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APERTURA DE LA SESIÓN

Se abre la sesión a las 5 p.m. ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

DISPENSACIÓN DE LA LECTURA DE LA LISTA
Y DEL ACTA

SR. GRAFILO: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. GRAFILO: Pido que se dispense la lectura de la lista y del acta, y que ésta se dé por aprobada.

EL PRESIDENTE: ¿Tiene la Asamblea alguna objeción a la moción? (Silencio.) La Mesa no oye ninguna. Queda aprobada.

CONSIDERACIÓN DE LA PROPOSICIÓN SOBRE EL SISTEMA BICAMERAL (Continuación.)

EL PRESIDENTE: Está en orden la consideración de la proposición pendiente sobre el sistema bicameral.

MR. ABORDO: Mr. President, I yield fifteen min-utes to the Delegate from La Unión, Mr. De Guzmán.

THE PRESIDENT: The Gentleman from La Unión has the floor.

DISCURSO DEL SR. DE GUZMAN (ALEJANDRO) A
FAVOR DEL SISTEMA BICAMERAL

MR. DE GUZMÁN (A.): Mr. President and Gentle-men of the Convention: The Legislative Body is com-monly accepted as a congenial branch of the Govern-ment exercising powers of legislation over a vast domain known as police power. It regulates the rights of indivi-duals and corporations, national problems affecting fund-amentally the life of a people, public health, morals, business and public instruction, etc. It enacts laws puni-shing crimes committed by individuals and crimes committed against constituted government and author-ities. Its control over the whole domain of civil and criminal laws makes it a governmental agency of primor-dial importance to the life, liberty, property of the in-dividual, as well as to the collective existence and wel-fare of a people. Because of this high position it oc-cupies in our governmental machinery, its formation re-quires a serious consideration by constitution makers, such as the distinguished Members of this Convention.

Mr. Chairman, for a multiple of reasons, I sincerely believe that a bicameral body will be a more ideal struc-ture for our legislature. Under the bicameral system, there is no doubt that one chamber will check the other in the adequate promulgation of our laws. There is no gainsaying that the theory of check and balance strictly carried out in a democratic government would discard abuses of powers exercised by political organ-izations and individuals. Under the unicamerai system, the dangers of centralizing legislative powers in the hands of a certain political leader are apparent. Once the sweeping influence of a political leader has gotten into the roots of a unicameral

legislative body, a masterly grip of its political control would constitute a menace to the national interest of the people. The as-assertion that in a unicameral legislative body there would be greater possibility of centralization of power in the hands of one man is well founded and meritorious.

Although leadership is indispensable in a democracy, the dangers of one-man power should be avoided at any cost. I am an ardent advocate of any competent, loyal and intelligent leadership but never of a spurious one. Excessive political subserviency is one of the worst incentives to political terrorism, abuses and extra-limitations. At this juncture, may I be permitted to request with utmost sincerity that in laying out the future framework of our government, this Convention exhaust all possible efforts within its power to provide for the adequate separation of governmental powers and the par excellence theory of check and balance which is a real blessing to a democracy.

Our political and governmental institutions which shall be created by the Constitution we are now drafting should be clothed with the necessary and vital safe-guards inherent to their nature and functions. We accomplished the most patriotic and the best part of our work when we struggled for our most sacred ideal, and now that this ideal is within our reach in the provisions of the Independence Law, it devolves upon the distinguished Members of this Convention to see to it that our democratic institutions are organized in such a way that their powers and functions are not the exclusive patrimony of a select few but the national patrimony of the greatest number of citizens possible entitled to enjoy them.

A bicameral legislature, from the ideological point of view and from the viewpoint of thirty-four years of national experience under American regime, would be a rich field for the young intelligent leaders of public thought whose ingenuities, ceaseless movements, sudden outbursts and implacable spirits would be counteracted by the vast experience, deep serenity and observation of the older people. In every human enterprise, the conservative and radical elements have always been considered as indispensable allies of success. The House of Representatives is the proper place for the young, ambitious, active and intelligent leaders of our race; the Senate is the place for the men who are more mature in thought and more deliberate in action. Radicalism and conservatism are both indispensable to our legislature. Both elements placed under the able direction of intelligent and competent leaders who command the hearts, reverence and respect of the rest of their colleagues; leaders, who, through extraordinary diplomacy and tact, can easily control the natural processes of leadership; and leaders who, having in their hearts the well-being and prosperity of our race, will furnish the most ideal representation in our national Legislature.

With a bicameral legislature, the dangers of vicious and corrupt legislation can be easily averted. It is easier to bribe one legislative body than a bicameral legislature. Certain incidents in the Legislature to which I have had the honor to belong will prove without much effort of imagination the veracity of my as-assertion. In a certain proposed fiber legislation approved by one House, a rumor of corruption connected with said legislation reached the other chamber and that was sufficient consideration for the pigeonholing of the measure. There were other instances in which the dignity of one House or the other did not permit the passage of any legislative measure that had the smell of corruption. These instances are indicative of the unchallengeable argument that it is easier to corrupt a unicameral legislative body than a bicameral legislature. The check and balance power was duly exercised for the protection of the dignity and decorum of our Legislature. With this experience in view, common sense tells us the advisability of continuing with a bicameral legislature.

The worst blunder that this Convention can make is to depart from the established legislative procedure and practices that have proved themselves advantageous to our national existence. Experience has shown beyond reasonable doubt that a bicameral legislature has been and is in perfect consonance with our ideals, traditions, customs and desires. Our defunct Philippine Assembly and Civil Commission and the House of Representatives

and Senate have worked harmoniously, as a general rule. Such legislative institutions, far from a discredit to our nation, have achieved a high degree of success in the promulgation of our laws. They constitute a legitimate pride of our race and a brilliant inspiration for other peoples of the Orient. Their record is a superb expression of honesty. In them and through them the nation has trained leaders of our race who will guide the people in the proper direction toward our political and economic emancipation. These leaders applied the best of their intelligence and the most inspiring motives in making our present bicameral legislature a solid, substantial and tangible instrumentality of the State in the acquisition of our political liberties. And now comes the bold proposition to change its structure principally on the alleged ground of economy which, to me, is devoid of any merit.

