市民ニシテ年齡二十一歲以上、讀ミ書ヲ爲スコトヲ得且「フィリッピン」ニ一年間及其ノ投票ヲ爲サントスル市町村内ニ選舉直前少クトモ六月間居住シタルモノニ依リ行使セラルルコトヲ得國民議會ハ婦人ニ選舉權ヲ付與スル爲本憲法ノ採擇後二年以内ニ於テ行ハルベキ人民投票ニ於テ必要ナル資格ヲ有スル三十萬人以上ノ女子ガ本問題ニ付贊成投票ヲ爲シタル場合ニハ女子ニモ選舉權ヲ付與スベシ

第六條 立法部

第一節

立法權ハ國民議會ニ付與セラレベシ國民議會議員ハ百二十名ヲ超ユルコトナク、三年毎ニ選舉セラレ且成ルベク夫々ノ住民ノ數ニ應ジテ各州ニ割當テラルベシ但シ各州ハ少クトモ一名ノ議員ヲ有スベシ國民議會ハ人口調査毎ノ報告後三年以内ニ法律ヲ以テ割當ヲ行フベク他ノ方法ヲ以テ行フコトナカルベシ右割當ノ行ハルル迄ハ國民議會ハ九十八名ノ議員ヨリ成ルベク其ノ内八十七名ハ現在法律ノ規定スル選舉區ヨリ、三名ハ「マウンテン」州ヨリ又他ノ現存ノ八特別州ヨリハ一名ヅツ選舉セラレベシ「スルー」、「ラナオ」及「コタバト」ノ各州ニ於テハ國民議會議員ハ法律ノ定ムル所ニ從ヒ選舉セラレベク他ノ一切ノ州ニ於テハ各州ニ於ケル有資格選舉人ニ依リ選舉セラレベシ

第二節

何人ト雖モ「フリッピン」市民タルコト五年ニ及ビ、年齢三十歳以上ニシテ其ノ選舉ノ當時有資格選舉人タリ且其ノ選舉ノ直前一年以上其ノ選舉セラル州ノ居住者タリシ者ニ非ザレバ國民議會ノ議員タルコトヲ得ズ

第三節

(一) 國民議會ニ關員アル場合ニ於テハ法律ノ定ムル方法ニ依リ當該選舉區ニ於テ特別選舉ヲ行フコト

ヲ得但シ右ニ依リ選舉セラレタル議員ハ殘存期間ノミヲ其ノ任期トス

(二) 國民議會ノ選舉ハ法律ニ依リ定メラルル期日ニ於テ行ハルベシ

(三) 國民議會ハ法律ニ依リ他ノ期日ガ定メラザル限り議員ノ選舉ノ行ハレタル月ノ翌月ノ第二月曜日ニ於テ毎年一回通常會期ヲ開催スベシ大統領ハ一般法令又ハ單ニ大統領ノ指定スルコトアルベキ問題ヲ審議スル爲何時ニテモ特別會期トシテ國民議會ヲ招集スルコトヲ得特別會期ハ三十日ヲ超エ繼續スルコトナカルベク又通常會期ハ百日ヲ超エ繼續スルコトナカルベシ但シ何レモ日曜ヲ除クモノトス

(四) 國民議會ハ其ノ議長、一名ノ書記官、一名ノ守衛其ノ他必要ナル職員ヲ選任スベシ全議員ノ過半數ハ事務執行ノ定足數ヲ構成ス但シ議員數ガ右定足數ニ滿タザルトキハ連日議事ヲ延期スルコトヲ得ベク又國民議會ノ定ムル方法及罰則ノ下ニ闕席議員ノ出席ヲ強要スルコトヲ得

(五) 國民議會ハ其ノ議事規則ヲ定メ、秩序ヲ亂ス行爲ニ對シ議員ヲ罰シ及三分ノ二ノ同意ヲ得テ議員ヲ除名スルコトヲ得國民議會ハ其ノ議事日誌ヲ保存スベク且秘密ヲ要スト認ムル部分ヲ除クノ外時時之ヲ公表スベシ如何ナル問題ニ對スル贊成投票者及不贊成投票者モ出席議員ノ五分ノ一ノ要求アル場合ニハ之ヲ議事日誌ニ記入スベシ

第四節

大審院長ノ指名スル三名ノ大審院判事及國民議會ノ選定スル六名ノ議員ヨリ成ル選舉委員會ハ設置セラルベシ右六名ノ議員中三名ハ議會ニ於テ最多數ノ表決權ヲ有スル黨ニ依リ指名セラレ又三名ハ第二位ノ多數ノ表決權ヲ有スル黨ニ依リ指名セラレベシ右委員會ニ於ケル最古參判事ハ其ノ委員長タルベシ選舉委員會ハ國民議會ノ議員ノ選舉、當選報告及資格ニ關スル一切ノ紛争ノ唯一ノ判決者タルベシ

第五節

國民議會ノ議員ハ法律ニ別段ノ規定ナキ限り五千「ペソ」ノ歳費ヲ受クベシ右各歳費ハ日當其ノ他ノ給與又ハ手當ヲ含ミ國民議會ノ會議ニ出席スル際ノ各自ノ選舉區ヨリノ往復旅費ノミハ之ヲ含マザルモノトス右歳費ノ増額ハ之ガ裁可後ニ選舉セラレタル議員ノ全任期ノ滿了迄ハ實施セラレザルベシ國民議會ノ議長ハ法律ニ別段ノ規定ガ設ケラルルニ至ル迄ハ一萬六千「ペソ」ノ歳費ヲ受クベシ

第六節

國民議會ノ議員ハ反逆罪、重罪及治安紊亂ノ場合以外ノ一切ノ場合ニ於テハ國民議會ノ會議ニ出席中及國民議會ヘノ往復ノ途次ニ於テ逮捕セラレザルノ特權ヲ有スベク又議會ニ於ケル如何ナル演説又ハ討議ニ付テモ議會以外ノ場所ニ於テ質問セララルコトナカルベシ

第七節

國民議會ハ議會ニ於ケル政黨ノ比例代表ヲ基礎トシテ議員中ヨリ夫々二十一名ノ委員ヨリ成ル任命委

員會及彈劾委員會ヲ選舉スベシ右委員會ハ、議長ノ選舉ト共ニ議會ガ組織セラレタル後三十日以内ニ構成セラルベク又本憲法ニ於テ右委員會ニ付與セラレタル權能及職務ヲ遂行スル爲夫々ノ委員長又ハ委員ノ過半数ノ招集ニ依リ議會ノ開會中ニ於テノミ開催セララルベシ

第八節

(一) 國民議會ノ議員ハ其ノ議席ヲ喪失スルコトナクシテハ政府ノ他ノ官職又ハ雇傭ニ就クコトヲ得ズ議員ハ又其ノ國民議會ノ議員タル間ニ創設セラレ又ハ給與ノ増加セラレタル如何ナル行政上ノ官職ニモ自己ノ任期中ニ任命セララルコトナカルベシ

(二) 國民議會ノ議員ハ政府又ハ政府ノ何レノ機關若ハ代理機關トノ契約或ハ其ノ任期中ニ國民議會ニ依リ許與セラレタル何レノ特許又ハ特權ニモ財政的ニ直接又ハ間接ニ關係ヲ有スルコトナカルベシ議員ハ選舉委員會ニ於テ或ハ政府又ハ政府ノ機關若ハ代理機關ガ相手方當事者タル民事事件ノ裁判所ニ於テ辯護人トシテ出頭スルコトナカルベク又行政訴訟手續ニ關シ又ハ政府ノ官吏若ハ雇傭人ガ其ノ職務ニ關聯シテ犯セル犯罪ニ付起訴セラレタル刑事事件ニ關シ裁判所ニ出頭スルコトニ對シ報酬ヲ徵收スルコトナカルベシ國民議會ノ任命委員會ノ委員ハ大審院ヨリ下級ノ裁判所ニ於テ辯護人トシテ出頭スルコトナカルベシ

第九節

(一) 大統領ハ國民議會ノ各通常會期ノ開始期日ヨリ十五日以内ニ一般振當法案ノ基礎タルベキ收支豫算書ヲ提出スベシ國民議會ハ國民議會及司法部ノ爲ノ振當ヲ除クノ外豫算書ニ明記セラレタル政府ノ事務遂行ノ爲大統領ガ勸告セル振當ヲ増加スルコトヲ得ズ豫算書ノ形式及其ノ掲グベキ參考事項ハ法律ニ依リ規定セラレベシ

(二) 法案中ノ或特定ノ振當ニ特ニ關係アルモノニ非ザレバ如何ナル規定又ハ法令モ一般振當ニ包含セラルルコトナカルベシ又右ノ規定又ハ法令ハ其ノ效力ニ付テハ右振當ノミニ局限セラレベシ

第十節

各省ノ長官ハ其ノ發意又ハ國民議會ノ要求ニ基キ議會ニ出席シテ自省ノ所管事項ニ關シ意見ヲ開陳スルコトヲ得但シ公共ノ利益上右意見ヲ開陳セザルコトヲ必要トシ且大統領ニ於テ其ノ旨ヲ書面ニ依リ述ベタル場合ニハ此ノ限ニ在ラズ

第十一節

(一) 國民議會ヲ通過セル一切ノ法案ハ法律ト爲ルニ先チ大統領ニ提出セラレベシ大統領ハ右法案ヲ裁可スル場合ニハ之ニ署名スベク又裁可セザル場合ニハ其ノ反對理由ヲ具シテ之ヲ國民議會ニ返付スベク國民議會ハ其ノ議事日誌中ニ反對理由ヲ詳細ニ記載シ且右法案ヲ再審議スベシ再審議ノ後國民議會全議員ノ三分ノ二ガ右法案ノ通過ニ同意スルニ於テハ該法案ハ法律ト爲ルベシ右ノ如キ場合ニ

於テハ國民議會ノ表決ハ贊否ノ投票ニ依リテ決セラレベク又贊成又ハ反對ノ投票ヲ爲セル議員ノ氏名ハ議事日誌ニ記載セラレベシ法案が大統領ニ提出セラレタル後二十日以内(日曜日ヲ除ク)ニ大統領ガ本憲法ノ定ムル所ニ從ヒ之ヲ返付セザル場合ニハ右法案ハ大統領ガ之ニ署名シタルト同様ニ法律ト爲ルベシ但シ國民議會ガ閉會ニ依リ右法案ノ返付ヲ妨ゲタル場合ニハ此ノ限ニ在ラズ此ノ場合ニ於テハ右法案ハ議會ノ閉會後三十日以内ニ大統領ニ依リ拒否セラレザル限り法律ト爲ルベシ

(二) 大統領ハ支途振當法案中ノ何レノ特定ノ一項目又ハ諸項目ヲモ拒否スルノ權能ヲ有スベシ但シ右拒否ハ大統領ノ反對セザル項目ニ影響ヲ及ボスコトナカルベシ支途振當法案中ノ規定ガ該法案ノ一又ハ二以上ノ項目ニ影響ヲ及ボス場合ニハ大統領ハ右規定ノ關スル特定ノ一項目又ハ諸項目ヲ同時ニ拒否スルコトナクシテハ右規定ヲ拒否スルコトヲ得ズ大統領ニ依リ反對セラレタル一項目又ハ諸項目ハ大統領ノ裁可ナクシテ國民議會ニ返付セラレタル法案ニ關シ本號ヨリ前ニ規定セラレタル方法ニ依ルニ非ザレバ效力ヲ生ズルコトナカルベシ拒否ガ前年度ノ政府ノ一般經費ノ支途振當法案中ノ可決濟總額ノ一割ヲ超過スル額ヲ振當ツル法案若ハ支途振當法案中ノ何レカノ項目ニ關スルカ又ハ公債増加ノ權限ヲ付與スル法案ニ關スル場合ニハ此等ノ法案ハ全議員ノ四分ノ三ノ同意アルニ非ザレバ法律ト爲ルコトナカルベシ

