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Se abre la sesion a las 5:45 p.m., bajo la presidencia del presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Lease la lista de Delegados.

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

EL PRESIDENTE: Se ha pedido que se dispense la lectura de la lista de Delegados. ¿Hay alguna objecion? (Silencio.) La Mesa no oye ninguna. Se dispensa la lectura de la lista. Hay quorum.

APROBACION DEL ACTA

MR. GRAFTLO: I move that reading of the minutes be dispensed with.

EL PRESIDENTE: ¿Hay alguna objecion a la mocion? (Silencio.) La Mesa no oye ninguna. Aprobada.

EL PRESIDENTE: Esta en orden la continuacion de la consideracion del asunto pendiente.

SR. CONEJERO: Senor Presidente, en vista de que la cuestion referente a los sistemas bicameral y unicameral ha sido ya bastante discutida, y poco mas o menos, estoy en lo cierto si digo que cada cual ha expresado ya su idea o su opinion sobre el asunto, pido que se vote ahora esta cuestion.

(Varios Delegados secundan la mocion, mientras que otros se oponen a ella.)

SR. GUZMAN (ALEJANDRO.): Senor Presidente, me opongo a la mocion.

EL PRESIDENTE: La orden especial de la Convencion dispone que la votacion debe tener lugar a las 7:00 de la noche.

SR. CONEJERO: Entonces, Senor Presidente, me reservo el derecho de reitenar mi mocion cuando llegue esa hora.

SR. ROXAS: Senor Presidente, en vista del acuerdo de la Convencion de votar sobre esta cuestion importante a las 7:00 de la noche, desearia saber de los managers de ambos lados de la cuestion si habria algun procedimiento parlamentario que permita primeramente una votacion sobre la cuestion de si el Senado va a ser elegido por todo el pais o no; y voy a explicar por que es necesario esto.

Señor Presidente, soy uno de aquellos que estan a favor del sistema bicameral en el supuesto de que el Senado sea elegido por todo el pais; pero si esta proposicion es derrotada, tengo el proposito de votar con los unicameralistas. (Aplausos.)

Por tanto, Senor Presidente, si a las 7:00 de la noche se pone a votacion la cuestion de si debemos adoptar el sistema unicameral o el bicameral, seria muy dificil para mi determinar como he de votar en esta cuestion, sin saber que clase de Camara Alta hemos de adoptar. Por eso, yo desearia saber si no podriamos votar sin debate la cuestion de como hemos de elegir al Senado. Si no hay inconveniente, yo pediria que el Presidente del Comité, en nombre de los miembros de la mayoria del Comité Legislativo por lo menos proponga que el Senado sea

elegido at large. No vamos a hablar de la representacion proporcional. Y propongo que esta cuestion se vote sin debate.

SR. GUZMAN (ANTONIO.): Le digo a Su Senoria que yo estoy por el sistema bicameral; pero no se como se podra llevar a cabo ese sistema en el pais.

SR. ROXAS: Se puede votar eso despues.

SR. GUZMAN (ANTONIO.): Pero, ¿sin haberse discutido antes? Creo que la mayoria quiere discutir esta cuestion.

SR. ROXAS: Yo creo que tenemos que adoptar uno de los dos sistemas de bicameralismo, o sea, eleccion de senadores por todo el pais o una eleccion por distritos, como tenemos hoy; por tanto, si la Convencion derrota la proposicion de que se elija por todo el pais, parece que, implicitamente, prefiere el sistema actual.

SR. GUZMAN (ANTONIO.): Estoy conforme.

MR. ROMERO: Mr. President, as leader of the unicameralists, I am announcing that I have no objection to this proposition being inserted in the form of an amendment and to be voted upon without debate.

THE PRESIDENT: Is that proposition agreeable to the Gentleman from Pangasinan?

MR. ARUEGO: Mr. President, that will be agreeable to me as leader of the bicameralists, subject to certain conditions. In the first place, there has been created in this Convention the impression that when senators are made at large, they would be elected in accordance with the system recommended by the Chairman of the Committee on Legislative Power. There were objections pre-sented regarding the method of counting.

I object to the arguments that the system of election "at large" proposed here would be similar to that recommended by the Committee on Legislative Power. I may agree, however, to placing that system to a vote provided that the electors would have the privilege of making their preference among the number of senators presented in each list, in order that the men at the end of the list and those at the top would have an equal chance of being elected by the party.

MR. ROXAS: May I state to the Gentleman from Pangasinan that my action will not involve the manner of electing the senators, but only the territory; that is, they will be elected at large. Just how they will be elected is a different proposition. We are eliminating that now.

MR. ARUEGO: Mr. President, I understand that point: but I am quite sure that the great number of electors of the Convention are under the impression that when it comes to election at large of senators, they have in the mind the proposition proposed by the Committee on Legislative Power.

MR. OSIAS: Mr. President, the distinguished delegate from Capiz indicated that there are two methods of electing senators; but there is a third method—electing one senator for each province. The Convention knows and so does the committee that many are in favor of a unicameral system, but it is not quite accurate to say that only two methods of electing senators could be followed; namely, the present system of selecting them at-large and selecting them on the basis of districts to give them the stamp of legislative body, should we adopt a bicameral system. I am not, however, to be understood as abdicating to vote in favor of a unicameral system.

MR. ROXAS: Mr. President, when I said that there are just two methods, I mean and I still believe that I was right because election by district, with each province comprising a district, does not vary the situation. It is just a matter of the size of each district.

SR. CONEJERO: Señor Presidente, para algunas preguntas al orador.

EL PRESIDENTE: El orador puede contestar si le place.

SR. ROXAS: Si, Señor.

SR. CONEJERO: ¿Debemos entender que Su Señoría propone que se vote ahora el sistema que se debe seguir referente a la eleccion de los senadores.

SR. ROXAS: No, señor. Lo que pregunto a los Caballeros que dirigen el debate, es que si podrian permitir que se votara la cuestion de la eleccion de los senadores por todo el pais, sin hablar de la representacion proporcional, al objeto de que los que estamos a favor de ese sistema, si, como creo, el mismo va a ser derrotado en esta Convencion, pudieramos votar a favor del unicameralismo.

SR. CONEJERO: Pero, ¿no cree Su Senoría que si votaramos por ese sistema la consecuencia seria que habriamos votado sobre si debe haber una o dos Camaras?

SR. ROXAS: Su Senoría tiene razon; pero parece que no hay una opinion favorable en la Convencion. y al parecer esto no es ningun secreto; y por eso pido que se someta esa cuestion, con el objeto de poder disponer de ella y dejar el camino expedito a aquellos de nosotros que estamos a favor de ese sistema para votar por la alternativa, que es, en nuestra opinion, el sistema unicameral.

SR. CONEJERO: ¿No cree Su Senoría que seria lo mismo si nosotros votaramos despues sobre ese punto, debido. precisamente, al hecho de que en la lista ya formada aqui sobre las cosas que vamos a votar figura el punto referente al unicameralismo, y despues referente a la eleccion de los senadores?

SR. ROXAS: Eso no obsta. Se puede llegar a un acuerdo sobre el procedimiento parlamentario de si se ha de votar o no sobre este asunto del informe o sobre esta cuestion. Creo que hay de 50 a 40 que votaran a favor del bicameralismo solo porque estan a favor de un Senado at large; pero si no se aprobase ese plan preferirian votar por el unicameralismo.

EL PRESIDENTE: Vamos a votar ya la proposicion del Delegado por Capiz.

SR. MILLAR: Senor Presidente, para algunas preguntas al Delegado por Capiz.

EL PRESIDENTE: El Delegado por Capiz puede contestar, si le place.

SR. ROXAS: Si, señor.

SR. MILLAR: Quisiera saber del Caballero de Capiz si esta cuestion no es una condicion solamente. Porque, suponiendo que se votara eso, y nosotros, por ejem-plo. estuviésemos conformes con la idea de que haya una Legislatura unicameral, pero no lo estuviésemos de que la edad minima, por ejemplo, de los Representantes ha de ser de 25 anos nada mas, ¿no cree Su Senoría que podriamos pedir una votacion como la que quiere Su Senoría sobre el unicameralismo? Es solo una condicion, porque si hubiese muchos delegados que desearan votar por que la Legislatura sea unicameral, pero que desean que una de las condiciones para que uno pueda ser Representante, sea, por ejemplo, la de que tenga por lo menos 30 o 35 anos de edad, en ese caso, estos votarian por que sea unicameral la Legislatura, como quiera que esas cosas son solo condiciones o requisitos deseados por una u otra parte, no fundamentals para la cuestion de que la Legislatura sea unicameral o bicameral. Despues de todo, podriamos introducir en la Constitucion las enmiendas que queramos, cualquiera que sea el sistema que adoptemos.

SR. ROXAS: Comprendo lo que dice el Delegado por Tayabas. Sin embargo, creo que la cuestion de que los senadores deban ser elegidos por todo el pais y no por distritos, es fundamental, mientras que no tiene importancia la cuestion de la edad.

EL PRESIDENTE: Esta suficientemente discutida esta cuestion. La Asamblea esta debidamente informada de la naturaleza de la proposicion del Delegado por Capiz, que consiste en que se vote como cuestion previa sin ningun debate la proposicion de si debemos elegir un Senado at large.

SR. MORALES: Me opongo a la proposicion del Delegado por Capiz. Creo que debe votarse primeramente el sistema que hemos de adoptar. Creo que no se debe votar si la eleccion de los Senadores ha de ser nacional o por distritos, sin antes adoptar el sistema que la Asamblea quiera.

EL PRESIDENTE: Se va a votar la proposicion del Delegado por Capiz. Los que esten a favor de dicha proposicion, tengan la bondad de decir Si. (Varios Delegados: Si.) Los que esten en contra, sirvanse decir No. (Varios Delegados: No.) Division. Los que esten a favor de la proposicion, tengan la bondad de levantarse. (Se levantan 71 Delegados.) Los que esten en contra, tengan la bondad de levantarse ahora. (Se levantan 60 Delegados.) Por 71 votos afirmativos contra 60 negativos, se aprueba la proposicion.

SR. BRIONES: Senor Presidente, presento la siguiente enmienda a la resolucion: Que es el sentir de la Convencion que la Legislatura Nacional se componga de dos Camaras, una que se llamara Senado, y otra que se llamara Camara de Representantes, y que los miembros del Senado sean elegidos por la nacion at large.

EL PRESIDENTE: Se va a proceder a la votacion nominal. Lease la lista.

SR. SAGUIN: Para una informacion, Senor Presidente. Quisiera saber si los que votan por la proposicion del Delegado por Cebu estaran obligados a votar por el sistema bicameral.

EL PRESIDENTE: ¿Cual es su pregunta?

SR. SAGUIN: Me parece haber oido de la Mesa, que la cuestion que se va a votar, es la resolucion que es el sentir de la Convencion que vamos a adoptar el sistema bicameral, y que el Senado va a ser elegido at large. Quisiera pedir una aclaracion, porque yo, por mi parte, votare por el sistema bicameral, siempre y cuando que el Senado sea elegido at large; de otro modo, votare por el sistema unicameral. Pero la cuestion, tal como lo ha anunciado la Mesa, envuelve dos extremos.

EL PRESIDENTE: Se votara por el sistema bicameral.

SR. BRIONES: Quisiera que se haga constar claramente ante la Asamblea, que aun despues de derrotada esta proposicion, todavia podra votarse la cuestion principal de si sera bicameral o unicameral.

EL PRESIDENTE: Pero si se aprueba la proposicion, queda votada ya la cuestion del bicameralismo o unicameralismo.

SR. GUZMAN (ALEJANDRO): Suponiendo que aprobamos dos Camaras, ¿tendriamos por segura la votacion de los Senadores at large?

EL PRESIDENTE: Si, señor.

Se ha pedido una votacion nominal, por consiguiente, se leera la lista y los que esten conformes con la resolucion, contestaran Si, y los que esten en contra, contestaran No.

MR. OSIAS: I think we ought to make this very plain. If the voting is on the question of a bicameral system, the logical position of those in favor of the unicameral is to abstain. But the question should not be in that form. We are just voting whether the senators, if there be a Senate, should be elected at large or elected by district.

EL PRESIDENTE: La Mesa entiende que la proposicion del Caballero de Cebu es para afirmar que si la Asamblea opta por las dos Camaras, la eleccion de los senadores sea at large.

SR. ROXAS: Señor Presidente, contestando a lo que ha manifestado el Caballero de La Union, creo que los que estan conformes con el sistema unicameral, como tal sistema, deben votar en contra de esta proposition, porque la aceptacion de la enmienda del Caballero de Cebu envuelve la creation de las dos Camaras.

SR. OSIAS: Señor Presidente, deseo hacer una observacion y es que hay muchos que estan a favor del sistema bicameral, pero que se convertirian en unicameralistas en caso de que no se apruebe la resolucion.

EL PRESIDENTE: La Mesa ha anunciado ya cual es el sentido de la votacion de este proyecto.

SR. SINGSON ENCARNACION: Senor Presidente, yo me opongo a que se someta a votacioa la proposicion del Delegado por Cebu. Esa proposicion envuelve dos cosas a la vez, debe partir del supuesto solamente de que la Convencion votara por dos Camaras, tal como lo supone el Delegado por La Union.

EL PRESIDENTE: Se ha resuelto ya afirmativamente por la Asamblea esa cuestion por 71 votos contra 68, en el sentido de que se vote la proposicion sin de-bate.

SR. SINGSON ENCARNACION: Si, senor Presi-dente, pero aqui hay dos proposiciones envueltas, de modo que si se aprueba la proposicion del Delegado por Cebu quedaria completamente muerta la proposicion de si el sistema sera bicameral o unicameral. Por lo tanto, si es asi, lo procedente es la votacion sobre si sera bicameral o unicameral el sistema que se adopte.

EL PRESIDENTE: La Mesa cree que el unico medio que existe es pedir la reconsideracion del asunto.

MR. ROSIERO: Mr. President, I think a lot of confusion could be avoided if the proposition of the Gentleman from Cebu were presented in the form of an amendment. The resolution as presented states: "Re-solved that it is the sense of the Constitutional Con-vention that the Constitution should provide for a bica-meral legislature." The amendment has nothing to do with the senators elected at large. That amendment can be submitted later. If that amendment is rejected, we can go back to the original bill. I accept that amendment.

EL PRESIDENTE: Se va a proceder a la votacion nominal. Lease la lista.

EL SECRETARIO:

Señor ABAYA

No

Señor ABELLA

SR. ABELLA: Señor Presidente, voto si, si los senadores seran elegidos at large.

EL SECRETARIO:

Señor Abella Si

Señor Abordo

MR. ABORDO: Mr. President, I stand for bicameralism provided that the system of election-at-large is adopt-ed by the Convention: I vote "yes."

EL SECRETARIO:

Señor Abordo

Si

Señor Abrigo

Si

Señor Adduru

Ausente

Señor Albero

No

Señor Aldeguer

Ausente

Señor Aiejandrino

No

Señor Alkuino

No

Señor Alonto

Ausente

Señor Altavas

Si

Señor Ancheta

No

Señor Araneta

Ausente

Señor Arcenas

No

Señor Arellano

Si

Señor Artadi

No

Señor Arteche

Ausente

Señor Aruego

Si

Señor Balili

Si

Señor Baltao

Si

Señor Banaga

Si

SeñorBarrio

No

Señor Bautista

Si

Señor Beltran

Ausente

Señor Benitez

Ausente

Señor Benito

No

Señor Binag

Si

Señor Bocar

No

Señor Bonto

No

Señor Borbon

No

Señor Braganza

No

Señor Briones

Si

Señor Buendia

No

Señor Bueno

No

Señor Buslon

No

Señor Cabarroguis

Ausente

Señor Cabili

No

Señor Calleja

Ausente

Señor Canonoy

No

Señor Caram

Si

Señor Carin

MR. CARIN: I want to be informed whether we are voting on the amendment. Mr. President. I vote "No."

EL SECRETARIO:

Señor Carin

No

Señor Carino

Si

Señor Castillejos

No

Señor Castillo

Ausente

Señor Castro

No

Señor Cea

No

Señor Chioco

Si

Señor Cinco

Si

Señor Clarin

Si

Señor Cloribel

No

Señor Conejero

No

Señor Confesor

MR. CONFESOR: Mr. President, I would like to explain my vote. I am in favor of a bicameral system of legislature, but I vote against this amendment because the system of electing the senators would place the election of the senators in the hands of the bosses of the party in power. "I vote against the amendment.

EL SECRETARIO:

Señor Confesor

No

Señor Conol

No

Señor Crespillo

Ausente

Señor Cruz (C.)

No

Señor Cruz (R.)

SR. CRUZ (R.): Voto por dos Camaras contra de la eleccion at large de senadores.

EL SECRETARIO:

Señor Cruz (R.)

Si

Señor Cuaderno

No

Señor Cuenco

No

Señor Curato

No

Señor Delgado

Si

Señor Diez

Si

Señor Dikit

Ausente

Señor Divinagracia

Si

Señor Duguiang

No

Señor Encarnacion

No

Señor Enriquez

Ausente

Señor Escareal

Ausente

Señor Esliza

No

Señor Espeleta

Ausente

Señor Fakangan

Ausente

Señor Fernandez

No

Señor Flores

Si

Señor Francisco

No

Señor Gaerlan

No

Señor Ganzon

Si

Señor Grafilo

No

Señor Grageda

No

Señor Guarina

No

Señor Guevara

Ausente

Señor Gullas

Ausente

Señor Gumangan

Ausente

Señor Gumban

Ausente

SR. GUMBAN: Señor Presidente, yo estoy en favor del sistema bicameral si la eleccion de senadores se hace por distrito; pero, de acuerdo con la proposicion yo voto no.

EL SECRETARIO:

Señor Gumban No

Señor Gutierrez David No

Señor Guzman (Alejandro) No

Señor Guzman (Antonio) No

Señor Guzman, (B.) Ausente

Señor Guzman, (J.) No

Señor Hernaez Ausente

Señor Hontiveros No

Señor Inting Si

Señor Irving No

Señor Jose No

Señor Jumawan No

Señor Joven Si

Señor Kapunan No

Señor Kintanar No

Señor Labrador No
Señor Lapak Si
Señor Laurel Si
Señor Ledesma No
Señor Leonardo No
Señor Lesaca No
Señor Liboro Ausente
Señor Lim No
Señor Lizardo Ausente
Señor Lizares Si
Señor Locsin No
Señor Lopez, (Eusebio) Si
Señor Lopez, (V.) Ausente
Señor Lorenzana No
Señor Lorenzo Si
Señor Lutero No
Señor Maglanoc No
Señor Mansuelo No
Señor Marabut No
Señor Maramara Ausente
Señor Martinez, M. Si
Señor Martinez, R. No
Señor Maza No
Señor Melendez No
Señor Melendres No
Señor Millar No
Señor Moldero Ausente
Señor Moncado Si
Señor Montano No
Señor Montesa No
Señor Montilla No

Señor Montinola Si

Señor Morales No

Señor Mumar No

Señor Munoz No

Señor Navarro Ausente

Señor Nepomuceno, (J.) No

Señor Nepomuceno, (R.) Si

Señor Nepomuceno, (V.) No

Señor Niere No

Señor Ocampo No

Señor Orense Ausente

Señor Ortega No

Señor Ortiz, T. No

Señor Ortiz, M. No

Señor Osias No

Señor Ozamis Ausente

Señor Palma Ausente

Señor Paredes No

Señor Pelayo Si

Señor Perez, (J.) Si

Señor Perez, (P.) No

Señor Perfecto

SR. PERFECTO: Senor Presidente, creo que el sistema de eleccion nacional bajo el metodo proporcional mejoraria el sistema bicameral, pero entiendo que ningun sistema bicameral es preferible al sistema unicameral. Pero voy a votar "No" para dar oportunidad a que se ponga una enmienda a la resolucion, consistente en la palabra "unicameral" donde quiera que aparezca la palabra "bicameral," enmienda que propondre si no la propone otro.

