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APERTURA DE LA SESIÓN

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

EL PRESIDENTE: Léase la lista de Delegados.

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

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

APROBACION DEL ACTA

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

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

ORDEN DE ASUNTOS

PROYECTO DE RESOLUCION

EL SECRETARIO:

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

Resolution limiting the power of the Sponsorship Committee.

THE PRESIDENT: To the Committee on Rules.

INFORME DEL COMITÉ DE GOBIERNO INTERIOR[*]

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

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

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

EL PRESIDENTE: Aprobado.

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

EL PRESIDENTE: El delegado por Palawan tiene la palabra.

DISCURSO DEL DELEGADO ABORDO A FAVOR DEL BICAMERALISMO

MR. ABORDO: Mr. President and Gentlemen of the Convention: If I speak in favor of the retention and preservation of the two houses of our legislature, it is because it is predicated on the proposition that our senators

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

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

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

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

The establishment of bicameralism in our country will protect the individuals from the tyranny and despotism of only one chamber. Legislative bodies are bent on accumulating powers in their hands at the risk and expense of

the other governmental organism of the State. This tendency can only be overcome by the existence of another chamber, as the ambition of one against the other serves as a balance to temper the course of human events. Any imposition of tyranny upon the people could be frustrated as any move to this effect would require the approval of two houses instead of only one.

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

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

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

One of the serious objections to the bicameral system is that it will entail greater expense for the Government. This can be avoided by reducing to the minimum the salaries of our legislators. As a guide in solving this aspect of the question, I submit for careful consideration the Isip plan of standardization of salaries of Insular officials, which provides salaries for legislators higher than those of Italy, Japan, Switzerland, and England.

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

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

In conclusion, Mr. President, it having been demonstrated that our historical background tends to swing to the pendulum of bicameralism, which system is in keeping with the inclinations and the likes of our people; it having been shown that prudence and the dictates of conscience demand no radical change in our present system; and since the trend of present-day needs as proven by the new countries of the world favors the establishment of a

bicameral plan, we cannot and ought not in justices to ourselves, deviate from existing course of events, Such objectionable features as bigger government expense, the problem of fixing responsibility, and the difficulty on the part of the country have been dissected and shown that they are only scarecrows, farces and illusions dwelling in the imagination of men.

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

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

MR. BUSLÓN: Mr. President.

EL PRESIDENTE: Señor Delegado.

DISCURSO DEL SR. BUSLÓN

A FAVOR DEL UNICAMERALISMO

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

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

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

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

"Their worst practice, however, and one easily capable of reform is the withholding of most of the measures until the last night of the legislative session. This repre-hensible practice is common in the American Congress as well as in the State legislatures. In the Philippines it is carried to excess and is to be blamed principally upon the House of Representatives. It prevents proper discussion and understanding of many measures adopt-ed at the end of each session. Many members in those last and crowded and existing hours hardly know what they have passed or what they are voting upon. Making due allowance for the dilatory way of human nature apparent in all countries and especially in the tropics, it may be said that in the Philippine Legislature the party management often deliberately withholds measures until the last moment with the hope of rushing them through the legislative pro-gram. To be sure the result is that the administration generally gets the bills passed

but it is probable that the same laws would be attained and with more general public satisfaction if generous debate and orderly consideration were always permitted before passage."

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

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

MR. BUSLÓN: (Continuing.) Mr. President, in the early days of legislative councils, the justification for an upper chamber was that it would be a check on the lower chamber; but that justification has already been obviated because of the control of governments by parties and the consequent introduction of chaos. I want now to ask the Gentleman, Mr. Bueno, if it is not true that every piece of legislation in this country, before it is brought to the floor of either House, has already been submitted to and agreed upon in a caucus. As such the purpose of an upper chamber is brought to naught.

MR. GUZMAN (ALEJANDRO): Mr. President, will the Gentleman yield?

THE PRESIDENT: The Gentleman may yield, if he so desires.

MR. BUSLON: I am sorry that I have no time. If the Gentleman from Negros will allow me, I am going to answer the Gentleman from La Union.

(Continuing.) The Delegate from Nueva Ecija said here a moment ago that in Spain, the only unicameralist country in Europe, there has always been revolution and upheaval in its barely three years of life. I wonder if that is an argument against the unicameralists. Is it not true that in America there has been trouble of late, and who among us has not heard of labor strikes? In England, Germany, France, China, and Japan, are there no troubles?

