

JOURNAL No. 62

APERTURA DE LA SESIÓN

Se abre la sesión a las 5 p.m. ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. GRAFILO: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. GRAFILO: Pido que se dispense la lectura de la lista y del acta, y que ésta se dé por aprobada.

EL PRESIDENTE: ¿Tiene la Asamblea alguna objeción a la moción? **(Silencio.)** La Mesa no oye ninguna. Queda aprobada.

CONSIDERACIÓN DE LA PROPOSICIÓN SOBRE EL SISTEMA BICAMERAL
(Continuación.)

EL PRESIDENTE: Está en orden la consideración de la proposición pendiente sobre el sistema bicameral.

MR. ABORDO: Mr. President, I yield fifteen minutes to the Delegate from La Unión, Mr. De Guzmán.

THE PRESIDENT: The Gentleman from La Unión has the floor.

DISCURSO DEL SR. DE GUZMAN (ALEJANDRO) A
FAVOR DEL SISTEMA BICAMERAL

MR. DE GUZMÁN (A.): Mr. President and Gentlemen of the Convention: The Legislative Body is commonly accepted as a congenial branch of the Government exercising powers of legislation over a vast domain known as police power. It regulates the rights of individuals and corporations, national problems affecting fundamentally the life of a people, public health, morals, business and public instruction, etc. It enacts laws punishing crimes committed by individuals and crimes committed against constituted government and authorities. Its control over the whole domain of civil and criminal laws makes it a governmental agency of primordial importance to the life, liberty, property of the individual, as well as to the collective existence and welfare of a people. Because of this high position it occupies in our governmental machinery, its formation requires a serious consideration by constitution makers, such as the distinguished Members of this Convention.

Mr. Chairman, for a multiple of reasons, I sincerely believe that a bicameral body will be a more ideal structure for our legislature. Under the bicameral system, there is no doubt that one chamber will check the other in the adequate promulgation of our laws. There is no gainsaying that the theory of check and balance strictly carried out in a democratic government would discard abuses of powers exercised by political organizations and individuals. Under the unicameral system, the dangers of centralizing legislative powers in the hands of a certain political leader are apparent. Once the sweeping influence of a political leader has gotten into the roots of a unicameral legislative body, a masterly grip of its political control would constitute a menace to the national interest of the people. The assertion that in a unicameral legislative body there would be greater possibility of centralization of power in the hands of one man is well founded and meritorious.

Although leadership is indispensable in a democracy, the dangers of one-man power should be avoided at any cost. I am an ardent advocate of any competent, loyal and intelligent leadership but never of a spurious one. Excessive political subserviency is one of the worst incentives to political terrorism, abuses and extra-limitations. At this juncture, may I be permitted to request with utmost sincerity that in laying out the future framework of our government, this Convention exhaust all possible efforts within its power to provide for the adequate separation of governmental powers and the par excellence theory of check and balance which is a real blessing to a democracy.

Our political and governmental institutions which shall be created by the Constitution we are now drafting should be clothed with the necessary and vital safeguards inherent to their nature and functions. We accomplished the most patriotic and the best part of our work when we struggled for our most sacred ideal, and now that this ideal is within our reach in the provisions of the Independence Law, it devolves upon the distinguished Members of this Convention to see to it that our democratic institutions are organized in such a way that their powers and functions are not the exclusive patrimony of a select few but the national patrimony of the greatest number of citizens possible entitled to enjoy them.

A bicameral legislature, from the ideological point of view and from the viewpoint of thirty-four years of national experience under American regime, would be a rich field for the young intelligent leaders of public thought whose ingenuities, ceaseless movements, sudden outbursts and implacable spirits would be counteracted by the vast experience, deep serenity and observation of the older people. In every human enterprise, the conservative and radical elements have always been considered as indispensable allies of success. The House of Representatives is the proper place for the young, ambitious, active and intelligent leaders of our race; the Senate is the place for the men who are more mature in thought and more deliberate in action. Radicalism and conservatism are both indispensable to our legislature. Both elements placed under the able direction of intelligent and competent leaders who command the hearts, reverence and respect of the rest of their colleagues; leaders, who, through extraordinary diplomacy and tact, can easily control the natural processes of leadership; and leaders who, having in their hearts the well-being and prosperity of our race, will furnish the most ideal representation in our national Legislature.