(三) 大統領ハ歲入法案又ハ關稅法案中ノ何レノ個個ノ一項目又ハ諸項目ヲモ拒否スルノ權能ヲ有スベ

ク又拒否セラレタル一項目又ハ諸項目ハ大統領ニ依リ拒否セラレタル法案ニ關シ規定セラレタル方法ニ依ルニ非ザレバ效力ヲ生ゼザルベシ

二七八

第十二節

- (一) 法律トシテ制定セララルベキ法案ハ一箇ヲ超ユル主題ヲ包含スルコトナカルベク該主題ハ右法案ノ標題ニ於テ表示セララルベシ
- (二) 如何ナル法案モ印刷セラレ且其ノ最終的形式ニ於ケル謄本ガ國民議會ノ該法案可決ノ少クトモ三曆日前ニ議員ニ提供セララルルニ非ザレバ通過セシメラレ又ハ法律ト爲ルコトナカルベシ但シ大統領ニ於テ右法案ヲ即時法律トシテ制定スルノ要アルコトヲ證明シタル場合ニハ此ノ限ニ在ラズ法案ノ最終議會終了スルトキハ其ノ修正ハ許サレザルベク又右法案ヲ最終的ニ可決スベキカ否カノ問題ハ最終議會後直ニ付議セラレ賛成投票者及不賛成投票者ハ議事日誌ニ掲載セララルベシ

第十三節

- (一) 特別ノ目的ノ爲賦課セラレタル租税ニ依ル一切ノ徵收金ハ特別基金トシテ取扱ハレ右目的ニノミ支出セララルベシ特別基金ヲ設定シタル目的ガ達成セラレ又ハ拋棄セラレタル場合ニ殘額アルトキハ該殘額ハ政府ノ一般基金ニ移サルベシ
- (二) 如何ナル金額モ法律ニ依リ定メラレタル振當ニ依ル場合ヲ除クノ外國庫ヨリ支出セララルコトナ

カルベシ

- (三) 公金又ハ公ノ財産ハ如何ナル宗派、教會、分派、宗派ノ施設又ハ宗教的組織ノ使用、利益又ハ支持ノ爲ニモ或ハ如何ナル僧侶、傳道師、牧師又ハ宗教的教師若ハ高位僧トシテノ他ノ教師若ハ高位僧ノ使用、利益若ハ支持ノ爲ニモ振當テラレ、流用セラレ又ハ使用セララルコトナカルベシ但シ右ノ僧侶、傳道師、牧師又ハ高位僧ガ軍隊又ハ刑事施設、孤兒院若ハ癩病保護院ニ配屬セシメラレ居ル場合ハ此ノ限ニ在ラズ

第十四節

- (一) 課税規則ハ一律タルベシ
- (二) 國民議會ハ其ノ定ムルコトアルベキ制限ニ從フノ條件ノ下ニ大統領ニ對シ關稅率、輸出入ノ割當並ニ噸稅及波止場使用料ヲ特定ノ範圍内ニ於テ決定スルノ權限ヲ法律ヲ以テ付與スルコトヲ得
- (三) 墓地、教會及教會附屬ノ牧師住宅又ハ修道院並ニ專ラ宗教的、慈善的又ハ教育的目的ニ使用セララル一切ノ土地、建築物及其ノ改善ハ租稅ヲ免除セララルベシ

第十五節

國民議會ハ全議員ノ三分ノ二ノ同意ヲ得ルトキハ專屬的ニ宣戰權ヲ有スベシ

第十六節

二七九

戰時又ハ他ノ國家的緊急時ニ於テハ國民議會ハ大統領ニ對シ宣言セラレタル國策ノ遂行ノ爲一定時間ニ付且議會ノ定ムルコトアルベキ制限ニ從フノ條件ノ下ニ法令ヲ公布スルノ權限ヲ法律ヲ以テ付與スルコトヲ得

第七條 行政部

第一節

行政權ハ「フィリッピン」大統領ニ付與セララルベシ

第二節

大統領ハ六年間在職スベク同一ノ任期ニ付選任セララル副大統領ト共ニ人民ノ直接投票ニ依リ選舉セララルベシ各州ノ投票検査員評議會ノ適法ニ認證セル大統領及副大統領ニ關スル選舉報告書ハ國民議會ニ送付セララルベシ右選舉報告書ヲ受領シタルトキハ國民議會ハ直ニ公開會議ヲ以テ投票ヲ計算シ大統領及副大統領ニ選舉セラレタル者ヲ公表スベシ夫々大統領及副大統領トシテノ最高票數ヲ獲得シタル者ガ當選者ト宣セララルベシ但シ二名以上ノ者ガ右何レカノ職ニ付同一且最多數ノ票數ヲ獲得シタル場合ニ於テハ國民議會ハ其ノ全議員ノ過半數ノ表決ニ依リ右ノ者ノ中一名ヲ大統領又ハ副大統領トシテ選舉スベシ

第三節

選舉資格ヲ有シ、四十歳以上ニシテ選舉ノ直前少クトモ十年間「フィリッピン」ニ居住シタル生來ノ「フィリッピン」市民タル者ニ非ザレバ何人ト雖モ大統領又ハ副大統領ノ職ニ選舉セララルコトナカルベシ

第四節

大統領ニ選舉セラレタル者ハ次期ハ再選セララルコトヲ得ズ又本憲法ニ規定セララル所ニ從ヒ大統領ノ職ヲ選舉ノ少クトモ一年前ニ繼承シタル副大統領又ハ他ノ者ハ右選舉ニ於テ大統領ノ職ニ選舉セララルノ資格ヲ有セザラルベシ

第五節

大統領及副大統領ノ選舉ハ六年毎ニ一回國民議會ノ定ムル期日ニ於テ執行セララルベシ

第六節

大統領及副大統領ノ任期ハ其ノ選舉後六年ノ滿了ニ次グ十二月三十日ノ正午ニ終了スベク又其ノ繼承者ノ任期ハ右ノ時刻ヨリ開始スベシ

第七節

大統領ノ任期ノ開始期トシテ定メラレタル時ニ於テ大統領當選者ガ死亡シ居ルトキハ副大統領當選者ガ大統領ト爲ラルベシ大統領ガ其ノ任期ノ開始期トシテ定メラレタル期日前ニ選舉セラレザリシカ又ハ

大統領當選者ガ資格ヲ具ヘザリシトキハ副大統領ハ大統領ガ資格ヲ具フルニ至ル迄大統領ノ職務ヲ代
行スベク又國民議會ハ大統領當選者又ハ副大統領當選者ガ資格ヲ具フルニ至ラザル場合ニ付法律ヲ以
テ規定ヲ設クルコトヲ得ベク且大統領ノ職務ヲ右ノ場合ニ代行スベキ者又ハ代行スベキ者ノ選出方法
ヲ宣言スベシ又右宣言セラレタル者ハ右ニ應ジ大統領又ハ副大統領ガ資格ヲ具フルニ至ル迄代行スベ
シ

第八節

大統領ハ其ノ職務ノ執行ヲ開始スルニ先チ左ノ宣誓又ハ誓言ヲ爲スベシ

「余ハ忠實ニ且良心ニ基キ、「フィリップ」大統領トシテ余ノ職責ヲ果シ、「フィリップ」ノ憲法
ヲ保持擁護シ、其ノ法令ヲ執行シ、各人ニ對シ正義ヲ行ヒ且國家ヘノ奉公ニ盡瘁スベキコトヲ茲ニ
嚴肅ニ誓フ（又ハ誓言スル）モノナリサレバ神ヨ願ハクバ加護ヲ垂レ給ヘ」（誓言ノ場合ニハ最後
ノ句ヲ略スベシ）

第九節

大統領ノ免職ノ場合又ハ其ノ死亡、辭職、若ハ右ノ職ニ屬スル權能及職務ノ執行不能ノ場合ニ於テハ
大統領ノ職ハ副大統領ニ移サルベク又國民議會ハ大統領及副大統領ノ免職、死亡、辭職又ハ職務ノ執
行不能ノ場合ニ關シ法律ヲ以テ規定ヲ設ケ且右ノ場合ニ大統領ノ職務ヲ何レノ官吏ガ代行スベキカラ

宣言スベク之ニ依リ右官吏ハ右不能ガ除去セララルカ又ハ大統領ガ選出セララルニ至ル迄代行スベシ

第十節

大統領ハ官邸ヲ有シ且法律ニ依リ定メラルベキ報酬ヲ受クベシ右報酬ハ大統領ノ選任期間中増加セラ
レ又ハ減少セララルコトナカルベシ大統領ハ右期間中政府又ハ其ノ機關若ハ代理機關ヨリ他ノ何等ノ
給與ヲモ受クルコトナカルベシ國民議會ガ別段ノ規定ヲ設クルニ至ル迄大統領ハ三萬「ペソ」ノ年俸ヲ
受クベシ副大統領ハ大統領ノ職務ヲ代行シ居ラザル場合ニハ法律ニ依リ別段ノ規定ノ設ケラルルニ至
ル迄一萬五千「ペソ」ノ年俸ヲ受クベシ

第十一節

- (一) 大統領ハ一切ノ行政各省、局又ハ事務所ヲ統轄シ、法令ニ依リ定メラルルコトアルベキ一切ノ地
方政廳ノ一般ノ監督ヲ爲シ且法令ガ忠實ニ執行セララルル様注意スベシ
- (二) 大統領ハ「フィリップ」ノ一切ノ軍隊ノ總司令官タルベク且必要アルトキハ不法ナル暴行、侵
略、叛亂若ハ謀反ヲ防止シ又ハ鎮壓スル爲右軍隊ヲ招集スルコトヲ得侵略、叛亂若ハ謀反又ハ其ノ
差迫レル危險ノ場合ニ於テ公ノ安寧上必要ナルトキハ大統領ハ人身保護令ノ特權ヲ停止シ又ハ「フィ
リップ」若ハ其ノ何レノ部分ヲモ戒嚴令ノ下ニ置クコトヲ得
- (三) 大統領ハ行政各省及局ノ長官、大佐ノ階級以上ノ陸軍士官、大佐若ハ中佐ノ階級以上ノ海軍及空

- 軍ノ士官、任命ニ關シ本憲法ニ別段ノ規定ナキ他ノ一切ノ官吏竝ニ法律ニ依リ大統領ガ任命權ヲ付與セラレ居ル者ヲ指名シ議會ノ任命委員會ノ同意ヲ得テ之ヲ任命スベシ但シ國民議會ハ法律ニ依リ右ヨリ下級ナル官吏ノ任命權ヲ大統領ノミ、裁判所又ハ各省長官ニ付與スルコトヲ得
- (四) 大統領ハ國民議會ノ休會中ニ於テ任命ヲ行フノ權能ヲ有スベシ但シ右任命ハ任命委員會ニ依リ否認セラルルニ至ル迄又ハ國民議會ノ次回ノ休會ニ至ル迄ニ限り有效ナルモノトス
- (五) 大統領ハ國ノ狀況ニ關シ時時國民議會ニ報告ヲ爲シ其ノ必要且便宜ナリト認ムル方策ヲ提示シテ議會ノ審議方ヲ勸告スベシ
- (六) 大統領ハ彈劾ノ場合ヲ除クノ外其ノ課スルヲ適當ナリト思考スル條件及制限ノ下ニ、一切ノ犯罪ニ付有罪ノ判決後ニ於テ執行猶豫、減刑及赦免ヲ許可シ竝ニ罰金及沒收ヲ免除スルノ權能ヲ有スベシ大統領ハ國民議會ノ同意ヲ得テ大赦ヲ行フノ權能ヲ有スベシ
- (七) 大統領ハ國民議會ノ全議員ノ過半数ノ協贊ヲ得テ條約ヲ締結スルノ權能ヲ有スベク又任命委員會ノ同意ヲ得テ大使、公使及領事ヲ任命スベシ大統領ハ適法ニ「フィリップ」政府ニ派遣セラレタル大使及公使ヲ接受スベシ

第十二節

- (一) 「フィリップ」現政府ノ行政各省ハ國民議會ガ別段ノ規定ヲ設クルニ至ル迄現在法令ニ依リ許サ

ルル所ニ從ヒ存續スベシ

- (二) 各省長官竝ニ局長又ハ事務所長及其ノ輔佐ハ在任中ニ於テハ如何ナル職業ニモ從事スルコトナカルベク又其ノ職務上ノ權能ニ依リ幾分ニテモ影響セララルコトアルベキ私企業ノ經營又ハ管理ニ直接タルト間接タルトヲ問ハズ干涉スルコトナカルベシ右ノ者ハ又直接タルト間接タルトヲ問ハズ政府又ハ其ノ機關若ハ代理機關トノ契約ニ財的利害關係ヲ有スルコトナカルベシ
- (三) 大統領ハ副大統領ヲ其ノ内閣ノ一員及行政省ノ長官トシテ任命スルコトヲ得