To lay the framework for our future government, we are not on a fishing excursion discarding entirely from our consideration the benefits that we may have derived from our experience in the past. It is better to stay at the altar of the past than be deceived by the apparent advantage of unicameralism in other countries. The invigorating influence of our experience in the past and our national pride in our democratic institutions that have proved beneficial to our country should never be substituted by the strong temptations or desires for continuous change. Our national Legislature where Quezon, Osmeña, Roxas, Clarín, Recto, Paredes, Quirino, Sison and others, whose names I do not need to mention, have prominently figured, has been and will ever be the indivisible spring of our success in the promulgation of laws, the blessings of which shall constitute a national heritage.

We shall soon inaugurate a semi-sovereign government in which the chief executive or the President will be elected by the people at large. It is not chimerical to suppose that the political party of the President of the Commonwealth will control our national Legislature. Hence, the exercise of the veto power will not be so effective as it is at present in view of the existence of a governor-general who does not belong to any of our major political parties. But if we had another chamber such as the Senate, whose members represent larger senate districts, the Philippines might still have its silver lining with the presence of such men in the upper house. To be more specific, there may still be senators of the caliber of Senators Borah, Johnson, La Follette and others who can express their opinions fearlessly without directing their eyes to the Chair of the President of the nation or the Commonwealth and who can make an open appeal to the people or to their constituents in the most unflinching manner in behalf of public interest and conveniences and will make of record their most energetic protests against any political leader gone wrong.

Mr. Chairman, it all depends upon what kind of government we shall finally adopt in the Philippines. If we adopt the ministerial or cabinet system, I will not object to the establishment of a unicameral legislature, for it will be practically impossible for the political leader of the nation to become a "political boss" because the Prime Minister and the leader of the opposition party will hold their positions in the adequate elaboration of governmental policies. But taking into consideration the development of the political history of our country, I have every reason to believe that in view of the proclivity of our people to follow our political leaders, there will be finally established in the Philippines a congressional or presidential form of government like that of the United States, in which case, we shall follow the bicameral system which has proved beneficial to the United States government and the American people.

The numerical superiority of nations where a bicameral legislature exists constitutes the most cogent evidence on the advisability of the system.

I desire to take this opportunity in drawing the attention of my benevolent colleagues in this Convention to the fact that, to a great extent, the happiness of our people depends upon the task of the Convention. The accomplishment of the most important institutional process provided by the Tydings-McDuffie Law lies in our hands. We are not preparing a mere catalogue of individual and collective political rights and liberties. We are

drafting and formulating the first law of the land that shall establish and maintain a frame of government under which our governmental state machinery may function with efficiency to safeguard and insure the enjoyment of such political rights and liberties pertaining to individuals and the State. These liberties and rights, according to a very recent article of former President Hoover, are patrimonies of the spirit: "To be free to worship, to think, to hold opinion, and to speak without fear—free to challenge wrong and oppression with surety of justice. Liberty which conceives that the mind and spirit of men can be free only if the individual is free to choose his own calling, to develop his talents, to own and keep a home sacred from intrusion, to rear children in ordered security."

These are some of the individual prizes of political existence that we desire to secure for our people and for those of the many generations to come. But such rights and liberties shall become a farce without the necessary constitutional means of an inviolable and mandatory language of a constitution.

In conclusion, Mr. Chairman, I desire to summarize the arguments in favor of the bicameral system as follows:

- In a bicameral system, the most vitalizing feature of democratic governments, the theory of checks and balances, will play an important role in the promulgation of our laws.
- One of the legislative chambers will always check the other in any corrupt or vicious legislation.
- A zealous revision of any proposed law originating from one of the chambers will always be effected by the other.
- Experience has shown that the present bicameral structure of our legislature since its incipency up to the present time has been productive of political and financial accomplishments that put our country on the sure road of success.

MR. ROMERO: Mr. President, I yield ten minutes to the Delegate from Tayabas.

MR. SALUMBIDES: Mr. President.

THE ACTING PRESIDENT: (Mr. Hontiveros): The gentleman from Tayabas has the floor.

SPEECH OF MR. SALUMBIDES AGAINST THE BICAMERAL SYSTEM OF LEGISLATURE

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

Should we continue the present system of bicameral legislature or should we change it and adopt instead a unicameral lawmaking body of our national Government? To answer this important question correctly, we must not be guided by the experiences of other peoples. The fact that in some countries the unicameral system has been adopted and found satisfactory, while in other countries the bicameral legislature has been an established system and also found satisfactory, convinces us that there is nothing wrong with either system if adopted by the right people in the right place at the right time. Our deliberations should be guided by, and our decision based on, our own historical development and experiences, our own habits and temperament, and our own ability and way of life as a nation that aspires to be independent, happy and great.

Insofar as my survey is concerned, the Delegates of this Convention are divided into six groups. Four groups are advocating our kind of bicameral legislature and two supporting two phases of the unicameral system. In the first group are those who want to continue the present bicameral system. The second group favors the bicameral system as reported by the Committee on Legislative Power, whereby the senators are to be elected at-large by the electors through the principle of proportional representation by party list. The third group wants one senator for each province to compose the second chamber. The fourth group, comprises those who advocate the new division of the Philippine Island into twelve states so that each state shall have two senators, as in the United

States. In the fifth group are those who favor the elimination of the present Senate and are for keeping the House of Representatives, as is. The sixth group to which I belong, includes those who propose a compromise plan of a unicameralism and bicameralism as a new school of political thought.