With a bicameral legislature, the dangers of vicious and corrupt legislation can be easily averted. It is easier to bribe one legislative body than a bicameral legislature.

Certain incidents in the Legislature to which I have had the honor to belong will prove without much effort of imagination the veracity of my assertion. In a certain proposed fiber legislation approved by one House, a rumor of corruption connected with said legislation reached the other chamber and that was sufficient consideration for the pigeonholing of the measure. There were other instances in which the dignity of one House or the other did not permit the passage of any legislative measure that had the smell of corruption. These instances are indicative of the unchallengeable argument that it is easier to corrupt a unicameral legislative body than a bicameral legislature. The check and balance power was duly exercised for the protection of the dignity and decorum of our Legislature. With this experience in view, common sense tells us the advisability of continuing with a bicameral legislature.

The worst blunder that this Convention can make is to depart from the established legislative procedure and practices that have proved themselves advantageous to our national existence. Experience has shown beyond reasonable doubt that a bicameral legislature has been and is in perfect consonance with our ideals, traditions, customs and desires. Our defunct Philippine Assembly and Civil Commission and the House of Representatives and Senate have worked harmoniously, as a general rule. Such legislative institutions, far from a discredit to our nation, have achieved a high degree of success in the promulgation of our laws. They constitute a legitimate pride of our race and a brilliant inspiration for other peoples of the Orient. Their record is a superb expression of honesty. In them and through them the nation has trained leaders of our race who will guide the people in the proper direction toward our political and economic emancipation. These leaders applied the best of their intelligence and the most inspiring motives in making our present bicameral legislature a solid, substantial and tangible instrumentality of the State in the acquisition of our political liberties. And now comes the bold proposition to change its structure principally on the alleged ground of economy which, to me, is devoid of any merit.

To lay the framework for our future government, we are not on a fishing excursion discarding entirely from our consideration the benefits that we may have derived from our experience in the past. It is better to stay at the altar of the past than be deceived by the apparent advantage of unicameralism in other countries. The invigorating influence of our experience in the past and our national pride in our democratic institutions that have proved beneficial to our country should never be substituted by the strong temptations or desires for continuous change. Our national Legislature where Quezon, Osmeña, Roxas, Clarín, Recto, Paredes, Quirino, Sison and others, whose names I do not need to mention, have prominently figured, has been and will ever be the indivisible spring of our success in the promulgation of laws, the blessings of which shall constitute a national heritage.

We shall soon inaugurate a semi-sovereign government in which the chief executive or the President will be elected by the people at large. It is not chimerical to suppose that the political party of the President of the Commonwealth will control our national Legislature. Hence, the exercise of the veto power will not be so effective as it is at present in view of the existence of a governor-general who does not belong to any of our major political parties. But if we had another chamber such as the Senate, whose members represent larger senate districts, the Philippines might still have its silver lining with the presence of such men in the upper house. To be more specific, there may still be senators of the caliber of Senators Borah, Johnson, Lafollete and others who can express their opinions fearlessly without

directing their eyes to the Chair of the President of the nation or the Commonwealth and who can make an open appeal to the people or to their constituents in the most unflinching manner in behalf of public interest and conveniences and will make of record their most energetic protests against any political leader gone wrong.

Mr. Chairman, it all depends upon what kind of government we shall finally adopt in the Philippines. If we adopt the ministerial or cabinet system, I will not object to the establishment of a unicameral legislature, for it will be practically impossible for the political leader of the nation to become a "political boss" because the Prime Minister and the leader of the opposition party will hold their positions in the adequate elaboration of governmental policies. But taking into consideration the development of the political history of our country, I have every reason to believe that in view of the proclivity of our people to follow our political leaders, there will be finally established in the Philippines a congressional or presidential form of government like that of the United States, in which case, we shall follow the bicameral system which has proved beneficial to the United States government and the American people.