第八條 司法部

第一節

司法權ハ大審院及法律ニ依リ設置セララルコトアルベキ下級裁判所ニ付與セララルベシ

第二節

國民議會ハ各種ノ裁判所ノ管轄權ヲ明定シ、規定シ及割當ツルノ權能ヲ有スベシ但シ大使、公使及領事ニ關聯セル事件ニ對スル大審院ノ第一審管轄權ヲ大審院ヨリ奪フコト或ハ法令又ハ裁判所規則ノ定ムル所ニ從ヒ控訴、事件書類移送命令 (Certiorari) 及再審命令 (Writ of error) ノ場合ニ左記ノ事件ニ關スル下級裁判所ノ最終判決若ハ命令ヲ再審シ、修正シ、覆シ、變更シ又ハ確認スルノ大審院ノ管轄權ヲ奪フコトヲ得ズ

- (一) 條約、法律、命令、又ハ行政上ノ命令若ハ規則ガ憲法ニ合致スルカ否カ又ハ有效ナルカ否カガ問題ト爲リ居ル一切ノ事件
- (二) 租税、課金、評價、通行税又ハ此等ニ關聯シテ課セラレタル罰金ガ合法的ナルカ否カノ問題ヲ含ム一切ノ事件
- (三) 第一審裁判所ノ管轄權ガ問題ト爲リ居ル一切ノ事件
- (四) 科セラレタル刑罰ガ死刑又ハ終身懲役タル一切ノ刑事事件
- (五) 法律上ノ誤謬又ハ疑義ヲ含ム一切ノ事件

第三節

國民議會ガ別段ノ規定ヲ設クルニ至ル迄大審院ハ本憲法採擇ノ時ニ於テ「フィリッピン」諸島大審院ガ有シ且行使スルコトアルベキ第一審管轄權及控訴管轄權ヲ有スベシ大審院ノ第一審管轄權ハ大使、公使及領事ニ關係アル一切ノ訴訟事件ヲ包含スベシ

第四節

大審院ハ大審院長及之ヨリ下級ノ十名ノ判事ヨリ成リ法律ニ別段ノ規定ナキ限り全員ヲ以テ又ハ二部ニ分レテ開廷スルコトヲ得

第五節

大審院判事及下級裁判所ノ一切ノ判事ハ國民議會ノ任命委員會ノ同意ヲ經テ大統領ニ依リ任命セラレベシ

第六節

何人ト雖モ「フィリッピン」市民タルコト五年ニ及ビ、年齢少クトモ四十歳ニシテ「フィリッピン」ニ於テ十年以上記録裁判所 (Court of record) ノ判事タリシカ又ハ法律事務ニ從事シ居タリシ者ニ非ザレバ大審院判事ニ任命セララルコトヲ得ズ

第七節

特定ノ地方ニ對シ任命セラレタル判事ハ大審院ノ認許ナクシテハ他ノ地方ニ任命セラレ又ハ轉任セシメララルコトナカルベシ國民議會ハ法律ニ依リ下級裁判所ノ判事ノ住居ヲ定ムベシ

第八節

國民議會ハ下級裁判所ノ判事ノ資格ヲ定ムベシ但シ何人ト雖モ「フィリッピン」市民タリ且「フィリッピン」ニ於テ法律事務ニ從事スルコトヲ許サレタル者ニ非ザレバ右裁判所ノ判事ニ任命セララルコトヲ得ズ

第九節

大審院判事及下級裁判所ノ一切ノ判事ハ七十歳ニ達スルカ又ハ其ノ職務ヲ遂行シ能ハザルニ至ル迄ハ

其ノ行狀善良ナル限り其ノ職ヲ保持スベシ右判事ハ法律ニ依リ定メラルル報酬ヲ受クベク該報酬ハ其ノ在職中減額セラルルコトナカルベシ國民議會ガ別段ノ規定ヲ設クルニ至ル迄大審院長ハ一萬六千「ベソ」ノ年俸ヲ受クベク又各大審院判事ハ一萬五千「ベソ」ノ年俸ヲ受クベシ

第十節

條約又ハ法律ガ憲法ニ合致スルカ否カノ問題ヲ含ム一切ノ事件ハ大審院ニ依リ其ノ全員ノ出席ノ上審理判決セラルルベク又條約又ハ法律ハ大審院ノ全判事ノ三分ノ二ノ同意アルニ非ザレバ憲法違反ナリト判決セラルルコトヲ得ズ

第十一節

判決ヲ求ムル爲大審院ニ付託セラレタル事件ニ關スル大審院ノ結論ハ大審院ノ意見ヲ記載スル爲右事件ガ判事ニ割當テラルルニ先チ合議ノ上定メラルベシ決定ヲ下スコトニ不同意ナル判事ハ其ノ不同意ノ理由ヲ述ブベシ

第十二節

記録裁判所ハ判決ノ根據タル事實及法律ヲ判決中ニ明瞭ニ表示スルニ非ザレバ如何ナル判決ヲモ下スコトナカルベシ

第十三節

大審院ハ一切ノ裁判所ニ於ケル答辯、訴訟手續及裁判手續並ニ法律事務從事ノ許可ニ關スル規則ヲ公布スルノ權能ヲ有スベシ右規則ハ同一階級ノ一切ノ裁判所ニ對シテハ一律タルベク且右裁判所ノ重要ナル權能ヲ縮少シ、増加シ、又ハ修正スルコトナカルベシ答辯、訴訟手續及裁判手續ニ關スル現行法律ハ本憲法ニ依リ法律トシテハ廢止セラレ裁判所規則トシテ公布セラル但シ大審院ハ之ヲ變更シ及修正スルノ權能ヲ有スルモノトス國民議會ハ答辯、訴訟手續及裁判手續並ニ「フィリップス」ニ於ケル法律事務從事ノ許可ニ關スル規則ヲ廢止シ、變更シ、又ハ之ニ追補スルノ權能ヲ有スベシ

第九條 彈劾

第一節

大統領、副大統領、大審院判事及會計検査院長ハ罰セラルベキ憲法違反、反逆、贈收賄又ハ他ノ重大犯罪ニ對スル彈劾又ハ其ノ有罪判決ニ因リ免職セラルベシ

第二節

國民議會ノ彈劾委員會ハ國民議會議員ノ三分ノ二ノ表決ニ依リ獨占的ニ彈劾權ヲ有スベシ

第三節

國民議會ハ一切ノ彈劾ヲ審理スルノ權能ヲ獨占的ニ有スベシ議員ハ右目的ノ爲ニ會合スル場合ニハ宣誓又ハ誓言ヲ爲スベシ「フィリップス」大統領ガ審理ヲ受クル場合ニハ大審院長ニ於テ主宰スベシ何人

ト雖モ彈劾委員會ニ屬セザル全議員ノ四分ノ三ノ同意アルニ非ザレバ有罪ノ判決ヲ受クルコトナカルベシ

第四節

彈劾事件ノ判決ハ免職及「フリッピン」政府ノ下ニ於テ名譽、信用又ハ利得ヲ伴フ職ニ就キ且之ヲ享有スルノ資格ノ剝奪以上ニ及ブコトナカルベシ但シ有罪ノ決定ヲ受ケタル當事者ハ右ニ拘ラズ法律ニ從ヒ訴追セラレ、審理セラレ且罰セラルベシ

第十條 會計検査院

第一節

會計検査院長ノ指揮及統轄ノ下ニ於ケル會計検査院ハ設置セラルベシ會計検査院長ノ任期ハ十年トシ再任セラルルコトヲ得ズ會計検査院長ハ任命委員會ノ同意ヲ經テ大統領之ヲ任命シ法律ニ依リ定メラルベキ年俸ヲ受クベシ右年俸ハ其ノ在任中減額セラルルコトナカルベシ國民議會ガ別段ノ規定ヲ設クルニ至ル迄會計検査院長ハ一萬二千「ペソ」ノ年俸ヲ受クベシ

第二節

會計検査院長ハ如何ナル財源ヨリ入ルモノタルヲ問ハズ公債ノ發行ヨリ生ジタル信託基金ヲモ含メル歳入及收入ニ關スル一切ノ勘定ヲ審査シ、検査シ及決濟シ且政府又ハ其ノ州若ハ市町村ニ屬シ或ハ信

託トシテ此等ニ依リ保管セラレタル基金又ハ財産ノ一切ノ支出ヲ法律及行政規則ニ從ヒ検査スベシ會計検査院長ハ政府ノ一般計算書ヲ保持シ之ニ關スル證據書類ヲ保存スベシ基金又ハ財産ノ支出ニシテ自己ニ於テ反則、不必要、過度又ハ法外ナリト認ムルモノニ付關係行政官吏ノ注意ヲ喚起スルハ會計検査院長ノ職務トス會計検査院長ハ法律ニ依リ規定セラルルコトアルベキ他ノ職務ヲモ遂行スベシ

第三節

會計検査院長ノ決定ハ法律ニ依リ定メラレタル期間内ニ爲サルベシ右決定ニ關シテハ大統領ニ對シ訴願ヲ爲スコトヲ得大統領ノ決定ハ最終的ナリトス權利ヲ害セラレタル當事者ガ私人又ハ團體ナル場合ニハ會計検査院長ノ決定ニ對スル訴願ハ法律ニ依リ定メラレタル方法ニ依リ記録裁判所ニ直接提出セラルルコトヲ得

第四節

會計検査院長ハ政府ノ財政上ノ状態及運用ニ關スル年報並ニ必要ナルコトアルベキ他ノ報告ヲ大統領及國民議會ニ提出スベシ

第十一條 民政廳

第一節

政府ノ一切ノ部局及分課ヲ含ム民政廳ハ法律ヲ以テ規定セラルベシ民政廳ニ於ケル任命ハ政策ノ決定

ニ關スルモノ、本來秘密ヲ要スルモノ又ハ性質上高度ニ技術的ナルモノヲ除クノ外能ク限リ競争試験ニ依リ決定セラルベキ成績及適格度ニ從ヒ行ハルベシ

第二節

軍人ヲ含メル民政廳ノ官吏及雇傭人ハ直接又ハ間接ニ政黨的政治活動ニ從事シ又ハ投票ヲ除キ如何ナル選舉ニモ關與スルコトナカルベシ

第三節

政府ノ官吏又ハ雇傭人ハ法律ニ依リ特ニ許サレタルニ非ザレバ追加又ハ二重ノ俸給ヲ受クルコトナカルベシ

第四節

民政廳ノ官吏又ハ雇傭人ハ法律ニ依リ定メラレタル原因ニ基ク場合ヲ除クノ外免職セラレ又ハ休職ヲ命ゼラルルコトナカルベシ

第十二條 天然資源ノ保存及利用

第一節

「フィリッピン」ノ公有地ノ一切ノ農地、採木地及採鑛地、水、鑛物、石炭、石油及他ノ鑛油、潜在「エネルギー」ノ一切ノ力並ニ他ノ天然資源ハ國ニ屬シ其ノ處分、採取、開發又ハ利用ハ「フィリッピン」

市民又ハ資本ノ少クトモ六十「パーセント」ガ「フィリッピン」市民ニ依リ所有セラルル會社若ハ組合ニ局限セラルベシ但シ本憲法ニ基ク政府ノ創設ノ時ニ現存スル一切ノ權利、不動産權讓渡狀、借地權又ハ特惠ニハ服從スベキモノトス天然資源ハ公有農地ヲ除クノ外讓渡セラルルコトナカルベク又何レノ天然資源ノ採取、開發又ハ利用ニ關スル免許、特許權又ハ租借權モ二十五年ヲ超ユル期間ニ付許可セラルルコトナカルベシ右許可ハ更ニ二十五年ニ付更新セラルルコトヲ得但シ灌溉、給水、漁業又ハ水力開發以外ノ工業的用途ニ關スル水利權ニ關スルモノハ此ノ限ニ在ラズ此ノ場合ニ於テハ利益使用ヲ以テ許可ノ標準及限度トス