The existence of trouble or revolution in a certain country does not come from the fact that such a country has a one-chamber or a two-chamber legislature. It comes from the defects of the government itself. Here in this country, if we adopt a two-chamber legislature we shall have trouble. Why? Because we will tax the people unnecessarily. I want to say frankly that many of us, when we announced our candidacy to this Convention, promised our constituents to do our best to save on government expenses. There were many who even had promised to abolish land taxes and the personal tax. Imagine what disappointments the people will have if they find that we are advocating here a costly system although it is not necessary for the country.

The Gentleman from Nueva Ecija also said that fifty years hence the Lower House might be controlled by Sakdalistas. I ask him; might not the Upper House be similarly controlled? If the members of the Upper House are elected by the same people who elect the members of the Lower House, how can it be an exception? The members thereof are no more nor less than a reflection of the sentiment of the populace. So, if he fears that the Lower House will be controlled by Communists or Sakdalistas fifty years hence, I also fear that the Upper House, if we establish one, will also be controlled by such men.

MR. PAREDES: Mr. President, will the Gentleman yield?

MR. BUSLON: I have not said anything about

(Continuing.) Last night the Gentleman from Abra reminded us of the failure of the Thirteen Colonies. He attributed that failure to the fact that the Thirteen Colonies of America had only a one-chamber legislature.

EL PRESIDENTE: El tiempo del orador ha expirado.

MR. ROMERO: I yield five minutes more to the Gentleman.

MR. BUSLON: (Continuing.) If we have the same history, you will agree with me when I say that the failure of the Thirteen Colonies was not due to their having a one-chamber legislature, but to the fact that there was no executive power. The organization of the Thirteen Colonies under the Articles of Confederation was the same as the League of Nations. It had many motions but no mission. I think that is the argument here.

The Gentleman once cited that it is easier to bribe one house than to bribe two. If the Gentleman can only cite to me an example in history, even the smallest nation having a unicameral system of legislature, I shall be glad to yield and vote for bicameralism. On the other hand, I will ask him if he has not read or heard about the lobby, the great powerful lobby in the United States Congress. That lobby has been alluded to in our campaigns as the cause of the breaking down of the greatest political machine in this country. If the purpose of the lobby is not bribery, I do not know what else it is.

In conclusion, I would like to say that our country has no historical background for the adoption of a two-chamber legislature. The convention at Philadelphia was nearly a failure because of the conflicting interests of the American states, large and small. They resorted to a compromise—the creation of the Senate.

It has also been said here that in England, France and other European countries, the establishment of an upper chamber was due to the people's desire for some-body to represent the nobility. But the Philippines does not have any nobility nor any states either. We have been a united people and we will always be.

Mr. President, if there is any reason for continuing the present system or the legislature composed of two bodies, it is purely because of a desire of some people to remain in power. But even if we have only one chamber, most present and past members of our Senate, as well as future ones, can be elected to that single chamber we are advocating today because we need their experience and proven statesmanship.

I thank you.

MR. MONTANO: Gentleman from Bohol, I understand that the Gentleman from La Union has accepted your challenge.

MR. ROMERO: The time of the Gentleman from Bohol has already expired.

MR. BUSLON: I am willing to answer all questions, but I have no more time.

EL PRESIDENTE: Ha expirado el tiempo del Delegado por Bohol.

MR. SANTOS: Mr. President.

EL PRESIDENTE: El Delegado por Nueva Ecija tiene la palabra.

DISCURSO DEL DELEGADO SANTOS A FAVOR
DEL SISTEMA BICAMERAL

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

One of the most vital questions under consideration by this Convention is whether the bicameral or the unicameral system is to be adopted. To answer it in one way is to assure the stability of the Filipino nation; to answer it the other way is to leave such stability to the changing views of an emotional people.

Much has been said about the failure of the bicameral system, yet history fails to record even a single nation that has become great and enduring under the unicameral system. Even now, among the modern great republics of the world only Spain has adopted the unicameral system; but Spain, in her three years of existence under the unicameral system has witnessed yearly disturbances and revolutions. The Filipino people, who have inherited much of the Spanish character, should not forget that even now the Spanish nation is in the throes of a great

revolution. Its consequences we cannot fore-tell, but its lessons we should take advantage of by devising ways and means in our Constitution that will assure the greatest possible stability for our system of government.