EL SECRETARIO:

Señor Perfecto

No

Señor Piang

No

Señor Pio

Ausente

Señor Prieto

No

Señor Quirino, (E.)

Ausente

Señor Quirino, (D.)

No

Señor Rafols

Si

Señor Ramos

SR. RAMOS: Senor Presidente, desde el comienzo he sido partidario del sistema bicameral, pero no pudiendo conformarme con la proposicion, me veo obligado a votar, No.

EL SECRETARIO:

Señor Ramos

No

Señor Ranjo

No

Señor Reyes, (G.)

Si

Señor Reyes, (J.)

Ausente

Señor Ribo

No

Señor Ricohermoso

No

Señor Rivera

MR. RIVERA: Mr. President, I am in favor of the bicameral system provided that our senators will be elected at large on the basis of proportional representation. So, I vote No.

EL SECRETARIO:

Señor Rivera

No

Señor Romero

No

Sr. Romualdez

No

Señor Roxas

Si

Señor Saguin

Si

Señor Salazar

Si

Señor Salumbides

No

Señor Sandiko

Si

Señor Sanchez

No

Señor Sandoval

No

Señor Santos

Si

Señor Sanvictores

Si

Señor Sevilla

No

Señor Singson

No

Señor Sinsuat

No

Señor Sison

No

Señor Sobrepena

No

Señor Sotto, (F.)

No

Señor Sotto, (V.)

No

Señor Suner

Si

Señor Surban

No

Señor Tanopo

No

Señor Tulawi

No

Señor Velasco

No

Señor Ventenilla

No

Señor Ventura

No

Señor Villamor

No

Señor Villanueva

Ausente

Señor Villarama

No

Señor Villareal

Ausente

Señor Vinzons

No

Señor Ybanez

No

Señor Ysip

Ausente

Señor Yusay

Si

Señor Zavalla

Si

Señor Zialcita

No

Señor Zurbito

Ausente

SR. SOTTO (F.): Señor Presidente, el Señor Dikit esta aqui y desea registrar su voto.

SR. DIKIT: Voto No.

EL PRESIDENTE: Hagase constar. La Mesa anunciara el resultado de la votacion: Por 113 votos negativos contra 48 afirmativos con 37 ausentes, se rechaza la enmienda.

SUSPENSION DE LA SESION

EL PRESIDENTE: Si no hay objecion, la Mesa suspendera la sesion por algunos minutos. (No hubo objecion.)

Eran las 5:40 p.m.

REANUDACION DE LA SESION

Se reanuda la sesion a las 5:52 p.m.

EL PRESIDENTE: Se reanuda la sesion.

SR. INTING: Para un turno en contra de la en-mienda.

SR. PERFECTO: Señor Presidente.

SR. PRESIDENTE: Señor Delegado.

SR. PERFECTO: Presento la siguiente enmienda: en donde se lee la palabra "bicameral", se ponga la palabra "unicameral."

EL PRESIDENTE: Ese es el asunto principal que se esta discutiendo.

SR. PERFECTO: Exactamente; mi enmienda va contra la resolucion principal.

EL PRESIDENTE: Segun la orden especial, eso se votara a las 7 de la noche, a menos que se disponga otra cosa por la Asamblea. La enmienda de Su Senoria esta envuelta en la cuestion principal. Aqui hay dos extremos que son el sistema bicameral y el unicameral.

SR. PERFECTO: Quiero hacer una aclaracion. Esta enmienda es necesaria, porque el voto negative, en contra de la resolucion, puede no entenderse precisamente que es un voto a favor del sistema unicameral.

EL PRESIDENTE: A menos que haya otro tercer sistema, pero si no lo hay, practicamente se vota a favor del sistema bicameral.

SR. PERFECTO: Yo prefiero que la declaracion de la Asamblea sea categorica, en favor del sistema unicameral.

EL PRESIDENTE: La Mesa entiende que la enmienda de Su Senoria esta envuelta en la cuestion principal. Porque la cuestion principal que esta pendiente ante la Asamblea es la de si debemos adoptar el sistema bicameral o el unicameral. Si se voto la proposicion del delegado por Cebu, fue por consentimiento expreso de la Asamblea. Hubo necesidad de que se pidiera a la Asamblea el consentimiento para que pudiera votarse.

La Mesa va a dar oportunidad al Caballero para que pueda dar su explicacion. La Mesa mantiene su resolucion y vuelve a informar al Delegado por Surigao. Senor Montano Ortiz, que, para que se pudiese votar la enmienda del Delegado por Cebu, Senor Briones, se tuvo que pedir el consentimiento expreso de la Asamblea. ¿Desea el Delegado por Surigao apelar de la decision de la Mesa?

SR. ORTIZ (M.) Sr. Presidente

EL PRESIDENTE: ¿Esta dispuesta la Asamblea a votar sobre la proposicion? (Varios Delegados: Si.)

Los que esten conformes con la proposicion, se sirvan decir si (Varios Delegados: Si.) Los que no lo esten, sirvanse decir no. (Varios Delegados: No.) Se rechaza la proposicion.

SR. OSIAS: Senor Presidente, pedimos division.

EL PRESIDENTE: Los que esten conformes con la proposicion, tengan la bondad de levantarse. (31 Delegados se levantan.) Los que esten en contra, se sirvan hacer lo mismo (73 Delegados se levantan.)

Por 73 votos negativos contra 31 afirmativos, se rechaza la proposicion.

MR. ARUEGO: Mr. President, I wish to have more speakers, so I move that voting on this question be postponed for tomorrow afternoon.

MR. VINZONS: Mr. President, I am one of those who desire to speak, but I would relinquish my right provided that this question be voted upon now.

MR. BALILI: Mr. President, I have prepared a speech on the bicameral system, and I request that it be inserted in the Record.

EL PRESIDENTE: Si no hay objecion, se ordena la insercion del discurso. (No la hubo.)

DISCURSO DEL SR. BALILI A FAVOR DEL SISTEMA BICAMERAL

Mr. President and Gentlemen of the Convention: Fresh yet in our memories, because the ringing of bells and the firing of guns still linger in ours, is the fact that eighteen years ago the whole Philippine Archipelago—from Batanes to Sulu—held a great rejoicing because independence was near at hand. The Jones Law was handed to us, giving us a more autonomous government and setting up in the Philippine Islands a legislative body composed of two Houses—the House of Representatives and the Senate.

October 15, 1916, it was when our Philippine Senate was inaugurated. That distinct creation, since then until this date, has enacted wise legislation for the welfare and prosperity of our Motherland. It serves as a fountain of good laws from year to year; and by its creation we have achieved progress unparalleled in the history of dependent countries. From the time of the inauguration of our Senate, we saw clearly rising from the horizon, our beloved Philippines, ready to be admitted into the family of independent nations. All the countries of the world began to notice and see that here is a country destined to become one of the strong nations in the Orient.

We are on the threshold of our independence, and we are now here to draft our Magna Carta. In the trying period of our history, let us be cautious and prudent in our judgment so that our country will finally reach the goal of

complete liberty for which our heroes lived and died. Let us not run the risk and take the hazardous attempt of destroying that very foundation responsible for the unequalled progress, happiness, prosperity and stability of our country.

The Senate in itself is a distinct lawmaking body. To its credit, it has passed many wise laws responsible for the wholesome progress we have attained, which is laudable and unparalleled in the annals of dependent nations. To prove this assertion, I cite here a few of the laws now in our Senate statute books:

LAWS ORIGINATED IN THE SENATE

1. Act No. 2715— The Philippine Militia, March 17, 1917.
2. Act No. 2728— Creation of the Bureau of Commerce, approved January 31, 1918.
3. Act No. 2927— Naturalization Law.
4. Act No. 2938— Adoption of Official Flag for The Government of the Philippine Islands.
5. Act No. 3093— Conditions under which the Government of the P. I. could be sued.
6. Act No. 3518— Amendment to the Corporation Law.
7. Act No. 3995— Assessment Law.
8. Act No. 4035— Anti-Dumping Law, December 17, 1932.
9. Act No. 4034— Parity Law, December 17, 1932.
10. Act No. 4056— Mediation and Arbitration.
11. Act No. 4122— Installment Law, December 9, 1933.
12. Act No. 3500—

Revolving Fund of five million pesos for construction of permanent bridges, approved December 8, 1938.

Since the creation of the Philippine Senate up to the beginning of this Constitutional Assembly, I never heard any criticism against it; in fact, it has lived up to our ideals and expectations. It will be a backward step in our democracy and also a calamity and a tragedy if we destroy it now for the sake of experiment.

This is a dangerous period for experimentations. We have tried the present system and found it beneficial and successful; hence, there is no reason for us to perform a risky and hazardous experiment which might likely wreck our ship of destiny on the huge rock of failure. Is it economy, if we destroy the very foundation or source that gives life to our nation, Do the unicameralists want to kill the hen that lays the golden eggs?

Gentlemen, in these crucial moments of our existence; in this epoch of our history when we still hang uncertain on which side to fall; during the ten years of transition period when the United States of America and the world at large will fix their eyes on us; and on these days when the final test of our capacity to stand as a strong independent nation is given to us, let us be cautious and sure of our action. Our ship of destiny is now in the cross currents, a chopping sea with the waters running in different directions. The unicameral system is not for us. Our Malolos Constitution provided for it but it failed. It could not even be carried out for we fell already in the hands of another power. I am afraid that we will repeat the same history if we provide for a unicameral legislature now.

The unicameralists base their arguments largely on the allegation that with only one legislative chamber we can economize in our government expenses and thus save enough to ameliorate the sufferings of the masses.

Gentlemen, in answer to this argument which every unicameralist speaker mentioned on the floor of this Assembly, I wish to state that the abolition of the Up-per Chamber of the Philippine Legislature will not be an economy. On the contrary, it will mean destruction of our financial stability and the curtailment of our economic and political progress.

To prove this to you, allow me to indulge in a mathematical computation. In the first place, in a democracy everything is dependent on laws. Rulers from the lowest to the highest act in accordance with law. Our coun-try's progress depends entirely on wise legislation. It follows then that the only sources upon which our country depends for stability and political livelihood are the two Chambers of our Philippine Legislature. Is it economy, therefore, if we destroy one of these important sources?

In short, our country has two law factories and they are the only two sources upon which we depend for our livelihood or existence. One factory, the Phil-ippine Senate, is composed of the most experienced, skillful, trained and exceptional experts in their line of work. Naturally, this body accomplishes greater pro-duction of excellent quality and durability. We have another factory, the House of Representatives, very likely dominated by less skillful workers with limited experience but they possess sufficient knowledge and strong courage and determination. They are capable of laudable accomplishments if there is something to guide them and check them in their actuations. Granting that these two factories have an equal rate of production, then abolishing or destroying one will naturally reduce production to one half, or more so if the factory we intend to abolish is the one with men of exceptional training and experience.

Just because we spend a considerable sum for the maintenance of this very important institution, several delegates say that we are wasting our money, forgetting that this institution gives us our life. They only consider the money spent for its maintenance, forgetting that this institution gives us the benefit and the glory of our existence. Any enterprise must incur expenses to run it. It is true that we need about half a million pesos to maintain the Philippine Senate, but that sum is too insignificant considering the benefits we derive from it. In other words, we are justly compensated for the expenses incurred in maintaining the Senate. If there is really a waste of money in the operation of our Philippine Legislature now, that can be avoided by reducing the salaries of senators and representatives and abolishing unnecessary positions therein.

The reason for the existence of the Philippine Senate is that it serves not only as check and balance, but also as a source of legislation. The two Chambers act independently of each other, but they mutually make laws for our country; hence two will be better than one. Another advantage is that the Philippine Senate is composed of the greatest men in our country—men of varied experiences and vast learning—and it is partic-ularly from this Body that we expect good legislation.

An inevitable result if we have only one legislative chamber is that it will be dominated by young men whose blood is yet quite hot, their experiences limited, and their judgments still immature. I am afraid, Gentlemen of the Convention, that should we have only one body in our Philippine Legislature, our country would be dragged into chaos and possibly bloodshed. The manifold and delicate international and internal problems confronting us nowadays need to be tackled by tactful, diplomatic and conservative men of vast experience and knowledge like those we have in the Philippine Senate.

I don't want to repeat here what Delegate Aruego has demonstrated. However, to prove to you once more that two legislative chambers will be very beneficial to our country, because one serves as a check to the other, I wish to cite to you several measures passed by one House but rejected by the other. Such pieces of legislation were not deemed wise nor beneficial for the country. This refutes the allegation that there is tayo-tayo business between the House of Representatives and the Philippine Senate. In 1916 and 1917 a liberalized Divorce Law was passed by

the House of Representatives. In 1917 and 1918, that House also passed the Penal Code, notwithstanding many unwise provisions contained therein. But thanks to the Philippine Senate, they were not acted upon by the latter. In 1910 and 1911, the House passed a liberalized Divorce Law, but thanks to an Upper Chamber then—the Philippine Commission—that law was also killed. The Woman Suffrage Bill was many times passed by the Lower House, but thanks to the Philippine Senate, that measure was voted down by that Body. It was only last year that woman suffrage was approved by both Houses.

In 1927, the Coastwise Shipping Law was passed by the Lower House, but thanks again to the Senate it was not acted upon by that Body for being prejudicial to the interests of the Filipino people. These facts prove that the existence of two Chambers in the Philippine Legislature is greatly beneficial to our country.

There are those who believe that two Chambers in our Philippine Legislature are not necessary because the theory of check and balance is defeated by the caucus system. This is not the fact, Gentlemen. The caucus is held by the majority party only as a means by which bills could be smoothed out and wisely prepared before presenting them to either House for approval. The caucus is only called by majority leaders for exchange of opinions among members of the majority party on certain legislative matters so as to avoid unnecessary delay in the enactment of good laws.

The caucus does not kill one of the purposes for which the two Chambers are created; instead, it proves that even the two Chambers are not enough for the enactment of wise legislation. The caucus is needed to facilitate the drafting of sound laws.

We come now to certain powers of the Senate which, in my opinion, cannot be exercised efficiently and effectively by the House of Representatives; and one of them is the confirmation of appointments. If confirmation is exercised by a big body like the House of Representatives, which is dominated by young blood, I am quite sure that our country will witness a constant agitation and squabble when the question of confirming appointments comes up for discussion in that Body. This delicate duty must be placed in the hands of a smaller body of men already mature in age and judgment and with years of experience in all lines of governmental activities. They must be men whose visions are wide and unlimited, whose knowledge of our country is so complete as to warrant sound and wise judgment in the selection of men who will be entrusted with the task of guiding the affairs of state. This power of confirmation must necessarily be in the hands of senators.

Gentlemen of the Convention: Let us profit from the experience of other countries of the world. Example is the best teacher; so, through examples given to us by the great world powers and by the majority of nations which have adopted the bicameral system, it is safe for us to continue the present system which has proved beneficial to us. I also invite your attention to the fact that despite the numerous quotations by Delegate Sotto of French authorities favoring the unicameral legislature, the French nation has a bicameral system of legislature. I also repeat here what the Hon. Delegate from Abra manifested: that there are forty-four nations, among them all the great powers, which have adopted the bicameral as against only twenty-two, mostly small nations, where the unicameral system exists. (Ref. Page 9). The unicameralists have repeatedly told us that the bicameral system is undemocratic; yet all peoples of the world, the unicameralists included, are of the opinion that the United States of America is the greatest democratic nation in the world, yet its system of legislature is bicameral ever since its creation.

Summarizing, Mr. President and Gentlemen of the Convention, we must continue the bicameral system of legislature for the following reasons:

- It is a reliable source of legislation upon which our stability depends;
- Each chamber serves as check and balance, so that abuse of power and tyranny may be avoided;

- It has proven beneficial and necessary in all democratic countries of the world;
- It avoids hasty legislation and affords a second thought on proposed legislation, thus giving opportunity for correction;
- In a bicameral system all elements of the country are represented;
- The power of confirmation can only be well exercised by the Senate;
- The people have more confidence in the justice and wisdom of laws passed by two chambers;
- The two Houses can be trusted to express the people's will and the justice and wisdom of their decision can scarcely be challenged. When there is disagreement between them, the Executive will occupy the position of the arbiter. Thus the government rests upon a tripod, instead of only two legs, which means stability.

I have given you a graphic idea of our country as constituted today. It is like a table that is safely, as surely and strongly resting on three legs—the Executive, the Senate and the House of Representatives. Take away one of these legs and the table breaks down. Abolish the Senate and our Government will likewise collapse.

COUNTRIES CLASSIFIED AS HAVING A BICAMERAL OR UNICAMERAL LEGISLATURE

Countries Having a Bicameral Legislature

1. Argentina 23. Ireland
2. Australia 24. Italy
3. Austria 25. Japan
4. Belgium 26. Liberia
5. Bolivia 27. Luxemburg
6. Canada 28. Mexico
7.
Chile
29. Netherlands
8. Columbia 30. Newfoundland
9. Cuba 31. New Zealand
10. Czechoslovakia 32. Norway
11. Denmark 33. Nicaragua
12. Dominican Republic 34. Paraguay
13. Ecuador 35. Peru
14. Egypt 36. Poland
15. Ethiopia 37. Portugal
16. France 38. Rumania

17. Great Britain 39. Union of South Africa
18. Greece 40. Sweden
19. Haiti 41. Switzerland all the State
20. Hungary 42. Nova Scotia (Canada) governments
21. Iceland 43. Quebec (Canada)
22. India 44. The United States

Countries Having a Unicameral Legislature

1. Albania
13.
Persia
2. Bulgaria 14. El Salvador
3. Costa Rica 15. Spain
4. Estonia 16. Turkey
5. Finland 17. Alberta (Canada)
6. Germany 18. British Columbia (Canada)
7. Guatemala 19. Manitoba (Canada)
8. Honduras 20. New Brunswick (Canada)
9. Yugoslavia 21. Ontario
10. Latvia 22. Saskatchewan (Canada)
11. Lithuania
12. Panama

MR. SANTOS: Mr. President, I wish to request that the speech of Delegate Chioco be inserted in the Record.

THE PRESIDENT: Si no hay objecion, asi se ordena. (No hubo objecion.)

DISCURSO DEL SR. FLORENTINO C. CHIOCO A FAVOR DEL SISTEMA BICAMERAL

Mr. President, and Gentlemen of the Convention: I rise to support the establishment of the bicameral system of legislature. So many good reasons, of course, were already given by my colleagues of our side.

During the debate of this important problem — whether we shall favor a bicameral system or not — I listened closely to the arguments presented by the sup-porters of the unicameral system, and I have compiled their reasons as follow:

- The Upper House is unnecessary and superfluous because of the veto power of the Chief Executive.
- The Upper House is not a check to the Lower House.
- The intellectual, experienced and national figures who are members of the Upper House can become

members also of the unicameral body, if the Upper House will be abolished.

- The creation of two Houses will only strengthen the "tayo tayo" system in passing bills.
- The abolition of the Upper House will mean economy to our government.

I will now discuss these points one by one to expose the errors committed by the supporters of the unicameral body.

- The Upper House is unnecessary and superfluous, because there is the veto power of the Chief Executive.
- The Upper House is not a check to the Lower House. The veto power given to the Chief Executive is different from the power vested in the Upper House. To support this assertion I shall give a clear example. The defunct Hare-Hawes-Cutting Act passed by the United States Congress was vetoed by President Hoover. The President's veto was defeated by the negative votes of the U.S. Congress, and became an act just the same irrespective of the President's veto. This same act was rejected by our Ninth Legislature.

On the other hand, if passed by the U.S. House of Representatives alone and then it was checked and rejected by the U.S. Senate, the fate of the bill might have a different course. President Hoover would have had no H-H-C bill to veto, and that same act would not be brought to this country only to be rejected by the Ninth Legislature.

