

JOURNAL No. 61

APERTURA DE LA SESIÓN

Se abre la sesión a las 5:26 p.m., bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Léase la lista de Delegados.

MR. GRAFILO: Mr. President, I move that roll call be dispensed with.

EL PRESIDENTE: ¿Hay alguna objecion? **(Silencio.)** La Mesa no oye ninguna. Se dispensa la lectura de la lista. Hay **quórum**.

APROBACION DEL ACTA

MR. GRAFILO: I ask also that the reading of the minutes be dispensed with and that the same be approved.

EL PRESIDENTE: ¿Hay alguna objeción a la moción? **(Silencio.)** La Mesa no oye ninguna. Aprobada.

ORDEN DE ASUNTOS

PROYECTO DE RESOLUCION
EL SECRETARIO:

By Delegates Salumbides, Bueno and others P.R.C.C. No. 90), entitled:

Resolution limiting the power of the Sponsorship Committee.

THE PRESIDENT: To the Committee on Rules.

INFORME DEL COMITÉ DE GOBIERNO INTERIOR[*]

SR. MELENDRES: Señor Presidente, el Comité de Gobierno Interior ha llegado a un acuerdo en cuanto a la Resolucion numero 80 de la Asamblea; y ha presentado su informe que obra en poder del Secretario

Pido, Señor Presidente, que el informe del Comité sea aprobado por la Asamblea.

EL PRESIDENTE: ¿Hay alguna objeción al informe del Comité de Gobierno Interior? **(Varios Delegados: Ninguna.)**

EL PRESIDENTE: Aprobado.

MR. ARUEGO: Mr. President, I yield 10 minutes to the Delegate from Palawan.

EL PRESIDENTE: El delegado por Palawan tiene la palabra.
DISCURSO DEL DELEGADO ABORDO A FAVOR DEL BICAMERALISMO

MR. ABORDO: Mr. President and Gentlemen of the Convention: If I speak in favor of the retention and preservation of the two houses of our legislature, it is because it is predicated on the proposition that our senators shall be elected at large and under the principle of proportional representation. Therefore unless so modified, I cannot subscribe to the adoption by this Assembly of the present system of electing senators, because it is undemocratic and it deprives the small provinces of their rights to equal representation in the upper chamber. Should the method of electing senators on the principle of proportional representation fail to muster sufficient adherents in this Assembly in order to make the system of electing our senators by districts, I wish to make clear my stand that I would favor the unicameral legislature. In the meantime and in the absence of any definite statement as to how our senators are to be elected, the subject matter under consideration being one of fundamental import referring to the adoption by this Assembly of either the bicameral or unicameral system of legislature, I shall endeavor to support the bicameral system of legislature in our Government. We have been enjoying this system for almost three decades, and while it is fraught with imperfections and injustices, yet the foundation or its framework is such that, far from being a disappointment and a failure, it has materially improved the machinery of our Government.

This system of legislature has been in use for the last twenty-seven years, and it has paved the way for the fulfillment of our demand for independence. It has also proved advantageous to us in the solution of our national affairs as well. We have learned and practiced the system with ease and without difficulty; hence, to make a radical change in the composition of our legislature is, for me, a backward step, nay, a retrogression and a peril in our new onward march to independent statehood. While it is true that the Malolos Constitution provided for a unicameral system, yet that alone cannot be taken as a basis for a change.

In the first place, that Constitution was never enforced for a long time; and in the second place, the making of that Constitution, according to history, was influenced by the Spanish Constitution and those of Costa Rica and Chile. But ever since we severed connections with Spain only to find ourselves within the protecting folds of America, we have been made to understand the importance and necessity of establishing in our country the bicameral system, which we have practiced to our entire satisfaction and full understanding. To make an innovation when this country shall be ushered into a new idea of political existence, the innovation being a thing of the past couched with imperfections and defects, and when the cause and the dictates of conscience demand that we go slowly rather than abruptly in our present actuation as bearers of our people's will, is rather impolitic, unwarranted and uncalled for. I say unwarranted and uncalled for because of the historical system that we shall implant not only during the Commonwealth but thereafter for reasons of practical expediency, and because modern tendency always points to the establishment of a second chamber. It will be a very dangerous move if we act otherwise, as we shall always be guided and benefited by past experiences, the initiatives and practices which in themselves constitute real blessings to the cause of the country.