Government is a progressive science. It has been said here by my colleagues that wherever the bicameral system has been adopted the upper chamber has always acted as a check and balance to the lower chamber. In the short history of co-existence between the Philippine Senate and the House of Representatives, it has been shown that one house has always wisely acted as a counterbalance to the other. I may add that in all legislative chambers in the world, the Philippines not being an exception, it has been seen that the lower chamber generally comprises young elements possessing the temperaments of youth, hence they are usually radical and inexperienced in their political training. On the other hand, the upper chamber is composed of older men riper in experience and generally more conservative in their judgment, because experience has made them so. If you examine its composition more closely, you will see that at least fifty per cent of the membership of the Senate had been previously members of the House and also former provincial governors and/or former officials of important government offices. For this reason there is always a difference in the age qualification of representatives and senators. There is always truth in the saying that practice makes perfect. If this is so, we have to admit that the more experienced men in the Senate will naturally act as check and balance to the impetuosity of the younger elements in the lower chamber.

Willoughby and Rogers, in their *Problem of Government*, page 232, say:

"But even in those governments which have adopted the popular principles without reservation, the opinion has been very generally held that it would be a dangerous policy to permit public policies to be wholly determined by the vote of a single body of men who might be swayed by passion, ignorance or self-interest.

John Stuart Mill, well known political scientist, says:

"It is important that no act of persons should, in government affairs, be able even temporarily, to make their will prevail without asking any one else for this consent. A majority in a single assembly, when it has assumed a permanent character, when composed of the same persons habitually acting together, and always assured of victory in their own house—easily becomes despotic and overwhelming, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls makes it desirable that there should be two chambers; that neither of them may be exposed to the corruption influence of undivided, power, even for the space of a single year."

I say also that we are an emotional people. The advent of communism, Sakdalism and other movements which have nothing in their character to be commended shows our aptitudes to imbibe things new and socialistic in character. The election of three or four Sakdalista representatives shows the trend of the mind of the Filipino electors. Who knows that fifty years from now the House of Representatives might be controlled by Sakdalista representatives? Against such an eventuality what guarantees could we set up except an upper chamber or Senate with men more mature in years, richer in practical experience, more conservative in leanings, plus the very fact that a senator has to be elected by a large district thus necessitating greater campaign, more work and bigger campaign expenses? The upper chamber is not easily accessible to a Sakdalista or a Communist. Therefore, let the upper chamber or the Senate be our bulwark against the modern trend towards radicalism and communism.

So far, we have dealt with only a single function of the Senate, namely, legislative. The Senate, which is intended to be abolished, has two other functions which may be considered its executive and judicial functions. The drafts of the Executive, the Judicial and Legislative Committees of this Convention contain provisions giving the Senate power to approve or disapprove the appointments of cabinet ministers, justices of the Supreme Court, district judges, municipal judges and all other insular officials. In the appointment of ambassadors and ministers, the Senate will also have the power of confirmation. In the appointment of generals and officers of the army and

navy, the Presidential nominees will have to be submitted to the Senate for approval. When the Senate performs functions of this nature, it is said to discharge executive functions.

The power to approve or disapprove treaties made with other nations should also be given to the Senate. This is an executive function which cannot be given to any other body.

It may be argued by the unicameralists, perhaps without reason, that such executive functions can be performed as well by the lower chamber. But when there is reason to believe that, in no distant future, we will have at least 120 representatives—as contemplated in the report of the Legislative Committee—it is hard to believe whether a chamber composed of 120 members can efficiently perform the function of confirming appointments made by the President of the Commonwealth or the Republic. With a big cumbersome body of 120 members, there is much room for delay.

There will be cases, especially when the difference in the number of majority and minority members is very small, when an appointment made by the President will be turned down for political or personal reasons. In such cases, the result will be delayed by misunderstanding and conflicts between the executive and the legislative branches of the government. When conflicts arise between the different government branches, it is generally the people who suffer. And when the delay or conflict arises from the acceptance or non-acceptance of a treaty with foreign powers, the damage that may be done to the country can be incalculable.

The Senate of the United States has been considered as one of the most successful legislative bodies in the world. This is not only because it has drawn to itself some of the best legal, political and business minds of the country, but also because in its early history it was composed of only 21 members. Brice, speaking of this period, says:

"A cause of the success of the United States Senate is its small size. A small body educates its members better than a large one, because if each member has more to do, sooner he masters the business not only of his committee but of the whole body, feels a livelier sense of the significance of his own actions in bringing about collective actions. There is less disposition to abuse the freedom of debate. Party spirit may be as intense as in a great assembly yet it is mitigated by the wish to keep on friendly terms with those whom, however much you may dislike, you have constantly to meet, and by the feeling of a common interest in sustaining the authority of the body."