The veto power of the Chief Executive can be easily defeated if there is one legislative body. The fallacy, therefore, of the first and second arguments as presented by the advocates of the unicameral system has been clearly established.

- The intellectual, experienced and national figure citizens who are members of the Upper House can be members also of the unicameral body, if the Upper House will be abolished.

The unicameralists all agree that the members of our Senate are more experienced and more widely known than the members of our Lower House. They say that if the Senate is abolished, these citizens of national prominence can also become members of the unicameral body. Personally, I agree to the truth of this assertion, but I differ insofar as the influential positions of these men are concerned.

Let us review our mathematics in relation to the pre-sent situation of our Legislature. Let us say there are 100 members in the House of Representatives and 20 members in the Senate, making a total of 120 legislators. In a bicameral legislative body as we have now, for example a bill — say House Bill No. 522 has been passed by the Lower House with 80 ayes and 20 votes in the negative. This bill is then taken to the Senate and is acted upon with 11 senators voting nays and 9 voting ayes. Therefore, the bill passed by the House with 80 aye votes is rejected and checked by the Senate with 11 nay votes. This is also a clear example of the checking power of the Upper House.

For the sake of argument, let us abolish our Senate. Its 20 intellectual and experienced members will be taken in as members of a unicameral body, as argued by some of the unicameralists. In such a case our unicameral body will have 120 members. Taking again the same bill, House No. 522, we now have in the unicameral body 80 aye and 31 nay votes. Therefore, the aye have 58 more votes than the nays. It is very clear that the bill which was not approved by the Senate becomes an Act just the same by action of only one legislative body.

In this case, the checking power of the Upper House is lost and the vote of more experienced men have been absorbed in the case of a unicameral system of legislature. Where then is the truth of this argument?

- The creation of two houses only strengthens the "tayo-tayo" system in passing a bill.

This argument is far from the truth. Every supporter of the unicameral system knows that both Houses, even since our government began functioning under the Jones Law for 18 years — have been and are still controlled

by the party in power. The Delegate from Pangasinan has given us the statistics of the bills passed and rejected by the House of Representatives and vice versa. If the "tayo-tayo" system dominates in considering the passage of a bill in both houses, why is it that a bill passed by the House of Representatives which is controlled by the party in power, was rejected by the Senate, a body also controlled by the same party in power. The fallacy of this argument is thus clearly established.

If during the existence of our bicameral legislative body, there were same anomalies committed by our legislators, those should not surprise us. My colleague, the Delegate from Bulacan, has mentioned the salary rider anomaly committed by our legislators. Like legislators in other countries, our own are also human, and being human they are subject to commit mistakes and crimes. But it is not that they had committed one mistake after a thousand and one good deeds made for the interest and welfare of our country, that we are now justified to abolish one of the two chambers of our Legislature.

- The abolition of the Upper House will mean economy to our Government.

All for the sake of economy. If this is our intention, why not abolish the entire legislative body and create in its stead only a Commission—say, of 11 members? May I ask: Is the abolition of the Upper House the only way and means by which we can reduce the expense of our Government? What will you say if we reduce to 50% the present high salaries of our government officials from Department Secretary down to State University professors? I believe that if we do so, we can economize more than if we abolish the Upper House.

This gives me an opportunity to tell you that when I met one of the present departmental secretaries, he asked me if there are constitutional precepts presented in the Constitutional Convention regarding the reduction of the salary of government officials. I showed him my copy of Constitutional Precept No. 885, and he noticed that the salary of a department secretary was fixed at P6,800. per annum. He suggested that the P800 must be omitted leaving only P6,000 per annum as against the present salary of P12,000.

If I were to judge them correctly, our Government officials are not after monetary advantages and personal glory. They accepted their present high post in our Government not for greed of money or for personal glory, but because of their ardent desire to serve our country. They are in their present high positions due to their great desire to work for the interest and welfare of the Filipino people.

One of the best examples of this argument is the Honorable Delegates to this Convention. They are working and sacrificing everything for the sake of our beloved country regardless of the small per diem they are receiving.

In conclusion, we earnestly invite the unicameralists to join us and vote for the establishment of a bicameral system of legislature in our Government. I thank you.

EL PRESIDENTE: Ahora la Mesa va a someter a votacion la proposicion del Delegado por Pangasinan, Senor Aruego, para que se aplase para manana la votacion de la cuestion principal, o sea, la que se refiere a la adopcion o no adopcion del sistema bicameral.

Los que esten conformes con la misma, que digan si. (Una minoria: Si.) Los que no lo esten, que digan no. (Una mayoria: No.) Se rechaza la proposicion.

Si no hay mas turnos, vamos a considerar enmendadar la orden de la Asamblea, en el sentido de anticipar la hora de la votacion. ¿Que dice la Asamblea? (Varios Delegados: Si.)

MOCION SISON Y SU APROBACION

SR. SISON: Senor Presidente, antes de que se proceda a la votacion de la resolucion original, voy a pedir que se autorice a los Delegados que deseen hablar tanto en pro como en contra del sistema bicameral, a insertar sus discursos en el Diario de Sesiones.

EL PRESIDENTE: Si no hay objecion, asi se acuerda. (No hubo objecion.)

SR. BRIONES: Senor Presidente, yo quisiera saber que quiere decir el voto negativo.

EL PRESIDENTE: Los que voten si, quiere decir que estan conformes con el sistema bicameral, y los que voten no, quiere decir que estan conformes con el sistema unicameral.

La Mesa va a someter a votacion la resolucion ori-ginal. El Secretario se sevira leer la lista de los Senores Delegados y los que voten por el sistema bicameral se serviran decir si, y los que voten por el sistema unicameral, se serviran decir no.

EL SECRETARIO:

Señor Abaya

Si

Señor Abella

No

Señor Abordo

No

Señor Abrigo

Si

Señor Adduru

Ausente

Señor Albero

No

Señor Aldeguer

Ausente

Señor Alejandrino

No

Señor Alonto

Ausente

Señor Alkuino

Ausente

Señor Altavas

Si

Señor Ancheta

Si

Señor Araneta

Ausente

Señor Arcenas

Si

Señor Arellano

No

Señor Artadi

No

Señor Arteche

Ausente

Señor Aruego

Si

Señor Balili

Si

Señor Baltao

No

Señor Banaga

No

Señor Barrion

Si

Señor Bautista

No

Señor Beltran

Ausente

Señor Benitez

Ausente

Señor Benito

No

Señor Binag

Si

Señor Bocar

No

Señor Bonto

No

Señor Borbon

No

Señor Braganza

Si

Señor Briones

No

Señor Buendia

Si

Señor Bueno

Si

Señor Buslon

Ausente

Señor Cabarroguis

Ausente

Señor Cabili

No

Señor Calleja

Ausente

Señor Canonoy

No

Señor Caram

Si

Señor Carin

No

Señor Carino

No

Señor Castillejos

No

Señor Castillo

Ausente

Señor Castro

Si

Señor Cea

No

Señor Chioco

Si

Señor Cinco

Si

Señor Clarin

Si

Señor Cloribel

No

Señor Conejero

No

Señor Confesor

Si

Señor Conol

No

Señor Crespillo

Ausente

Señor Cruz (C.)

Si

Señor Cruz (R.)

Ausente

Señor Cuaderno

Si

Señor Cuenco

No

Señor Curato

No

Señor Delgado

Si

Señor Diez

Si

Señor Dikit

Si

Señor Divinagracia

No

Señor Duguiang

No

Señor Encarnacion

No

Señor Enriquez

Ausente

Señor Escareal

Ausente

Señor Esliza

No

Señor Ezpeleta

Ausente

Señor Fakangan

Ausente

Señor Fernandez

Si

Señor Flores

Si

Señor Francisco

No

Señor Gaerlan

Si

Señor Galang

No

Señor Ganzon

No

Señor Grafilo

No

Señor Grageda

No

Señor Guarina

Si

Señor Guevara

MR. ARUEGO: Mr. Guevara is voting for bicameralism. He is paired with Mr. Reyes (J.) by agreement.

EL PRESIDENTE: Prosigase con la lectura de la lista.

EL SECRETARIO:

Señor Guevara

Si

Señor Gullas

Ausente

Señor Gumangan

Ausente

Señor Gumban

Si

Señor Gutierrez David

Si

Señor Guzman (Alejandro)

Si

Señor Guzman (Antonio)

Si

Señor Guzman (B.)

Ausente

Señor Guzman (J.)

No

Señor Hernaez

Ausente

Señor Hontiveros

No

Señor Inting

Si

Señor Irving

No

Señor Jose

Si

Señor Joven

MR. JOVEN: Mr. President, I vote Yes in the hope that the Convention will still reconsider its decision on the question of election of senators-at-large.

EL PRESIDENTE: Prosigase con la lectura de la lista.

EL SECRETARIO:

Señor Joven

Si

Señor Jumawan

No

Señor Kapunan

No

Señor Kintanar

No

Señor Labrador

Si

Señor Lapak

Si

Señor Laurel

No

Señor Ledesma

No

Señor Leonardo

No

Señor Lesaca

Si

Señor Liboro

Ausente

Señor Lim

SR.LIM: Señor Presidente, voto no, porque el actual sistema no es satisfactorio y, además, porque el sistema unicameral es mas economico.

EL PRESIDENTE: Prosigase con la lectura de la lista.

EL SECRETARIO:

Señor Lim

No

Señor Lizardo

Ausente

Señor Lizares

No

Señor Locsin

No

Señor Lopez (E.)

Si

Señor Lopez (V.)

Ausente

Señor Lorenzana

Si

Señor Lorenzo

Si

Señor Lutero

Si

Señor Maglanoc

No

Señor Mansueto

Si

Señor Marabut

No

Señor Maramara

Ausente

Señor Martinez (M.)

No

Señor Martinez (R.)

Si

Señor Maza

No

Señor Melendez

No

Señor Melendres

No

Señor Millar

No

Señor Moldero

Ausente

Señor Moncado

Si

Señor Montano

Si

Señor Montesa

No

Señor Montilla

No

Señor Montinola

No

Señor Morales

Si

Señor Mumar

No

Señor Nunez

No

Señor Navarro

Ausente

Señor Nepomuceno (J.)

No

Señor Nepomuceno (R.)

No

Señor Nepomuceno (V.)

Si

Señor Niere

No

Señor Ocampo

No

Señor Orense

Ausente

Señor Ortega

No

Señor Ortiz (L.)

No

Señor Ortiz (M.)

No

Señor Osias

No

Señor Ozamis

Ausente

Señor Palma

Ausente

Señor Paredes

Si

Señor Pelayo

No

Señor Perez (J.)

MR. PEREZ (J.):Mr. President, favor became-ralism, so long as the members of the Senate are elected senators-at-large under the system of proportional representation, but since the Convention has turned it down, I therefore vote against the pending resolution.

EL SECRETARIO:

Señor Perez (J.)

No

Señor Perez (T.)

Si

Señor Perfecto

No

Señor Piang

No

Señor Pio

Ausente

Señor Prieto

No

Señor Quirino (D.)

Si

Señor Quirino (E.)

Ausente

Señor Rafols

Si

Señor Ramos

Si

Señor Ranjo

Si

Señor Reyes (G.)

No

Señor Reyes (J.)

SR. ROMERO: Esta emparejado el voto del Senor Reyes (J.) con el del Senor Guevara.

EL PRESIDENTE: Prosigase con la lectura de la lista.

EL SECRETARIO:

Señor Reyes (J.)

Si

Señor Ribo

Si

Señor Ricohermoso

Si

Señor Rivera

Si

Señor Romero

No

Señor Romualdez

No

Señor Roxas

No

Señor Saguin

No

Señor Salazar (A.)

No

Señor Salazar (V.)

Si

Señor SaJumbides

No

Señor Sanchez

Si

Señor Sandiko

Si

Señor Sandoval

Si

Señor Santos

Si

Señor Sanvictores

No

Señor Sevilla

No

Señor Singson

No

Señor Sinsuat

Si

Señor Sison

No

Señor Sobrepena

No

Señor Sotto (F.)

Si

Señor Sotto (V.)

No

Señor Suner

No

Señor Surban

Si

Señor Tanopo

Si

Señor Tulawi

No

Señor Velasco

No

Señor Ventenilla

Si

Señor Ventura

Si

Señor Villamor

No

Señor Villanueva

Ausente

Señor Villarama

No

Señor Villareal

Ausente

Señor Vinzons

No

Señor Ybanez

No

Señor Ysip

Ausente

Señor Yusay

No

Señor Zavalla

Si

Señor Zialcita

Si

Señor Zurbito

Ausente

EL PRESIDENTE: La Mesa va a anunciar el resultado de la votacion.

SR. CRUZ (R.): Quisiera pedir permiso para hacer constar mi voto, pues no estaba presente, porque tenia entendido que esta cuestion se iba a votar a las 7:00 de la noche.

EL PRESIDENTE: ¿Como vota el Delegado por Bataan?

SR. CRUZ (R.): Voto por el sistema bicameral.

EL PRESIDENTE: Por 91 votos negativos contra 72 afirmativos con 37 ausentes, se declara rechazada la Resolucion.

SR. CONFESOR: Para una cuestion de orden. Los votos negativos, como ha anunciado la Mesa, son 91 solamente, y como quiera que los Miembros de esta Convencion son 201, por consiguiente no hay mayoria.

EL PRESIDENTE: Esta fuera de orden la cuestion de orden suscitada por el Delegado por Iloilo; y si no hay ningun otro asunto, se levanta la sesion hasta manana. (Silencio.)

LEVANTAMIENTO DE LA SESION

EL PRESIDENTE: Se levanta la sesion hasta manana, a las cinco de la tarde.

Eran las 9:05 p.m.

De conformidad con la mocion del Delegado Senor Sison, que fue aprobada por la Convencion, de que se permitiera insertar en el Diario de la misma los discursos tanto en pro como en contra del sistema bicameral, de los Senores Delegados que asi lo desearan, se insertan los siguientes discursos:

DISCURSO DEL SR. LAUREL SOBRE SYSTEMA BICAMERAL

As the name implies, a bicameral legislature consists of two houses: the upper chamber being variously called the House of Lords as in England, House of Peers (Kisokuin) in Japan, Senate in the United States, France, Italy, Canada, Australia, Belgium, Czechoslovakia, Egypt, Ethiopia, Liberia, Poland, Rumania, Union of South Africa, Yugoslavia, and in the Central and South American States; Council of State in Luxembourg, Federal Council in Switzerland, and until recently in Germany, Reichsrat, Landtag in Denmark, Gerousia in Greece, Bundesrat in Austria, Lagting in Norway, or simply first or upper chamber in Iceland (Eftirding), Hungary (Felsokazs), Irish Free State (Seanad Eireann), Netherlands (Eerste Kamer) and Sweden (Folketing); and the lower chamber being differently described as the House of Commons in England and Canada, House of Representatives in the United States, Australia, Belgium, Colombia, Liberia, New Zealand, Uruguay and Japan (Shungtin), Chamber of Deputies in France, Italy, Argentina, Bolivia, Chile, Brazil, Dominican Republic, Ecuador, Egypt, Ethiopia, Haiti, Luxembourg, Mexico, Nicaragua, Paraguay, Portugal and Venezuela; House of Assembly in Newfoundland and Union of South Africa, Legislative Assembly in India, National Assembly in Austria, National Council in Switzerland, Senemoina in Czechoslovakia, Folketing in Denmark, Vouli in Greece, Adelsting in Norway, Sejm in Poland and Skupstina in Yugoslavia, or simply second or lower chamber as in Iceland (Nedirding), Hungary (Kisokazs), Irish Free State (Dail Eireann), Netherlands (Tweede Kamer), and Sweden (Andra Kammarken).

The upper chamber usually represents the nobility, the clergy and the well-to-do, membership being hereditary as in England, nominated as in Italy and Canada, partly appointed as in Japan, Denmark, and South Africa, and wholly elected as in the United States, Australia, France, and in the Irish Free State. The lower chamber on the other hand represents the common peoples and the laboring class and membership is elected either by representative districts as in the United States or by proportional representation as in Denmark, Norway, Sweden, Italy and Greece.

A unicameral legislature consists of only one house popularly called the national or constituent assembly, and its membership is of the same composition as the lower chambers in bicameral legislatures. The basis of election is either by representative districts as in Albania and Costa Rica or by proportional representation as in Finland and Bulgaria.

Until recently the principal justification for the acceptance of the bicameral principle has been its almost universal adoption. Indeed, it has become so widely prevalent that writers have regarded it as an axiom in political

science. While many political writers have realized the cumbersomeness of a two-chambered legislature or found fault with the constitution of the upper house as in England, the force of tradition has become so great that their efforts have been directed rather to the discovery of ways and means for the reform of the constitution of the houses to suit the demands of modern conditions rather than towards the "radical" elimination of one chamber. They have acquired the bicameral "complex" so much so that they overlook the historical fact that the bicameral principle like all "great truths" rose out of "sheer accident." (Freeman, Comparative Politics, p. 22, de Tocqueville, Democracy in America, Roove's Translation, Vol. 1, p. 87).

In England where the bicameral legislature had its origin, it arose out of peculiar conditions. It was a sort of special concession to the aristocracy who then held the reins of power and to whom special representation had to be accorded. Indeed, were it not for this necessity it was doubtful if a second chamber would have been provided at all (Garner, Political Science and Government, pp. 612-13). Even then, England is now practically working under the unicameral principle. The Parliament Act of 1911 has shorn the House of Lords of almost all of its powers. Even the enacting clause of all bills now designates the House of Commons as the whole Parliament. The Parliament Act of 1911, it is true, contemplated the reform of the constitution of the House of Lords to make it more representative; but although adverse proposals have been submitted, it remains unreformed to this day. Meanwhile the almost absolute power of the House of Commons has continued. So, for the last two decades or so, the cradle of bicameralism has to all intents and purposes been under the government of a bicameral legislature. Habit and customs should have no place in system, especially in the Philippines where there is no occasion nor justification to follow the English tradition.

As a matter of fact, the reaction since World War I has been toward the unicameral system. The advocacy of Franklin Benthon, Burgot, Lamrtie and Abbe Siayes has at least borne fruits. Today unicameralism counts among the following exponents: Albania, Bulgaria, Costa Rica, Estonia, Germany, Persia, El Salvador, Spain, Turkey, the Swiss Canton, and the Canadian States of Alberta, British Columbia, Manitoba, New Brunswick, Ontario and Saskatchewan.

In considering the advisability of adopting either the bicameral or the unicameral system in the Philippines, we should break loose from the fetters of dogma and tradition, and weigh the merits and demerits of each system according to the tests of utility and experience, without in any way losing sight of their adaptability to local conditions and the temper and psychology of our people.

The main objection set up by the exponents of bicameralism against the adoption of a unicameral legislature is that it may lead to abuse of power, that unless curbed or checked by a co-equal or co-ordinate body, it is likely to become despotic and tyrannical. John Stuart Mill expressed this fear in his treatise, Representative Government, written in 1861:

"It is important that no set of persons should, in government affairs, be able to even temporarily make their will prevail without asking anyone else for his permanent character—when composed of the same persons habitually acting together, and always assured of victory in their own House,—easily become despotic and overweening if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reasons which induced the Romans to have to consult makes it desirable that there should be two chambers; that neither of them may be exposed to the corrupting of a single influence of undivided power, even for the space of a single year." (N.Y., p. 164.)

Inspired perhaps by this pronouncement the distinguished historian, E. R. Lecky, remarks in his work "Democracy vs. Liberty," (Vol. I, p. 299): "Of all forms which is likely to be worst is the government of a single omnipotent chamber."