第二節

如何ナル私立會社又ハ組合ト雖モ千二十四ヘクタールヲ超ユル公有農地ヲ取得シ、租借シ又ハ保有スルコトヲ得ズ又如何ナル個人ト雖モ右土地ヲ購入ニ依リ百四十四ヘクタール、租借ニ依リ千二十四ヘクタール又ハ開墾地特別分讓 (Homestead) ニ依リ二十四ヘクタールヲ超エ取得スルコトヲ得ズ二千ヘクタールヲ超エザル牧畜ニ適セル地ハ之ヲ個人、私立會社又ハ組合ニ賃貸スルコトヲ得

第三節

國民議會ハ個人、會社又ハ組合ガ取得保有シ得ル私有農地ノ面積ヲ法律ヲ以テ決定スルコトヲ得但シ右法律ノ制定前ニ存スル權利ハ之ニ服從スベキモノトス

第四節

國民議會ハ小區劃ニ分割セラレ且實費ヲ以テ各個人ニ讓渡セラルベキ土地ヲ公正ナル補償ヲ支拂ヒテ收用シ得ルノ權限ヲ付與スルコトヲ得

二九四

第五節

相續ニ依ル繼承ノ場合ヲ除キ如何ナル私有農地ト雖モ「フィリッピン」ニ於テ公有地ニ屬スル土地ヲ取得シ又ハ保有スルノ資格ヲ有スル個人、會社、又ハ組合以外ニ對シ讓渡セラルルコトナカルベシ

第六節

國ハ國ノ安寧及防護ノ爲產業並ニ運輸及通信ノ機關ヲ創設經營シ且政府ニ依リ經營セラルベキ公益事業及他ノ私企業ヲ公正ナル補償ヲ支拂ヒテ公ノ所有ニ移スコトヲ得

第十三條 一般規定

第一節

「フィリッピン」ノ國旗ハ人民ニ依リ神聖視セラレ、尊敬セラレ且法律ニ依リ認めラレ居ル一箇ノ太陽及三箇ノ星ヲ配セル赤色、白色及青色トス

第二節

一切ノ官吏及軍人ハ憲法ヲ支持シ且之ヲ擁護スル旨ノ宣誓ヲ爲スベシ

第三節

國民議會ハ現存土語ノ一ヲ基礎トスル共通國語ノ發達及採用ニ資スル手段ヲ執ルベシ法律ガ別段ノ規定ヲ設クルニ至ル迄「イギリス」語及「スペイン」語ハ公用語トシテ存續スベシ

第四節

國ハ科學上ノ研究及發明ヲ助長スベシ美術及文藝ハ國ノ保護ヲ受クベシ著作物及發明ニ對スル獨占權ハ一定ノ期間内著作者及發明者ニ對シ確保セラルベシ

第五節

一切ノ教育機關ハ政府ノ監督及統制ノ下ニ置カルベシ政府ハ完全且充分ナル公衆教育制度ヲ確立維持シ且少クトモ公ノ無料初等教育及成年市民ニ對スル市民訓練ヲ施スベシ一切ノ學校ハ道德的人格、個人的紀律、市民の良心及職業的能率ヲ啓發スルコト並ニ市民タルニ付テノ義務ヲ教フルコトヲ目的トスベシ選擇的宗教教育ハ現在法令ニ依リ許サル所ニ從ヒ公立學校ニ於テ維持セラルベシ國ニ依リ設立セラレタル大學ハ學問ノ自由ヲ享有スベシ國ハ特ニ才能アル市民ノ爲ニ美術、科學及文藝ニ關スル獎學金ヲ設クベシ

第六節

國ハ勞働者殊ニ勞働ニ從事スル女子及年少者ニ對シ保護ヲ與フベク又地主ト借地人トノ間並ニ產業及

二九五

農業ニ於ケル勞資ノ間ノ關係ヲ調整スベシ國ハ強制的仲裁裁判ニ關シ規定ヲ設クルコトヲ得

第七節

國民議會ハ一般的法律ヲ以テスル場合ヲ除クノ外私立會社ノ設立、組織又ハ取締ニ關シ規定ヲ設クルコトナカルベシ但シ右會社ガ政府又ハ政府ノ機關若ハ代理機關ニ依リ所有セラレ又ハ管理セララル場合ハ此ノ限ニ在ラズ

第八節

公益事業ノ經營ニ關スル如何ナル特許、免狀又ハ他ノ如何ナル形式ノ許可ト雖モ「フィリッピン」市民又ハ「フィリッピン」ノ法律ニ基キ組織セラレタル會社若ハ他ノ團體ニシテ其ノ資本ノ六十「パーセン」ト「ガ」「フィリッピン」市民ニ依リ保有セララルモノニ對スル場合ヲ除クノ外付與セララルコトナカルベク又右ノ特許、免狀又ハ許可ハ性質上獨占的タルコト又ハ五十年ヲ超ユル期間ニ對スルモノタルコトナカルベシ如何ナル許可又ハ權利ト雖モ公益上必要アル場合ニハ國民議會ニ依リ修正セラレ、變更セラレ又ハ廢止セララルベシトノ條件ノ下ニ於テニ非ザレバ如何ナル個人、商社又ハ會社ニ對シテモ許與セララルコトナカルベシ

第九節

政府ハ公ノ秩序ヲ維持シ及法律ヲ施行スル爲國ノ警察隊ヲ組織シ且之ヲ維持スベシ

第十節

本憲法ハ「イギリス」語及「スペイン」語ニ依リ公式ニ公布セララルベシ但シ紛争アル場合ニハ「イギリス」語ノ本文ニ據ルベシ

第十四條 修正

第一節

國民議會ハ其ノ全議員ノ四分ノ三ノ表決ニ依リ本憲法ニ對スル修正ヲ提議シ又ハ右目的ノ爲會議ヲ召集スルコトヲ得右修正ハ該修正ガ人民ノ承認ヲ求ムル爲之ニ提出セララル選舉ニ於テ爲サレタル投票ノ過半数ニ依リ承認セラレタルトキハ本憲法ノ一部トシテ有效タルベシ

第十五條 過渡的規定

第一節

本憲法中ニ規定セララル官吏ノ第一回選舉及「フィリッピン」聯邦政府ノ創立ハ千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會法律第百二十七號ニ規定セララル所ニ從ヒ行ハルベシ

第二節

「フィリッピン」諸島ノ一切ノ法律ハ「フィリッピン」聯邦ノ創立ニ至ル迄引續キ效力ヲ有スベシ爾後右法律ハ本憲法ト矛盾セザル限り國民議會ニ依リ改變セラレ、變更セラレ、修正セラレ若ハ廢棄セララル

ニ至ル迄引續キ有效タルベク又右法律中ニ於テ「フィリッピン」政府又ハ「フィリッピン」官吏ト稱スルハ適用シ得ル限ニ於テ本憲法ノ下ニ於ケル政府及右官吏ニ該當スル官吏ヲ指スモノト解セラルベシ

第三節

本憲法採擇ノ時ニ現存スル一切ノ裁判所ハ本憲法ニ從ヒ法律ニ依リ別段ノ規定ガ設ケラルルニ至ル迄引續キ其ノ管轄權ヲ行使スベク又右裁判所ニ繫屬中ノ一切ノ民事及刑事ノ事件ハ當該時ニ實施中ノ法律ニ基キ審理セラレ、裁判セラレ且判決セラルベシ

第四節

「フィリッピン」諸島ノ現存政府ノ一切ノ官吏及雇傭人ハ國民議會ガ別段ノ規定ヲ設クルニ至ル迄引續キ在職スベシ但シ官吏ニシテ其ノ任命權ガ本憲法ニ依リ大統領ニ付與セラレ居ルモノハ其ノ後任者ノ任命ガ「フィリッピン」聯邦ノ創立ノ日ヨリ一年以内ニ爲サル場合ニハ右後任者ノ任命及資格具備ト共ニ各自ノ職ヲ退クベシ

第五節

「マウンティン」州ノ國民議會議員ハ法律ノ定ムル所ニ從ヒ選舉セラルベシ從前特殊ノ州ニ屬シ現在普通ノ州ノ一部ヲ構成スル市町村及市町村の地方ノ投票人ハ國民議會ノ議員ノ選舉ニ於テハ法律ニ依リ定メララルコトアルベキ地方ニ於テ投票スベシ

第六節

本憲法ノ規定ハ本條及第五條ニ掲ゲラルルモノ竝ニ本憲法ニ基キ選舉セラルベキ官吏ノ選舉及資格ニ關スルモノヲ除ク外「フィリッピン」聯邦ノ創立ニ至ル迄效力ヲ生ゼザルベシ

第十六條 「フィリッピン」ノ獨立公布ト共ニ效力ヲ生ズル特別規定

第一節

合衆國大統領ノ「フィリッピン」獨立承認ノ布告ト同時ニ

- (一) 合衆國及「フィリッピン」ノ財産權ハ速ニ調整解決セラルベク又合衆國ノ市民又ハ會社ノ一切ノ現存財産權ハ「フィリッピン」市民ノ財産權ト同一程度ニ承認セラレ、尊重セラレ且保護セラルベシ
- (二) 本憲法ニ基キ選舉セラレ且服務シ居ル官吏ハ「フィリッピン」自由獨立政府ノ憲法上ノ官吏ニシテ右政府ノ下ニ於テ直接選舉セラレタルト同様ニ一切ノ點ニ付職務執行ノ資格ヲ有スベク且本憲法ニ定メララル所ニ從ヒ全任期中服務スベシ
- (三) 「フィリッピン」、其ノ州、市町村及代理機關ノ負債竝ニ債務ニシテ合衆國ノ主權ノ最終的且完全ナル撤退ノ時ニ於テ有效ニ存在シ居ルモノハ「フィリッピン」自由獨立政府ニ依リ繼承セラルベシ又合衆國議會ノ法律ニ基キ「フィリッピン」諸島又ハ右諸島内ノ州若ハ市町村ニ依リ公債ガ發行セラレ居ル場合ニハ「フィリッピン」政府ハ元金及利子ノ支拂ノ爲ニ必要ナル基金ヲ充分準備スベク且右債務

ハ徵收セラルル一切ノ租税ニ對スル第一留置權ヲ構成スベシ

- (四) 「フィリッピン」政府ハ「フィリッピン」諸島ヲ合衆國ニ讓渡セル「スペイン」國トノ平和條約ニ基ク合衆國ノ一切ノ存續債務ヲ繼承スベシ

- (五) 「フィリッピン」政府ハ本條ノ前諸規定(但シ(二)ヲ除ク)ヲ合衆國トノ條約中ニ挿入スベシ

第十七條 聯邦ト共和國

第一節

本憲法ニ依リ設立セラルル政府ハ「フィリッピン」聯邦ト稱セラルベシ合衆國ノ主權ノ最終的且完全ナル撤退及「フィリッピン」ノ獨立ノ公布ト共ニ「フィリッピン」聯邦ハ爾後「フィリッピン」共和國ト稱セラルベシ

憲法附屬ノ命令

第一節

前記憲法ノ規定ニ拘ラズ「フィリッピン」ニ對スル合衆國ノ主權ノ最終的且完全ナル撤退アル迄

- (一) 「フィリッピン」ノ一切ノ市民ハ合衆國ニ對シ忠順ノ義務ヲ負フベシ
- (二) 「フィリッピン」聯邦政府ノ一切ノ官吏ハ其ノ職務ノ遂行ニ著手スルニ先チ合衆國ノ至上ノ權力ヲ

承認受諾シ之ニ對シ信義及忠順ヲ維持スベキ旨ヲ特ニ宣言セル就任宣誓ヲ爲シ且之ニ署名スベシ

- (三) 宗教心ニ對スル絕對的寛容ハ確保セラルベク且如何ナル住民又ハ宗教團體ト雖モ宗教的信仰又ハ禮拜形式ニ因リ身體又ハ財産ヲ毀損セラルルコトナカルベシ

- (四) 財産ニシテ合衆國ノ所有スルモノ、墓地、教會及教會附屬ノ牧師住宅又ハ修道院竝ニ専ラ宗教的、慈善的又ハ教育的目的ニ供セラルル一切ノ土地、建築物及其ノ改善ハ課税ヲ免ゼラルベシ

- (五) 「フィリッピン」ト合衆國トノ間ノ通商關係ハ千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會法律第二百二十七號第六條ニ定メラルル基礎ノ上ニ置カルベシ

- (六) 「フィリッピン」及其ノ從屬各省ノ公債ハ合衆國議會ニ依リ現在又ハ今後定メラルル限度ヲ超ユルコトナカルベク又合衆國大統領ノ裁可ナクシテハ如何ナル借款ト雖モ外國ニ於テ締結セラルルコトナカルベシ