Another function of the Senate which may be considered judicial in nature is the power to try impeachment cases of officials. The proponents of the unicameral system will say that such power will be assigned to a separate body similar to that novel creation of the Spanish Constitution, the Tribunal of Constitutional Guarantees, which is intended to be incorporated into the Philippine Constitution. But the creation here of this Tribunal of Constitutional Guarantees will not only make the framework of the government more complex but also entail additional expenses which would not happen if the power of trying impeachment cases were left in the hands of the Senate. Our present Senate can count with some of the best legal minds in the country. There is no need then to create or borrow from the Supreme Court its Chief Justice to preside over the Tribunal of Constitutional Guarantees.

In conclusion, it may be restated that the Senate has functions not only legislative but also executive and judicial in nature. These cannot be performed by the lower chamber with efficiency and aptitude because of the big size of that body.

REBUTTAL

One of the speakers yesterday, in his attempt to throw down the argument that the Senate acts as a check and balance to the lower chamber, argued that the veto power of the Governor General or of the President can act as check and balance to a unicameral body. He has forgotten, however, a two-thirds vote of the members of a

legislative body. When the veto is overridden, then the argument of check-and-balance vote falls to the ground, while the disapproval by a chamber cannot be overridden.

The last speaker said that under our present system, the check and balance theory no longer works because of party discipline. If party discipline renders naught the check and balance theory, with more reason we should insist on two chambers, so as to correct this evil in our present politics.

(Durante el discurso del Sr. Santos, el Presidente cede la presidencia al Vicepresidente, Sr. Montinola.)

DISCURSO DEL SEÑOR GRAGEDA

EL VICEPRESIDENTE: Tiene la palabra el Caballero de Camarines Sur.

MR. GRAGEDA: Mr. President and Gentlemen of the Convention: For fear of taxing your indulgence I will not deal much on introductory remarks. I will plunge myself immediately into the subject matter under consideration—the future legislative system in the Philippines.

I am against the resolution under discussion and I stand in favor of the proposition that the Philippines should have a unicameral legislature. My first reason is economy in our government. By having only one house the legislative expense can be reduced without jeopardizing the interests of our country; in fact it will even be to our benefit. Let us remember that to maintain an independent existence, we have to incur expenses that can't be avoided. We need to maintain a respectable size of army and navy, not for offensive but for defensive purposes. We have to maintain consular and diplomatic representation abroad for the protection of our outside interests. All these, coupled with the economic difficulties which will be encountered at least during the Commonwealth period, will necessitate the strictest economy on our part, if we must realize our cherished dreams.

Therefore, I believe in only one-house legislature, in the unicameral system, because it is one way to attain economy.

Another reason favoring the unicameral system is the avoidance of double and unnecessary representation. The second chamber can be done away with without hampering the workings of our legislative system. In fact the existence of a second chamber in the Philippines cannot be justified. In this statement I am supported by the distinguished Chairman of the Legislative Committee who has proposed proportional representation with respect to the Senate. He stated that the circumstances which justified the existence of an upper chamber in the United States—a compromise measure among the states—and in England where it was necessary to accommodate the nobility, do not exist in the Philippines. He further said that it is only to justify the existence of an upper chamber here that the adoption of the proportional representation is proposed. My point is this: If the circumstances that justify the existence of an upper chamber in other countries do not exist in our country, it is clear then that we do not need it, and no situation ought to be forced to make us need it.

Even under our present system, I still hold that the upper house is not an absolute necessity. Why? Because a senator works for the constituents of two or more provinces already represented by members of the House. There is no need then for the senators if the purpose is to have the people represented because the latter are already taken care of by the representatives. What really exists today is a double and unnecessary representation.

Does the senator really represent his district? Theoretically, yes; actually, sometimes no. It is sad to state that there have been a few senators who do not even know their districts because they do not even go to their districts, except during election campaigns; and even during such times they do not even reach the barrios to find out the needs of the inhabitants. Of course, we cannot blame them for their territories are very big, thus making it humanly impossible to reach the remote places in their respective districts. So real representation lies with the representatives who, having smaller territories to represent, naturally know more the needs of their constituents. I

therefore believe in a unicameral system of legislature because the circumstances which justify the existence of an upper chamber in other countries do not exist in the Philippines and because even under the present system the upper house is not an absolute necessity.

