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Se abre la sesion a las 5:33 p.m., ocupando el estrado el Hon. Jesus M. Cuenco, por designacion del Presidente.

EL PRESIDENTE INTERINO: Se abre la sesion.

DISPENSACION DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. ESCAREAL: Senor Presidente.

EL PRESIDENTE INTERINO: Senor Delegado por Samar.

SR. ESCAREAL: Pido que se dispense la lectura de la lista y del acta, dandose esta por aprobada y por presente un quorum.

EL PRESIDENTE INTERINO: ¿Hav alguna objecion a la mocion? **(Silencio.)** La Mesa no oye ninguna. Queda aprobada.

EL PRESIDENTE INTERINO: Tiene la palabra el Caballero de Negros Occidental, Senor Perez.

SPEECH OF MR. JESUS Y. PEREZ ON SENATORS-AT-LARGE AND PROPORTIONAL
REPRESENTATION

MR. PEREZ (J.): Gentlemen of the Convention: The subject of my speech is "Senators-at-Large and Proportional Representation." The basic philosophy which permeates our political thought is the expression of the popular will in government. The political institutions of all democratic nations have been continually undergoing changes to attain realization and perfection of the political ideal of popular government.

Our concept of popular government is one in which decisions on conduct are the result of conscious deliberations of the people and the instruments and machines which form these decisions really reflect the true political complexion of the nation. The present practices of certain governments, including ours, do not guaranty that their legislative bodies actually reflect the political thought of the people. Even our own political practices at times place in mockery the ideal of representative democracy.

By direct mandate of the enabling act, we are here convened to lay down the foundations of a representatives self-limited democracy. The wisdom of this mandate is self-evident for it precludes the implementation of either an absolute democracy or absolute monarchy, for neither constitutes safe foundations upon which to rest the political institutions of a free people. From the concept of the mystical derivation of the power of ancient rulers and the assumption of the mystical connection between monarchs and divinity to the notion of popular government is a great stride in the evolution of government authority. This evolution was brought

about by the growth and power of public opinion, and popular government is thus regarded as the control of politics by public opinion.

But the complicated political activities of modern civilization render impossible the determination of all public affairs by the great mass of the people, hence the rise of the theory that public opinion may be expressed thru representatives who will reflect the opinion of the electorate. This theory is the principle of representation and is one of the greatest advances in the art of government; however, because of the means and methods by which they are elected, popular assemblies have oftentimes failed to fulfill the hopes of their founders. The extent of the new grave responsibilities which we have assumed to the nation and to posterity demands of us a thorough and extensive study of the problems, principles and practices of the legislative body. Therefore, one of the gravest problems which confronts this Constitutional Convention is the composition and mode of election of the legislative authority.

Some of our political institutions are time-honored and backed up by historical precedents; so where it is plausible, let us not begin our task with demolitions; instead, let us make useful improvements on the existing mechanism of our democracy. Shall we discard our bicameral legislature and institute in its place a unicameral body? It is not my object to deal extensively for the present in the defense of bicameralism, but for the purpose of my premise, I shall say here a few statements in its defense.

I need not trace the historical development and the precedents which justify the existence of bicameral legislatures in foreign countries for these are known to all of you. However, allow me to remind you that unitary republics seek to employ in their upper house the larger interests of the state as against petty and local interests in the lower houses. Likewise, the framers of their constitutions thought it desirable to apply the principle of checks and balances not only to the different departments of the government but also within the same department. Our Senate is justified not only on grounds of historical development but also on the importance of the balancing functions of a bicameral legislature as an instrumentality for a more correct interpretation of the general sentiment of the people. Indeed, a double-chambered legislature supplies the much-needed correction to the omnipotence of a single body. The tendency of oligarchy and the cases with which it may be lobbied are factors which we must consider in any attempt to establish a unicameral body.

If we were to establish here a unicameral legislature by abolishing the Senate, then we would be confronted by the horrible spectacle of a body of so-called representatives of the people with members concentrating their energies in assaulting the public treasury for the benefit of local needs in their districts. We would have a so-called National Assembly which will not look after our national interest but merely act as guardian of local interests. A Representative comes from a small district, reared under the local and provincial influences, and what is uppermost in his mind is to secure funds from the public treasury for the benefit of his small constituency. He thinks of himself as having been sent to the legislature to secure governmental aid and protection for the district which he represents. He occupies himself chiefly with the promotion of private and local bills upon which his reelection depends. Measures of national character would be relegated to second place for much of the time and attention of our legislators would be spent in petty local legislation.