- (七) 「フィリッピン」諸島ノ現政府、其ノ州、市町村及代理機關ノ負債、債務及義務ニシテ本憲法採擇ノ時ニ有效ニ存在スルモノハ「フィリッピン」聯邦政府ニ依リ繼承セラレ且支拂ハルベシ

- (八) 「フィリッピン」聯邦政府ハ主トシテ「イギリス」語ニ依リ授業セラルル適當ナル公立學校制度ヲ設ク且之ヲ維持スベシ

- (九) 通貨、鑄貨、輸入、輸出及移民ニ關スル法案ハ合衆國大統領ニ依リ裁可セラルルニ至ル迄ハ法律

ト爲ルコトナカルベシ

三〇二

- (十) 對外事務ハ合衆國ノ直接ノ監督及統轄ノ下ニ在ルベシ
- (九) 「フィリッピン」聯邦國民議會ニ依リ可決セラレタル法案ハ合衆國議會ニ報告セラルベシ
- (八) 「フィリッピン」ハ公共ノ用ニ供スル爲メ財產ヲ收用シ、「フィリッピン」ニ於テ軍用其ノ他ノ特別地域及武裝軍隊ヲ維持シ竝ニ「フィリッピン」聯邦政府ニ依リ組織セラレタル一切ノ軍隊ヲ合衆國大統領ノ命令アルトキ右武裝軍隊ニ編入シ得ルノ合衆國ノ權利ヲ承認ス
- (七) 「フィリッピン」ノ裁判所ノ決定ハ現在法律ヲ以テ規定セララルル所ニ從ヒ合衆國大審院ニ依ル再審理ニ付セララルベク且右再審理ハ「フィリッピン」憲法ニ關係アル一切ノ事件ニモ及ブベシ
- (六) 會計検査院長ノ決定ニ對スル訴願ハ合衆國大統領ニ提出セララルコトヲ得
- (五) 合衆國ハ「フィリッピン」聯邦政府ノ維持ノ爲、「フィリッピン」憲法ニ規定セララルル政府ノ維持ノ爲、生命、財産及個人ノ自由ノ保護ノ爲竝ニ右憲法ノ規定ニ基キ及之ニ依ル政府ノ義務ノ履行ノ爲干涉ヲ爲スノ權利ヲ大統領布告ヲ以テ行使スルコトヲ得
- (四) 千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會法律第二百二十七號ニ定メララル「フィリッピン」聯邦政府ニ派遣ノ合衆國高級委員ノ權能ハ本命令ニ依リ承認セラル
- (三) 合衆國ノ市民及會社ハ「フィリッピン」聯邦ニ於テ「フィリッピン」聯邦ノ市民及會社ノ一切ノ市民

權ヲ夫々享有スベシ

- (六) 「フィリッピン」憲法ニ對スル合法的ニ採擇セラレタル修正ハ裁可ヲ受クル爲メ合衆國大統領ニ提出セララルベシ大統領ニ於テ右修正ヲ裁可スルカ又ハ右提出ノ時ヨリ六月以内ニ右修正ヲ否認セザル場合ニ於テハ右修正ハ右憲法ノ一部分トシテ效力ヲ生ズベシ
- (五) 合衆國大統領ハ「フィリッピン」聯邦政府ノ何レカノ法律、契約又ハ執行命令ニシテ自己ニ於テ「フィリッピン」聯邦政府ガ其ノ契約ノ不履行、其ノ公債及該公債ノ利子ノ不拂若ハ其ノ減債基金ニ對スル無準備ニ終ルベシト認ムルモノ、「フィリッピン」ノ通貨ノ保護ノ爲メ準備金ヲ毀損スルノ虞アリト認メララルモノ又ハ自己ニ於テ合衆國ノ國際義務ニ違反スベシト認ムルモノノ效力發生又ハ施行ヲ停止スルノ權限ヲ有スベシ
- (四) 「フィリッピン」聯邦大統領ハ「フィリッピン」聯邦政府ノ活動及運用ニ關シ合衆國ノ大統領及議會ニ對シ毎年報告ヲ爲スベク且合衆國ノ大統領又ハ議會ノ要求スルコトアルベキ他ノ報告ヲ爲スベシ

第二節

「フィリッピン」ニ對スル合衆國ノ主權ノ最終的且完全ナル撤退アル迄ハ合衆國ニ派遣ノ常駐「フィリッピン」委員ヲ設ク右委員ハ「フィリッピン」聯邦大統領ニ依リ任命委員會ノ同意ヲ經テ任命セラルベシ右委員ノ權能及職務ハ千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會法律第二百二十七號第七

三〇三

條第五項所定ノ通ノモノ及「フィリッピン」國民議會ノ定ムルコトアルベキ他ノ職務トス右委員ノ資格、俸給及費用ハ法律ヲ以テ定メラルベシ

第三節

千九百三十四年三月二十四日ニ裁可セラレタル合衆國議會法律第二百二十七號ノ一切ノ他ノ規定ニシテ「フィリッピン」聯邦政府ニ對シ適用セラレ得ルモノハ本憲法附屬命令中ニ明白ニ挿入セラレタリシト同様本命令ニ依リ本附屬命令ノ一部ト爲サル

CONSTITUTION OF THE PHILIPPINES, 1935.

*Adopted by the Philippine Constitutional Convention at the City of Manila, February 8, 1935.
Approved by the President of the United States of America, March 23, 1935.*

SUMMARY

ARTICLE

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- XII. Conservation and Utilization of Natural Resources.
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The Filipino people, imploring the aid of Divine Providence, in order to establish a government that shall embody their ideals, conserve and develop the patrimony of the nation, promote the general welfare, and secure to themselves and their posterity the blessings of independence under a régime of justice, liberty, and democracy, do ordain and promulgate this Constitution.

ARTICLE I.—THE NATIONAL TERRITORY

SECTION 1. The Philippines comprises all the territory ceded to the United States by the treaty of Paris concluded between the United States and Spain on the tenth day of December, eighteen hundred and ninety-eight, the limits of which are set forth in Article III of said treaty, together with all the islands embraced in the treaty concluded at Washington, between

the United States and Spain on the seventh day of November, nineteen hundred, and in the treaty concluded between the United States and Great Britain on the second day of January, nineteen hundred and thirty, and all territory over which the present Government of the Philippine Islands exercises jurisdiction.

ARTICLE II.—DECLARATION OF PRINCIPLES

SECTION 1. The Philippines is a republican state. Sovereignty resides in the people and all government authority emanates from them.

SEC. 2. The defense of the State is a prime duty of government, and in the fulfillment of this duty, all citizens may be required by law to render personal military or civil service.

SEC. 3. The Philippines renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the Nation.

SEC. 4. The natural right and duty of parents in the rearing of the youth for civic efficiency should receive the aid and support of the Government.

SEC. 5. The promotion of social justice to insure the wellbeing and economic security of all the people should be the concern of the State.

ARTICLE III.—BILL OF RIGHTS

SECTION 1. (1) No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

- (2) Private property shall not be taken for public use without just compensation.
- (3) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, to be determined by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched, and the persons or things to be seized.
- (4) The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired.
- (5) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court or when public safety and order require otherwise.
- (6) The right to form associations or societies for purposes not contrary to law shall not be abridged.
- (7) No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof, and the free exercise and enjoyment of religious professions and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.
- (8) No law shall be passed abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances.
- (9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall, without the consent of the National Assembly, accept any present, emolument, office, or title of any kind whatever from any foreign state.
- (10) No law impairing the obligation of contracts shall be passed.
- (11) No *ex post facto* law or bill of attainder shall be enacted.
- (12) No person shall be imprisoned for debt or non-payment of a poll tax.
- (13) No involuntary servitude in any form shall exist except as a punishment for crime whereof the party shall have been duly convicted.
- (14) The privilege of the writ of *habeas corpus* shall not be suspended except in cases of invasion, insurrection, or rebellion, when the public safety requires it, in any of which events the same may be suspended wherever during such period the necessity for such suspension shall exist.
- (15) No person shall be held to answer for a criminal offense without due process of law.
- (16) All persons shall before conviction be bailable by sufficient sureties, except those charged with capital offenses when evidence of guilt is strong. Excessive bail shall not be required.
- (17) In all criminal prosecutions the accused shall be presumed to be innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses in his behalf.
- (18) No person shall be compelled to be a witness against himself.

- (19) Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted.
- (20) No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.
- (21) Free access to the courts shall not be denied to any person by reason of poverty.

ARTICLE IV.—CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

- (1) Those who are citizens of the Philippine Islands at the time of the adoption of this Constitution.
 - (2) Those born in the Philippine Islands of foreign parents who, before the adoption of this Constitution, had been elected to public office in the Philippine Islands.
 - (3) Those whose fathers are citizens of the Philippine Islands.
 - (4) Those whose mothers are citizens of the Philippines and, upon reaching the age of majority, elect Philippine citizenship.
 - (5) Those who are naturalized in accordance with law.
- SEC. 2. Philippine citizenship may be lost or reacquired in the manner provided by law.

ARTICLE V.—SUFFRAGE

SECTION 1. Suffrage may be exercised by male citizens of the Philippines not otherwise

disqualified by law, who are twenty-one years of age or over and are able to read and write, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question.

ARTICLE VI.—LEGISLATIVE DEPARTMENT

SECTION 1. The Legislative power shall be vested in a National Assembly. The Members of the National Assembly shall not exceed one hundred and twenty, shall be chosen every three years, and shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The National Assembly shall by law make an apportionment within three years after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the National Assembly shall consist of ninety-eight Members, of whom eighty-seven shall be elected by the representative districts as now provided by law; and three by the Mountain Province, and one by each of the other eight existing special provinces. The Members of the National Assembly in the provinces of Sulu, Lanao, and Cotabato shall be chosen as may be determined by law; in all other provinces they shall be elected by the qualified voters therein.

SEC. 2.

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No person shall be a Member of the National Assembly unless he has been five years a citizen of the Philippines, is at least thirty years of age, and, at the time of his election, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

SEC. 3. (1) In case of vacancy in the National Assembly a special election may be called in the corresponding district, in the manner prescribed by law, but the Member thus elected shall serve only for the unexpired term.

(2) Elections for the National Assembly shall be held on the dates fixed by law.

(3) The National Assembly shall convene in regular session once every year, on the second Monday of the month immediately following that on which the election of its Members was held, unless a different date is fixed by law. The National Assembly may be called in special session at any time by the President to consider general legislation or only such subjects as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

(4) The National Assembly shall choose its Speaker, a secretary, a sergeant-at-arms, and such other officers as may be required. A majority of all the Members shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent Members, in such manner and under such penalties as the National Assembly may provide.

(5) The National Assembly may determine the rules of its proceedings, punish its Mem-

bers for disorderly behavior, and, with the concurrence of two-thirds, expel a Member. It shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of one-fifth of its Members present, be entered in the Journal.

SEC. 4. There shall be an Electoral Commission composed of three Justices of the Supreme Court designated by the Chief Justice, and of six Members chosen by the National Assembly, three of whom shall be nominated by the party having the largest number of votes, and three by the party having the second largest number of votes therein. The senior Justice in the Commission shall be its Chairman. The Electoral Commission shall be the sole judge of all contests relating to the election, returns, and qualifications of the Members of the National Assembly.

SEC. 5. The Members of the National Assembly shall, unless otherwise provided by law, receive an annual compensation of five thousand pesos each including per diems and other emoluments or allowances and exclusive only of travelling expenses to and from their respective districts when attending sessions of the National Assembly. No increase in said compensation shall take effect until after the expiration of the full term of the Members of the National Assembly elected subsequent to the approval of such increase. The Speaker of the National Assembly shall receive an annual compensation of sixteen thousand pesos until otherwise provided by law.

SEC. 6. The Members of the National Assembly shall in all cases except treason, felony,

and breach of the peace, be privileged from arrest during their attendance at the sessions of the National Assembly, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

SEC. 7. The National Assembly shall elect from among its Members, on the basis of proportional representation of the political parties therein, a Commission on Appointments and a Commission on Impeachment, each to consist of twenty-one members. These Commissions shall be constituted within thirty days after the National Assembly shall have been organized with the election of its Speaker, and shall meet only while the National Assembly is in session, at the call of their respective Chairmen or a majority of their members, to discharge such powers and functions as are herein conferred upon them.

SEC. 8. (1) No Member of the National Assembly may hold any other office or employment in the Government without forfeiting his seat, nor shall any such member during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the National Assembly.

(2) No Member of the National Assembly shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the National Assembly during his term of office; nor shall any such Member appear as counsel before the Electoral Commission or any court in any civil case wherein the Government or any subdivision or instrumentality thereof

is the adverse party, or collect any fee for his appearance in any administrative proceedings or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office. No Member of the Commission on Appointments of the National Assembly shall appear as counsel before any court inferior to the Supreme Court.

SEC. 9. (1) The President shall submit within fifteen days of the opening of each regular session of the National Assembly a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The National Assembly may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the National Assembly and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation, unless it relates specifically to some particular appropriation in the bill; and any such provision or enactment shall be limited in its operation to such appropriation.

SEC. 10. The heads of departments upon their own initiative or upon the request of the National Assembly may appear before and be heard by the National Assembly on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

SEC. 11. (1) Every bill which shall have passed the National Assembly shall, before it becomes a law, be presented to the President. If he approve the same, he shall sign it; but

if not, he shall return it with his objections to the National Assembly, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of the National Assembly shall agree to pass the bill, it shall become a law. In all such cases the votes of the National Assembly shall be determined by *yays* and *nays*, and the names of the Members voting for and against shall be entered on the Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Assembly by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the National Assembly without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-

fourths of all the Members of the National Assembly.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

SEC. 12. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed or become a law unless it shall have been printed and copies thereof in its final form furnished the Members at least three calendar days prior to its passage by the National Assembly, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the *yays* and *nays* entered on the Journal.

SEC. 13. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institu-

tion, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

SEC. 14. (1) The rule of taxation shall be uniform.

(2) The National Assembly may by law authorize the President, subject to such limitations and restrictions as it may impose, to fix within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.

SEC. 15. The National Assembly shall, with the concurrence of two-thirds of all its Members, have the sole power to declare war.

SEC. 16. In times of war or other national emergency, the National Assembly may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

ARTICLE VII.—EXECUTIVE DEPARTMENT

SECTION 1. The Executive power shall be vested in a President of the Philippines.

SEC. 2. The President shall hold his office during a term of six years, and together with

the Vice-President chosen for the same term, shall be elected by direct vote of the people. The election returns for President and Vice-President, duly certified by the board of canvassers of each province, shall be transmitted to the National Assembly. Upon receipt of such returns the National Assembly shall forthwith, in public session, count the votes, and proclaim the persons elected President and Vice-President. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected, but in case two or more shall have an equal and the highest number of votes for either office, the National Assembly shall, by a majority vote of all its Members, elect one of said persons as President or Vice-President.

SEC. 3. No person may be elected to the office of President or Vice-President, unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

SEC. 4. No person elected President may be reelected for the following term, nor shall the Vice-President or any other person who may have succeeded to the office of President as herein provided at least one year before the election, be eligible to the office of President at such election.

SEC. 5. Elections for President and Vice-President shall be held once every six years on a date to be fixed by the National Assembly.

SEC. 6. The terms of the President and Vice-President shall end at noon on the thirtieth

day of December following the expiration of six years after their election, and the terms of their successors shall begin from such time.

SEC. 7. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President shall act as President until a President shall have qualified, and the National Assembly may by law provide for the case wherein neither a President-elect nor a Vice-President-elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

SEC. 8. Before he enter on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

SEC. 9. In the event of the removal of the President from office or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the National Assembly shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer

shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

SEC. 10. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the National Assembly shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive an annual compensation of fifteen thousand pesos until otherwise provided by law.

SEC. 11. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection, or rebellion, or imminent danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and with the consent of the Commission on Appointments of the National Assembly, shall appoint the heads of the executive departments and

bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the National Assembly may by law vest the appointment of inferior officers, in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the National Assembly, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the National Assembly.

(5) The President shall from time to time give to the National Assembly information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have power to grant amnesty with the concurrence of the National Assembly.

(7) The President shall have the power, with the concurrence of a majority of all the Members of the National Assembly, to make treaties, and with the consent of the Commission on Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other ministers duly accredited to the Government of the Philippines.

SEC. 12. (1) The executive departments of the present Government of the Philippine Islands shall continue as now authorized by law until the National Assembly shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants shall not, during their continuance in office, engage in the practice of any profession, or intervene directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office: nor shall they, directly or indirectly, be financially interested in any contract with the Government, or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

ARTICLE VIII.—JUDICIAL DEPARTMENT

SECTION 1. The Judicial power shall be vested in one Supreme Court and in such inferior courts as may be established by law.

SEC. 2. The National Assembly shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in—

(1) All cases in which the constitutionality or validity of any treaty, law, ordinance, or executive order or regulation is in question.

(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(3) All cases in which the jurisdiction of any trial court is in issue.

(4) All criminal cases in which the penalty imposed is death or life imprisonment.

(5) All cases in which an error or question of law is involved.

Sec. 3. Until the National Assembly shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippine Islands at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

Sec. 4. The Supreme Court shall be composed of a Chief Justice and ten Associate Justices and may sit either *in banc* or in two divisions unless otherwise provided by law.

Sec. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the Commission on Appointments of the National Assembly.

Sec. 6. No person may be appointed member of the Supreme Court unless he has been five years a citizen of the Philippines, is at least forty years of age, and has for ten years or more been a judge of a court of record or engaged in the practice of law in the Philippines.

Sec. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The National Assembly shall by law determine the residence of judges of inferior courts.

Sec. 8. The National Assembly shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

Sec. 9. The members of the Supreme Court and all judges of inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until the National Assembly shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each Associate Justice, fifteen thousand pesos.

Sec. 10. All cases involving the constitutionality of a treaty or law shall be heard and decided by the Supreme Court *in banc*, and no treaty or law may be declared unconstitutional without the concurrence of two-thirds of all the members of the Court.

Sec. 11. The conclusions of the Supreme Court in any case submitted to it for decision shall be reached in consultation before the case is assigned to a Justice for the writing of the opinion of the Court. Any Justice dissenting from a decision shall state the reasons for his dissent.

Sec. 12. No decision shall be rendered by any court of record without expressing there-

in clearly and distinctly the facts and the law on which it is based.

SEC. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase, or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The National Assembly shall have the power to repeal, alter, or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

ARTICLE IX.—IMPEACHMENT

SECTION 1. The President, the Vice-President, the Justices of the Supreme Court, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

SEC. 2. The Commission on Impeachment of the National Assembly, by a vote of two-thirds of its Members, shall have the sole power of impeachment.

SEC. 3. The National Assembly shall have the sole power to try all impeachments. When sitting for that purpose the Members shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three-fourths of all the Members who do

not belong to the Commission on Impeachment.

SEC. 4. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under the Government of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.

ARTICLE X.—GENERAL AUDITING OFFICE

SECTION 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the National Assembly shall provide otherwise, the Auditor General shall receive an annual compensation of twelve thousand pesos.

SEC. 2. The Auditor General shall examine, audit, and settle all accounts pertaining to the revenues and receipts from whatever source, including trust funds derived from bond issues; and audit, in accordance with law and administrative regulations, all expenditures of funds or property pertaining to or held in trust by the Government or the provinces or municipalities thereof. He shall keep the general accounts of the Government and preserve the vouchers pertaining thereto. It shall be the duty of the Auditor General to bring to the attention of the proper administrative officer expenditures of funds or property which, in his

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opinion, are irregular, unnecessary, excessive, or extravagant. He shall also perform such other functions as may be prescribed by law.

SEC. 3. The decisions of the Auditor General shall be rendered within the time fixed by law, and the same may be appealed to the President whose action shall be final. When the aggrieved party is a private person or entity, an appeal from the decision of the Auditor General may be taken directly to a court of record in the manner provided by law.

SEC. 4. The Auditor General shall submit to the President and the National Assembly an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

ARTICLE XI.—CIVIL SERVICE

SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

SEC. 2. Officers and employees in the Civil Service, including members of the armed forces, shall not engage directly or indirectly in partisan political activities or take part in any election except to vote.

SEC. 3. No officer or employee of the Government shall receive additional or double com-

pensation unless specifically authorized by law.

SEC. 4. No officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.

ARTICLE XII.—CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

SECTION 1. All agricultural, timber, and mineral lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, and other natural resources of the Philippines belong to the State, and their disposition, exploitation, development, or utilization shall be limited to citizens of the Philippines, or to corporations or associations at least sixty per centum of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under this Constitution. Natural resources, with the exception of public agricultural land, shall not be alienated, and no license, concession, or lease for the exploitation, development, or utilization of any of the natural resources shall be granted for a period exceeding twenty-five years, renewable for another twenty-five years, except as to water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, in which cases beneficial use may be the measure and the limit of the grant.

SEC. 2. No private corporation or association may acquire, lease, or hold public agricultural lands in excess of one thousand and twenty-four hectares, nor may any individual acquire such

lands by purchase in excess of one hundred and forty-four hectares, or by lease in excess of one thousand and twenty-four hectares, or by homestead in excess of twenty-four hectares. Lands adapted to grazing, not exceeding two thousand hectares, may be leased to an individual, private corporation, or association.

SEC. 3. The National Assembly may determine by law the size of private agricultural land which individuals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The National Assembly may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

SEC. 5. Save in cases of hereditary succession, no private agricultural land shall be transferred or assigned except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain in the Philippines.

SEC. 6. The State may, in the interest of national welfare and defense, establish and operate industries and means of transportation and communication, and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

ARTICLE XIII. GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three

stars, as consecrated and honored by the people and recognized by law.

SEC. 2. All public officers and members of the armed forces shall take an oath to support and defend the Constitution.

SEC. 3. The National Assembly shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 4. The State shall promote scientific research and invention. Arts and letters shall be under its patronage. The exclusive right to writings and inventions shall be secured to authors and inventors for a limited period.

SEC. 5. All educational institutions shall be under the supervision of and subject to regulation by the State. The Government shall establish and maintain a complete and adequate system of public education, and shall provide at least free public primary instruction, and citizenship training to adult citizens. All schools shall aim to develop moral character, personal discipline, civic conscience, and vocational efficiency, and to teach the duties of citizenship. Optional religious instruction shall be maintained in the public schools as now authorized by law. Universities established by the State shall enjoy academic freedom. The State shall create scholarships in arts, science, and letters for specially gifted citizens.

SEC. 6. The State shall afford protection to labor, especially to working women and minors, and shall regulate the relations between landowner and tenant, and between labor and capital in industry and in agriculture. The State may provide for compulsory arbitration.

SEC. 7. The National Assembly shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty *per centum* of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual, firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the National Assembly when the public interest so requires.

SEC. 9. The Government shall organize and maintain a national police force to preserve public order and enforce the law.

SEC. 10. This Constitution shall be officially promulgated in English and Spanish, but in case of conflict the English text shall prevail.

ARTICLE XIV.—AMENDMENTS

SECTION 1. The National Assembly, by a vote of three-fourths of all its Members, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes

cast at an election at which the amendments are submitted to the people for their ratification.

ARTICLE XV.—TRANSITORY PROVISIONS

SECTION 1. The first election of the officers provided in this Constitution and the inauguration of the Government of the Commonwealth of the Philippines shall take place as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four.

SEC. 2. All laws of the Philippine Islands shall continue in force until the inauguration of the Commonwealth of the Philippines; thereafter, such laws shall remain operative, unless inconsistent with this Constitution, until amended, altered, modified, or repealed by the National Assembly, and all references in such laws to the Government of officials of the Philippine Islands shall be construed, in so far as applicable, to refer to the Government and corresponding officials under this Constitution.

SEC. 3. All courts existing at the time of the adoption of this Constitution shall continue and exercise their jurisdiction, until otherwise provided by law in accordance with this Constitution, and all cases, civil and criminal, pending in said courts, shall be heard, tried, and determined under the laws then in force.

SEC. 4. All officers and employees in the existing Government of the Philippine Islands shall continue in office until the National Assembly shall provide otherwise, but all officers whose appointments are by this Constitution vested in the President shall vacate their respective

offices upon the appointment and qualification of their successors, if such appointment is made within a period of one year from the date of the inauguration of the Commonwealth of the Philippines.