The particular objection to the composition of the present bicameral legislature is the fact that the big provinces monopolize the senators and give little chances to the small yet thickly populated provinces to elect their own. Since the establishment of the Senate in 1916, the provinces of Romblon, Palawan, Bataan, Mindoro, Masbate, and others have not had a native son elected senator. In the matter of appointments and pork barrel, the home provinces of the senators usually get the lion's share.

The particular ground of opposition to the proposal of the Committee on Legislative Power is the election of the senators at large on the principle of proportional representation by party list. Fear is entertained that the candidates at the bottom of the list will have no chance to get elected, and that the party bosses will control the nomination in such a way that their favorites will head the list of candidates while the poor and the less known aspirants, although capable and deserving, will occupy the last number.

The particular opposition to the idea of dividing the one senator for each province are: (1) the tax payers might think that fifty senators are too many to support; (2) Batanes province which has a population of 7,000 will have one senator, while Cebu, with a population of 967,000, will have only one; and (3) There are at present 23 provinces with one representative each; 16 provinces with 3; one province, 4; 2 provinces have 5 representatives each, and one province has 6. From these figures we see that an upper house composed of members elected by practically the same electors of every province, will almost be a duplication of the re-representation of the Lower House. Such situation is contrary to the theory of bicameralism that the second chamber must have a different representation from the first.

The particular objections to the plan of electing Philippines into twelve states is based on the prejudice against a new and radical change in the territorial and political subdivision of the country into states. Fearing that this Convention might approve said plan, many protests were sent to the press as forerunners of public opinion against it.

The general objections to the four types of bicameral legislature mentioned are the following:

(a) The party government which we have in the Philippines has converted the two Houses of our Legislature into mere machines that register the will of the majority party, because they have lost by non-usage their power to check each other. The ones who do the checking are the bosses of the majority, then the chief Executive, and finally the court that interprets the law.

(b) No one can deny the fact that upon the establishment of the Commonwealth government and later the Philippine Republic, we shall be forced by necessity to save more money for national defense and other new governmental activities that we do not yet have today. If we can save several million pesos a year through abolition of the Upper Chamber without hampering the efficiency and legislative capacity of our government, then there is no reason why we should not change the system and adopt a unicameral law making body.

(c) In Nebraska the committee which proposed the abolition of a bicameral system said:

"Nothing is more common than for one house to pass a bill and for the members who voted for it to urge the other as one to defeat it, and for a little group of members in one house to hold up legislation for the other house until they extort from it what they demand. Deliberation and reflection do not now mark the work of a two-house legislature which passes most of its legislation in the last ten days of each session. A smaller body, with a mere direct responsibility upon each member arising therefrom, will tend to greater deliberation and reflection than the

present system."

From the foregoing observation it is evident that none of the four types of bicameral legislature that I have just enumerated seems to be well suited to the psychology of our people and to the present geographical subdivision of our country. So let us turn our attention to the unicameral system and endeavor to ascertain its adaptability to Philippine conditions.

The first objection to the plan of the fifth group is that our Legislature will be similar in number and composition to the present House of Representatives on the ground that such a body will exclusively be a district representation; and the members who desire to be re-elected will naturally look after the interests and well-fare of their own particular districts rather than of the whole nation, when these interests are in conflict. Hence, there is an absence of national representation which is supplied by the Upper House in a bicameral legislature.

The other criticism is the theory that a popularly elected house might conceivably elect a number of men who, though fit enough in one part of life, are not fitted for the work of general legislation. In other words, there might not be enough men of national re-putation.

For these defects, the sixth group of Delegates prepared the following compromise plan;

Section 1. The legislature shall be a unicameral body composed of the following members:

(a) One legislator for a district of not less than one hundred and fifty thousand (150,000) inhabitants, elected for a period of three years by the secret direct plurality votes of the electors therein; provided how-ever, that although a province has less than one hundred and fifty thousand inhabitants it shall constitute one district; and provided further, that until new districts or provinces are created by the legislature, the present number and composition of the representative districts shall constitute the districts under the Constitution.

(b) Twenty legislators elected for a period of six years by the electors of the Philippine Islands either on the present theory of plurality representation or the principle of proportional representation (individual not party choice); provided, however, that in the first election the ten candidates receiving the greatest number of votes shall serve for six years and the other ten for only three years, so that ten members shall always hold over for the next legislature; and provided further, that no party shall put more than one candidate in the ticket from the same province.

(c) One legislator for each of the following occupations: law, medicine, engineering, dentistry, pharmacy, education, writing, agriculture, capital, labor and a citizen of the Philippine Islands who has rendered the country the most valuable and exceptional service for the last three years; all of whom shall be appointed for a term of three years by the President of the Philippine Islands from a list submitted by the representatives of the said occupations, and shall be approved by the majority of the elected members of the Legislature.

(d) Former Presidents of the nation, who shall serve for life, except those removed from office by impeachment proceedings.

Section 2. For the purpose of confirming appointments submitted by the President of the Philippine Islands, only the Committee on Appointments of the Legislature shall take part. The Committee on Appointments shall be composed of the Speaker, the Speaker Pro-tempore, and one legislator from every province. If a province has more than one legislator, they shall choose among themselves the one to sit in the committee; and if they fail to select anybody, the Speaker shall make the choice.

Paragraph (a) of the plan provides for a district representation while paragraph (b) provides for a national representation, so that in the legislature there will be balance between opposing interests. Again, paragraph (a)

provides for a number of legislators elected for a term of three years, while paragraph (b) provides for a number of legislators who will serve for a period of six years, so that a certain number of legislators will stay on for the next legislature to provide leadership and experience for those who will be newly elected. Paragraph (c) provides for a different kind of representation which has never been inserted in the constitutional frame of our government; I refer to the occupational representation.

Legislation embraces all subjects and affects all classes of people. Our Legislature has always been re-presented by lawyers who constitute at least 90% of the membership of our law making body. By adding one representative from each of the ten important occupations there will be in every legislature ten men of unquestioned ability who will take care of the interests of their respective occupations. Italy, France, and Japan have adopted functional representation in their own law making bodies. A new idea of representation is provided for in paragraph (d) which makes former Presidents of the country de facto members of the Legislature. They represent the serenity of old age and the dignity of the office they have just vacated. This representation is necessary and wise in order to check the passions and rashness among younger members of the Legislature. Besides, it is but just and right that we should take care of our ex-Presidents during the remainder of their lives.

Section 2 of the plan provides for a smaller body within the legislature which will take care of appointments. This is better than the Senate because every province will have its representative therein. This is the answer to bicameralists who are worried about appointments in case we adopt a unicameral system.

In conclusion, allow me to remind you that in the days of Chief Lapulapu of Mactan and of Rajah Soliman of Manila, the Filipinos also adopted a unicameral body. Look further and note that our municipalities and our provincial governments are all unicameral. Only the Legislature is bicameral in nature. So, if we are going to make a historical constitution, I think we shall not be mistaken in adopting a unicameral legislature.

In the plan I have just proposed, there are certain innovations but, please bear in mind that every constitutional concept that we have copied from the best constitutions of the world is nothing but the product of the imagination of men of thought. I do not mean that if we can invent new theories of government, we need not feel conceited. But we want to show it in fact and not in words, we must not be afraid to adopt new ideas for the benefit of the country and for the welfare of the people of the Philippine Islands.

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

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

MR. SALUMBIDES: Willingly.

MR. GRAGEDA: If the compromise plan which the Gentleman is proposing is not accepted, will he still remain a unicameralist?

MR. SALUMBIDES: There is the other plan of the fifth group. It is also unicameral and that will be my second preference. Now, I am not a man who is so stupid as to go against the current. If the current is for bicameralism, it will be my duty to respect it.

MR. GRAGEDA: Suppose these plans are not adopted, will the Gentleman still be a unicameralist?

MR. SALUMBIDES: I think I have answered the Gentleman's question. I must fight first for my own ideas and then if they are defeated, I shall follow the ideas of the victor. I am fighting now for our proposal; that is why I am here to explain it.

MR. GRAGEDA: In other words, the Gentleman will vote for a unicameral system.

MR. SALUMBIDES: That is my first choice.

MR. ARUEGO: Mr. President, I yield ten minutes to the Delegate from Ilocos Norte, Mr. Bueno.

DISCURSO DEL DELEGADO BUENO A FAVOR DEL SISTEMA BICAMERAL

MR. BUENO: Mr. President and Gentlemen of the Convention: I am going to start a bombshell by accepting the challenge of my colleague, Delegate Buslon from Bohol. However, I ask your indulgence to hear my prepared speech and I shall reserve four minutes to answer the remarks made by Mr. Buslon.

It is with deep interests that I listened to the arguments expounded by the supporters of unicameralism. However convincing those arguments might be, I hold that the bicameral system of legislature is more appropriate, consonant and applicable to the needs of our country and the psychology of our people. I heard it said by one of the distinguished supporters of the unicameral system that a single chamber is more economical, more democratic and is much easier for fixing responsibility. While those arguments may be accepted in part to be true, there is no amount of support in favor of the unicameral legislature which cannot equally be said in favor of the bicameral system. Every-thing that the unicameral system has to its advantage, the bicameral system also possesses; but not all the advantages of the bicameral system can be found in the unicameral system.

Taking my first point—that a second chamber affords opportunity for the second thoughts of the nation—I should like to state that errors which might be committed by one chamber could be corrected by the other. This presupposes that both chambers should be coordinate in character. But even taking for granted that a second chamber is merely consultative in nature or has only a suspensive power like that of the House of Lords of England, no one can deny that a suspensive vote is necessary for the lower chamber in considering legislation which is of prime importance to the nation. I should like to recall a historical incident connected with English politics where the House of Lords served as a moderating body at a time when feelings were running high in the House of Commons. On the occasion of the presentation of the Lloyd George budget during the Prime Ministership of Mr. Asquith, the House of Lords refused to pass the budget and such action was interpreted as an obstruction to the passage of a much needed legislation and a violation of the interests of the English people. It took two dissolutions of the English Parliament in a year before the will of the English people was properly ascertained. Despite the fact that members of the House of Commons under the leadership of the Liberals were determined to act through the fight and in fact they succeeded, still the House of Lords, in delaying for a while the passage of the budget, had performed a function which was unique in a democracy—compelling a referendum on a problem of great magnitude for the people's decision.

My second point is that a legislative body of two chambers is harder to bribe than one with only one chamber. The Gentleman from Abra mentioned this particular point in his speech, but I should like to elaborate on it by saying that legislatures are not free from the influence of interested individuals and parties who would like a certain piece of legislation to be passed for their selfish interests. I have in mind the existence of the lobby on pork barrel legislation together with the American practice of log rolling. In Washington, D.C., certain interests maintain headquarters with paid agents drawing salaries as high as, if not higher than, the salary of the President of the United States, who, with their band of co-workers, work for legislation in which they are interested. Millions of dollars are spent by these organizations in entertainment, in bribery and in a thousand and one other things calculated to influence the vote of the legislators, and in majority of cases they succeed in their mission.

I am not going to single out a particular instance, for the institution of the lobby is so well known in Washington politics. But I should like to point out, in support of my contention, that a bicameral legislature is more difficult to bribe than a unicameral one. With regards to the pork barrel legislation, which is very common not only in the United States but also in all legislatures, and the system of log-rolling, I have only to mention the operation of the

evil system in order that you will appreciate what that system means to a unicameral body. In pork barrel legislation, legislators sometimes abdicate, if not surrender, their given right to vote on a certain question designed to meet the needs of the country. However, because of the belief that their constituency should be taken care of and it is common knowledge that a legislator is measured by the amount of pork barrel, he secures for his constituency, the legislator is prone to join others in the hope that he has the party's support.

Legislation in this particular regard is predicated not on the merits of the legislation but on how much cooperation said legislator gets from the other members, especially from those who belong to the majority. This practice of pork barrel legislation and log-rolling is inimical to the fundamental principles of democracy. I am not saying that the bicameral system is free from these pathologies, but I hold that such machinations would work with greater intensity if a unicameral legislature were adopted. If there were an upper chamber with members recruited from men of experience, men of broad thinking, men who think in terms of the nation rather than of their local constituents, I think that a second chamber would contribute more to the stability of the nation and in the formulation of legislation that is wholesome and constructive.

It is true that the unicameral system has been adopted by many countries of Central Europe after the World War, but this system, like that which was adopted in England, had many things in common with the unicameralism that existed in those countries. After the reign of Charles I and during the French Revolution, there was one such experiment which died out with the passing of the years. The protectorate during the time of Cromwell collapsed as soon as the iron hands of Cromwell and his cohorts passed away. The unicameral legislature that followed the French Revolution was also discarded in favor of a bicameral legislature when revolutionary thoughts had subsided. The experience of the French people with unicameralism reflected on the leaders of the Third French Republic when a bicameral system was instituted in favor of a unicameral one. The French realized the necessity of the existence of a moderating body like the Senate, and until now, in spite of the violent shocks which had rocked the Third French Republic, the French nation has steered itself through marvelously well. In the United States, the Senate passes certain important executive and judicial laws so that its abolition is hardly ever raised nor seriously considered. The members of the American Senate have uniformly been identified as men who speak their own minds; they serve, therefore, as the center of resistance at any given time when the nation needs counsel and guidance.

Now, my last point—that a unicameral chamber has the tendency to abuse of power and tyranny. It has been alluded to by one of the supporters of the unicameral system that a single chamber is more democratic. It has, nevertheless, the potentialities of being autocratic, if not dictatorial and tyrannical. I should like the Gentleman from Sorsogon, Delegate Grafilo, to reflect for a moment upon the political complexion of our country and the psychology of our people. It has been demonstrated in various occasions that the Filipino people worship personalities and leaders more than principles, and there is that tendency to follow the dictates of convenience more than conviction.

The last election showed how the people supported the party in power. While this is true also in previous elections, it was more evident and singularly pronounced in the last general elections. Under the circumstances, it is possible that if a unicameral system is established in this country, it will be easier for a Mussolini or a Hitler to appear because the personality of the man, not to say his patronage, will always be a dominating force in attracting supporters and in influencing the supreme decision of the unicameral chamber. This eventuality might come to pass unless there be a strong chamber that could speak and interpret the will and desires of the people. A single chamber, which supporters of this system claim will express the progressive aspirations of the people, may be easily swayed by oratory and by the impulse of the moment; and instead of considering measures introduced before the body in a careful manner, I am afraid it might pass ill-considered measures or introduce

far-reaching changes with the sanction of chance majority.

I do not share the opinion of those who say that a legislative body divided into two branches is cumbersome, inefficient and pernicious. I do not subscribe to what Sieyès once said that "there ought not be two voices; if the Upper House agrees with the Lower it is superfluous, if they disagree it is mischievous." Neither do I sustain what Benjamin Franklin said when he likened the legislative body divided into two branches to a carriage drawn by one horse in front and one behind pulling in opposite directions. I rather think, Mr. President, that instead of those two horses pulling in opposite directions, I see them harnessed side by side—a team pulling a carriage jointly to its destination.

It has been mentioned by the Gentleman from Bohol, Delegate Buslon, that should we adopt the bicameral system the country would be threatened by revolution and chaos because of burdensome taxation to support two chambers. While I agree with the Gentleman that taxation should not be too burdensome to the people, I am of the opinion that the necessities of a government must be courageously met and shouldered rather than suppressed on the feeble excuse of economy. I also want to make it clear here that there is more reason to expect a revolution if the unicameral system is adopted, for once a party dominates that body and perpetuates itself in power and assumes dictatorial powers, the foundation of democracy will be wrecked by a convulsion in the political and social order.

It is not true, Mr. President, that the tendency of modern European countries is to dispense with their second chamber because they have found it superfluous. The historical explanation is that Hitler and Mussolini being dictators knew that the upper chambers were the strongholds of conservatism standing in their way towards complete and speedy realization of their personal ideals—Nazism and Fascism. What these men did is not only a discredit to republicanism but also an insult to democracy, nay, a destruction of the tested institution of representative government.

MR. ABELLA: Mr. President, will the gentleman yield?

THE ACTING PRESIDENT: The Gentleman may answer.

MR. BUENO: Gladly.

MR. ABELLA: The speaker mentioned that a unicameral form of legislature is more susceptible to dictatorship. The speaker explained that Germany and Italy, whose governments are bicameral in form, are the best examples of dictatorship?

MR. BUENO: There is a difference between form and substance.

MR. ABELLA: What do you mean?

MR. BUENO: What I mean is that the powers of the two chambers of Germany, while preserving the Reichstag, have been incorporated in a German constitution. I refer to the powers of the chamber, not those of the Reichstag.

MR. ABELLA: The Gentleman cannot deny the fact that they are bicameral in form.

MR. BUENO: They are bicameral in form; but there is a difference between substance and form. I think that I have already answered the Gentleman on that.

MR. ABELLA: There are two kinds of bicameral government. What kind of government would the Gentleman advocate?

MR. BUENO: The bicameral form of government

MR. ABELLA: What is bicameralism? Can you cite a unicameral form of government having a dictator?

MR. BUENO: Spain is going to have a dictator. It is unicameral in form.

MR. ABELLA: It is the Gentleman's own conclusion. It is not a fact.

MR. BUENO: In Germany and in Italy the bicameral system has been greatly impaired because the upper chambers have been shorn of their powers.

MR. ABELLA: It might have been impaired but the fact is that it is actually existing there.

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

THE ACTING PRESIDENT: The Gentleman may answer.

MR. BUENO: With pleasure.

MR. CLORIBEL: The Gentleman spoke of economy. He also knows that one chamber of our legislature is spending millions of pesos a year.

MR. BUENO: When I mentioned economy, I was merely explaining or recapitulating the arguments of the Gentleman from Sorsogón.

MR. CLORIBEL: Does the Gentleman know that more than half of the taxpayers in our country are de-linquent?

MR. BUENO: I know that.

MR. CLORIBEL: So the Gentleman also knows that about ten thousand laborers are jobless in our country?

MR. BUENO: Does the Gentleman know that there are many in the payroll of the government who should not be there?

MR. GRAFILO: Mr. President. I yield ten minutes to the gentleman, Mr. Cea.

EL PRESIDENTE INTERINO: Tiene la palabra el Delegado Cea.

DISCURSO DEL DELEGADO CEA CONTRA LA LEGISLATURA BICAMERAL

SR. CEA: Caballeros de la Convención: La teoría de un cuerpo legislativo, compuesto de dos Camaras plantea un problema interesante que merece toda la consideración de esta Asamblea, por las razones siguientes: Primera: si dependiera de mi voto, yo preferiría el sistema unicameral, por el argumento de que el pueblo no tiene mas que un solo criterio, una sola voluntad sobre una materia determinada, y esta sola voluntad la que hace la ley. Segunda: El sistema bicameral es un sistema complicado. Mucho bulto pero poca claridad. Si estan de acuerdo ambas Camaras, quiere decir que predominan sobre ellas el criterio y la voluntad de un solo partido, de ahí que no haya fiscalización. Si no estan de acuerdo se estancan las leyes, porque ello indica la existencia de dos criterios y dos voluntades opuestas. de dos partidos diferentes. (deadlock.) ¿Qué habremos ganado entonces con haber preferido el sistema más complicado y más costoso? Nos habremos expuesto a grandes gastos y nada más. Si aquí en Filipinas funciona bien la Legislatura bajo el sistema bicameral, es porque está dirigida por un solo líder, el Presidente Quezon; en Japon, por el Emperador Ito; en Inglaterra, por el Rey; en Francia, por un solo partido. Lo mismo digo con respecto al Congreso Americano. No podemos encontrar un caso siquiera en la historia en que la Legislatura, compuesta de dos Camaras, haya funcionado bien, cuando sobre ella predominan dos criterios, dos voluntades de dos partidos distintos. Tercera: La teoria del "check and balance," radica en la division de los poderes ejecutivo, legislativo y judicial.

Si la Cámara Baja se deja arrastrar por la corriente arrebatadora de un orador o por la corriente momentanea de un

impulso sentimental y hace una mala ley, dicha ley puede ser anulada por el veto del Presidente de la Republica. El poder judicial puede hacer responsable ante la ley por actos ilegales a cualquier legislador o funcionario que la haya infringido.

El Presidente de la República y los miembros de la Corte Suprema pueden ser sometidos al poder legislativo por abusos y arbitrariedades cometidos por ellos, mediante el procedimiento de impeachment, o juicio de residencia y ser destituidos de sus cargos por dicho poder legislativo.

Con esto se demuestra claramente que los tres poderes se controlan entre sí sin necesidad de otro contrapeso.

POR EL LADO ECONÓMICO

Las discusiones sobre este asunto no deben ser ni académicas ni visionarias, que pierdan de vista los puntos económicos envueltos en él.

Filipinas es un pueblo prácticamente débil e indefenso, que apenas ha comenzado a vivir como pueblo independiente y lo mas correcto es organizar un gobierno cuyos gastos esten de acuerdo con los ingresos que se esperan recaudar sobre una base razonable, porque debemos tener en cuenta lo siguiente: 1. Estamos pagando diez millones de pesos en concepto de nuestra deuda nacional a razon de 4 por ciento anual, 2. Despues de cinco anos desde la inauguracion del nuevo Gobierno se impondran las primeras limitaciones sobre nuestros productos y el arancel tarifario sobre los mismos. 3. Estamos obligados a liquidar nuestra deuda nacional dentro del periodo de transicion. 4. Se impone la necesidad de organizar un ejército para la defensa nacional. Es mas, Mr. Grey, portavoz de la Federacion Agricola Americana, ha puesto de manifiesto de una manera clara, que esta dispuesto a dar rienda suelta a toda la propaganda agricola contra los productos de Filipinas. En fin, no se vislumbra mas que la fatidica sombra en el porvenir de los productos de Filipinas.

¿Por qué no vamos a dejar a un lado el lujo y la vanidad, organizando un gobierno al alcance de nuestros recursos económicos? Dicen que hay que imitar a las naciones grandes del mundo como Japon, Inglaterra, Francia, Estados Unidos y otras naciones de la moderna actividad mercantil. ¿Por que vamos a vivir como viven esas naciones que son veinte veces más poderosas que Filipinas?

El hombre que gasta más de lo que tiene porque quiere tener el capricho y la vanidad de vivir como vive su vecino, que vive a lo principe, no sólo está abocado a un fracaso, sino que ademas incurre en un caso de verdadera falta de honradez. He dicho.

MR. ARUEGO: I yield ten minutes to the Delegate from Tayabas, Mr. Enríquez.

EL PRESIDENTE INTERINO: Tiene la palabra el Delegado por Tayabas.

DISCURSO DEL DELEGADO ENRÍQUEZ A

FAVOR DEL SISTEMA BICAMERAL

SR. ENRÍQUEZ: Señor Presidente, Caballeros de la Asamblea: Una de las cuestiones fundamentales que esta Asamblea afronta y necesariamente tendrá que resolver, quieralo o no, es la cuestion de si la Legislatura Filipina ha de ser unicameral, o, por el contrario, ha de ser integrada por dos Cámaras como las que tenemos hoy. Sea lo uno o lo otro, lo que importa al pueblo, lo que nos importa a nosotros, sus representantes constitucionales, es que, al tratar de una cuestion de tan trascendental importancia y significación como es la estructura de nuestro futuro gobierno, la juzguemos con el frío escalpelo de la razón y la resolvamos segun sus propios meritos y nada más. Quiero decir que, al tratar de esta cuestion, todos los matices políticos deben desaparecer; las diferencias de faccion deben eliminarse y olvidarse; los mezquinos intereses de banderías como el odioso regionalismo y maldito convencionalismo de clases, debe relegarse al olvido. Es decir, que al discutir y votar sobre esta cuestión, y así lo ruego y espero, todos nosotros obremos en nuestro carácter oficial de representantes constitucionales del

pueblo, con las manos y el pensamiento y la conciencia libres de toda ingerencia partidista, libres de toda influencia extraña, sea la que sea.

Abordando la cuestión, señor Presidente y Caballeros de la Asamblea, yo me declaro partidario y abogo por el sistema bicameral por varias razones a cual mas poderosas. Todos los que hasta aqui han hablado—, sobre todo uno de los oradores de anoche, propugnador del sistema unicameral—, al aducir sus argumentos en pro de su sistema preconizado, no han hecho más que traer a colación y citar legislaturas extranjeras, entre ellas la de Francia, la de Alemania, la de Méjico, la de Jugos-lavia, la de Turquía, la de Italia e inclusive mencionaron las legislaturas antiquísimas de Grecia y Roma. Pero yo digo: ¿Para qué vamos a citar estas legislaturas? ¿Para qué mencionar cosas exóticas, extranjeras? Tenemos que resolver esta cuestion de acuerdo con nuestra conveniencia y según nuestras propias cosas en el país.

Señor Presidente y Caballeros de la Asamblea: dando por bueno este argumento y complaciendo al distinguido Caballero de Bohol, porque, a la verdad, todos los argumentos referentes a legislaturas extranjeras ya han sido citados aqui y no nos queda ya nada que decir, voy a aducir argumentos en pro del sistema bicameral sin citar hechos del extranjero; me limitare sencillamente a citar hechos propios, hechos del pais, hechos que palpamos y vemos todos los dias. Yo, pues, me declaro partidario y abogo por el sistema bicameral, porque, para mi, el sistema bicameral viene a reflejar la vida intima de las familias filipinas en sus hogares. Voy a explicarlo, Caballeros de la Convencion.

Permitidme que yo os invite a que dirijáis vuestras miradas dentro del recinto sagrado de las familias filipinas y allí veréis a los hijos de las familias filipinas que antes de acometer una empresa mas o menos importante, la discuten y la deliberan entre ellos, siendo el hijo mayor el Presidente o el Speaker, digámoslo asi, constituyendo los hijos menores la Cámara baja. Una vez que estos hijos que constituyen la Cámara baja han aprobado una proposición, no la llevan a cabo sin antes someterla a sus padres que constituyen la Cámara alta, y estos padres, a su vez, la deliberan y la discuten y cuando hay consenso de opiniones, cuando hay mutuo acuerdo entre los hijos y los padres, la Cámara Baja y la Cámara Alta, por decirlo asi para ser más claro, es cuando esa proposición o esa empresa se lleva a cabo. Digalo si no, por lo menos Tayabas, asi por lo menos hacemos los hijos de Tayabas y creo que asi lo hacen todos. (Aplausos.)

De refilón quiero contestar lo que acaba de decir aquí mi distinguido compañero, el Delegado también por Tayabas, Señor Salumbides. Dijo que los concejos municipales son una Legislatura unicameral: Pues yo digo que no es verdad, puesto que las ordenanzas y resoluciones de los concejos municipals no tendra efecto hasta que no sean aprobadas por la Junta provincial; de manera que tambien los concejos municipales y las juntas provinciales son Camaras colegislativas, Camara baja y Camara alta, y, por tanto, son un sistema bicameral implantado en Filipinas.

Segunda razón. Hemos estado y estamos bajo la tutela hasta ahora de América. Hemos sido enseñados e instruídos a llevar una Legislatura bicameral. Por espacio de veintisiete años, desde que se implanto la Asamblea Filipina quedó implantado en Filipinas el sistema bicameral; de modo que se puede decir que el sistema bicameral está arraigado, esta incrustado hasta la medula de los huesos del pueblo filipino. Si vamos a cambiar de repente este estado de cosas, el cambio violento puede traer consigo consecuencias fatales para la estructura gubernamental del pais, como nos sucederia si habiendo estado tres o cuatro anos dentro de una cueva sin luz, al salir de alli, por el cambio vio-lento, nuestros ojos pueden quedar ciegos por la ofuscacion. Pero mi temor esta en que el dia que implantemos aqui el sistema unicameral sustituyendo el sistema im-plantado hace veintisiete años y más, ocurran algunos sucesos cuyas consecuencias no habremos de lamentar bastante después.

Tercer argumento. Creo yo que los unicameralistas nunca podrán probar a satisfacción que el segnndo estudio que

se hace de una medida o legislación no es garantía suficiente de que esa legislación ha de ser buena. Hay que tener en cuenta que por la existencia de dos Cámaras, una legislación tiene que ser aprobada por las dos Cámaras para que pueda, según el curso ordinario de las cosas, someterse a la firma del Jefe ejecutivo. De modo que una legislación o un proyecto de ley aprobado por una Cámara tiene que ser sometido a la segunda Cámara, y este segundo estudio, como digo yo, ha de corregir el error o equivocación si se ha cometido error o equivocación al considerar por primera vez la legislación, y no sé si los unicameralistas podrán echar abajo este argumento.

Cuarto argumento: Si tenemos una sola Cámara. desde luego que será más fácil aprobar una legislación o una franquicia, y en este caso, una legislación de carácter particular favoreciendo a ciertas personas o cierto grupo de personas o una persona determinada, no habiendo más que una Cámara, la persona o el grupo de personas que pudieran ser perjudicadas con la aprobación o franquicia, no tendrían tiempo ni oportunidad para acudir a otra Cámara para oponerse a su aprobación; pero teniendo una segunda Cámara, en el periodo que medie entre la elevación del proyecto a la segunda Cámara o al Senado y su aprobación por el mismo habría tiempo más que bastante para que todo el pueblo quede notificado, y los que se sientan agraviados o perjudicados con la aprobación de esta medida tendrían tiempo para oponerse y demostrar a quienes corresponda que ese proyecto de ley no debe aprobarse porque va a ser en detrimento de cierta persona o grupo de personas.

Voy a permitirme, Señor Presidente Caballeros de esta Asamblea, decir algo contra la alegación de cierto propugnador del padrón unicameral, de que es indudable que el sistema unicameral es más simple. Yo no niego eso y nadie lo puede negar; pero lo que yo digo, señor Presidente y Caballeros de esta Asamblea, es que la sencillez de una Legislatura unicameral debe ceder a la estabilidad de una Legislatura bicameral. Voy a ser algo más claro todavía: La Legislatura unicameral está implantada en España, Alemania, etcétera. ¿Y que es lo que vemos en esos países de sistema unicameral? No vemos más que cambios de Gabinete turbulentos a cada paso. Motines continuos e inclusive el cierre de la Legislatura.

SR. ABELLA: Para una pregunta al orador, Señor Presidente.

EL PRESIDENTE INTERINO: ¿Esta dispuesto el orador a contestar?

SR. ENRÍQUEZ: Si tuviera escrito mi discurso, contestaría con gusto a todas las preguntas; pero como no lo tengo escrito, me perdonara el compañero que no acceda a su ruego. para no perder el hilo de mis ideas.

(Prosiguiendo.) ¿Qué es lo que ocurre, qué es lo que hay en los Estados Unidos, en Argentina y otros países? ¿Han visto ustedes acaso alguna vez en los periódicos grandes titulares en tipos llamativos informando que el Gabinete de América ha tenido que dimitir o que el Presidente ha tenido que abdicar o que ha cerrado la Legislatura o el Senado, o la Cámara de Representantes? De modo que el sistema bicameral en los países donde está implantado, garantiza y lleva consigo la estabilidad del gobierno. En los países donde está implantado el sistema bicameral no ocurre lo que está ocurriendo en los países donde está implantado el sistema unicameral.

SR. ABELLA: Para unas preguntas al orador en relación con lo que acaba de manifestar.

EL PRESIDENTE INTERINO: ¿Está dispuesto el orador a contestar?

SR. ENRÍQUEZ: Si, señor.

SR. ABELLA: ¿Qué dice el orador de Méjico? ¿Qué dice de Cuba? Son países eminentemente bicameralistas y, sin embargo, siempre hay revoluciones en esos países. En cambio, en Alemania, ¿cuántas veces ha habido revolución? ¿Cómo va a contestar el orador a esta objeción?

SR. ENRÍQUEZ: Precisamente, Caballero de Camarines, en esos países, como España, está implantado el sistema unicameral, no obstante que en tales países está implantado el sistema parlamentario.

SR. ABELLA: Por eso mismo en España no ha habido más que una revolución: la revolución más reciente. En cambio, Cuba ha estado siempre en revolución; y en cuanto a Méjico, ya sabe Su Señoría que su historia es una serie de revoluciones; las páginas y los anales de su historia estan llenos de relatos sobre revoluciones.

SR. ENRÍQUEZ: En primer lugar, no es exacto ni correcto decir que solamente ahora ha habido revolución en España. Allí ha habido varias revoluciones, conmociones sociales; ha habido motines; y en cuanto a Méjico y Cuba.....

SR. ABELLA: Pero a cambio de España. está Nicaragua, esta Méjico, esta Cuba; de manera que la mayoría de los Estados revolucionarios son bicameralistas; no son Estados unicameralistas.

SR. ENRÍQUEZ: Lo que puedo decir a Su Señoría es que no creo que sea un secreto que las revoluciones que ha habido en Cuba no se debieron precisamente al sistema implantado de Legislatura.

SR. ABELLA: También la revolución de España se debe al elemento socialista que quiere apoderarse del gobierno. Es un movimiento reciente, es un movimiento rojo, socialista, y por eso precisamente el Gobierno ha querido reprimir esta subversion. No ha sido una revolución espontánea; ha sido una revolución bien preparada. En cambio, la revolución de Méjico y la de Cuba han surgido como el hongo, sin razón alguna.

SR. ENRÍQUEZ: Ya he dicho que la revolución de España no se debe al sistema. También hay algunas anomalías. No quiero decir que alguien ha instigado a los cubanos y a los mejicanos.

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

EL PRESIDENTE INTERINO: El orador puede contestar si lo desea.

SR. ENRÍQUEZ: Con mucho gusto.

MR. GRAFILO: Referring to what the Gentleman stated about family government in our country, is it not true that the general trend here is that the father governs the whole family and the children are subservient to his will?

SR. ENRