

COMMITTEE REPORT NO. 37

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CONSTITUTIONAL CONVENTION

M a n i l a

COMMITTEE REPORT NO. 37

Submitted by the Committee on Legislative Power
on September 24, 1934

September 20, 1934

Mr. President:

Your Committee on Legislative Power, to which have been referred the C.P. Nos. 18, by Del. Gullas; 4ft, by Del. Bocar, 48, by Del. Abordo; 49, by Del. Ventura, 59, by Del. Guevara; 70, by Del. Enriquez; 100, by Del. Sandoval and Zavalla; 104, by Del. Abella; 124, by Del. Sandoval; 141, by Del. Ybañez; 149, by Del. Gomez (j); 152, by Del. Bocar; 154, by Del. Sanvictores; 213, by Del. Vinzons ; 221, by Del. Suner; 277, by Del. Vinzons; 244, by Del. Conol; 247, by Del. Perez; (J) 251, by Del. Escareal; 258, by Del. Guzman; (J) 276, by Del. Binag; 277, by Del. Albero; 238, by Del. Munoz; 259, by Del. Cea; 311, by Del. Bautista; 318, and 323, by Dels. Vinzons and 335 by Del. Abaya; 344, by Del. Cruz (C) 392, by Del. Chioco; 394, and 398, by Del. Nepomuceno (R). 327, by Del. Araneta; 299, by Del. Gumban; 413, by Del. Lapak; 415, by Del. Cabarroguis and Maramara; 443, by Del. Grageda; 443, by Del. Sanvictores; 460, by Del. Santos; 490, by Del. Bocar; 598, by Del. Araneta; 532 and 539, by Del. Altavas; 578, by Del. Diaz; 636, by Del. Santos and others; 641, by Del. Mumar; 638, by Del. Lim; 621, by Del. Zialcita; 698, 701, and 703, by Del. Perez (J); 728, by Del. Cruz (R) ; 750, by Del. Abaya; 765; by Del. Chioco; 767, 770, and 71 by Del. Perez; and 776 by Del. Jumawan; 781 by Del. Vinzons; 797, by Del. Pio; 817, by Del. Gumban; 824 and 825, by Del. Aldeguez; 846; by Del. Bautista; 850, 851, 852, and 854, by Del. Esliza; 872, by Del. Sandoval; 902, 903, and 904, by Del. Galang; 932, by Del. Guzman (J.) 936 by Del....; 995, 989, 1004, 1011 and 1013, by Del. Maramara; 986, 1023, and 1024 by Del. Flores; 1035, 1038, and 1044, by Del. Abella; after a careful study and consideration of all of them, has resolved to submit the attached draft of Constitutional precepts with the recommendation that it be incorporated in the Constitution.

Respectfully submitted,

(Sgd.) MANUEL C. BRIONES

Chairman

Committee on Legislative Power

The Honorable

The President of the

Constitutional Convention

LEGISLATIVE DEPARTMENT

Article The National Legislature.

Sec. 1.—Legislative power shall be vested in a National Legislature, which shall consist of a Senate and a House of Representatives.

HOUSE OF REPRESENTATIVES

Election and Apportionment of Representatives

Sec. 2.—1. The House of Representatives shall be composed of members chosen every three years by single districts, and shall be apportioned by the National Legislature among several provinces as nearly as may be according to the number of their respective inhabitants; provided, that a province shall have at least one representative. The number of representatives shall not exceed one hundred and twenty — and an apportionment shall be made within three years after the return of every enumeration. Until such apportionment shall have been made, the House of Representatives shall consist of ninety-six members, eighty-seven elected by the districts now provided for by law and nine elected respectively by the nine special provinces.

Qualifications of Representatives.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and who has not been five years a citizen of the Philippine Islands, and who shall not, when elected, be a qualified elector and an actual resident of the district in which he shall be chosen for at least six months immediately prior to his election.

Vacancies.

3. In case of vacancy in the House of Representatives, special elections may be held in the district wherein such vacancy occurred under such regulations as may be prescribed by law.

Officers of the House.

4. The House of Representatives shall choose its Speaker, a Clerk, a Sergeant-at-Arms, and such other officers as may be required.

THE SENATE

Number of Senators.