SEC. 5. The Members of the National Assembly for the Mountain Province shall be elected as may be provided by law. The voters of municipalities and municipal districts formerly belonging to a special province and now forming part of regular provinces shall vote in the election for Members of the National Assembly in such districts as may be provided by law.

SEC. 6. The provisions of this Constitution, except those contained in this article and in Article V, and those which refer to the election and qualifications of officers to be elected under this Constitution, shall not take effect until the inauguration of the Commonwealth of the Philippines.

ARTICLE XVI.—SPECIAL PROVISIONS EFFECTIVE UPON THE PROCLAMATION
OF THE INDEPENDENCE OF THE PHILIPPINES

SECTION 1. Upon the proclamation of the President of the United States recognizing the independence of the Philippines—

(1) The property rights of the United States and the Philippines shall be promptly adjusted and settled, and all existing property rights of citizens or corporations of the United States shall be acknowledged, respected, and safeguarded to the same extent as property rights of citizens of the Philippines.

(2) The officials elected and serving under this Constitution shall be constitutional officers of the free and independent government of the Philippines and qualified to function in all respects as if elected directly under such Government, and shall serve their full terms of office as prescribed in this Constitution.

(3) The debts and liabilities to the Philippines, its provinces, cities, municipalities, and instrumentalities, which shall be valid and subsisting at the time of the final and complete withdrawal of the sovereignty of the United States, shall be assumed by the free and independent government of the Philippines; and where bonds have been issued under authority of an Act of Congress of the United States by the Philippine Islands, or any province, city, or municipality therein, the Government of the Philippines will make adequate provision for the necessary funds for the payment of interest and principal, and such obligations shall be a first lien on all taxes collected.

(4) The Government of the Philippines will assume all continuing obligations of the United States under the Treaty of Peace with Spain ceding the Philippine Islands to the United States.

(5) The Government of the Philippines will embody the foregoing provisions of this article [except subsection (2)] in a treaty with the United States.

ARTICLE XVII.—THE COMMONWEALTH AND THE REPUBLIC

SECTION 1. The government established by this Constitution shall be known as the Commonwealth of the Philippines. Upon the final and complete withdrawal of the sovereignty of

the United States and the proclamation of Philippine independence, the Commonwealth of the Philippines shall thenceforth be known as the Republic of the Philippines.

ORDINACE APPENDED TO THE CONSTITUTION

SECTION 1. Notwithstanding the provisions of the foregoing Constitution, pending the final and complete withdrawal of the sovereignty of the United States over the Philippines—

- (1) All citizens of the Philippines shall owe allegiance to the United States.
- (2) Every officer of the Government of the Commonwealth of the Philippines shall, before entering upon the discharge of his duties, take and subscribe an oath of office, declaring, among other things, that he recognizes and accepts the supreme authority of and will maintain true faith and allegiance to the United States.
- (3) Absolute toleration of religious sentiment shall be secured and no inhabitant or religious organizations shall be molested in person or property on account of religious belief or mode of worship.
- (4) Property owned by the United States, cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used exclusively for religious, charitable, or educational purposes shall be exempt from taxation.
- (5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four.
- (6) The public debt of the Philippines and its subordinate branches shall not exceed limits now or hereafter fixed by the Congress of the United States, and no loans shall be contracted in foreign countries without the approval of the President of the United States.
- (7) The debts, liabilities, and obligations of the present Government of Philippine Islands, its provinces, municipalities, and instrumentalities, valid and subsisting at the time of the adoption of the Constitution, shall be assumed and paid by the Government of the Commonwealth of the Philippines.
- (8) The Government of the Commonwealth of the Philippines shall establish and maintain an adequate system of public schools, primarily conducted in the English language.
- (9) Acts affecting currency, coinage, imports, exports, and immigration shall not become law until approved by the President of the United States.
- (10) Foreign affairs shall be under the direct supervision and control of the United States.
- (11) All acts passed by the National Assembly of the Commonwealth of the Philippines shall be reported to the Congress of the United States.
- (12) The Philippines recognizes the right of the United States to expropriate property for public uses, to maintain military and other reservations and armed forces in the Philippines, and, upon order of the President of the United States, to call into the service of such armed forces all military forces organized by the Government of the Commonwealth of the Philippines.
- (13) The decisions of the courts of the Philippines shall be subject to review by the

Supreme Court of the United States as now provided by law, and such review shall also extend to all cases involving the Constitution of the Philippines.

(14) Appeals from decisions of the Auditor General may be taken to the President of the United States.

(15) The United States may, by Presidential proclamation, exercise the right to intervene for the preservation of the Government of the Commonwealth of the Philippines and for the maintenance of the Government as provided in the Constitution thereof, and for the protection of life, property, and individual liberty and for the discharge of Government obligations under and in accordance with the provisions of the Constitution.

(16) The authority of the United States High Commissioner to the Government of the Commonwealth of the Philippines as provided in Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, is hereby recognized.

(17) Citizens and corporations of the United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively, thereof.

(18) Every duly adopted amendment to the Constitution of the Philippines shall be submitted to the President of the United States for approval. If the President approve the amendment or if the President fail to disapprove such amendment within six months from the time of its submission, the amendment shall take effect as a part of such Constitution.

(19) The President of the United States shall have authority to suspend the taking effect

of or the operation of any law, contract, or executive order of the Government of the Commonwealth of the Philippines, which in his judgment will result in a failure of the Government of the Commonwealth of the Philippines to fulfill its contracts, or to meet its bonded indebtedness and interest thereon or to provide for its sinking funds, or which seems likely to impair the reserves for the protection of the currency of the Philippines, or which in his judgment will violate international obligations of the United States.

(20) The President of the Commonwealth of the Philippines shall make an annual report to the President and Congress of the United States of the proceedings and operations of the Government of the Commonwealth of the Philippines and shall make such other reports as the President or Congress may request.

SEC. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippines, there shall be a Resident Commissioner of the Philippines to the United States who shall be appointed by the President of the Commonwealth of the Philippines with the consent of the Commission on Appointments. The powers and duties of the Resident Commissioner shall be as provided in section seven, paragraph five of Public Act Numbered One hundred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, together with such other duties as the National Assembly may determine. The qualifications, compensation, and expenses of the Resident Commissioner shall be fixed by law.

SEC. 3. All other provisions of Public Act Numbered One hundred and twenty-seven of

the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, applicable to the Government of the Commonwealth of the Philippines are hereby made a part of this Ordinance as if such provisions were expressly inserted herein.

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一 英國竝ニ「ジョホール」ノ「サルタン」及「ツモンゴング」

(Tumongong) 間條約(假譯)

千八百二十四年八月二日即チ「ヘジラ」曆千二百三十九年「ズルカー」月六日「ジョホール」ノ「サルタン」
「サルタン」、フッセイン、マホメッド、シャー」殿下及「ジョホール」ノ「ツモンゴング」
「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャー」殿下竝ニ英國東「インド」會社ノ爲ニ、
「ウィリアム、ビット」ヨリ全權委任狀ヲ付與セラレシ「シンガポール」居住英國人「ジョーン、クロ
フォード」氏及「ベンガル」
「フォート、ウィリアム」ノ總督「ロード、アメルスト」ノ締結セル一方英
國東「インド」會社竝ニ他方「ジョホール」ノ「サルタン」及「ツモンゴング」殿下間友好及同盟條約

千八百二十四年八月二日「シンガポール」ニ於テ署名

第一條

英國東「インド」會社ト「ジョホール」ノ「サルタン」及「ツモンゴング」殿下竝ニ其ノ各後繼者トノ
間ニハ永久ニ平和、友好及了解ガ存續スベキモノトス

第二條

「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレ

一、マハラジャール殿下ハ「マラッカ」海峡所在ノ「シンガポール」島及同島海岸ヨリ十哩ノ範圍内ニ在ル近海、海峡及島嶼ノ主權及財産權ノ總テヲ茲ニ英國東「インド」會社及其ノ後繼者ニ對シ永久ニ讓渡ス

第三條

英國東「インド」會社ハ前條ニ定ムル讓渡ノ報酬トシテ「サルタン、フッセイン、マホメッド、シャー」殿下ニ對シ三萬三千二百「スペイン、ドル」及其ノ生存中毎月俸給千三百「スペイン、ドル」ヲ又「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャール」殿下ニ對シ二萬六千八百「スペイン、ドル」及其ノ生存中毎月俸給七百「スペイン、ドル」ヲ支拂フコトヲ茲ニ約ス

第四條

「サルタン、フッセイン、マホメッド、シャー」殿下ハ前二條ノ規定ノ實行トシテ三萬三千二百「スペイン、ドル」及第一回分月額千三百「スペイン、ドル」ヲ英國東「インド」會社ヨリ受領セシコトヲ茲ニ確認ス「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャール」殿下モ亦前二條ノ規定ノ實行トシテ二萬六千八百「スペイン、ドル」及第一回分月額七百「スペイン、ドル」ヲ英國東「インド」會社ヨリ受領セシコトヲ茲ニ確認ス

第五條

英國東「インド」會社ハ「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャール」殿下ガ「シンガポール」島ニ居住シ又ハ之ヲ訪問スル場合其ノ位階ニ相應スル榮譽、尊敬及禮讓ヲ以テ遇スベキコトヲ約ス

第六條

英國東「インド」會社ハ「サルタン」及「ツモンゴング」殿下並ニ其ノ後繼者ガ自國內ニ永住セント欲シ之ガ爲「シンガポール」ヨリ移轉セント欲スル場合ニ於テハ「サルタン、フッセイン、マホメッド、シャー」殿下又ハ其ノ後繼者ニ對シ二萬「スペイン、ドル」ヲ、「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャール」殿下又ハ其ノ後繼者ニ對シ一萬五千「スペイン、ドル」ヲ支拂フベキコトヲ茲ニ約ス

第七條

「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレー、マハラジャール」殿下ハ自國ニ永住スル目的ヲ以テ「シンガポール」島ヨリ退去セント欲スル場合ニ於テハ「シンガポール」島又ハ其ノ附屬地域ニ於テ兩殿下ノ所有スル土地、家屋、庭園、果樹園又ハ建築用樹木ヲ含ム各種不動産ニ對スル總テノ權利及權原ヲ前條ニ定ムル支拂ノ報酬トシテ茲ニ自己及後繼者ノ爲英國東「インド」會社及其ノ後繼者ニ對シ永久ニ讓渡ス但シ本條ノ規定ハ現在兩殿下ノ

邸宅ニ充テラレタル地域以外ニ於テ殿下ノ後繼者ノ所有スルコトアルベキ財産ニ適用セラレザルコトニ相互ニ且明瞭ニ了解ス

第八條

「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレ、マハラジャー」殿下ハ「シンガポール」島内ニ居住スルカ又ハ英國東「インド」會社ヨリ本條約ニ定ムル毎月ノ俸給ヲ受領スル間ハ英國東「インド」會社及其ノ後繼者ニ對スル通告及其ノ同意ナクシテ外國又ハ主權者ト同盟又ハ交通ヲ爲サザルベキコトヲ茲ニ約ス

第九條

英國東「インド」會社ハ「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレ、マハラジャー」殿下ガ第六條ノ規定ニ依リ「シンガポール」島ヨリ移轉シ右移轉ノ結果自國內ニ於テ困窮ニ陥リタル場合ニ於テハ「シンガポール」又ハ「ブリンズ、オヴ、ウニールズ」島ニ於テ救護所及保護ヲ之ニ提供スベシ

第十條

各締約國ハ何レモ他方ノ國內事項又ハ各國內ニ起ルコトアルベキ政争又ハ戰爭ニ干渉セザルベク又第三國ニ對シテ、締約國間ニ武力援助ヲ爲サザルベキコトヲ茲ニ規定シ且合意ス

第十一條

各締約國ハ兩殿下ノ領域及直接的利害ニ關スル限り自國ニ接壤シ又ハ自國內ニ在ル「マラッカ」海峡並ニ瀬戸、海峡及河川ニ於ケル掠奪及海賊行爲斷壓ノ爲其ノ爲シ得ル一切ノ措置ヲ講ズベキコトヲ茲ニ約ス

第十二條

「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレ、マハラジャー」殿下ハ其ノ全領域ニ於テ自由貿易ヲ維持シ且「ジョホール」王國及其ノ屬地ノ總テノ港ニ於テ最惠國ノ條件ヲ以テ英國人ノ貿易及交通ヲ許容スルコトヲ茲ニ約ス

