

## **“Reflections on Constitutional Reforms” by Justo P. Torres Jr.**

*“The end of the institution, maintenance and administration of government is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquility, their natural rights and the blessings of life; and whenever these great objects are not obtained the people have a right to alter the government and to take the measures necessary for their safety, happiness and prosperity.” – John Adams*

*My role in this symposium on Constitutional Reforms is to give brief remarks and to provide direction for a vibrant discussion after we have listened to our speakers on the subject of reforms. It may be asked why a symposium on the constitution, being conducted under the auspices of the Cavite Historical Society and not by an organization of lawyers? There are more questions than answers to this query and it is not my duty to answer them. Be that as it may, present events merely mirror the past and the past is history, which serves as a guide to the present. Thus, it has been written by a great jurist that:*

**“When I want to understand what is happening today or try to decide what will happen tomorrow, I look back.”**

*We have invited outstanding national leaders of our time to read their respective papers and discuss with us new vistas of constitutionalism with an eye to reforms necessary for a progressive and relevant society. Historically, we have traveled a long way on the road to constitutionalism only to discover more “sails than anchor.” Although the Malolos Constitution of November 29, 1898 drafted by Felipe G. Calderon from Sta. Cruz de Malabon (now Tanza), Cavite was a good one, it was nipped – in – the bud by fortunes or should I say misfortunes of the Philippine American war. We have had four constitutions since then. The first was the constitution during the Commonwealth period in 1935, the second was the 1973 constitution during the Marcos regime, the third was the Freedom Constitution after Edsa I and the fourth was the Constitution prepared by a Constitutional Commission ratified in a plebiscite on February 2, 1987. There was one too many other constitutions in our history.*

*I agree with the notion that it is perhaps necessary to remind us on occasion that every social, political or economic system at present is the result of rebellion to antiquated array of discredited systems. **“When a new form of organization triumphs, it can be only because the old lacked the ability to adapt itself to conditions that demand change.”** This, to my mind, is but logical because experience had shown that blind adherence to precedents merely as precedents is not the rule. Its acceptance in the “marketplace of ideas” may be a better norm. If we come down to it, many systems have had their day – but were found wanting.*

*We are now in serious search for a better one expecting for light at the end of the tunnel.*

*It has been said, **“the people made the constitution, and the people can unmake it. It is the creature of its own will, and lives only by their will.”**<sup>2</sup> It is an axiom long recognized by constitutionalists that **“a government is a trust, and the officials are the trustees, and both trust and trustees are created for the benefit of the people.”***

# Constitutional Reflections

**Peipei Pang**



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## **Table of Contents Constitutional Reflections**

1. Understanding the eBook Constitutional Reflections
  - The Rise of Digital Reading Constitutional Reflections
  - Advantages of eBooks Over Traditional Books
2. Identifying Constitutional Reflections
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Constitutional Reflections
  - User-Friendly Interface
4. Exploring eBook Recommendations from Constitutional Reflections
  - Personalized Recommendations
  - Constitutional Reflections User Reviews and Ratings

- Constitutional Reflections and Bestseller Lists
- 5. Accessing Constitutional Reflections Free and Paid eBooks
  - Constitutional Reflections Public Domain eBooks
  - Constitutional Reflections eBook Subscription Services
  - Constitutional Reflections Budget-Friendly Options
- 6. Navigating Constitutional Reflections eBook Formats
  - ePub, PDF, MOBI, and More
  - Constitutional Reflections Compatibility with Devices
  - Constitutional Reflections Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Constitutional Reflections
  - Highlighting and Note-Taking Constitutional Reflections
  - Interactive Elements Constitutional Reflections
- 8. Staying Engaged with Constitutional Reflections
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Constitutional Reflections
- 9. Balancing eBooks and Physical Books Constitutional Reflections
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Constitutional Reflections
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Constitutional Reflections
  - Setting Reading Goals Constitutional Reflections
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Constitutional Reflections
  - Fact-Checking eBook Content of Constitutional Reflections
  - Distinguishing Credible Sources

13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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