The existence of an upper chamber in our legislature serves as a check to the

passage of ill-considered legislation. Admittedly, it requires a thorough deliberation and caution in the consideration of proposed measures, thus avoiding hasty and rash legislation. With the existence of only one chamber in any legislative body, it is safe to presume at times that measures are passed, not only in the height of passions, caprice and intrigues by the party to which the proponent of the measures belongs, but also on purely personal considerations. In view of the surrounding circumstances which lead to the passage of any proposed measure under a unicameral system, it will be found that the measure thus passed is defective or else unwise, something which would not have happened in the majority of cases were there a second chamber modifying, retarding and checking the actions of the other chamber, thus permitting time for reflection, conscientious study and deliberation of any proposed measure.

The establishment of bicameralism in our country will protect the individuals from the tyranny and despotism of only one chamber. Legislative bodies are bent on accumulating powers in their hands at the risk and expense of the other governmental organism of the State. This tendency can only be overcome by the existence of another chamber, as the ambition of one against the other serves as a balance to temper the course of human events. Any imposition of tyranny upon the people could be frustrated as any move to this effect would require the approval of two houses instead of only one.

The system of bicameralism has been practised to advantage by Japan, England, Australia, the United States, Switzerland, Czechoslovakia, Poland, Cuba and others, and undoubtedly it has improved the efficiency of the governmental machinery of those countries. America, since 1787, has continuously adhered to that system, and its continuance up to the present time shows beyond question the advisability and feasibility of such an organization. The same is true in other countries having the bicameral system. Because of profitable results conducive to good government, the modern countries are more inclined to adopt this system, abandoning the unicameral system in most instances.

The Philippines has been taught to exercise and perform its duties along bicameralism, and the Filipino leaders are already familiar with the workings and the resultant effects of such a system. The youth of the country also have been told time and again of the import of such a system, so it remains for us to adopt a system that carries with it not only the spirit of our race but also the inspiration of America's influence. Were the system implanted here by the American Government a monstrous failure, I would be the first to sponsor the idea of unicameralism; but seeing as I do its effectiveness and adaptability in the country, I maintain that no deviation in directions should be made to make us start all over again.

Members of the Upper Chamber shall enjoy longer tenure and will have a larger constituency to represent, — the nation rather than the present senatorial districts which are in actual practice, the senator's political stronghold comprising big provinces, thereby leading us to aristocracy rather than democracy, where the real spirit of equal numerical representation by provinces is a myth and a delusion. Members of this upper chamber will possess higher qualifications and they are to be chosen in a manner totally different from that of a Representative.

One of the serious objections to the bicameral system is that it will entail greater expense for the Government. This can be avoided by reducing to the minimum the

salaries of our legislators. As a guide in solving this aspect of the question, I submit for careful consideration the Isip plan of standardization of salaries of Insular officials, which provides salaries for legislators higher than those of Italy, Japan, Switzerland, and England.

Against this plan, it may also be argued that responsibility in the government cannot properly be located. But I say that with the establishment of the party system in our government, the party responsible for an unwise or defective legislation, can easily be fixed.

Lastly, it may also be contended that the establishment of bicameralism makes it difficult for the legislators to act immediately on pressing needs of the country. Any urgent measure will have to undergo unnecessary speech-making on the part of both houses or even delay in its passage by reason of the propensity of one chamber to consider with indifference the actuations of the other. This state of affairs can easily be remedied by giving to the President ample powers to act on measures of peremptory character, a step that has been practiced in republican countries like the United States. In the United States Government, Congress virtually makes the President a dictator to solve questions of immediate concern, and inasmuch as our is also a republican form of government, we can just as well follow suit.