第十三條

英國東「インド」會社ハ「サルタン、フッセイン、マホメッド、シャー」及「ダツ、ツモンゴング、アブドゥル、ラーマン、スレ、マハラジャー」殿下ガ「シンガポール」島ニ居住スル限り兩殿下ノ部下ニシテ軍務ヲ放棄セルモノ「シンガポール」島又ハ屬地ニ居住又ハ滞在スルコトヲ許容セザルベキコトヲ茲ニ約ス然レドモ前記部下ハ兩殿下ノ權威ガ現在實際ニ樹立セラレ居ル領域内ニ生レタル臣民ニ限ラルベク其ノ氏名ガ兩殿下ノ軍籍ニ入ル時ニ於テ當分ノ間地方長官保管ノ登録簿ニ正當ニ且自發的ニ記名セララルベキコトニ付茲ニ明瞭ニ了解セリ

英國東「インド」會社並ニ「ジョホール」ノ「サルタン」及「ツモンゴング」殿下間ニ締結セラレタル從來ノ總テノ協定及了解ノ條件ハ當然ニ廢棄セラレタルモノト思料セラレベキコトニ付茲ニ規定シ且合意セリ但シ上述セル如ク英國東「インド」會社ニ對シ「シンガポール」島及其ノ屬地ノ占有又ハ保持ノ權利又ハ權原ヲ付與セシ如キ先行條件ハ除外スベキモノトス
前記ノ期日ニ於テ「シンガポール」ニ於テ作成シ締結セリ

ジェー、クロファード

サルタン (印)

エドワード、バゼット

ツモンゴング (印)

ジェー、フェンドール

アメルスト (印)

千八百二十四年十一月十九日「ベンガル」ノ「フォート、ウィリアム」ニ於テ總督之ヲ批准ス

1. TREATY BETWEEN GREAT BRITAIN AND THE SULTAN AND TUMONGONG OF JOHORE, AUGUST 2, 1824.

A Treaty of Friendship and Alliance between the Honourable the English East India Company, on the one side, and their Highnesses the Sultan and Tumongong of Johore, on the other, concluded on the 2nd day of August, 1824, corresponding with the 6th day of the month of Zulkar, in the year of the Hegira 1239, by the above Sultan of Johore, his Highness Sultan Hussein Mahomed Shah, and the above Tumongong of Johore, Datu Tumongong Abdul Rahman Sree Maharajah, on their own behalf; and by John Crawford, Esquire, British Resident at Singapore, vested with Full-Powers thereto by the Right Honourable William Pitt, Lord Amherst, Governor-General of and for Fort William in Bengal, on behalf of the said Honourable English East India Company.

ART. I. Peace, friendship and good understanding shall subsist for ever between the Honourable the English East India Company and their Highnesses the Sultan and Tumongong of Johore, and their respective heirs and successors.

ART. II. Their Highnesses the Sultan Hussein Mahomed Shah and Datu Tumongong Abdul Rahman Sree Maharajah, hereby cede in full sovereignty and property, to the Honourable the English East India Company, their heirs and successors, for ever, the Island of Singapore, situated in the Straits of Malacca, together with the adjacent sea, straits and islets,

to the extent of 10 geographical miles from the coast of the said main Island of Singapore.

ART. III. The Honourable the English East India Company hereby engages, in consideration of the cession specified in the last Article, to pay unto his Highness the Sultan Hussein Mahomed Shah, the sum of 33,200 Spanish dollars, together with a stipend, during his natural life, of 1,300 Spanish dollars per mensem; and to his Highness the Datu Tumongong Abdul Rahman Sree Maharajah, the sum of 26,800 Spanish dollars, with a monthly stipend of 700 Spanish dollars, during his natural life.

ART. IV. His Highness the Sultan Hussein Mahomed Shah hereby acknowledges to have received from the Honourable the English East India Company, in fulfilment of the Stipulations of the 2 last Articles, the sum of 33,200 Spanish dollars, together with the 1st monthly instalment of the above-mentioned stipend of 1,300 Spanish dollars; and his Highness the Datu Tumongong Abdul Rahman Sree Maharajah also hereby acknowledges to have received from the Honourable the English East India Company, in fulfilment of the Stipulations of the 2 last Articles, the sum of 26,800 Spanish dollars with 1 month's instalment of the above stipend of 700 Spanish dollars.

ART. V. The Honourable the English East India Company engages to receive and treat their Highnesses the Sultan Hussein Mahomed Shah and Datu Tumongong Abdul Rahman Sree Maharajah, with all the honours, respect and courtesy belonging to their rank and station, whenever they may reside at or visit the Island of Singapore.

ART. VI. The Honourable the English East India Company hereby engages, in the event of their Highnesses the Sultan and Tumongong, their heirs or successors, preferring to reside permanently in any portion of their own States, and to remove for that purpose from Singapore, to pay unto them, that is to say, to his Highness the Sultan Hussein Mahomed Shah, his heirs or successors, the sum of 20,000 Spanish dollars, and to his Highness the Datu Tumongong Abdul Rahman Sree Maharajah, his heirs or successors, the sum of 15,000 Spanish dollars.

ART. VII. Their Highnesses the Sultan Hussein Mahomed Shah and the Datu Tumongong Abdul Rahman Sree Maharajah, in consideration of the payment specified in the last Article, hereby relinquish for themselves, their heirs and successors, to the Honourable the English East India Company, their heirs and successors, for ever, all right and title to every description of immovable property, whether in lands, houses, gardens, orchards or timber trees, of which their said Highnesses may be possessed within the Island of Singapore or its dependencies, at the time they may think proper to withdraw from the said island, for the purpose of permanently residing within their own States; but it is reciprocally and clearly understood, that the provisions of this Article shall not extend to any description of property which may be held by any follower or retainer of their Highnesses, beyond the precincts of the ground at present allotted for the actual residence of their said Highnesses.

ART. VIII. Their Highnesses the Sultan Hussein Mahomed Shah and Datu Tumongong

Abdul Rahman Sree Maharajah hereby engage, that as long as they shall continue to reside within the Island of Singapore, or to draw their respective monthly stipends from the Honourable the English East India Company, as provided for in the present Treaty, they shall enter into no alliance, and maintain no correspondence with any foreign Power to Potentate whatsoever, without the knowledge and consent of the said Honourable English East India Company, their heirs and successors.

ART. IX. The Honourable the English East India Company hereby engages, that in the event of their Highnesses the Sultan Hussein Mahomed Shah and the Datu Tumongong Abdul Rahman Sree Maharajah removing from the Island of Singapore, as contemplated in the VIth Article, and being distressed within their own Territories, on such removal to afford them, either at Singapore or Prince of Wales's Island, a personal asylum and protection.

ART. X. The Contracting Parties hereby stipulate and agree, that neither Party shall be bound to interfere in the internal concerns of the other Government, or in any political dissensions or wars which may arise within their respective Territories, nor to support each other by force of arms against any third Party whatsoever.

ART. XI. The Contracting Parties hereby engage to use every means within their power respectively, for the suppression of robbery and piracy within the Straits of Malacca, as well as the other narrow seas, straits, and rivers bordering upon or within their respective Territories, in as far as the same shall be connected with the Dominions and immediate interests

of their said Highnesses.

ART. XII. Their Highnesses the Sultan Hussein Mahomed Shah and the Datu Tumongong Abdul Rahman Sree Maharajah hereby engage to maintain a free and unshackled trade everywhere within their Dominions, and to admit the trade and traffic of the British Nation into all the ports and harbours of the Kingdom of Johore and its dependencies, on the terms of the most favoured Nation.

ART. XIII. The Honourable the English East India Company hereby engages, as long as their Highnesses the Sultan Hussein Mahomed Shah and the Datu Tumongong Abdul Rahman Sree Maharajah shall continue to reside in the Island of Singapore, nor to permit any retainer or follower of their said Highnesses, who shall desert from their actual service, to dwell or remain in the Island of Singapore or its dependencies. But it is hereby clearly understood, that all such retainers and followers shall be natural-born subjects of such parts of their Highnesses's Dominions only, in which their authority is at present substantially established, and that their names, at the period of entering the services of their Highnesses, shall have been duly and voluntarily inscribed in a register to be kept for that purpose by the chief Local Authority for the time being.

ART. XIV. It is hereby mutually stipulated for and agreed, that the conditions of all former Conventions or Agreements entered into between the Honourable the English East India Company and their Highnesses the Sultan and Tumongong of Johore, shall be considered

as abrogated and annulled accordingly; always, however, with the exception of such prior conditions as have conferred on the Honourable the English East India Company any right or title to the occupation or possession of the Island of Singapore and its dependencies, as above mentioned.

Done and concluded at Singapore, the day and year above written.

J. CRAWFURD.

(The Sultan's
Seal.)

(The Company's
Wafer Seal.) EDWD. PAGET.
JNO. FENDALL.

(The Datu
Tumongong's Seal.)
AMHERST. (The Gr. G's.)
(Square Seal)

Ratified by the Right Honourable the Governor-General in Council, at Fort William in Bengal, this 19th day of November 1824.

二 海峽殖民地政府設定ニ關スル英國法律

千八百六十六年八月十日

2. ACT OF THE BRITISH PARLIAMENT, TO PROVIDE FOR THE GOVERNMENT
OF THE STRAITS SETTLEMENTS.

(August 10, 1866)

Whereas the islands and territories known as the "Straits Settlements," namely, Prince of Wales' Islands, the Island of Singapore, and the town and fort of Malacca, and their dependencies, were heretofore part of the territories in the possession and under the government of the East India Company, and became vested in Her Majesty as a part of India by virtue and subject to the provisions of the Act of the 21st and 22nd year of Her Majesty, chapter 106, intitled "An Act for the better government of India:—"

And whereas it is expedient that the said Settlements and their dependencies should cease to form part of India, and should be placed under the government of Her Majesty as part of the Colonial Possessions of the Crown:

And whereas it may be hereafter expedient to include the Colony of Labuan within the Government of the said Settlements:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. It shall be lawful for Her Majesty, by Order to be by her made with the advice of her Privy Council, to declare that this Act shall come into operation at a time to be specified

in such Order in Council, and at such time the said Settlements shall cease to be part of India for the purposes and within the meaning of the aforesaid Act, and it shall be further lawful for Her Majesty by any such Order to make provision respecting the enforcement by or against the Government of the said Settlements of all or any of such debts, claims, and obligations as might, if this Act had not passed, have been enforced by or against the Government of India in connection with the administration of the said Settlements.

2. From and after the coming into operation of this Act, it shall be lawful for Her Majesty, by Order or Orders to be by her from time to time made, with the advice of her said Privy Council, to establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, and for the raising and expenditure of the public revenue, as may be deemed advisable for the peace, order, and good government of Her Majesty's subjects and others within the said Settlements, or within any territory which may at any time be part of or dependent upon the same, any law, statute, or usage to the contrary in anywise notwithstanding.

3. It shall be lawful for Her Majesty, from time to time, by any Letters Patent under the Great Seal of the United Kingdom, or by any instructions under Her Majesty's signet and sign manual accompanying and referred to in any such Letters Patent, to delegate to any three or more persons within the said Settlements, or within any part or dependency thereof,

the powers and authorities so vested in Her Majesty in Council as aforesaid, either in whole or in part, and upon, under, and subject to all such conditions, provisos, and limitations as by any such Letters Patent or instructions as aforesaid, to empower such three or more persons to exercise in respect to the Island of Labuan and its dependencies all or any of the powers and authorities hereinbefore vested in Her Majesty in respect to the said Settlements: Provided always that, notwithstanding any such delegation or grant of authority as aforesaid, it shall still be competent to Her Majesty in Council in manner aforesaid to exercise all the powers and authorities, either by virtue of this Act or otherwise, vested in Her Majesty in Council.

4. Until otherwise provided by Her Majesty in Council, or by such three or more persons as aforesaid, all laws or regulations (except the aforesaid Act of Parliament) which, when this Act shall come into operation, shall be in force in the said Settlements and their dependencies, and all proceedings of any Court of Justice had or to be had therein, shall be and continue to be of the same force and effect, and all judicial and other officers who, when this Act shall come into operation, shall be lawfully exercising their offices have and exercise the same functions and authorities therein, as if this Act had not been passed.