Sir J. A. R. Marriot, writing in the Edinburgh Re-view on "The Need of a Second Chamber" (Vol. CCXXVI, 1916, P. 190 et seq.) the same distrust for a single chamber, no matter how elected, not to develop the temper of a tyrant. He also inquires as to whether the end desired by Mill could be secured, along with other advantages, by other means—the referendum, for example, or the recall, he admitted that by the adoption of either of these expedients an electorate might be enabled to impose a veto upon unpalatable measure passed by a single chamber. He argued, however, that those devices may possibly guard against despotism and thus avert mischief, but they can not ensure benefit. He postulated further that the art of legislation being extremely difficult and delicate, especially in an ancient and complicated civilization like that obtaining in England, a second chamber is urgently needed for the purpose of amendment and revision.

This is indeed the stock argument in favor of bicameralism. It is argued that the existence of two chambers is desirable to secure necessary deliberation; that the evil of over-legislation may be obviated by affording an opportunity for second thought; and that errors which may be committed by one chamber may be corrected by the other.

The following passage from Sir Walter Bagehot's treatise on the English Constitution (1914. N.Y., p. 165) is quoted in favor by the exponents of bicameralism:

"Without a perfect lower house it is said that an upper house would be scarcely of any value. If we had an ideal House of Commons perfectly representing the nation, always moderate, never passionate, abounding in men of leisure, never committing the slow and steady forms necessary for good consideration, it is certain that we should not need a Higher chamber. The work would be done so well that we should not want anyone to look over or revise it. But besides an ideal House of Commons, the House of Lords would be unnecessary and, therefore, pernicious; besides the actual House, a revising and leisure Legislature is extremely useful if not necessary."

To this day the same forebodings have been expressed by political and constitutional writers. Gettsell points out the danger of a single chamber being rash and one-sided, swayed by hasty generalizations. (Introduction to Political Science, 1910, Boston, p. 23—), Leacock was equally vindictive in his condemnation of a single legislative organ. He said: "A single legislative house, unchecked by the revising power of another chamber associated with it, proves itself rash and irresponsible, it is too much exposed to the influence of the moment; it is swayed by emotion, by passion, by the influence of oratory; it is liable to a sudden excess of extravagance or of retrenchment." (Elements of Political Science, 1913, Boston p. 161).

"One great object of the separation of the legislature into two houses acting separately and with coordinate power," said Chancellor Kent, "is to destroy the evil effect of the sudden and strong excitement and personal influence, and partly intrigue, which have been found by experience to exercise a potent and dangerous sway in single assemblies." (Garner, Political Science and Government, 1923, p. 605).

Heedlam-Morley, writing on "The Democratic Constitution of Europe" (p. 148), said: "It is feared, not that the assembly would fail to express the progressive aspirations of the people, but that, easily swayed by oratory and by the impulse of the moment, it might pass ill-considered measures or introduce far-reaching changes with the sanction of chance majority."

It is argued, therefore, that a two-chambered legislature is the best remedy against such an eventuality. It is assuming that the group of men comprising one chamber is more perfect than the group composing the other chamber as to be immune from the siren-song of oratory or devoid of the passions and impulses of which the flesh is heir to. It is contended that there is likely to be a healthy rivalry between the two houses causing each to subject the measures of the other to careful scrutiny that would rather obtain where there is only a single

assembly. In actual practice, the benefit sought to be attained tends to be illusory. The very suggestion of existence of another revising chamber creates a psychology in one chamber which defeats the purpose intended in the establishment of two chambers. As Governor Hodges of Kansas aptly put it, "there is ten-dency to assume that a subject has been considered in the other house when the consideration has been in-adequate, or sometimes one house passes a bill with the expectation that the other house will take care of study-ing it. There is thus a shifting of responsibility from chamber to chamber." (Governor's Conference Proceed-ings, 1913, p. 25-260).

Then, as observed by James D. Barnett, the bicame-ral state legislatures of the United States have long since ceased to be truly deliberative bodies (The Bicameral System in State Legislature, American Political Science servel said:

Review, 1915, Vol. IX, p. 499). As this American ob-

"The most important functions of our early legis-lature was deliberation. This has almost entirely dis-appeared. The rush of the age has invaded the digni-fied assembly hall, and bills are shot through as by pneumatic pressure. The two most important factors in modern legislation are the lobby and the commit-tees. What deliberation is granted a measure is given in committee rooms and in private discussion."

It is to be observed further that both houses of a bicameral legislature are usually under the control of the same political party. This applies with surprising truth in the Philippines according to our twenty years of ex-perience with the bicameral legislature. It is of com-mon knowledge that important bills are determined by the party leaders, and the upper house is of little additional usefulness in their consideration, in reality under the bicameral system, the party boss or group of party leaders determines what bills shall be passed.

It should also be noted that a minority party is always bound to exist, for any group or body of men naturally gravitates into opposing "blocs" or factions and a minority which aspires in some way or another. The importance of minority check on majority legislation can hardly be over-emphasized.

Speaking about the possibility of a chance majority being able to control legislation in one house, making necessary the creation of another house where the same influence which produces the chance majority in the other chamber is not likely to obtain, especially where the interests represented in that house are distinct from the interests represented in the other, we have occasion to quote again from the common sense treatise of Bagehot on "The English Constitution" (p. 176) which is very illuminating on the subject:

"Chance majorities on minor questions in the House of Commons are subject to no effectual controls. The Nation never attends to any but the principal matters of policy and State. Upon these it forms that rude, rough, ruling judgment which we call public opinion; but upon other things it does not think at all, and it would be useless for it to think. It has not the materials for forming judgment; to the denial of the bills, the instrument part of the policy, the larger part of the legislation, are wholly out of its way. It knows nothing about them, and could not find time or labour for the careful investigation by which alone they can be apprehended. A casual majority of the House of Commons has therefore dominant power; it can legislate as it wishes. And though the whole House of Commons upon great subjects have fairly represented public opinion, and though its judgment upon most question is remarkably sound and good; yet, like all similar assemblies, it is subject to the sudden action of selfish combinations. * * * * A formidable sinister interest may always obtain the complete command of a dominant Assembly of great use to have a second chamber of an opposite sort, differently composed, in which that interest in all likelihood will not rule."

The danger from this direction is largely obviated by the existence in England of a strong two-party system, with an ever-vigilant minority criticising and fiscalizing the acts of the majority, always ready to attack and pursue an advantage where the majority forgets or over-looks even for a moment the general interest in some piece of legislation. If a strong two-party system is not developed in the Philippines, there indeed will be the menace of

selfish combinations controlling a unicameral legislature. There is always the guarantee, however, of a strong, vigorous, aggressive and militant public opinion to hound out such predatory and sinister influences. We should not then overlook the veto power lodged in the President of our Commonwealth.

The British writers who have been quoted should be pardoned in their obsession for a second revising and moderating chamber in the British Parliament. In England the king has no veto power — in the parlance of the street, he reigns but does not govern. Parliament is supreme and omnipotent. No wonder Bagehot, Mill, Lecky and Harriot, who all wrote with the peculiar problems of the British government in view, did not take into consideration the salutary and beneficent influence which an executive veto wisely exercised would have on legislation. An elective and reasonable executive as provided for in the draft of our Constitution can always be depended upon to veto defective and pernicious legislation.

Marriot, in an earlier work (Second Chambers, 1910, Oxford, p. 241 et seq.), while recognizing the necessity of the bicameral system in genuinely federal government, justified its adoption in Unitarian England upon the broad ground that its flexible and unwritten constitution demanded such a safeguard. The importance of a second chamber to scrutinize acts of Parliament which are, to all intents and purpose, amendments to the constitution is thus emphasized. He argued that if in the United States where there is a rigid and written constitution placed beyond the power of Congress to amend or modify and where the courts have powers to declare null and void the acts of Congress which contravene said constitution, there is still found the necessity of establishing a second chamber, much more should such a second chamber be indispensable in a country where the same limitations on the legislative power do not obtain.

In this connection it should be observed that in the discussions of the merits of bicameralism generally little or no attention is paid to the question of time, place or circumstance. Marriot's justification of the bicameral system in England by force of analogy in the American system is out of place, for example. He ignored the elemental fact that bicameralism was adopted in the United States not because of any regard for the intrinsic merits of bicameral legislation, but chiefly because it was necessary to reconcile the conflicting desires and interests of the large and the small order to insure the stability of the Union, (Thomas Rose, Williamson, Problem in American Democracy, 1923, Boston, p. 445). Marriot's defense of the need of a second chamber in the Edinburgh Review (supra) on the ground that the stipendiary character of the present House of Commons resulting from the dependence of the tenure of its members on the power of the Cabinet to dissolve it, necessitates a revising chamber invested with effective and independent authority, is more to the point. The force of this argument loses weight, however, when applied to the Philippines in view of the peculiarities of our system which follows the presidential rather than the cabinet form of government.

In stressing the advantages of the House of Lords, Bagehot also pointed out that that body is accessible to no social bribe. He thinks that this is no light matter because many members of the House of Commons who are to be influenced by no other manner of corruption, are much influenced by this, its most insidious sort (English Constitution, supra, p. 180). This argument is not likely to have much appeal in the Philippines, for there are no titles of nobility conferred, nor is there any aristocratic or privileged class to cater to. Some writers have carried the suggestion further, however, and argue that all things being equal, a legislature composed of two houses is harder to bribe than a legislature composed of only one house. But in the very nature of things, bribery would have more leeway in a bicameral system, specially in blocking much-desired legislation. As Governor Hodges of Kansas expressed it: "A good measure opposed by special or predatory interests, may as easily be digested under the bicameral system as under a one-house system, because all that is necessary is for the opponents of the measure to control one house, and in cases of that kind, the special interest has two chances with the bicameral system to one with the other." (Governor's Conference Proceedings, supra). And the upper chamber being

always fewer in number than the lower chamber, it follows that it is easier to bribe than the lower chamber. It should be noticed that so long as the members of the legislature themselves prove unfaithful to their trust, it makes no difference whether we accept a bicameral or unicameral legislature, for corruptions are always sure to flourish.

It has also been contended that the upper chamber possesses certain important executive and judicial powers so that dye-in-the-wool bicameralists think that its abolition should not be seriously considered, if at all. The draft of our Constitution, however, has satisfactorily solved this question in the creation of the Permanent Commission accepted from the members of the National Assembly (Art. VII, Section 4) and in giving said Commission the sole power of impeachment (Art. VIII, Section 2). The provision of the Constitution which provides that the National Assembly shall have the sole power to try impeachment and which requires a vote of 2/3 of the members of the Assembly who do not belong to the permanent Commission to secure a conviction (Art. VIII, Section 2), disposes of the judicial power usually lodged in upper houses to institute impeachment proceedings, at the same time guaranteeing to the person against whom there is a charge of impeachment that he shall not be prosecuted and tried by the same body. The further provision that the President shall appoint certain officers of the Commonwealth with the consent of the Permanent Commission (Art. X, Section 12, sub-sections 3 and 9) also effectively disposes of the executive power concerning the confirmation of appointments usually lodged in the upper chamber.

Another much quoted argument in favor of bicameralism is that it maintains the independence of the Executive. It is argued that two houses checking each other would give greater freedom not only to the Executive but also to the Judicial Department and thus in the long run secure the best interests of the government. This argument ignores the fundamental doctrine of separation of powers obtaining in the Philippines. As stated by James D. Berret, such an argument implies the absence of effective constitutional restrictions upon legislative action and hence should not be raised in discussion concerning constitutions whose restrictions are enforced against the legislature by the courts, as in the case of the American Congress and the State legislatures of today. ("The Bicameral System in State Legislature," American and Political Science Review, 1915, Vol. I, p. 415).

A practical objection to a single chamber legislature which, it is believed, does not hold against a bicameral legislature is that inasmuch as a unicameral assembly is elected (in most cases) all at the same time, its membership represents the opinions of the community at a particular moment and on particular issues and that the lapse of time and the appearance of new issues put the assembly quite out of harmony with public opinion long before its term had expired, (Leacock, Elements of Political Science, p. 161). As Gottell postulated, a single house especially if all its members are elected at the same time, is in danger of growing out of sympathy with popular opinion before its term expires, whereas two houses chosen at different times or for different terms may remedy this defect, at the same time securing that balance of conservatism and radicalism that results in real progress. This agreement, however, proceeds on the false assumption that the members of the legislature divorce themselves entirely from their constituencies after election.

Nothing could be more misleading. On the contrary, the average legislator keeps in close touch with his constituents during his term and constantly courts their favors in the hope that he will be returned to the legislature at the next election. Only the most misbehaved legislator, therefore, can be expected not to feel the pulse of public opinion and act in accordance with its mandates during his term in the legislature. The danger of a unicameral assembly being out of harmony with the popular will before its term expires is more apparent than real. Even assuming that an ever-renewing upper house changing its membership oftener than the lower house would represent the progressive thought of the people, still there is no guarantee that the new element drafted at every election will control the chamber, the change being usually limited to one-half or one-third of the membership which is not enough to secure a majority.

It has also been said that two houses can be trusted to express the will of the people upon questions on which they agree and that the justice and wisdom of their decisions can scarcely be challenged. When there is disagreement between them the executive will occupy the position of arbiter; thus the government is made to rest upon a tripod, instead of upon only one or two legs, which means stability. This suggestion seems to be very alluring, but like beautiful theories it is subject to serious practical objections. For it is equally productive of discord as it is of harmony. In the words of Benjamin Franklin, "A legislative body divided into two branches is like a carriage drawn by two horses, in front and one behind pulling in opposite directions. Deadlocks between the two houses in a bicameral system is a common event resulting in failure to enact much needed legislation.

The division of the legislature into two separate houses makes the process of legislation less straight and forward. It stints every power of the legislature except that to evade responsibility. It enables unrepresentative or corrupt legislature to defeat by chicanery legislation which they would not have the courage to kill openly. Through the dirty political trade of "passing the buck," it enables the organization to divide the responsibility for unpopular work between the two sets of committees, (Hacombe, A. N., *State Government in the United States*, 1916, p. 264-266.).

The pernicious practise of "log-rolling" between the two houses where one chamber barter its acquiescence to projects coming from the other chamber in exchange for the passage by the latter of the former's pet bills, needs no comment. And when one house mutilates bills coming from the other chamber, and the latter out of sheer lassitude accepts the changes, defects and incoherencies often creep into well-meant legislation (Barthlemy, "Los Resistances de Sebat," *Revue du Droit Publique*, Vol. XXX (1913), p. 308-401). Then responsibility is dissipated. Members of the lower chamber, as in France, usually vote for some illusory or dangerous projects, says Yves Suyet, telling themselves and those who call their attention to the dangers of their action: "It doesn't mean anything; don't attach any importance to it. The Senate will arrange that." (The Relations between the French Senate and the Chamber of Deputies, *Contemporary Review*, Vol. XCVII, 1910, p. 148). Legislators, especially when the general election approaches, are anxious to produce an effect upon the voters. As Sait puts it, "The temptation to satisfy extravagant and improper demands is particularly strong when, rightly or wrongly, the Senate is expected to interpose its veto." (Government and Politics of France, 1921, New York, p. 137).

It has been further argued that a bicameral system is necessary in order to balance conflicting interests. Theoretically speaking, however, there is no obvious reason why there should be an upper chamber in such a country as the Philippines. The House of Lords of England represents the aristocracy, the landed interests and the clergy, as opposed to the Commons or laboring class; while the Senate in the United States represents the states of which it is composed as differentiated from the general mass of the people.

The Philippines not being a confederation of states, a division of the legislature on the federal system is incongruous. While such a balancing of interests as obtained in England, based on class consideration is undemocratic, if there must be representation at all of different interests, let it be in a single house which may be said to be really representative and truly democratic. Put a chamber which could effectively check and obstruct legislation proceeding from the lower chamber representing the general interest, and you institute a class war — you foment the seeds of anarchy and revolution.

If an upper house is to be justified at all, it must be composed of men of proven wisdom and tested experience. Yet no chamber can expect to gather within its folds all the eminent scholars and tried statesmen of the nation, for such men are usually poor vote-getters and shun publicity. We are familiar with the uncertainty of the process of popular election to trust that it will eventually lead to the elevation of only men of the proper caliber to our legislative assemblies. That salutary condition could be achieved only through appointment, yet that mode of selection does not guarantee that the appointees will be responsible to the people and hence is undemocratic.

Thus as indicated by Lord Bryce, "It happens that the very conditions which make a moderating second chamber desirable are those which prevent its creation." (Modern Democracies, Vol. II, p. 416).

Indeed, for the vain and illusory advantage of check-ing hasty and ill-considered legislation, we have to put up with all sorts of disadvantages in a bicameral system. On the other hand, there is nothing compared to a unicameral legislature for efficiency in legislation. There is a fixity of responsibility because public attention is undi-vided, which is not the case in a bicameral system. De-liberations are secured because of this responsibility. Care-ful study of bills is also ensured with the threat of exe-cutive veto. If more deliberation is demanded, a system of legislative procedure designed to encourage the deve-lopment of responsible legislative committees may be adopted as a substitute for an upper house. Then there is the obvious argument of economy in the finances of the State.

Indeed, as Professor Laski remarked, "A single chamber best answers the needs of the modern State," (Grammar of Politics, p. 330, ff). As the noted historian H. G. Wells puts it, no one would conceive of an upper and a lower board of directors for running a business. (The Work, Wealth and Happiness of Mankind, Vol. II, p. 622). Yet no one will seriously advance the con-tention that the business of running the government re-quires less momentous decisions than is being duly required in conducting the intricate and complicated af-fairs of a modern business concern.

Democratic logic favors the unicameral over the bicameral legislature. For "a common discussion in one broad-ly representative chamber must surpass in value the series of discussions conducted first by persons having exclu-sively one order of interest and afterward by those having exclusively another order." (Ames, The Science of Politics, p. 245).

Indeed, as Gettle points out, the bicameral system is but a "transitional stage in political development; and that, as confederacy and class spirit are replaced by na-tional democracy, a single organ, composed of and pro-ceeding in such a way as to represent the real wishes of the people, would be the logical law-making body (Political Science, p. 2390). And as aptly indicated by Mr. J. M. Roberston of the British Parliament in 1911, "There are no valid theoretical arguments for second chambers, apart from the special cases of federations like the United States and Switzerland; and the theoretic argument against them has never been met. The supremacy of the second chamber in the Federal Constitution of the United States is illogical, indefensible, and injurious. The argu-ment from experience turns out to be invalid; second chambers are constant sources of friction where they are instruments of delay, and delay can demonstrably be better provided for by another expedient. All forms of Senate either frustrate the principle of representation or are superfluities." (Second Chambers in Practise, London, 1911; Garner, Political Science and Government, p. 613). Indeed, Abbe Sieyes, the prince of constitution makers, succinctly dismissed the bicameral principle, say-ing, "If the upper chamber agree with the lower chamber it is superfluous, if it disagrees it is mischievous and should be abolished."

DISCURSO DEL DELEGADO ROMERO

MR. ROMERO. Mr. President and Gentlemen of the Convention: When I speak against the system of elec-tions at large, proportional representation and against bicameralism, I think, I will at least be credited with sin-cerity in my convictions. My convictions against these two principles have not been formed only this week, this month, or in the course of the deliberations of this Convention. I can say truthfully that had not some of us, at a critical moment during the special session of the last legislature, raised our feeble voices in protest against the system of election at large, ninety percent of the De-legates now assembled here would not be here today. At that special session, when the bill was passed providing for the calling of the Convention, the government leaders and the majority party leaders were strongly for electing the delegates at large. It looked for a time as if that plan would be carried out without opposition; but a few of us objected. I prepared a memorandum on the sub-ject which was

published in the press and distributed among the members of the legislature. It should be re-corded to the credit of the broadmindedness and wisdom of the government and majority party leaders that they were not above heeding the opinions of their humble colleagues; hence the delegates were elected locally, not at large.

Likewise, my conviction on the subject of unicameralism dates much older than this Convention. As far back as 1931, long before there was any Tydings-McDuffie Law, I filed a bill in the Lower House of the Legislature requesting the American Congress to amend the Jones Law so as to provide for a unicameral legislature. Because my convictions on these subjects are so deep and so strong, I finally decided to take the floor against these portions of the report of the very distinguished members of the Committee on Legislature of this Convention and its Chairman. Under ordinary circumstances, as the unworthy Chairman of the Committee on Rules and As-sociate Floor Leader of this Convention, I would have considered it my duty to support the Committee. Feeling as I do, however, that these two propositions advanced by the Committee are really not only undesirable but dan-gerous, I have decided to take the floor and, in all hu-mility, to submit to the distinguished Members of this Convention the results of my modest studies and observa-tions together with the report of the Committee, that when said report is considered, the Convention may be better able to judge the merits of the conflict of opinions that is of so much importance to our country.

History has a peculiar way of repeating itself. When the distinguished Delegate from Cebu, in his brilliant speech submitting the report to this Convention, recited the problems that confronted the Committee and the Considerations that finally led to the conclusions embodied in the report, I seemed to be reading a chapter from the annals of constitution making in postwar Europe. Brief-ly, the Committee found that we have at present a bica-meral legislature, that really there is no justification for the continuance of a second chamber representing practi-cally the same constituency; and the Committee then pro-ceeded to reform the second chamber. That is exactly the story of the proceedings of every other constitutional convention in recent years. Let me read to you excerpts from the book of Headlam-Morley on the new democratic constitutions of Europe and let me ask you if you do not seem to be listening again to the eloquent words of the distinguished. Delegate from Cebu:

"It was felt that a second consideration by a more stable, more conservative body is necessary before any measure should become law. It was also hoped that room would be found in the second chamber for the special representation of intellect, character, political knowledge and experiences. The authority lost by less direct contact with a sovereign people would be counterbalanced by the respect naturally engendered by this aristocracy of wisdom and virtue.

"The second chambers of modern democracy have indeed something artificial in their composition. Since they were determined to keep the form of two-chamber system whilst at the same time entirely discarding the principle to which it owed its origin, the framers of modern democratic constitutions, both in the nineteenth and twent

ieth centuries, were compelled to devise some other method of composing the upper chamber."

Let me ask you now if these were not the very sentiments if not the very words of the eloquent Delegate from Cebu. And if we do not intervene, I am afraid the end of the story will also be the same as that of the other framers of constitutions mentioned in this book. The conclusion of this author is as follows:

"These attempts have not met with any remarkable success, for except where there is a federal form of government, as in America, Switzerland, Germany, Australia, and Prussia, the second chamber, owing the artificial nature of their composition, carries little weight with any section of the people. The difficulty of devising a satisfactory means of composition being so great, and apparently so insurmountable, we are left to doubt whether it would not have been wiser to dispense with the upper house altogether."

Why not take a leaf from the experience of the other countries regarding the futility of trying to reform the second chamber, instead of ourselves undergoing the costly experiences all over again? If, as Patrick Henry says, the only way of judging the future is by the past, the future of our intended experiment in reforming the second chamber will be another failure. It seems to me that the wise and courageous thing to do is to cut the Gordian knot and to suppress one of the chambers alto-gether.

It being admitted that the continuance of the se-cond chamber as at present constituted is indefensible, I will first pass the argument for the alleged necessity of two chambers in a legislature and consider whether the remedy being proposed will make defensible the presently indefensible bicameral system.

What is this remedy that will justify the continuance of a two-chamber legislature? It is the election of se-nators at large in a system of proportional representation. Here again we are trying to undertake the experiment already undergone by other countries one or two decades ago. We are just waxing enthusiastic about a system that ten and twenty years ago was held throughout Europe as the panacea for all political ills. Practically every coun-try in Europe adopted the system of propor-tional repre-sentation. In fact, the system was taken so much for granted that the final draft of the electoral law was laid before the German Assembly in these words:

"It has everywhere become apparent that the introduction of proportional representation has been considered so self-understood that no serious suggestion has anywhere been made to dispense with this reform."

But, like so many well-intentioned reforms, this one brought results that were just the opposite of what was expected. Instead of bringing about that perfect flower of democracy the two-party system which the distinguish-ed Delegate from Cebu has so eloquently extolled, the system of proportional representation has given rise to the formation of numerous parties and blocs, making im-possible the formation of a real responsible majority party.

In 1924, there were nine distinct parties in the German Reichstag, not counting various land unions and other small groups. In Czechoslovakia, there were fifteen par-ties in the Diet and twenty-nine in the field. In Estonia, the Parliament with 100 members contains more than 10 parties. In Latvia, the number of parties varies from 10 to 20 with 43 parties in the field, 21 of which were re-turned, several consisting of only one member. There being no responsible party that could govern, and as a country must have a government, the logical outcome of this chaotic condition was the rise of dictatorships. Germany, Austria, Prussia, Italy, Yugoslavia and other coun-tries that adopted the system of propor-tional representa-tion, all are now under dictatorship. In reply to a ques-tion of mine, the distinguished Delegate from Cebu men-tioned the Irish Senate as an example of the success of election by proportional representation.

Let me inform the Getleman from Cebu that the Irish people have been disgusted with their Senate so that they abolished it this year. In 1926 Estonia, which had previously adopted the system of proportional representation, approved a new election law which practically killed that system. Under the new law, unless a party secures two seats in the parliament, it loses its representation al-together. Thus, the view that proportional representation helps to obtain an accurate reflection of the will of the nation has been rejected, and it has been admitted that there should be a definite connection between the electoral system and the needs of the government. Morley, commenting on this, says:

"Thus the objections to the majority system disappear. Majority voting in single-member constituencies has the advantage of great simplicity; it makes artificial limitation of this kind impossible; and it does not probably entail more actual injustice than many elaborately thoughtout systems of proportional repre-sentation."

And why is it that the system of proportional representation gives rise to the formation of many small parties? The reason is given by Morley, the author I have previously quoted, as follows:

"Take for example the peasants parties that are to be found in practically every country in Europe. Under our present system in this country such parties could not exist. True, there are peasants in every community, but they could never hope to elect representatives, and there is no inducement for their continued existence; but if they know that by getting 10% of the votes in every community, they can get 10% of the number of representatives and probably hold the balance in power, they would naturally organize themselves for that purpose."

It is argued in favor of a proportional representation that by this system all opinions can be represented, and this enables the legislature to hear every point of view so that decision comes only after full consideration and discussion. Under the majority system, it is maintained, deliberations are unprofitable since one section of opinion is vastly over-represented and other may not be represented at all. Thus, the Gentleman from Cebu has cited the case of the City of Manila where there are 9 pros, and only 1 anti, whereas 60% of the votes in the last elections were pros and 40% antis. Of this Morley says,

"In practice, however, proportional representation, as a result of the power it gives to party organizations makes deliberation in the legislature even more unprofitable. The legislature is not free to express his own opinion and then, open to conviction, to listen to arguments of others; he is tied down by the previous decision of his party whatever his private opinion may be. The Constitution may not allow the recall of a particular member, but a deputy who voted against his party could be evicted from his party organization. There is no doubt that the system of proportional representation tend to strengthen the party influence and push the personality of the individual candidate into the background."

It has been contended that the system of elections at large makes for the choice of men free from their parochial viewpoints and prejudices and obligations, and men with broad national viewpoint. Experience, however, has shown that the results are just the opposite. As in the case of the peasant parties already mentioned, the numerous parties tend to be divided along the narrowest lines. They tend to be divided into capitalists, land-owners, officials and professional classes, the peasantry and the industrial workers and the innumerable subdivisions and cross-currents. In fact, according to the distinguished author whom I have quoted, it is the majority system of representation that makes party leaders and even private members statesmen rather than politicians.

I quote again:

"The advantage of the majority system of representation is that it forces the party leaders and, to a lesser extent, every private member to be a statesman rather than a politician. A large party cannot be held together except by leaders who can produce a general program of government calculated to win the support of many different sections of the people. Such a leader must show himself capable of grappling with the problems with which his country is faced, he cannot content himself with clamouring ceaselessly for the attainment of some particular object. Where parties are small and the program is more narrow and definite the leader will take a much less tolerant and broadminded attitude."

It has been said here that the so-called pork barrel is the result of local representation. In the first place, I maintain that the term "pork barrel" has been improperly used, has been strained and abused beyond its real meaning. The appropriation that are secured for the small communities cannot properly be branded as the pork barrel. The pork barrel is the misuse of funds for extra-vagant projects hardly befitting our limited resources. We have built a thirteen-million-peso pier that dwarfs even the piers of America and Europe. We have built a 3-million-peso post office and the 7-million-peso temporary legislative building with plans for a future 25-million-peso capitol. But when the representatives of the people take two or three thousand pesos to build a barrio school in their district, a little school in place of the barn where the children are huddled, a barn unfit even to house animals, some people are scandalized and cry "pork barrel." If the representatives elected on the basis of local representation do nothing more than to make heard the wishes and prayers of their constituencies in the remote towns and barrios, and thereby strengthen the people's faith in the government, such representation deserves to be called a success. If

by the system of election at large, we will elect only people with an eye for the great and big things, without understanding and sympathy for the needs of 99% of our people, they may indeed do great things for the country, but they shall have forfeited that contact, that confidence and faith of the common people that is the bulwark of a democratic government. In a democracy, good government is important, but even more so is the government by the will of all. Democracy is not necessarily the best or the most efficient form of government, yet America demands that we establish here a republican form of government, that is, a representative democracy. A dictatorship might be a more efficient form of government, but we have chosen democracy with all its defects, because we consider it altogether the most humane and the most reasonable.

At some future time, with indulgence of the Members of this Convention, I may again take the floor to discuss the merits of the unicameral system as against the bicameral. But I shall not go into that subject now, because I have started from the proposition admitted by the Committee on the Legislature of this Convention that the present system is untenable. I have only discussed the question as to whether this admittedly defective system may be remedied; and I trust that I have fully shown that the remedy proposed is as bad as, if not worse than, the evil itself. I have not gone into the merits of the unicameral system, because the subject that I have developed is long enough for one address. Suffice to say, however, that the modern tendency leans distinctly toward the unicameral system. Yugoslavia, Estonia, Latvia, Lithuania, Finland, Spain, Turkey and China, have all adopted the unicameral system and are satisfied with it. A recent convert is the Free State of Ireland which abolished its senate, effective this year. I want to say also that principally countries with a federal form of government — countries composed of nations of different states — are the ones that have the bicameral system. These countries are America, Switzerland, Germany, Austria, and Prussia. Bicameralism here is a necessity, because the states demand representations as such, as distinguished from the representation of the people. Finally, those countries originally having two chambers to represent different states have gradually deprived their second chambers of power; so, for all practical purposes, these countries have unicameral legislatures. I refer to England and France. Therefore, it seems to me that the only wise and courageous thing for this Convention to do is to cut the Gordian knot and adopt the unicameral system.

DISCURSO DEL DELEGADO MUMAR.

MR. MUMAR: Mr. President and Members of the Convention: The question before this Assembly is of vital importance, which needs serious and careful consideration. As a Member of this Convention, I raise my weak voice in order to give my little contribution to the solution of this problem. Mr. President, after careful deliberation, I am fully convinced that the abolition of the Senate and the adoption of a unicameral legislature would redound to the best interests of the Filipino people.

The upper chamber of our present legislative body is not an absolute necessity in the proper functioning of our government machinery. Our government can function properly, even with more efficiency, without the upper chamber of our legislature, which I consider unnecessary, a surplusage and an extravagant body, whose functions can very well be exercised by the lower chamber or by the House of Representatives. The members of the Senate are chosen by the same people who elect the members of the House, belonging to the same social class and possessing the same interests. This being the fact, the people in a given senatorial district can be amply and sufficiently represented to or taken care of, by the members of the House without any need for an upper chamber. May I ask, Mr. President: What legislative measures affecting the people in a given senatorial district cannot be accomplished by the representatives chosen from that same district? None. Whatever legislative measures a senator may accomplish for his district can be accomplished also by the representatives chosen by the legislative district comprising a senatorial area. If this is the case, then what is the use of having two chambers in our Congress, when an adequate legislature can be had with a unicameral congress?

The best argument for the bicameral system seems to consist in the opportunity that the system allows for the balancing of varying interest and in a consequent check on hasty legislation. The adoption of a bicameral legislative body in England has been aggregations and diverse interest, In that country the nobility, the clergy, the boroughs and counties demanded an equal representation in the Parliament. A similar situation obtained with respect to the separate states in the United States, hence, the existence of the two chambers in the United States Congress. In the Philippines, we do not have independent states as in the United States; we do not have counties and boroughs like those in England; we do not have the clergy, the nobility; and we do not have varying social and economic interests which would justify the adoption of a bicameral congress in our country.

It is argued that hasty legislation can be avoided in a bicameral congress, because one chamber acts as a check on the other. This may be true, Mr. President, but the way legislation is done in our country demonstrates that the checking by one chamber on another is not necessary. Every Member of this Convention knows that before a bill, especially an important one, is pre-sented in either House for approval, a caucus of the members of the legislature is held discussing such bill thoroughly. In this caucus the defects in the bill are cured, errors corrected and every possible conflict among the members of the legislature is smoothed out. Therefore, under this system of legislation there is a very little possibility for any hasty and defective legislation. In a bicameral congress the principal factor which checks hasty and defective legislation is the veto power of the Chief Executive. If this is not sufficient, then another factor can help to make such a check: adoption of the cabinet system of government wherein the executive and legislative bodies are represented and unified in a policy through action of the cabinet which exercises at once legislative, executive and administrative functions.

The bicameralists should not entertain any fear and doubt that under a unicameral legislature, the function of checks and balances will cease to operate in our government system. Checks and balances will still be preserved. The bill of rights inserted in our Constitution is a check on possible governmental tyranny against citizens; the power of pardon in the hands of the Chief Executive is a check on the judiciary; and impeachment may check the abuses of the Executive.

For the sake of economy, Mr. President, we must abolish the Philippine Senate and adopt a unicameral legislature.

We will thus save money which the government can utilize in fulfilling its primary duty — the proper training of its citizens. Our citizens must have broad knowledge, scientific training, and a farsighted vision which would enable them to accomplish any task placed before them. Our children, the future defenders of our Republic, must be made to understand and realize through the process of education their duties to our Government and their responsibilities and obligations to our Motherland.

Mr. President, no government expenditure brings such tangible returns as that for education. Yet our Government has overlooked this fact, hence it has not spent adequate amounts for the wise education of its citizens. The annual report of the Director of Education for the calendar year 1932 shows that of the 3,313,255 children of school age only 1,199,981 were enrolled in public schools, leaving 2,113,274 children out of our public schools. The failure of the Government to appropriate enough funds to pay teachers in the public schools and for the construction of school buildings for the accommodation of all school children, can be attributed to unnecessary government expenditures involving millions of pesos.

The estimated income of our Government for the calendar year 1933 is 48,000,000 pesos. From this income sufficient funds could have been appropriated for school purposes; also, all school children could have been admitted in public schools and teachers' salaries even raised higher, were it not for the many unnecessary appendages attached to our governmental machinery involving expenditures of millions of pesos.

We cannot do otherwise, Mr. President and Gentle-men of the Convention, than to abolish these unnecessary appendages in order to carry out the very important parts of our national program, namely, the education of our ci-tizens and the creation of our own army and navy. We cannot increase the rate of taxation in order to augment our income to meet our urgent needs, because the tax-paying public is already crying for the reduction of taxes. There is no alternative for us except to adopt the unicameral system, to reduce the salaries of our government officials and employees from the highest to the lowest, and to eliminate unnecessary employment — the bait for political influence and prestige — if we desire to carry out the plan of giving free elementary instruction and creating our own army and navy.

The expenditure of the Senate for the calendar years 1933 and 1934 totaled 1,181,391 pesos or 590,695 pesos per year. If we adopt the unicameral legislature by eliminating the upper chamber, we can save 590,695 pesos yearly; and ten years hence, that is, at the end of the transitory period, we will have saved 5,906,950 pesos. With this amount our school problems can be partly, if not entirely, solved.

The second problem which our new government will have to face is the creation and maintenance of our own army and navy. The Committee on National Defense of this Convention has already submitted its report recommending the creation of a Filipino army and navy. I sincerely believe that such recommendation is very wise indeed, and it should meet with the unanimous approval of this Convention. But, Mr. President and Gentlemen of this Convention, are we ready to create our own army and navy as recommended by the Committee on National Defense? I say that we are not ready, and we shall not be able to carry out such plan unless we adopt the unicameral legislature and abolish the branches and divisions of our government not absolutely needed in the proper and orderly functioning of our government machinery.

In making an estimate of the outlay needed for the organization of an army and navy for our independent Philippines, let us base our computation upon the amount expended by the United States on these items for the year 1932 which is as follows: Our army in its present strength of 15,000 — ten thousand belonging to the United States Army and five thousand to the Philippine Constabulary — cost both governments approximately 14,000,000 pesos. The maintenance cost of only four cruisers, 20 destroyers, 20 submarines and 25 auxiliary ships — without including their initial cost — is 27,080,000 pesos. Therefore, the total maintenance cost of the army and navy will be P41,000,000. But the estimated income of our government for the year 1933 is only P48,000,000. This would leave a small margin of P8,290,000 which is absolutely not sufficient to meet all the other expenses of our Government. In the face of this indisputable fact, we have no other course except to adopt the unicameral legislature and abolish all the unnecessary parts of our governmental machinery, otherwise the provisions of our Constitution calling for the creation of our own army and navy will be like dead letters.

In synthesis, Mr. President, I shall vote in favor of the unicameral legislature based on the following points: first, the upper chamber of our present legislative system is not necessary inasmuch as the social and economic conditions in the Philippines do not warrant the creation of such body; second, to reduce the unnecessary expenditures of our government and thereby save money for the maintenance of free instruction in our public schools system and for the creation of our own army and navy, which are necessary and essential to our national existence.

DISCURSO DEL DELEGADO MAGLANOC

MR. MAGLANOC: Mr. President and Gentlemen of the Convention: I shall speak with all the sincerity and seriousness which the big and delicate task now before us can possibly arouse in any Filipino. I am for the unicameral system of legislature not that I want to quarrel with the proponents of the bicameral legislature but because I believe that the one-house system is most conducive to the best interests and welfare of our people and country.

In the exposition of this contention, I shall not repeat the arguments already advanced in favor of the unicameral system. I shall simply call your kind attention to the arguments presented by the other side which, to my mind, are misleading, and I shall ask you to give special consideration to the economic aspect of the question.

All the things mentioned in support of the bicameral system resolve themselves into only four arguments; namely, (1) the checking argument, (2) the analogy argument, (3) the senate-continuity argument, and (4) the senate-greater experience argument. As regards the last two arguments, the friends of the bicameral system have stated that one half of the membership of the Senate is continuous, therefore, we always have experience in law-making under the bicameral system; that generally we elect the "big-shots" to the Senate; and yet we, who advocate the unicameral system, want to eliminate the Senate.

However, let not what we want be twisted and misinterpreted. We do not want to eliminate the Senate just to retain the House of Representatives as it is constituted at present. In fact we do not want to eliminate one chamber only. We want to abolish both as they are constituted at present and adopt instead a unicameral system clothed with the same powers and responsibilities like our pre-sent bicameral system, but different in organization and composition and more economical in maintenance.

The supporters of the bicameral system should have no fear. If we adopt the unicameral system, we will make part of its membership continuous and permanent, like one half of the membership of our present Senate, unless they can prevent us from doing so. If we adopt the unicameral system, we will not disqualify the best minds of the country from its membership. But even if we and the supporters of the bicameral system conspire together, we cannot disqualify and prevent our leading minds from getting into that one-house legislature. I wonder who can prevent Quezon, Osmena, Roxas, Recto, Aquino, Palma, Sumulong and our other national figures from getting there.

The checking argument, on its face, is highly convincing for it presents a principle that is beautiful and desirable in nature and also wholesome and practical in application and effect. But there are other principles also beautiful in nature but injurious in application and effect. One such is the principle of checks and balances, as I shall show right now.