In conclusion, Mr. President, it having been demonstrated that our historical background tends to swing to the pendulum of bicameralism, which system is in keeping with the inclinations and the likes of our people; it having been shown that prudence and the dictates of conscience demand no radical change in our present system; and since the trend of present-day needs as proven by the new countries of the world favors the establishment of a bicameral plan, we cannot and ought not in justice to ourselves, deviate from existing course of events, Such objectionable features as bigger government expense, the problem of fixing responsibility, and the difficulty on the part of the country have been dissected and shown that they are only scarecrows, farces and illusions dwelling in the imagination of men.

Consequently, since we find that capable hands of our men are not wanting and that the concentrated efforts and labors of our leaders have erected in this country a governmental structure of far-reaching effect and influence, which portrays democracy albeit in a half-hazard way and personifies a seemingly equitable representation of the people's will, let there be in two legislative bodies. Let one represent the people in certain well-defined district, and the other—incarnating the symbol of conservatism, age and experience—to represent and solve perplexing problems affecting this whole country, instead of only the provinces where these senators hail, as shown by present indications and practices.

In view of the foregoing, I ask that this Convention go on record as favoring the bicameral system of legislation, the organization of which shall be based on ample protection of the legitimate rights of each province.

MR. BUSLÓN: Mr. President.

EL PRESIDENTE: Señor Delegado.

DISCURSO DEL SR. BUSLÓN
A FAVOR DEL UNICAMERALISMO

MR. BUSLON: Mr. President and Gentlemen of the Convention: In advocating for a one-chamber legislature, I may say something against the Philippine Senate; but in so doing, I only defend a principle without the least intention of disparaging the integrity and the good name of its members.

I believe that the Philippine Legislature, as it is actually organized, is composed of the best brains that the country can recruit. I believe that its members are the ablest statesmen our race has produced. But the existence of that body runs counter to the principle I am advocating, so I am constrained to speak against the existence and the continuance of bicameralism rather than of an upheaval in our future legislature.

In the first place, I am surprised why the bicameralists reinforced their arguments by citing the Romans and the Greeks of old. What do we care if the Romans cooked their food by the heat of the sun ? We now cook with electricity. The Romans lived in their days, we live in ours. We are not discussing the theoretical questions; we are facing actual facts. So, in arguing this question, let us come down to real facts. The Philippine Senate, the bicameralists say, serves as an effective check to the radicalism and impetuosity of the Lower House and also prevents hasty and ill-considered legislation. I am not going to bare my own opinion; instead, I will bring here a document signed by the best friend the Filipino people ever had, the then Governor General Francis Burton Harrison.

This is what he said about the Philippine Legislature as it is organized now:

"Their worst practice, however, and one easily capable of reform is the withholding of most of the measures until the last night of the legislative session. This reprehensible practice is common in the American Congress as well as in the State legislatures. In the Philippines it is carried to excess and is to be blamed principally upon the House of Representatives. It prevents proper discussion and understanding of many measures adopted at the end of each session. Many members in those last and crowded and existing hours hardly know what they have passed or what they are voting upon. Making due allowance for the dilatory way of human nature apparent in all countries and especially in the tropics, it may be said that in the Philippine Legislature the party management often deliberately withholds measures until the last moment with the hope of rushing them through the legislative program. To be sure the result is that the administration generally gets the bills passed but it is probable that the same laws would be attained and with more general public satisfaction if generous debate and orderly consideration were always permitted before passage."

Now, Mr. President and Gentlemen of the Convention, I challenge any bicameralist here to prove with facts whether our Senate has ever really exerted any effort to prevent ill-considered and hasty legislation.

MR. BUENO: Mr. President, I accept the challenge of the Gentleman. Afterward, I will be at your disposal.