Sec. 3.—1. The Senate shall be composed of twenty, four members elected at-large by the people of the Philippine Islands in accordance with the principle of proportional representation. Until the National Legislature shall otherwise provide the members of the Senate shall be elected as follows:

Election of Senators:

2. The political parties that elected the largest and the second largest number of members to the House of Representatives at the last preceding election, and any other party or group that elected not less than ten members to said House of Representatives at such election or which shall present a petition signed by at least five per centum of the voters who cast their votes at said election, may, in convention, nominate a panel or list of candidates not to exceed the number of Senators to be elected. Upon such nomination the name of the parties or groups thus entitled to present nominations shall be printed on the ballots. Each elector shall indicate the party or

group for whose candidates he desires to cast his vote. After all returns are received, the sum total of all votes for Senators cast and counted shall be divided by the number of seats to be filled and the quotient shall be taken as the unit or quota of representation. The sum total of all the votes polled by each party or group shall then be divided by the unit or quota of representation, and the quotient obtained will indicate the number of seats to which each party or group is entitled; but of the seats to be filled, the party or group having the largest remainder after excluding the votes counted to form the quotas of elected candidates as above specified, shall be entitled to the first vacancy and so on until the total number of seats are filled. The seats corresponding to each party or group shall be filled by the candidates nominated by each, respectively, in the order of preference in which the names of such candidates appear on the panel or list of nominees filled by said party or group.

Tenure of Senators.

3. The term of office of Senators shall be six years and shall begin on the date of their election; provided, that at the first election of Senators under this Constitution one-half of the membership of the Senate shall be elected for a term of three years only on separate nomination lists submitted by parties or groups as above, provided that thereafter one-half may be chosen every three years.

Qualifications of Senators:

4. No person shall be Senator who shall not have attained the age of thirty years, and who has not been ten years a citizen of the Philippine Islands, and who shall not when elected be a qualified elector and an actual resident of the Philippine Islands for at least four years immediately prior to his election.

President of the Senate:

5. The Vice-President of the Philippine Islands shall be the President of the Senate; but shall have no vote except in case of tie.

Officers of the Senate.

6. The Senate shall choose a President Pro-Tempore who will act as President of the Senate in the absence of the Vice-President or when he exercises the office of the President. The Senate shall also choose the Clerk, Sergeant-at-Arms and such officers as may be required.

Vacancies.

7. In case of vacancy in the Senate such vacancy shall be filled by the registered candidate whose name on the list of candidates of the party or group to which belongs the member creating the vacancy appears as next in order to the elected candidates of said party or group. If such person refuses to accept the office or is in any way disqualified or unavailable, the person next in order on said party list shall fill the vacancy, and if no such name appears on the party list, the vacancy shall be filled by election by the Senate.

ELECTION OF SENATORS AND REPRESENTATIVES; MEETINGS OF NATIONAL LEGISLATURE

Election of members of National Legislature.

Sec. 4.—1. Elections for Senators and Representatives shall be held on the dates fixed by law. The first election under this Constitution shall lie held at the time provided for in the Act of Congress of March twenty-four, nineteen hundred and thirty-four, entitled: "An Act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a Constitution and a form of government for the Philippine Islands, and for other purposes."

Meetings of the National Legislature.

1. The National Legislature shall convene at the capital at least once every year, and such a meeting shall be on the second Monday of the next month immediately succeeding that on which the election of the members of the National Legislature was held, unless they shall by law appoint a different day. The Legislature may be called in special session at any time by the President of the Philippine Islands for general legislation or for action on such specific subjects as he may designate. The Senate may be called in special session to consider appointments and the ratification of treaties or other matters which pertain exclusively to its functions. No special session shall continue longer than thirty days, and no regular session shall continue longer than one hundred days, exclusive of Sundays.

POWERS AND DUTIES OF EACH CHAMBER OF THE NATIONAL LEGISLATURE

Quorum.

Sec. 5.—1. A majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may authorize to compel the attendance of absent members in such manner and under such penalties as each may provide.

Rules of Proceedings; Punishment of Members.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Journal.

3. Each House shall keep a Journal of its proceedings and from time to time publish the same, excepting such parts as may, in its judgment, require secrecy, and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered in the Journal.

Adjournment.

4. Neither House, during the sessions of the National Legislature shall, without the consent of the other, adjourn for more than three days nor to any place other than that in which the Houses shall be sitting.

Elections and qualifications of the Members.

5. The elections returns and qualifications of the members of either House and all cases contesting the election of any of the members shall be judged by an electoral commission, constituted as to each House, by three members elected by members of the party having the largest number of votes therein, three elected by the members of the party having the second largest number of votes, and as its Chairman, one Associate Justice of the Supreme Court designated by the Chief Justice.