One of the greatest functions of the Senate is to check the erring course of the House. The argument has been advanced, rightly or not, that our Senate does not really act as a checking body for even our dignified senators also engage in log-rolling. It is alleged that pernicious legislative measures of local character are passed by mutual understanding between legislators in exchange for united support in the passage of measures of like character. There is free barter of votes in passing these local measures.

Indeed, it is pointed out that it would be terrifying to compare the number of bills of local character introduced in our Legislature to the number of bills of public and national character. Even in the Congress of the United States the dominance of private and local bills is great. Thus, it was pointed out that, during the presidential campaign between Cox and Harding, Congressman Cox had introduced a total of 829 bills all of which excepting 20 were bills of private and local character, and that Harding as a senator introduced 139 bills of private and local character, except 22 of them.

In our Legislature, it is alleged that after a pork barrel item has been log-rolled by a Representative in the House, the senator from the district of the author-representative does not attempt to kill it but on the contrary pushes it thru in the Senate for fear of the wrath of his constituency. Thus a bad bill, it is argued, is passed by the Legislature with the Senate having failed to exercise its checking function. However, it is admitted, that if the Senate were only to act and fulfill its mission as a checking body its importance would be of inestimable value. The solution to the problem is not to abolish the Senate but to make it perform the function for which it was created. The solution lies in the method of electing our senators.

Our method of electing members to our legislative body was imported from America, which in turn imported it from England, a country that adopted it at a time when suffrage was limited to a few and the problems of modern democracy were unknown. The original idea of American elections was that everybody must get a clear majority.

The remedy herein proposed is to elect our senators-at-large on the principle of proportional representation. The Senate then would not only take care of our national interest but also check the House and our Representatives could very well represent our local districts. The remedy is not a new discovery. It is one that has been thoroughly tested and tried. Actually all the congressmen of Virginia, Missouri, Minnesota, Kentucky, and North Dakota, and partly those of Oklahoma, Texas, Ohio, New York, Florida, Illinois and Connecticut are elected at large.

The election of senators-at-large completely disregards the idea of geographical representation and would, therefore, do away with sectionalism and regionalism. We would then have a Senate of men of national prestige and not merely the pets of provinces which happen to dominate the senatorial district. This is easily comprehended by the small provinces which unfortunately are included in the eighth and eleventh senatorial districts. Our Senate would then be a veritable training camp for national leadership, a body whose first duty is to look after our national interests. The Senators would no longer fritter away time on local and special problems, and expose themselves to the evils of log-rolling, for the election of

senators would not depend merely on one or a few localities but on the nation at large. A senator who devotes his time to satisfying the needs of a locality will certainly incur the wrath of the remainder of his constituency—in this case the whole nation. Being elected at large throughout the country, a Senator can no longer afford to be considered as a mere guardian of a locality. In the hypothetical case we have previously spoken of the pork barrel appropriation would find its natural death in the Senate. Thus, we shall have a body which will not only take charge of the national interests but also effectively function as a check to the House of Representatives.

The remedy does not stop with the election at large of the members of the Senate but makes it imperative that this election be on the basis of the principle of proportional representation. Our present method of district election does not really reflect the true picture of the political complexion of the electorate. Worse, under our present system of senatorial elections, there would be times when the minority and not the majority would govern the nation. Through a process of concentrating the majority of one party and scattering that of the other, the will of the majority of the people may be defeated and the majority of seats in the Legislature occupied by those elected by a minority of electors.

Thus, in Rhode Island in 1932, the Democrats polled 81,762 votes, but obtained just one seat in the House of Representatives, whereas, the Republicans polling only 63,688 votes carried two seats. Is this representative democracy where the minority has not only more representation but is misrepresented? In 1922, the Conservatives in England polled 5,381,433 votes carrying 276 seats in the House of Commons, while their opponents who polled 8,781,438 votes obtained 261 seats. Again, in the elections of 1924, the Conservatives with 7,350,990 votes obtained 382 seats, where their opponents with 8,614,734 votes got 180 seats only. Therefore, thru the system of district elections, the majority of the members of the British Parliament were elected by a minority of voters in 1922 and 1924.