The strongest argument presented in favor of the bicameral system is that one house can be a check to the other; but our experience has shown that this purpose has never been attained. Since the Senate was established only one party has been in control of the two chambers of our Legislature. I do not remember any instance wherein one house tried to check the other in this or that legislation, in the real sense of the word "check." Of course, there have been attempts to do that, but what usually happens? When disagreement arises between the chambers, a single caucus of the party in power rubs away all the differences thus defeating the cherished ideal of the check, all for the sake, of harmony within the ranks of the controlling party. In truth, therefore, the two houses of our legislature while two in name are but one in fact.

It has been stated that the presence of two chambers prevent ill-considered legislation. I deny this assertion. I believe that ill-considered legislation can be prevented precisely by having only one chamber. It is argued by the bicameralists that one house sometimes gets careless and therefore there is need for another house to remedy the situation. But why does one house get careless sometimes? It is because this house is confident that whatever mistakes it may commit, the other chamber will correct; therefore, the first house believes it can afford to be careless. But the truth is that sometimes that second chamber, which is expected by the first chamber to make the correction, does not do it either. Why? Because the second chamber also presumes that the first chamber has done the right thing, so no correction is necessary and what is the result? An ill-considered legislation, all because one house has relied on the other. That cannot happen in a unicameral system of legislature, for the lone house will then feel the burden of the whole responsibility, so it cannot afford to be careless.

In showing the defects of a unicameral system, one orator cited the case of the Philippine Commission. He said that because there was no other house the result was that many of its acts were repealed by the acts of the same body. But is it not true that, under our present system and despite the presence of two chambers, many laws passed by the Legislature have also been repealed by it? This being true the alleged defects of a unicameral legislature cannot be cured by a bicameral one.

It was stated here that a one-chamber Legislature will not have that seriousness which has always characterized the Senate. I do not know why. If we have only one chamber, serious persons will not be disqualified to become members thereof. The present members of the Senate who are considered serious persons can also become members of a unicameral legislature. It is not the system that makes a serious legislature, but the members that comprise it.

The argument was also advanced here that if we abolish the Senate we will lose a continuing body. What of it? Has the continuity of the Senate any advantage at all? If there is, why worry over losing a continuous body? If we desire a continuous body, we can have that in a unicameral system by making the lone chamber continuous also as the Senate.

It has also been argued that the unicameral system will be a dangerous experiment in which we may fail. This is not true, for we already had the unicameral system during the time of the Philippine Commission. Was it a failure? The truth is that many acts of the Philippine Commission are still in force today, suffering little or no amendments at all. If we did not fail then when we did not even have a single representative chamber, there is absolutely no reason to fear in case we adopt a unicameral system of legislature because then we will have at least one representative chamber which we did not have before.

Therefore, I believe that the Philippines ought to have a unicameral system of legislature. Thank you.

MR. ARUEGO: Mr. President, I yield ten minutes to the Gentleman from Cebu, Mr. Kintanar.

DISCURSO DEL DELEGADO KINTANAR A
FAVOR DEL SISTEMA BICAMERAL

MR. KINTANAR: Mr. President and Gentlemen of the Convention: The reasons for and against the systems of unicameral and bicameral legislatures are now so familiar to us that it is hardly necessary or useful to discuss them at length. To mention them in a general way would be sufficient for the purpose of this debate. For my part, I shall dwell very briefly on two or three points.

In the first place, I should like to urge on this Convention to adopt the policy of sound conservatism. Not the conservatism of bigots who would oppose any-thing new for no other reason than its being new because this would mean stagnation and the end of all progress. What I ask you, Gentleman, is the conservatism of prudent men who would refuse to make any changes in their ways of doing things unless they are quite certain that the changes will be appreciably for the better.

In my humble opinion, this Convention should be a little slow in discussing any institution which has stood us in a good stead for nearly thirty years. I am not an authority on the science of politics and government, but from information gleaned here and there, I gather the impression, and I believe it is a general impression, that during the last three decades we have had a government which is as fruitful, stable, peaceful and efficient as any government in any part of the world. I wish to remind you, Gentlemen, that all the wonderful progress we have achieved so far, has been achieved with a two-chambered legislature. This fact seems to be a conclusive proof that the existence of a second chamber in the lawmaking body is not an obstacle to national progress or governmental efficiency. Bicameralism has been put to the acid test of experience in this country, and it has not been found wanting.