The numerical superiority of nations where a bicameral legislature exists constitutes the most cogent evidence on the advisability of the system.

I desire to take this opportunity in drawing the attention of my benevolent colleagues in this Convention to the fact that, to a great extent, the happiness of our people depends upon the task of the Convention. The accomplishment of the most important institutional process provided by the Tydings-McDuffie Law lies in our hands. We are not preparing a mere catalogue of individual and collective political rights and liberties. We are drafting and formulating the first law of the land that shall establish and maintain a frame of government under which our governmental state machinery may function with efficiency to safeguard and insure the enjoyment of such political rights and liberties pertaining to individuals and the State. These liberties and rights, according to a very recent article of former President Hoover, are patrimonies of the spirit: "To be free to worship, to think, to hold opinion, and to speak without fear—free to challenge wrong and oppression with surety of justice. Liberty which conceives that the mind and spirit of men can be free only if the individual is free to choose his own calling, to develop his talents, to own and keep a home sacred from intrusion, to rear children in ordered security."

These are some of the individual prizes of political existence that we desire to secure for our people and for those of the many generations to come. But such rights and liberties shall become a farce without the necessary constitutional means of an inviolable and mandatory language of a constitution.

In conclusion, Mr. Chairman, I desire to summarize the arguments in favor of the bicameral system as follows:

1. In a bicameral system, the most vitalizing feature of democratic governments, the theory of checks and balances, will play an important role in the promulgation of our laws.
2. One of the legislative chambers will always check the other in any corrupt or vicious legislation.

3. A zealous revision of any proposed law originating from one of the chambers will always be effected by the other.
4. Experience has shown that the present bicameral structure of our legislature since its incipiency up to the present time has been productive of political and financial accomplishments that put our country on the sure road of success.

MR. ROMERO: Mr. President, I yield ten minutes to the Delegate from Tayabas.

MR. SALUMBIDES: Mr. President.

THE ACTING PRESIDENT: (Mr. Hontiveros): The gentleman from Tayabas has the floor.

SPEECH OF MR. SALUMBIDES AGAINST THE BICAMERAL SYSTEM OF LEGISLATURE

MR. SALUMBIDES: Mr. President and Gentlemen of the Convention:

Should we continue the present system of bicameral legislature or should we change it and adopt instead a unicameral lawmaking body of our national Government? To answer this important question correctly, we must not be guided by the experiences of other peoples. The fact that in some countries the unicameral system has been adopted and found satisfactory, while in other countries the bicameral legislature has been an established system and also found satisfactory, convinces us that there is nothing wrong with either system if adopted by the right people in the right place at the right time. Our deliberations should be guided by, and our decision based on, our own historical development and experiences, our own habits and temperament, and our own ability and way of life as a nation that aspires to be independent, happy and great.

Insofar as my survey is concerned, the Delegates of this Convention are divided into six groups. Four groups are advocating our kind of bicameral legislature and two supporting two phases of the unicameral system. In the first group are those who want to continue the present bicameral system. The second group favors the bicameral system as reported by the Committee on Legislative Power, whereby the senators are to be elected at-large by the electors through the principle of proportional representation by party list. The third group wants one senator for each province to compose the second chamber. The fourth group, comprises those who advocate the new division of the Philippine Island into twelve states so that each state shall have two senators, as in the United States. In the fifth group are those who favor the elimination of the present Senate and are for keeping the House of Representatives, as is. The sixth group to which I belong, includes those who propose a compromise plan of a unicameralism and bicameralism as a new school of political thought.

The particular objection to the composition of the present bicameral legislature is the fact that the big provinces monopolize the senators and give little chances to the small yet thickly populated provinces to elect their own. Since the establishment of the Senate in 1916, the provinces of Romblon, Palawan, Bataan, Mindoro, Masbate, and others have not had a native son elected senator. In the matter of appointments and pork barrel, the home provinces of the senators usually get the lion's share.