In the elections in Geneva on October 7, 1846, the Conservatives polled 1,342 votes only, yet they obtained 29 legislative seats, while the Radicals who polled 1,400 votes carried only 19 seats. In this case, the Radicals resorted to violence. Due to the district system of elections, similar cases occurred in other Swiss cantons. In Ticino in 1899 open rebellion broke out because the Conservatives who polled 12,783 votes carried 77 seats and the Liberals with 12,965 votes elected only 35 deputies.

As a solution to these inequities of election results, proportional representation was resorted to and since then it was so successful that party peace was restored and it has not been broken since then. In Indiana in 1912, the district system resulted in a very inequitable manner because the Democrats with only 291,280 votes carried all the 12 seats for the House of Representatives while the Republicans with a great number of votes, 349,546, were unable to obtain a single seat. In Maine in 1914, the Democrats and the Republicans polled about the same number of votes—60,683 votes for Democrats and 60,318 votes for Republicans—yet the Republicans with a lesser number of votes obtained three Congressional seats and the Democrats with a greater number of votes obtained only one. Had proportional representation been applied each party would have two congressional seats since both groups were of equal strength. In Boston, the minority ruled the city on seven occasions. Now, is this representative democracy where the Legislature does not represent the true

complexion of the electorate? The ideal of popular government was defeated because of the district system of election.

In 1890, the Democratic vote went up by one percent but the Democrats increased their representation in the House of Representatives from 161 to 286. In 1924, the Democrats in nine southern states elected 78 Congressmen. The McKinley Tariff Law was really a measure of the minority because in the 51st U.S. Congress the majority of Representatives were elected by a minority of voters. Again in the 64th Congress, the Republicans with only 8,538,221 votes had 216 seats. As applied to the Presidential election in the United States which is a form of district election, in 1912 Wilson had a popular vote of 5,286,214 votes carrying 435 electoral votes while Taft with 3,483,922 votes had only eight electoral votes. Under the principle of proportional representation, Taft would have had about half of the electoral votes of Wilson, that is, about 50% and not only 2% with which he was credited.

Inequitable election results have also happened in the Philippine Islands. Thus, in the senatorial elections of 1922 when the Nacionalista Party broke up, the Collectivista Party under President Quezon polled a total of 267,078 senatorial votes and the Nacionalista Party under Speaker Osmena polled 207,793 senatorial votes. Each of these parties carried only three senatorial seats while the Democrata Party which polled only 17,080 senatorial votes or less than those of any of the parties already named, obtained four senatorial seats or one seat more than either of the other two parties polling a greater number of votes. Now, under our idea of proportional representation this misrepresentation cannot happen.

In the senatorial elections of 1928 our present form of district elections again gave rise to a grave injustice. In these elections, the Nacionalista-Consolidado Party polled 549,685 senatorial votes carrying all the eleven elective seats while the Democratas with 275,763 senatorial votes did not win a single seat. Is this representative democracy where 275,763 electors—more than one-third of the electorate of the nation—were totally deprived of representation? Under this system of representation the Nacionalistas would only be entitled to seven seats and the Democratas four.

In the senatorial elections of 1931, an independent candidate who polled only 29,036 got elected to the Senate while another candidate running under the Partido Liberal banner in another senatorial district who polled 40,180 votes was not elected. In this case, the opinion of only 29,036 electors was represented in the Senate while that of 40,180 electors was not. Now, is this justice and equity? Is this a true concept of representative democracy where a small portion of the electorate obtained representation in the Legislature while a much larger number was deprived of it? If the elections were held on the basis of the principle of proportional representation, this anomaly would never have happened.

In the senatorial elections of 1935, the Nacionalista Party polled a total of 367,332 votes carrying seven senatorial seats while the Democrata Party which polled 200,842 votes carried four seats only. Under proportional representation, the Nacionalistas would only be entitled to six senatorial seats. Thus, we find that in almost all our senatorial elections inequities have always resulted.

The district system of election has also resulted in inequities in the House of Representatives. Thus, in Pangasinan three Democratas and only two Nacionalistas