COMPENSATION, PRIVILEGES AND DISABILITIES OF

SENATORS AND REPRESENTATIVES

Compensation —

Sec. 6,—1. The Senators and Representatives shall receive for their services an annual compensation of four thousand pesos including per diems and other emoluments or allowances and exclusive of travelling expenses to and from their respective residences when attending sessions of the National Legislature, unless otherwise fixed

by law; Provided, that no increase in this yearly compensation shall take effect until after the expiration of the terms of office of all the members of the Legislature that approved such increase.

Parliamentary immunity

2. The Senators and Representatives shall, in all cases except treason, open disturbance of public order, or other offenses punishable by death or imprisonment for not less than six years, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any such speech or debate in either House, they shall not be questioned in any other place.

Disability to hold any other office.

3. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Government of the Philippine Islands which may have been created, or the emolument whereof shall have been increased during such time, and any member of either House who accepts any other office or employment in the government shall be deemed to have forfeited his seat in said House.

Disability to engage in contracts or to derive benefits from franchises, or to appear in certain cases or to collect certain fees.

4. No member of either House during his continuance in office shall directly or indirectly be financially interested in any contracts with the Government or any subdivision or instrumentality thereof or in any franchise or special privilege granted by the Legislature; nor shall any such member appear as counsel in any civil case wherein the government or any subdivision or instrumentality thereof is the adverse party, or to collect any fees for his appearance in any administrative proceedings. Any member violating this provision shall be deemed to have forfeited his seat in the Legislature.

Procedures of passing laws. Special provision as to revenue and drafting troops.

Sec. 1. All bills for raising revenue or drafting troops shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The Budget Law.

1. The general appropriations for the expenses of the Government shall be submitted to the National Legislature fifteen days after the opening of each regular session in the form of a Budget. The Budget bill shall originate in the House of Representatives and the National Legislature may not increase the appropriations recommended by the Chief Executive for the operation of the Government as specified in the Budget, except the appropriations for the National Legislature and the Supreme Court.

Restrictions as to provisions in the Budget or annual appropriations.

2. No provision or enactment shall be embraced in the Budget or annual appropriations, unless it relates specifically to some particular appropriation in the bill and any such provision or enactment shall be limited in its operation to such appropriation.

Appearance in either House.

3. The Secretaries of department upon their own initiative or upon the request of either of the two Houses of the National Legislature may appear before and be entitled to be heard by said House on particular matters pertaining to their department, unless the public interest shall require otherwise and the President shall so state in writing.

Enactment of Laws and Powers.

4. Every bill or joint resolution which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President; if he approves the same, he shall sign it; but if not, he shall return it with his objections to the House in which it originated which shall then enter the objections at large on the Journal and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become law. In all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against shall be entered in the Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within twenty days after adjournment.

Vote on appropriations on new public debts.

5. The President shall have the power to veto any bill, any particular item or items of an appropriations bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect, except in the manner heretofore provided in this Constitution as to bills and joint resolutions returned to the Legislature, without the approval of the President; Provided, however, that if the veto refers to a bill or any item of an appropriation bill which appropriates a sum in excess of ten per centum of the total amount voted in the Budget for the general expenses of the government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless it is approved by three-fourths of all the members of each House of the National Legislature.

GENERAL PROVISIONS

Subject of Bills.

Section 8.—1. No bill which may be enacted into law shall embrace more than one subject, which subject shall be expressed in the title of the bill.

Manner of Passing Bills.

2. No bill or joint resolution shall be passed or become a law unless it shall have been printed and copies thereof furnished the members in its final form at least three calendar legislative days prior to its final passage by each House, unless the President shall have certified to the necessity of its immediate enactment, and upon the last reading of a bill or joint resolution no amendment thereof shall be allowed, and the question of its final passage shall be taken immediately thereafter, and the yeas and nays entered on the Journal.

Special Funds

3. All money collected on any tax levied or assessed for a special purpose shall be treated as a special fund in the treasury paid out for such purpose only.

Money, how drawn from Treasury.

4. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Uniform taxation.

5. The rate of taxation shall be uniform.

Declaration of War.

6. The National Legislature shall have the sole power to declare war, but any such declaration shall require the concurrence of at least two-thirds of all the members of each House.

Emergency legislation to carry out a national policy.

7. In times of war or other national emergency, the National Legislature may authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy.

Ratification of Treaties.

The President shall, with the consent of the Senate, have power to make treaties provided that two-thirds of all its members concur.

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