According to statistics furnished us by our friend from Pangasinan, Mr. Aruego, not all the bills passed by one house are passed by the other. These statistics show that there are two kinds of bills passed in one house; namely, those approved by one house and those disapproved by the other. Regarding bills approved by both houses, it cannot be denied even by the most insistent advocate of the bicameral system that some are bad laws, so bad that they have been repealed and erased from our statute books. The passage of these bad laws in both houses shows most clearly that one house, instead of checking the other in enacting bad bills, has helped the other in their approval. Since one house served to conspire with the other in the promulgation of bad laws, the time and money spent for the election of its members and the big salaries paid to the latter have been wasted to the detriment of our country. Wisdom requires that that house be abolished for good.

With reference to the good bills approved by one house and disapproved by the other, the friends of the bicameral system have not shown us that they are bad. In fact, they have not even dared to say that such laws are bad of hence, the house disapproving them, instead of being instrumental in giving us good laws, is guilty of preventing their passage and of depriving us of their salutary effects. If one house serves to prevent the other from passing good laws that we need, then wisdom demands that such house be abolished for good.

As to the analogy argument, all other things being equal, a system which has failed in one country may also prove to be a failure in another. Having this in mind, the friends of the bicameral system have stated that the unicameral system has been a failure in Spain because that country is now in the grip of revolution and chaos. But it has not

been shown, nor even alleged, that the conditions now obtaining in Spain are due to its unicameral system of legislature, and that, even if so due, all other things in that country are equal to the other things in this country. The advocates of the bi-cameral system, therefore, have not shown even the slightest analogy or equality in the conditions prevailing in both countries, and they cannot now with reason insist that the bicameral system, if adopted here, will fail as it did in our former mother country.

To show the futility of this analogy argument, may I mention the case of the Republic of the Mexican States in relation to the Spanish Republic which is now under trial? The latter has been in existence only for three years. For background, it has the Spanish monarchy which was in existence from time immemorial until the advent of the Republic itself; the dictatorship of Rivera; the perpetual pretender to the throne; the separatist movement in some of its provinces; the jealousies and intrigues of its social classes and of its several political parties; its agrarian troubles; the on-slaught of Sovietism, Fascism and Racism; the influence of the Church; the lack of practical experience in democracy; and many other forces that constitute a constant menace against her very existence.

The Mexican Republic, on the other hand, does not have so unfavorable a background. It has the elements which, according to the gentleman from Abra, are necessary for a bicameral system. It has the patricians in the arrogant and wealthy land owners. It has the plebeians in the oppressed laborers known as goons. It has had many years of existence and a great deal more of opportunities to succeed. Yet so far it has failed to give its people uninterrupted peace and public order, equality in the pursuit of happiness and prosperity, and security in their constitutional rights. Once in every short while, in fact practically after every election, a Pancho Villa looms up, big and irresistible; he seizes the government officials puts them before a firing squad, and maintains a dictatorship until another and greater Pancho Villa shows up. Yet it is interesting to note that the Mexican Republic has always had a bicameral legislature.

In support of that system, it has been further stated that forty-one nations have the bicameral system and only twenty-one, the unicameral system; that the forty-one are the biggest and most powerful and the twenty-two, the smallest and weakest, such that even students of geography do not know them. It is safe to assume that the forty-one are bigger in territory, natural resources, wealth, population, revenues and in everything else, and for that matter, they can afford the luxury of maintaining a bicameral legislature; and that the twenty-two are smaller in all those positive assets, and for that matter can afford to maintain only a unicameral legislature.

That reminds me of the frog which saw a horse. To show another frog that it could make itself as big as the horse, it puffed and puffed itself until it burst and died. Those twenty-one smaller nations which have lately drafted their constitutions are wiser than that unfortunate frog. They know that it is impossible to inflate themselves to the size of any of the bigger nations. They know that to continue existing they should not burst themselves. They know that to avoid exploding themselves to pieces, they should adopt, as they have actually adopted, the unicameral system of legislature. Mr. President and Gentlemen of the Convention, in order to insure the granting of our independence and stability of the government under the Constitution we are drafting, we must follow the example of these twenty-one nations, which can not be smaller than our country, Like them, we must be wiser than that unfortunate frog.

With your further indulgence, I shall now enlarge upon the economic aspect of the question. Both sides are agreed that the unicameral system is more economical than the bicameral one. Even if we adopt the unicameral system, contrary to what had been alleged, we shall neither be sacrificing a principle — because the greatest principle in the legislature is the legislature itself — nor shall we amend an act of Congress because a unicameral Congress is as much a legislature as the bicameral one I want the unicameral legislature because of its economy. I am for strict economy because I want to be sure that we can meet our present and future obligations; because I want to be sure

that we shall have sufficient revenues and funds during the Commonwealth period and all the periods to come; and because I want to be sure that our independence will be granted to us on the date promised. Remember that we must meet our obligations to the United States and the accrued interests thereon before our independence is granted fully. Remember that we must reimburse the United States all the expenses that country has incurred in making improvements in her military reservations and naval bases before her sovereignty is completely withdrawn from our shores. Remember that our principal export products on which we have so far depended almost wholly for our financial stability are likely to be subjected to prohibitive tariffs in the United States. Remember that with our higher costs of production and with our smaller yield per hectare we cannot successfully compete in the open markets of the world. Remember that when independence is granted to us and we establish an independent government, we will have to organize and maintain diplomatic and commercial agencies in other countries, all of which will greatly increase our expenses. Remember finally that on our financial stability ultimately depends our national prestige, honor and independent existence.

In spite of the world-wide depression, we have not known hunger and bread lines. It has been said by foreigners who have visited this country that ours is a paradise, compared with other countries. But our country is fast ceasing to be a paradise. Our people are becoming poorer every day. There has been depression before only in our hemp, tobacco and coconut regions. With the passage of the Jones-Costigan Law imposing limitations on our sugar exports to the United States, the depression has also invaded our sugar regions. Today we have depression in every nook and corner of our country; consequently, the collection of taxes has become very slow and our government funds have greatly decreased. As a further consequence, our insular government, our provincial and municipal governments now find themselves in a bad situation. They have resorted to reductions in salaries. They have abolished many positions and offices. They have closed many schools. They have abandoned many projects for public improvements. They have dismissed many teachers and other employees. They have devised and are still devising other means to remedy their precarious situation. Because of limitations imposed recently on our sugar exports to the United States and because of the general depression, they are unable to stem the tide of further obligatory reductions in positions, in salaries and in the construction of public improvements.

If at the present time, when our sugar exports are not yet completely barred from the United States, our people and government already have become so impoverished that they have to observe a strict retrenchment policy, how much more will they become financially crippled when the United States is completely closed to our sugar exports? We began diversifying our crops, but diversification is principally for home consumption only. It is still in the experimental stage and uncertain as to results. I say further that we are looking for new markets and that we are now proposing reciprocity trade relations with the United States and other countries? Well and good, but you can not make other countries buy much of our products when, because of the economic crisis, their people have to deny themselves of some absolute necessities of life, You cannot make them buy our products when they can get the same cheaper from somewhere else; and you cannot be sure of having such reciprocity trade relations with other countries. Gentlemen, may I still further say that we are making readjustments, Well and good again. But in spite of readjustments, we are still sinking deeper in the hole of financial difficulties.

Mr. President, we must further reduce government expenditures; we must free our government from departments and offices which are not indispensable; we must have the million pesos or so which we spend yearly for either one of our legislative chambers, together with other millions of pesos which we must take away from the expenses of the other departments; we must make economy the determining and controlling factor in the tremendous work now before us; and we must draft our Constitution in terms of pennies and cents only. We must do all these things and many more before we can expect to win and hold our independence.

Mr. President and Gentlemen of the Convention, I trust that I have made it clear that, although the principle of

checks and balances is desirable in nature and theory, it is nonetheless injurious in application; that our people and our government are now suffering so much from the present crisis that they find it hard to make both ends meet; that either house of our present legislature is more of a burden to our treasury than an asset to our national well-being; that we must observe a strict retrenchment policy in the government under the Constitution we are now making in order to make that government a success; and that, therefore, we must abolish our present bicameral legislature and adopt in its place the unicameral legislature.

I do not know what the final action of this Con-vention will be on this question, but I do know that, if we retain the American system of bicameralism, we will not be avoiding the rocks of financial destruction. We have adopted the American ways of living and spending and of preparing our yearly budget in terms of millions of pesos, and now we are suffering from hardships in our daily existence and deficits in our gov-ernment revenues. May Almighty God give us courage to free the Constitution we are drafting from the expen-sive American system of legislation and to incorporate therein the unicameral system, the legislature most in keeping with our limited resources and wealth, and the legislature most conducive to the best interests and well-being of our people and country.

DISCURSO DEL DELEGADO CARAM

SR. CARAM: Senor Presidente y Caballeros de la Convencion, la prensa de nuestro pais viene censurando la conducta de los miembros de esta Asamblea por su aficion a pronunciar muchos discursos. Yo respeto esta opinion de mis queridos amigos, los periodistas; pero quiero recordarles un hecho de mucha utilidad, y es que los grandes oradores despiertan a los dormidos, avivan a los despiertos, y obligan, por el dolor, a todos a poner el grito en el cielo; y, ademas, en esta nuestra casa, influyen en la formacion de bloques para conseguir comites que hoy dia estan muy en boga.

No ocurre lo mismo en el caso de mi humilde per-sona, puesto que, desafortunadamente, Dios no me ha dotado de condiciones oratorias para despertar a los dormidos y menos aun para siquiera cosechar un generoso aplauso vuestro al final de mi disertacion. Mi lira esta en bancarrota, y no la puede remediar ni la fabulosa suma de seiscientos pesos que galantemente ha tenido a bien regalarnos nuestra esplendida y nunca bien apreciada Legislatura.

Por consiguiente, anuncio desde ahora que no voy a pronunciar un discurso, porque deseo evitar que a mis queridos amigos, los del cuarto poder, se les ocurra colgarme el sambenito de que soy una principal calamidad del tiempo presente como orador. Egipto conocio las "nueve", pero la decima que vale por todas, no temo que mis companeros de la Convencion y mis amigos, los periodistas, la reserven para mi. Pido, pues, de todos la misma piedad que tuvieron los buenos hijos de Noe cuando cubrieron la desnudez de su padre.

Consecuente con lo que acabo de manifestaros, me decido a hablar como se habla a un amigo intimo, de silla a silla, y me limitare a indicar, a apuntar lo que pienso y siento sobre el tan debatido asunto que hoy se halla bajo la consideracion de esta augusta Asamblea.

Pero antes de embrollarme entre los argumentos en pro y en contra de la medida en discusion, permitidme que os haga una confesion franca y sincera, y es que las pocas ideas que recogí sobre esta discusion, las vi desfilar poco a poco en los elocuentes discursos de los distinguidos companeros que hablaron antes que yo, en terminos tales que me dejaron practicamente sin materia. Me encuentro hoy como un hombre que entra en un campo de palay segado y ya levantada la cosecha, y que va de una a otra parte, buscando y rebuscando, y puede al fin recoger algunas espigas para formar a duras penas un haz de escasisimo valor. Este haz lo voy a aunar con mucho cuidado para que no se caigan sus granos y me sirva de brocha que va a tocar a la ligera las razones en pro del sistema bicameral. Los tocare muy ligeramente; las libare co-mo diria el poeta.

Razones en pro del sistema bicameral:

- Evita los errores a causa de la precipitacion, oigamos a Arechaga su sabia opinion sobre este punto:

"Cuando uno de los cuerpos legislativos ha adoptado una resolucion, cae enseguida bajo severa fiscalizacion de la opinion publica; la prensa se apodera de ella y la examina y la critica haciendo resaltar sus meritos y sus defectos, y dando a conocer la opinion que ha formado la sociedad sobre la reforma que se trata de llevar a cabo. De modo que cuando el otro cuerpo colegislador se ocupa de esa misma resolucion, ya la opinion publica se ha manifestado sobre ella de una manera seria y reflexiva y puede ser tenida en cuenta antes de la solucion definitiva del proyecto."

Laveleye, lucubrando sobre este tema, dice lo siguiente:

"La obligacion en que se encuentran las dos Camaras de ponerse de acuerdo para formar una ley, les comunica a ambas un espiritu de conciliacion y de transaccion, que es indispensable para la practica de las instituciones libres. Como hay siempre, por lo menos, dos partidos en presencia, es necesario que la mayoria, en cuanto sea posible, tengan en cuenta las observaciones y las resistencias de la minoria, a fin de no precipitarla a una oposicion capciosa."

- Segunda razon en pro del sistema bicameral: Evita el despotismo de una sola Camara: una sola Camara podra ser buena, pero los que la componen son humanos al fin y, como tales, estan sujetos a pasiones del momento y pueden actuar movidos por sentimientos de malquerencias o rencillas hacia determinados intereses y la buena voluntad puede trocarse en un poder sin freno, en una autoridad sin mas ley que el capricho y la arbitrariedad.

En mi experiencia como concejal de la ciudad de Ilo-ilo durante seis anos, y ultimamente como miembro de la junta provincia de Iloilo, he reconocido la valiosa intervencion de las Juntas provinciales en las actuaciones de los Concejos Municipales para conservar la armonia y evitar el descontento de la comunidad.

En el caso presente que estamos discutiendo, puede considerarse el simil, tomando el concejo municipal como la Camara Alta.

- Tercera razon en pro del sistema bicameral: Representa dos elementos integrantes de la comunidad toda, y nuestras hermosas costumbres.

En el hombre como en la sociedad existen dos principios al parecer contrarios; el uno que le atrae y como si le pegara a lo conocido, porque naturalmente amamos las cosas que conocemos. El otro que le empuja, y como si lo aguijoneara hacia lo Nuevo, como si agitara al hombre a buscar nuevos horizontes, bienandanzas, y procurar medidas mas modernas y perfectas. Estos dos principios, el uno que contiene y el otro que empuja, forman en cierto modo la herencia del hombre y de la sociedad. Si el primer principio prevalece como soberano, el hombre no progresa, queda estacionario. Si reina el segundo con imperio absoluto, precipitase sin freno el hombre hacia el fracaso. Es a semejanza de un buque que, con lastre y vela, puede dar la vuelta al mundo. Quitadle la vela y lo vereis inmovil a merced de las olas; quitadle el lastre, y que los vientos den resonando en sus velas; y el buque parece que va a volar, sin embargo, naufraga.

Es esta comparacion "grosera" que hago entre un buque de vela y un cuerpo legislativo bicameral, deseo hacer hincapie en que el Senado en este caso esta representado por el lastre que mantiene el equilibrio de la nave, y la Camara Baja la representa el buque con la vela que puede desarrollar una velocidad tremunda segun los vientos que soplen; pero su arribo al puerto es inseguro.

Ademas, Senor Presidente y caballeros de la Convencion, las costumbres arraigadas en un pueblo pueden considerarse como leyes. Y de la noche a la manana cambiarlas de una manera violenta tan solo para someter al

pueblo a experiencias de resultado dudoso, es una aventura muy peligrosa que puede traernos serias complicaciones. Hablo de costumbres arraigadas porque hace dieciocho años que funciona el Senado a satisfacción de todo el pueblo filipino, y desde hace dieciocho años el elector filipino tiene perfecta conciencia de su voto, cuando y como lo emite; al candidato a Representante, exige conocerlo personalmente, de ahí que el candidato se vea obligado a visitar hasta el último rincón que compone su distrito. Sabe el elector que hay noventa y seis Representantes en la Cámara Baja y que es un número muchísimo mayor que el de Senadores. Sabe que el período de ejercicio de cargo del Representante es más corto que el del Senador, y que las elecciones se hacen cada tres años para cambiarle o reelegirle, según sea su comportamiento, si ha sabido o no reflejar en la Cámara los menores movimientos de la opinión de su distrito. El elector sabe que en la Cámara Baja se suele practicar el "log-rolling" y que este procener el no lo aprueba, pero confía en el freno del Senado; además, el elector tiene formada la idea de que el Representante suele ser joven, activo y hombre de iniciativas, y le concede su voto a cambio de promesas de puentes, carreteras asfaltadas, escuelas, alcantarillados, licencias para armas de fuego, pero no para canones, traslado de maestros de un pueblo a otro, y otras gangas que lleva consigo el "pork-barrel".

No sucede igual en el caso del candidato a Senador, cuyo distrito es mucho más grande a cuyo valor político se aquilata mejor y se pone a prueba de criterios exigentes. El elector muchas veces conoce al candidato a Senador solamente por referencias obtenidas de los periódicos, de los amigos, de los vecinos de quienes procura informarse bien sobre las cualidades personales del candidato y sus méritos intelectuales y su experiencia en la vida pública, antes de concederle su voto.

El elector sabe que la elección para el puesto de Senador se hace cada seis años, y, además, tiene conocimiento de que los miembros del Senado son elegidos por tandas al objeto de que los que quedan representen las ideas antiguas ya establecidas. Sabe el elector que el Senado está compuesto de un número reducido de miembros, veinticuatro Senadores, y que en el Senado las discusiones se hacen con calma y serenidad, sin pasiones ni violencias, pero sí con razón fija y reflexiva. El elector sabe que para ser Senador, tiene uno que ser hombre de edad, como quien dice, hombre de experiencia madura, que lleva como bagaje un formidable dique, invulnerable a las furiosas y embravecidas olas de las pasiones humanas que una amenazadora e inesperada tempestad pudieran llevar.

Ante estas consideraciones que os acabo de exponer, relatando en la mejor forma que mis flacas fuerzas me permiten, los diversos elementos conscientes, activos y conservadores de todo el país, que están representados por nuestro cuerpo legislativo que hasta esta fecha viene rindiendo servicios satisfactorios desde su implantación; francamente, Caballeros de la Asamblea, no encuentro razón alguna que explique y justifique un cambio radical como el que hoy se pretende introducir.

Quiere el inmortal poeta Homero, quien nos pinta el mundo sujeto al cielo por medio de una cadena de oro, que la Cámara Baja esté sujeta a la Cámara Alta por la cadena de oro de la experiencia y de la reflexión, y si esta cadena se rompe, la Cámara Baja ira al abismo.

Todo lo que acabo de manifestar aquí, dirán mis amigos y compañeros, que no pasa de vulgaridades. Yo lo admito, pero también es un axioma aceptado por todos, que no hay cosa más vulgar que las grandes verdades.

Los argumentos aducidos por los caballeros de la acera de enfrente que sostienen la teoría unicameral, son ingeniosos y muy donairesos. Reconozco en ellos mucha habilidad para convencer; fácil elocuencia; clarísimo razonar y, sobre todo, deseo muy vivo de trabajar en bien de la patria. Guardoles afecto y respeto profundo; pero estoy descontento porque, a sabiendas y con la mejor buena intención del mundo, se dejaron en el tintero relegada al olvido la madre experiencia, fuente y origen de todas las enseñanzas.

El argumento de que la voluntad del pueblo sobre una materia determinada es indivisible, es muy académico, y de

aceptarse, propongo que sea aplicado a las Juntas provinciales cuya abolicion se debe pedir si se adopta el sistema unicameral, para acabar de una vez y para siempre con las instituciones mal llamadas aristocraticas y dar cabida a las democraticas de pura cepa, aunque estas no representen siempre la capacidad, la consecuencia ni la tradicion. Tambien se deberan suprimir algunos puestos de Secretario Departamental porque quiene los ocupan desaprueban de una plumada la voluntad popular reflejada por conducto de los concejos municipales y de las Juntas Provinciales. Desaprobar un acuerdo adoptado por cualquiera de estas entidades, es mas grave y mas serio que dividir la voluntad popular, porque, al fin y al cabo, los que la dividen son ungidos con el poder por eleccion y representan legitimamente al gran publico politico y al pueblo soberano.

Si la voluntad del pueblo es una e indivisible, no debe haber mas que una Asamblea y una ley que este preparada por la misma. Pero yo pregunto, ¿que de malo hay en que esta ley este preparada por dos Camaras? Sin duda alguna que estarian mejor garantidos los derechos de la nacion y la soberania del pueblo. Dos Camaras mantendran mejor la independencia del Poder ejecutivo. Un enfermo asistido por dos medicos en vez de uno solamente, sus probabilidades de curacion son mas seguras y ciertas.

El argumento de la economia y de que es menos costoso el sostenimiento del sistema unicameral, es infundado; es una economia mal entendida, y antes de adoptarla se deben agotar otros medios mediante promulgacion de leyes que sirvan para propulsar nuestro desarrollo economico, con el establecimiento de bancos, escuelas y granjas agricolas en todas las provincias, al objeto de mejorar las semillas y su produccion. Este es el remedio eficaz que se debe senalar para hacer frente a nuestras necesidades.

Si el deseo de introducir economias es sincero, debemos incluir en nuestra Constitucion, preceptos que prohiban la celebracion de pomposas fiestas a cuenta de las areas de Juan de la Cruz, como los bailes que se organizan por ambas Camaras en honor del jefe Ejecutivo y vice versa. Se deben cortar gastos superfluos innecesarios, como los que ocasiona la ley conocida por "Belo Bill" que es un verdadero trancazo nacional con complicaciones en los pulmones de Juan. Esta ley representa un desembolso de doscientos cincuenta mil pesos anuales que estarian mejor aprovechados si se invirtiesen para fomentar la agricultura en el pais.

Si no estais conformes con estos remedios, yo propondria otro que es practico y, sobre todo, patriotico, como es la reduccion de la compensacion que actualmente perciben nuestros legisladores; sugerirla, por ejemplo, que a los Representantes se les asignaran P40.00 por sesion; asi al ano en cien dias de sesion en vez de P6,120.00 que hoy reciben, percibirin solamente P4,000.00. Los Senadores P45.00 tambien por sesion, cobrando al ano P4,500.00 en lugar de P6,900.00. De esta manera, se harian grandes economias y, ademas, los grandes patriotas tendrian oportunidad de hacerse conocer. Rizal. Del Pilar y Lopez Jaena sirvieron y ofrecieron sus vidas al pais sin exigir condicion ni compensacion alguna.

La economia es una medida muy sabia si al adoptarla no va en detrimento del interes publico, y el sistema bicameral si es mas costoso, tambien es mas fuerte, es mas conservador, es baluarte mas firme de la Republica, es fiador mas seguro de la libertad del pueblo. Si quereis un ejemplo elocuente de mi asercion, para convencerlos os invito a que dirijais la mirada hacia la gran nacion norte-americana en donde el sistema bica-meral marcha triunfalmente al traves de los siglos.

Senor Presidente, voy a terminar y con las gracias a todos por vuestra benevolencia al escucharme en mi charla. Pido que se registre desde ahora mi voto contra el sistema unicameral, porque condena a morir a los hombres gloriosos de nuestra historia y porque la Constitucion de un pueblo debe reflejar, en cuanto sea posible, todas sus costumbres, sus grandezas pasadas y presentes.

He dicho

SPEECH BY DELEGATE GUEVARA

Mr. President and Gentlemen of the Convention: At this stage of the debate, it would be presumptuous for me to believe that additional arguments could be presented in favor or against the resolution that is now before the Convention. It has been exhaustively discussed by the brilliant and intellectual speakers of both sides. It seems, therefore, that good manners of parliamentary procedure warrant that the proposition should now be brought to a vote for final decision.

However, I wish to say that I am proud and the country should be proud of the dignified and intelligent discussion over the pending resolution. The country should be congratulated for this debate which has proved beyond doubt its wise selection of the Delegates to this Convention.

I am happy that this debate is being conducted in English. Language is one of the chief reasons why, much to my regret, we disregarded the Malolos Constitution which provided for a unicameral system of legislature. The Malolos Constitution was discussed in Spanish and written in that language, a proof that that generation is entirely different from the one now drafting and formulating the Constitution for the Commonwealth of the Philippines.

The Filipinos who drafted and formulated the Malolos Constitution were trained in the practice of dictatorial government, while those of us who are now meeting in this Constitutional Convention are schooled in the principles of democratic government and in the workings of a bicameral system of legislature.

I cannot find any political similarity between the past and the present history of the Philippines, for even the social and economic environments of those who speak of our history are completely at variance. I wish to be correctly understood that in this assertion of mine, I do not have the slightest intention to disparage the wisdom of the framers of the Malolos Constitution and the soundness of the principles upon which it was drafted and formulated. It was not our fault that our country has been placed under the sovereignty of two nations which belong to two different political thought? The past one, belong to two different political thoughts. The past one, while sovereign in the Philippine Islands, deeply believed in autocratic government; the present one is fully devoted to the practice of self-government based on democratic principles. Therefore, the present generation of Filipinos can perfectly claim that the right to belong to the new political school and so we witness this great debate on theories and ideas eloquently and brilliantly expounded by the spokesmen of the two schools. Those of us who belong to the generation of the framers of the Malolos Constitution cannot help acknowledging this fact and, influenced by the new system, we have adhered whole-heartedly to the present system of our government.

It is true that some Filipinos of the present generation are advocating the same system of legislation provided for in the Malolos Constitution. Many of them have taken this stand for reasons of tradition, simplicity and economy, believing that the unicameral system is more responsive to the needs of the people. The reason of tradition invoked by the advocates of unicameralism cannot stand a thorough analysis.

As to the alleged simplicity and economy supposed to result from the adoption of unicameralism, they cannot also stand a conscientious examination. Simplicity to make our national Legislature a law mill can be accepted by the advocates of bicameralism without any hesitation. Simplicity, meaning the facilitation of pork barrel legislation responsive to local selfish interest but detrimental to national welfare, can also be accepted without any hesitation. Simplicity to facilitate the establishment of a parliamentary government in the Philippine Islands, of which the Filipino people know only by information and not by actual experience, can also be accepted by the advocates of bicameralism. Simplicity to fill our statute books with unwise and conflicting laws, in such a way as to make the Filipinos unable to know which one is in force, we can also accept. But simplicity in the way that it should be understood, to facilitate the passage of those laws responsive to true national needs cannot be proved by the advocates of unicameralism.

One of the most brilliant advocates of bicameralism said in his speech that four eyes can see better than two and that a double discussion of any public question is always preferable. The contention that the veto of the Executive is enough to safeguard against unwise and ill-advised laws places the unicameralists in conflict with the very principles which they advocate. Do the unicameralists mean by this contention that they are prepared to give an absolute veto power to the Executive of the Commonwealth? If they are, then they are supporting a dictatorial government for the Commonwealth. If they are not prepared to give the Executive an absolute veto power, then they are giving the Legislature a dictatorial authority. In either case, the system is obnoxious to our democratic institutions.

Economy is the other argument frequently invoked by the sponsors of unicameralism. In this connection, I wish to say that we have to pay the price of democracy. Besides, the economy that the unicameralists are expecting from the adoption of the unicameral system of legislature would be but a perfect dream. In the first place, by the adoption of the unicameral system of legislature, the people's representation therein should be increased in number. In the second place, who can prevent the unicameral legislature from appropriating money for its operating expenses? The army of secretaries and employees that has been invoked by the unicameralists as characteristic of our present Senate and House of Representatives may be exceeded by the members of our proposed unicameral legislature who will be elected by the same people who elected the Delegates to this Constitutional Convention; but because if such abuses have taken place in a bicameral system of legislature, whose members have also been elected by the same constituency, how much easier would it be if we do not provide the necessary safeguard to the right of the people to challenge in time such abuses.

Were it not for the bicameral system provided for in the Constitution of the United States, that nation would now be in the League of Nations, entangled in the European affairs. And were it not for that very system the Sinclair and Doheney oil scandals would never have been discovered or disclosed.

The statistics in the magnificent speech on the proportional representation delivered by the Delegate from Pangasinan, Mr. Aruego, is enough to bring home to all fair-minded men the advantage of adopting the bicameral system of legislature for our Commonwealth. Also, the historical analysis he made of the unicameral and bicameral systems stands unchallenged by the unicameralists. The conclusion he drew from this analysis has not been weakened by the arguments so far advanced in favor of the unicameral system of legislature.

Innovation means progress and it should be welcomed if experience has proved that it should be made; but innovation with a view to experimenting on new social or political or economic ideas is very dangerous. The very fact that the bicameral system of legislature has been adopted by a great majority of independent nations regarded as the most progressive and advanced ones, should appeal to the political mind of the Filipino people. The unicameral legislature has been adopted only by a small minority of independent nations, many of them still unknown to the Filipino people. Those unicameral nations are not known except to students of history like those who are now advocating the unicameral system of legislature for our Commonwealth.

One of these students of history, in his enthusiasm for unicameralism went so far as to affirm before this Convention that the expenses incurred by the Philippine Senate are needed to prevent, for instance, the spread of tuberculosis and infant mortality. If the abolition of the present Philippine Senate would result in the maintenance of agencies to prevent the spread of tuberculosis and infant mortality in the Philippines, it would be worthwhile to consider the proposition of abolishing not only the Philippine Senate but also any semblance of Legislature. But can this be done without inflicting an insult on the democratic conscience of our people? Mr. President, this is the big question mark that should be answered by the advocates of unicameralism.

I believe that the pending resolution does not warrant any further discussion. In a few hours this Convention

would be called upon to vote on the question, and I am convinced that the Delegates, conscious of their duties and responsibilities to the country, will cast their votes to insure the establishment of democratic institutions in the Philippines.

Before concluding, I wish to congratulate the leaders of both sides of this pending resolution — Messrs. Aruego and Romero — for the able, efficient and intelligent way they have handled this great and brilliant debate.

DISCURSO DEL DELEGADO LOCSIN

SR. LOCSIN: Senor Presidente y Caballeros de la Convencion: Los buenos americanos promotores de la accion congresional que materialize la Ley Jones, obrando bajo la influencia de la grandeza de sus ciudades, acostumbrados a gastar billones para su gobierno, quienes desde Washington visualizaron nuestras provincias como unos verdaderos Estados y ¿por que no decirlo? queriendo exportar sus propias Constituciones, en 1916 dieron un Senado a nuestro pais. Yo les rindo un reconocimiento cordial; pero pienso en las masas de nuestro pueblo; en sus escasos recursos, en su vida sencilla; estimo y pondero la organizacion simple de la familia filipina que se desenvuelve sin conflictos en su direccion, y me doy cuenta de las delineaciones de nuestros pueblos en provincias, su caserio de materiales ligeros y sus pequenas comunidades . . . Los constitucionales del 99 sintieron toda su influencia volcada en la ingenuidad encantadora de la vida y del ambiente del hoy historico Malolos, y como consecuencia, para un pueblo humilde y sencillo, planearon un gobierno sin muchas ostentaciones, con una Legislatura unicameral.

¿Creo que fue Debierre el autor de la asercion de que son los muertos quienes, desde el fondo de su sepulcro, mandan a los vivos. Si esto es verdad, tenemos que convenir en que el unicameralismo tiene toda la gracia de un mandato de los que cayeron durante la noche....

Senor Presidente, los bicameralistas, al empenarse en crear un cuerpo moderador de los supuestos radicalismos de la Camara popular, impensadamente quizas, pe-ro con una persistencia que asombra, ventean su desconfianza en la madurez de juicio del pueblo y en la sabiduria de sus instituciones.

La Camara popular, que en Inglaterra por antonomasia se llama el Parlamento, como su mismo nombre lo precisa, es el unico fideicomisario de los deseos y de las ansias del pueblo. Sus miembros, elegidos todos periodicamente, reciben siempre frescas las determinaciones de la voluntad popular. La historia de todas las democracias mundiales, nos lo dice Indalecio Prieto, es una pugna constante por los fueros de las llamadas Camaras que el pueblo quiere darse por mediacion de sus delegados directos".

El Senado lleva el pecado original de ser una creacion reaccionaria, refugio de los representantes de los grandes intereses, de los favoritos del rey, de la nobleza rancia y desocupada y de los dignatarios de la Iglesia oficial. Es ademas una barricada donde se parapetan las fuerzas del imperialismo. Recordad, que la Camara de Representantes de los Estados Unidos, mas sensible y liberal, colmaba nuestras ambiciones separatistas con sus cinco anos de periodo de transicion previos a la independencia, y el Senado, a su vez, nos desilusionaba con su compas de espera de cerca de dos lustros. ¿Y quereis un Senado, asequible solamente para los plutocratas y los protegidos de adinerados, que en el pais no son en su inmensa mayoria filipinos por su sangre o por sus costumbres, su sociedad y sus vinculos familiares? Quereis una Camara Alta inaccesible para los hijos de nuestras muchas pequenas provincias y que son el puntal de los derrotistas, de esos que, acostumbrados a la vida regalada del presente, ven negro el porvenir de libertad con su nuevo orden de cosas, sus riesgos y sus responsabilidades mas amplias, filipinos o pseudo-filipinos que a modo de las plantas parasitas persisten en pegarse al arbol del mercado americano? Y, por ultimo, quereis un cuerpo que por su naturaleza eventualmente puede erigirse en reducto de los Tories de nuestra politica nacional, que en este momento se presentan aun enmascarados ante el pueblo? Yo que crefa en la credencial de todos, como Delegados de un pueblo sediento de libertad, que ha catado

toda la hiel de las dominaciones fuertes o benevolas, hoy no recato mi sorpresa al ver a tantos companeros rompiendo lanzas por un Senado como tope de nuestra Legislatura.

¿Innecesario y costoso tope! Senores bicameralistas, ¿quereis un Senado donde colocar a los hombres maduros y mas brillantes de nuestra raza, y crear asi un cuerpo de destacados intelectuales, para legitimar su exaltacion como el cerebro del poder legislativo? Frenad vuestros entusiasmos recordando que las democracias tienden a consagrar las medianias.

Yo creo, Senor Presidente, que estamos discutiendo un punto fundamental para el porvenir de la nacion. El dinamismo inteligente y organizado y la esencia vital de los pueblos son los que motivan su progreso. Con una o con dos Camaras, solamente los quilates de nuestra ciudadania daran los valores de nuestro pueblo.

No negamos que la mayoría de las naciones grandes tienen una Legislatura bicameral, pero los bicameralistas, llevados de su entusiasmo, fuerzan su argumentacion, vinculando al sistema la grandeza y el progreso de estas naciones. Cartel de propaganda que tiene todo el sabor de esos anuncios llamativos de ciertos especificos con el reclamo de que sirven para curar toda clase de enfermedades.

Se ha senalado el hecho de que el unicameralismo de la Revolucion Francesa fue reemplazado por el bicameralismo del periodo constitucional. Pero los bicameralistas se guardaron el detalle de que el Senado frances fue impuesto por los monarquicos, como precio de su cooperacion con los republicanos, para capacitar a estos, valiendome de la expresion del Profesor Ray—"Para formular una Constitucion siguiendo lineas republicanas, para que fuese un documento conservador, que contuviese todos los atributos de una monarquia, tales como las circunstancias lo permitiesen."

Los de la acera de enfrente no escatimaron frases de satisfaccion al senalar la existencia de la Camara de los Lores, apuntandola como algo definitivo para substanciar la causa que defienden. Los amigos de un Senado para Filipinas tienen que dar su justa significacion al hecho de que, de tiempo en tiempo, la Camara de los Lores habia venido perdiendo sus atributos como cuerpo colegislador, hasta la total liquidacion de estos en virtud de la Ley del Parlamento de 1911. Solo el delicado sentimiento del ingles por su tradicion, mantiene la Camara de los Lores como parte de su maquinaria gubernamental.

Inglaterra, para un aficionado en Ciencia Politica, ofrece dos notables fenomenos politicos; una genuina democracia, ampliamente desarrollada dentro de una monarquia estable y prestigiosa y una Legislatura unicameral de hecho, dentro de una organizacion de forma bicameral. En realidad, Inglaterra es unicameralista. Solo asi, ella pudo sorprender al mundo con el hecho de que el poder colocado en manos del obrero, tambien es un instrumento de seguridad de la corona y del re-gimen establecido.

Penegiristas del bicameralismo senalaron aqui el hecho de que la Republica de Espana ha adoptado el unicameralismo despues de convulsiones sangrientas. Nosotros decimos que hoy una revolucion la purifica y sea para la antigua metropoli nuestra mas entusiasta admiracion por esta prueba de su vitalidad, desangrandose para afianzar su ideal republicano, como se afianzo la union de los Estados Unidos, por el proceso doloroso de una guerra civil, que la historia registra no en descredito del sistema bicameral consagrado en la Constitu-cion que inmortalizara Jefferson.

Contestando al argumento del soborno queremos decir que es posible tanto si la legisfatura es de una como de dos camaras. No se soborna a todo un cuerpo. Se gana el favor o se recompensan los servicios de este o de aquel lider, de esta o aquella Camara. Con una opi-nion publica vigilante, la responsabilidad individual individida y las actuaciones a puertas y ventanas abiertas de la legislatura unicameral, alejarian mas eficazmente las dadivas interesadas.

Se mentaron aqui las varias dictaduras hoy existentes en el mundo, como una calamidad posible solamente dentro del sistema unicameral. Se dijo que Hitler suprimio el Reichstag, para hacerse mas poderoso como tal, habia recibido repetidas muestras de adhesion de su pueblo. Queremos anotar que tambien hay dictadura en Italia con la aquiescencia de un Senado compuesto de proceres de las varias disciplinas del saber y de la vida. Y hace poco, otro Roosevelt decia que el Presidente Roosevelt esta preparando el camino de una dictadura en los Estados Unidos, el pais donde el Senado tiene ganado el respeto del pueblo americano.

Y es que las dictaduras estan de moda hoy. No son apendices de este o aquel sistema de cuerpo legis-lativo. Acaparar atributos del poder es volicion del hombre erigido en autoridad — reaccion senalada ya por Montesquieu — favorecido y exaltado por la idolatria de las multitudes y por un partido mayoritario exesivamente grande. Si me forzais, dire ademas, que las dic-taduras son reacciones patologicas del alma popular. Un especialista en psicoanalisis, el Dr. Stekel, enuncio la teoria del "authority complex" para explicar la multiplicacion de las dictaduras. Coordinadas disciplinas dominan la vida de los ninos. Los pueblos jovenes siempre han aceptado el principio de autoridad. Los padres, segun Stekel, dejaron de vivir el tipo moral que exigieron de sus hijos desenganando a estos fatalmente y la familia dejo de ser la sagrada unidad de otros tiempos. Asimismo los maestros fueron un fracaso. La escuela y la universidad perdieron el respeto de los estudiantes. De 1914 a 1918 una carniceria tuvo lugar en Europa y todos los respetos a la ley y al orden, en el concepto internacional, desaparecieron. La religion fue asaltada por la ciencia moderna que sembro la indiferencia hacia la autoridad de Dios. Los cimientos de la autoridad se desquiciaron y todo el llamado "authority complex" cayo abajo. Uno de los resultados politicos de esto, afirma Stekel, es la realidad de las dictaduras contemporaneas, los ninos podran malquerer la autoridad, pero no pueden vivir sin ella. Se rebelaron contra sus padres y los reemplazaron por Hitler, Dolfus, Mussolini. Porque los ninos de estos tiempos piensan que sus padres son indignos, buscan un lider que los sustituya. La esfera de la autoridad ha sido trasladada del hogar.

Senor Presidente, se ha dicho aqui que como nacion joven, hay que rehuir de hacer ensayos. Para esta clase de mentalidad, hay que cerrar todos los la-boratories de experimentacion, donde los cientificos, romanticos de lo desconocido, pasan dia y noche en pesquisa de nuevas y mas redentoras verdades. Esos que se agarran a un Senado para seguir simplemente un ejemplo americano, se olvidan de que hoy ocupa la Casa Blanca un genio innovador que esta ensayando nuevas relaciones de los valores sociales, en interes de un resultado que devuelva a las masas del pueblo su parte de bienestar y de felicidad a que tienen legitimo derecho.

¿Es por ventura el sistema unicameral un experimento para el pais? Rotundamente contestamos que no. La Asamblea Filipina era una Camara unica, con la colaboracion de un Gabinete fuerte llamado Comision Civil. ¿Y que cumulo de sabias legislaciones y que acervo de documentos afirmativos de la prestancia de la soberania popular dio al pais!

Propios y extranos se pronuncian unanimes en su reconocimiento de la labor constructiva de la Asamblea Filipina. Su exito no era de nadie por ser de todo el pueblo.

Senor Presidente, me permitire analizar ligeramente los supuestos meritos del Senado, su necesidad como tamiz, freno o contrapeso de las actuaciones de la Ca-mara popular.

¿Evita el Senado la aprobacion de legislaciones indebidamente estudiadas? Que conteste por nosotros lo que llamariamos "mass production" de proyectos aprobados, durante los ultimos dias de sesion o durante el sine-die de la Legislatura. Que conteste igualmente por nosotros el porcentaje grande de medidas vetadas por el Ejecutivo a recomendacion de los Secretarios Departamentales.

Es ilusorio esperar esa fiscalizacion rigida y reciproca entre las dos Camaras por la practica de aplazar la consideracion de las medidas favoritas de una por la otra Camara, en rehen, para un canje de actuaciones

concurrentes favorables. El espíritu práctico de los legisladores prevalece y todos sacan el mayor provecho de la política de toma y daca.

En la forma como se destinan los fondos públicos es donde el Senado haría sentir mejor su eficacia como freno de la acometividad de la Cámara popular. Caballeros de la Convención, reservé vuestro juicio sobre este punto hasta después de conocer los datos siguientes: Cuando solamente teníamos la Asamblea Filipina, esta, en sus últimos cinco años de existencia, había gastado anualmente, como promedio, P373,326.11. Desde 1916 inauguramos el sistema bicameral y la Asamblea Filipina se convirtió en Cámara de Representantes y como tal desde 1926 a 1930, su gasto anual arroja un promedio de P935,618.00. Nuestro Senado que empezó gastando alrededor de P220,000.00 al año en sus tres primeros años, de 1920 a 1930, el promedio de su gasto anual ya alcanza a P506,054.00. Yo tengo entendido que en estos tres últimos años, las consignaciones para ambas Cámaras aumentaron aun considerablemente.

Este incremento geométrico de los gastos de ambas Cámaras revela, no solamente la falta de una fiscalización recíproca, sino además la existencia de una mutua complacencia entre las dos, para la multiplicación de emolumentos o canonjías, facilitada por esa práctica de que por una mal llamada cortesía, una Cámara se inhibe de discutir y cuestionar las consignaciones que corresponden a la otra y viceversa.

El llamado "pork barrel", de hecho tiene más alcances escandalosos con dos Cámaras, que con una. Cuando los Representantes se adjudican veinticincomil pesos cada uno, los Senadores individualmente reclaman a su vez cincuentamil. Y cuando se trata del "pork barrel" desaparece toda fiscalización fuera de la resistencia de un Jefe Ejecutivo de carácter — porque este nuestro país parece haber consagrado como índice del valor de sus legisladores, el volumen de obras públicas que son capaces de materializar en sus respectivos distritos.

Se ha asegurado que la doble discusión es una garantía de los mejores intereses del pueblo. Anotaremos que dentro del bicameralismo funciona una tercera Cámara; los Comités de Conferencia que frustran la discusión abierta y responsable. El celebre "salary rider" ha sido resultado de una labor morbosa de un Comité de Conferencia. La combinación solamente se fragua en conciliabulos secretos. Estos no tienen lugar dentro del sistema unicameral que permite los acuerdos finales en sesión pública.

Todos estos inconvenientes señalados se llevan al extremo de un abuso por la dificultad de enfocar la responsabilidad en el sistema bicameral. No sucedería otro tanto con una Legislatura de una sola Cámara.

El otro día, aquí se cito a los hijos que buscan y se valen del consejo de los padres para llegar a una decisión en la vida, práctica familiar sabia, que hay que seguir según los bicameralistas, estatuyendo la doble Cámara en nuestra Legislatura. Replicamos con el hecho de que los hijos que se independizan de sus padres, cuando adquieren conciencia de sus nuevas y definidas responsabilidades, agudizan su ingenio, refinan sus actos y ameritan sus logros para sentir el orgullo de la obra consumada, destacada y distinguida por el sello de su personalidad.

A punto de terminar, seame permitido decir, con un parlamentario español: ¿A que esos dos órganos de la opinión pública nacional? Si ellos están acordes, sobra uno; mas si se incompatibilizan, es evidente que también sobra aquel que estorba las resoluciones y acuerdos de la Cámara que haya recibido su mandato de la fuente cristalina de la soberanía popular."

Por esto; por una reacción sentimental, como un homenaje a la obra de patriotismo del pasado y porque con la sola Cámara se asegura la localización de la responsabilidad; porque los altibajos de los deseos populares hallarían respuestas mas inmediatas; porque es una organización también efectiva de gobierno y es además sencilla y económica, yo opto por el sistema unicameral.

Senor Presidente, si nos retrotraemos a los tiempos de nuestra ninez, recordaremos aquellas fiestas de pueblo, cuya fastuosa celebracion terminaba con una de esas procesiones populares vistosas. La chiquillera bullanguera se divertia mucho al paso de los gigantes y cabezudos.

En estos momentos de organizacion de nuestro gobierno, pienso en estos ultimos figurines de feria, bajos, de tronco y extremidades endebles, que tienen por tope una cabeza enorme. Optad, Caballeros de la Con-vencion, por una burocracia nutrida y espectacularmente grande y habreis coronado el cuerpo feble del pueblo de una nacion joven, con un cabezon de fenomeno. Esto. ademas de ser antiestetico, es biologicamente debil.

He dicho.

DISCURSO DEL DELEGADO CURATO

Senor Presidente y Caballeros de la Convencion: Despues de oir los brillantes discursos de los oradores que me han precedido en el uso de la palabra, tanto a favor como en contra de la proposicion que aqui se debate, creo, Senor Presidente, que mi participacion en esta discusion ya estaria de sobra y fuera de lugar.

Discursos tan sabios y de altos vuelos se han pronunciado aqui en este recinto con tanta lucidez y maestria que seria, tal vez, un imprudente atrevimiento de mi parte si yo tuviera aun que participar en esta gran pugna de opiniones sobre el sistema legislativo que ha de adoptarse en nuestro pais. Si yo no estuviera seguro de que hay aqui en este recinto nobles corazones que, en la busqueda de la mejor formula legislativa para nuestro futuro gobierno, estan prestos a oir y conocer todos los latidos y pulsaciones de la nacion, nunca me hubiera atrevido a levantarme en estos momentos para hablar sobre la materia que nos tiene hoy divididos en esta Asamblea.

Confiado, pues, en la benevolencia y liberalidad de esta Convencion, me levanto, Senor Presidente, para unirme al coro de las ideas que impugnan el establecimiento del bicameralismo en nuestro pais, sobre el fundamento de que dicho sistema, tras de que no nos con-duce a ninguna finalidad util y provechosa en la elaboracion de nuestras leyes, constituye, ademas, una remora enorme para el proceso evolutivo de la labor legis-lativa. Yo entiendo, Senor Presidente, que el pueblo, con respecto a una materia determinada de legislacion, no tiene mas que un solo criterio, el criterio de la mayoria. Bien es verdad que antes de las votaciones pudieran existir dos bandos diametralmente opuestos entre si, dos tendencias determinantes de una lucha enconada de opiniones; pero si se acepta siempre el criterio de la mayoria como el criterio mas justo y mas acertado, forzoso es concluir que, en ultimo analisis, la voluntad predominante del pueblo es una e indivisible. Si la voluntad del pueblo que hace la ley es una sola e indivisible no existe razon alguna para mantener la idea de establecer dos Camaras colegisladores que sirvan de medio de expression de esa misma voluntad. Ademas, dentro del espiritu del sistema representativo que rige en nuestro paid, relacionado con la teoria de la soberania nacional, el Poder Legislativo es el organo de esa soberania, y como la soberania nacional es una sola e indivisible, el organo que la expresa necesariamente debe ser tambien uno solo, una sola Camara. Siendo esto asi, ¿por que poner dos Camaras cuando una sola es el criterio del pueblo que hace la ley y una sola la soberania nacional que representa a ese mismo pueblo? Francamente, Senor Presidente, no comprendo, no alcanzo a comprender la razon del sistema bicameral. No se si esto se debe a mis cortos alcances o escasos conocimientos sobre una material tan importante como esta que hoy embargo toda nuestra atencion. Pero tengo para mi, Senor Presidente, que para la cabal expression de la voluntad del pueblo, no es imperativamente necesario el concurso de dos Camaras colegisladoras, puesto que la ley, obra exclusive de la voluntad predominante del pueblo, no puede ser producto de dos criterios separados e independientes. Si esto es asi, ¿que utilidad tendria la existencia de dos Camaras en la formacion y votacion de las leyes? Francamente, Senor Presidente, no veo ninguna utilidad, puesto que si ambas Camaras estan de acuerdo sobre una material determinada de legislacion, una de ellas sera inutil porque no existe la necesidad de su concurso para la adopcion de dicha legislacion, y, si, por el contrario ambas Camaras no estan de acuerdo, una de ellas representara al pueblo, y la otra no, y hacer que esta ultima exista de alguna manera, seria lo mismo que usurper la voluntad del

pueblo falsificandola. Permitiremos, Senor Presidente, que la voluntad soberana del pueblo sea usurpada por un organismo que no lleva consigo el sello de la representacion popular? Entiendo, Senor Presidente, que nuestro sagrado deber, como representantes constitucionales del pueblo, es impedir todo movimiento que tienda a socavar la soberania del pueblo, y colocarnos siempre al lado de las ideas que pongan dicha soberania en su lugar seguro, libre de todo atentado, de toda inva-sion y usurpacion.

Senor Presidente, la historia de los Parlamentos del mundo nos ensena que el establecimiento de la Camara Alta en los pueblos que han adoptado el sistema bica-meral, particularmente, en los pueblos europeos, no se debe a un analisis racional de su utilidad, ni a consideraciones del bien comun, sino al deseo de sus gobiernos de dar representacion en su Legislatura a ciertos elementos especiales de su confederacion, como Estados Unidos, por ejemplo, El motivo principal de su existencia es el deseo de sus gobiernos de dar al elemento region una representacion igual a Una rama de su go-bierno national para conciliar, de alguna manera, el es-piritu de independencia de cada unp de los Estados particulares de la Union o Confederation. Estos son los motivos que han dado lugar al nacimiento de las Ca-maras Altas en los Estados bicameralistas. Pero. nin-guno de estos elementos, Senor Presidente, tenemos en Filipinas. No tenemos aqui la nobleza ni la aris-toeracia de los pueblos europeos. Tampoco existe en nin-guna de nuestras provincias o regiones ese espiritu de independencia que, si no se atajase a tiempo, podria causar la desintegracion del pais. Si todos estos ele-mentos que han dado motivo, en los demas pueblos, a la creation de las Camaras altas no los tenemos en Filipinas, ¿por que empenarnos en el establecimiento de una Legislatura bicameral en nuestro pais ? ¿por que vamos a crear motivos donde no los hay? ¿Se quiere, acaso, Senor Presidente, adoptar el sistema por el prurito de conservar nuestro Senado? Creo, Senor Pre-sidente, que no debemos permitir que esto se haga por este solo motivo. No debemos permitir que se creen organismos gubemamentales cuando no hay necesidad de ellos para la marcha ordinaria de la maquinaria del gobierno. Si fuera posible quitar todo lo superfluo de nuestra actual organizacion politica y establecer, en su lugar, un sistema simple y barato que este en consonancia con el estado economico del pais, seria una bendicion para nosotros y para los que representamos en esta Asamblea particularmente en estos tiempos de deprecion economica en que toda politica de economia debe ser favorecida.

Los partidarios del bicameralismo alegan, como fundamento Aquilles de su teoria, la necesidad de la existencia de una Camara alta para contrarrestar y contrabalancear las posibles domaseas que la otra Camara pudiera cometer. Ellos dicen que en un sistema unicameral, existe el peligro de que sus miembros hagan leyes de prisa y a la ligera, por lo que se hace necesario el concurso de otra Camara para hacer un estudio mas profundo de la cuestion, por medio de nueva discusion, nuevo informe y nueva votacion. Senor Presidente, la teoria del check and balance, tal como la enuncian los bicameralistas, es realmente hermosa, digna de la mejor causa. Si esta teoria tuviese la influencia que le atribuyen sus partidarios en la elaboracion de nuestras leyes, yo votaria por el sistema bicameral aun cuando, para ello, tuviesemos que abrir brecha en nuestro Tesoro Publico para su mantenimiento. Pero vemos, Senor Presidente, que en el tereno de la practica, dicha teoria es completamente inutil porque no tiene la importancia que le dan los partidarios del sistema. En un gobierno de partido responsable, como el nuestro, en que los leaders son los que determinan los proyectos de ley que deben ser aprobados por la Legislatura, la teoria del check and balance, tal como la preconizan los bicameralistas, no desempeña ningun papel en la elaboracion de las leyes, puesto que el "chequeo" que, de acuerdo con la teoria, debiera ser ejercido por una de las Camaras, lo ejerce el mismo jefe del partido. Bajo el sistema del gobierno de partido, no hay ningun proyecto de ley que quede aprobado por la Legislatura sin que antes hubiese pasado por el tamiz de la sancion de los dirigentes del Partido en el poder. Esto ocurre en todo el mundo y es lo que esta pasando actualmente en nuestro propio gobierno. Siendo esto asi, salta a la vista que al bicameralismo no nos conduce a ninguna finalidad util y provechosa en la elaboracion de nuestras leyes, y, por consiguiente, debe ser proscrito de nuestros estatutos por inutil, innecesario y anti economico.

Al argumento de que, en un sistema unicameral, existe el peligro de las precipitaciones en la formacion y votacion de las leyes, contestamos que es un argu-mento que tiene mucho de capcioso porque descansa sobre una suposicion falsa, puesto que, precisamente, el sistema unicameral, por el mero hecho de que pone sobre los hombros de los legisladores unicos toda la responsabilidad de la labor legislativa, mueve a dichos legisladores a obrar con aquella prudencia y precaucion necesarias para una obra acabada. Bajo el sistema unicameral, los legisladores, en vez de obrar de prisa y a la ligera, como alegan los bicameralistas, obran con mucha cautela porque positivamente saben que son los unicos responsables de toda la labor de legislacion. Pero, aun admitiendo en gracia al argumento, que existe realmente este defecto del sistema, con todo, este defecto podria facilmente remediarse, sin necesidad de acudir al bicameralismo, adoptando el metodo de que un comite de la Legislatura, antes de informar a la Camara un proyecto de ley, convoque a una audiencia publica para oir a cualquier ciudadano que deseara expresar su opi-nion sobre dicho proyecto de ley, o creando un comite especial al cual deba referirse todo proyecto ya aprobado, antes de ser enviado al Jefe Ejecutivo, con las facultades de proponer la revision y reconsideracion del citado proyecto dentro de un tiempo razonable. Y si todavia estos procedimientos de precaucion no fuesen suficientes para la aprobacion de buenas leyes, el peligro podria aun evitarse dando al Jefe Ejecutivo el poder de vetar todas las leyes no deseables y al Poder Judicial la facultad de anular toda legislacion anticonstitucional. Este poder del veto ejecutivo y la facul-tad judicial de anular leyes anti constitucionales, serian una barrera infranqueable contra esa temida procipitacion por parte de una sola Camara en la elaboracion de las leyes, y constituirian un dique fuerte, mas que suficiente, para contener todo posible avance de los alegados radicalismos e impetuosidades de la unica Ca-mara.

Senor Presidente, si de acuerdo con todo lo dicho arriba, el bicameralismo es inutil e innecesario en nuestro pais, el mismo es tambien un obstaculo al pronto desarrollo de la labor de legislacion. En los paises donde rige el sistema bicameral, la labor legislativa no se ejecuta con la prontitud que es de desear, dando lugar a una innecesaria demora en la formacion y votacion de las leyes. Bajo el sistema bicameral, Senor Presidente, puede ocurrir que el Partido dominante en una Camara no sea el mismo que domine en la otra. Si esto ocurriese, surgiria el inconveniente de que, por motivos de rivalidades politicas, o por cualquier otro motivo que la pasion humana puede inventar, una de las Camaras obstruya o demore la aprobacion de cualquiera legislacion, dando lugar a esos conflictos que, en terminos parlamentarios, se llaman deadlocks, que redundan en perjuicio del pueblo, conflictos que ordinariamente se resuelven con una legislacion de transigencia que no responde a las verdaderas necesidades del pueblo. Tam-bien puede ocurrir, Senor Presidente, que cuando surjan asuntos de capital importancia en que los intereses del pueblo frente al interes supreme del Estado estan envueltos, una de las Camaras anule toda accion legislative sobre dichos asuntos, votando a favor de la medida en la creencia y seguridad de que la otra Camara votara en contra, evadiendo asi cobardemente su responsabilidad ante el pueblo. Lo peor del caso, Senor Presidente, es que, en estos casos, es muy dificil, por no decir, imposible. localizar la responsabilidad de cada una de dichas Camaras, quedando imposibilitado el pue-blo de tomar cualquiera determinacion punitiva contra los morosos en el cumplimiento de su deber cuando llegue el dia de las reivindicaciones. Creo que todos estos defectos e inconvenientes que, con su responsabilidad dual, lleva consigo el bicameralismo, se podrian evitar con el establecimiento del sistema unicameral porque con este sistema, se aprobaria con mas prontitud cualquiera medida legislative y se evitaria el inconveniente de las legislaciones de transigencia que, como decia mas arriba, no responden a las verdaderas necesidades del pueblo.

Senor Presidente, si como queda demostrado arri-ba, el bicameralismo es un organismo innecesario en nuestro pais y una remora al proceso de la labor legislativa, no existe razon alguna para que nosotros nos empenemos en su establecimiento en nuestro pais. Luchar por su existencia, sabiendo que no nos conducira ninguna finalidad util y provechosa, es lo mismo que abrir innecesariamente brechas en nuestro Tesoro Publico, sin ningun provecho para nadie ni para el Gobierno. Debemos tener en cuenta que dentro de poco entraremos en el gran concierto de

las naciones. Necesitaremos fondos para el desarrollo de nuestros recursos naturales. Actividades son estas, Senor Presidente, de las que no podemos prescindir si queremos ver a nuestro pueblo ocupar un puesto respetable en la gran galeria de las naciones. Es, pues, nuestro deber prescindir de todo organismo que no sea necesario para la marcha ordinaria de la maquinaria del gobierno para evitar el fluio innecesario de nuestros fondos publicos que muy bien podrian ser dedicados a mejores actividades para el bien comun y para la integridad y la defensa de nuestro pais. No creo, Senor Presidente, que el pueblo filipino ira a la ruina si no adoptamos el sistema bicameral. No puedo suscribir a la idea lanzada aqui hace dias de que los pueblos que adoptan el sistema unicameral estan abocados a revoluciones. Las revoluciones, Senor Presidente, no se deben al sistema legislativo de un pais, sino a los abusos del poder, y los abusos del poder pueden ocurrir tanto en los pueblos unicameralistas como en los bicameralistas. Por tanto, teniendo en cuenta todo lo dicho, apelo al patriotismo de todos los miembros de esta Convencion para que, en la votacion final de la cuestion hoy pendiente de consideracion, rechacen el sistema bicameral por inutil, innecesario y antieconomico.

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