Certainly we must require of those who would introduce a change in the system of our legislature evidence beyond reasonable doubt tending to show the inferiority of our present system. Our instincts and our common sense tell us that in the process of constitution-making, the safer and wiser way is to stick to the old institutions and practices which by experience have been found satisfactory. The institution of unicameralism may perhaps be for the better, but it may also be for the worse. On the other hand, we have the record of thirty years to prove that bicameralism is quite satisfactory to this country.

I have one pet idea in support of a two-chambered legislature. I want to have two chambers so that they may not only check and balance each other, but also supplement and aid each other.

I want to have an upper chamber which shall be intended and designed for the intellectual aristocrats of the land. For membership to this chamber, I would require higher qualifications so that from its Hall shall be heard only the voice of matured judgment, the counsel of experienced men, and the decision of responsible legislators.

I also want a lower chamber which shall be a more popular body, more accessible to the younger and inexperienced men—intended and designed for political greenhorns. This chamber shall be the training school in national politics and government; a government shop, as it were, where they shall serve their apprenticeship, those who want to rule and govern. In this lower chamber we shall hear voices, perhaps more vociferous and crude but at the same time more enthusiastic, zealous, and full of fire in the defense of what is believed to be proper and right.

These two chambers will naturally check and balance each other, thereby preventing the passage of hasty and ill-considered legislation which oftentimes manages to pass in the original chamber through oversight and at other times because this particular chamber is carried away by the onrush of a momentary passion occurring in a

moment of weakness.

In my opinion, a function equally beneficial is that of supplementing each other. From the upper chamber, laws and policies will receive the cautious scrutiny of experienced and level-headed men. From the lower chamber they will be given vigor, courage and the spirit of enterprise that usually abound in the more popular chamber.

In the opinion of Alexander Hamilton, foremost expounder of the American Constitution, the greatest advantage of having a second chamber in the legislature is that there is always available at any time a group of experienced men who can be depended upon to continue the policies of the government.

It has been charged by the unicameralists that the two-chambered legislature is more cumbersome and slower to act, so that important measures are unnecessarily delayed. The best answer is that actual experience and practice give the lie to that argument. We have seen how our legislature disposed of with efficiency and promptness such important matters as the budget and the sugar allocation bill. If we want to see how a two-chambered legislature acts with efficiency and military promptness in case of emergency, let us look to the present Congress of the United States.

The only valid objection to bicameralism is the point of economy. But the difference in the expenditure is not so great as to make it a decisive factor in this question. Democratic governments are bound to be more cumbersome and more expensive. That fact is the very essence of republicanism. But in its fundamental structure, organization and functions, a republican government is bound to include in its payroll a greater number of officials than would otherwise be necessary. The greater the number of men who can interpret and execute the will of the people, the more likely that their interpretation will be in consonance with the consent of the governed.

The unicameralist say that a bicameral legislature is harder to manage and control. I am not certain whether this argument should be interpreted as contrary to bicameralism. For my part, I do not have the slightest desire for that legislature to be easily managed and controlled, because I fear that such a situation will invite the advent of dictatorship. If the Chief Executive is permitted to easily manage and control the legislature, one day we shall wake up to find that we have dictator by the grace of a weak single chamber.

We are told that the second chamber of our legislature has ceased to exercise its checking function. This statement is not accurate as has been shown by the facts and figures presented by Delegate Aruego. It is more accurate to say that checking function has been considerably undermined due to the existence of unusually strong personalities in the leadership of the party in power. Even under present conditions, the checking power of the second chamber has been felt; hence a second chamber is absolutely necessary to minimize the antidemocratic effects of strong, absorbing and dominating personalities in the higher places of the government and the majority party.

LEVANTAMIENTO DE LA SESIÓN

SR. ROMERO: Señor Presidente, pido que se levante la sesión hasta mañana, a las 4:00 de la tarde.

EL VICEPRESIDENTE: Si no hay objeción, se levanta la sesión hasta mañana, a las 4:00 de la tarde.

(No la hubo.)

(Eran las 6:46 p.m.)

[*] For Committee Reports omitted in this and other volumes, see Volume XI (Committee Reports).—THE EDITORS

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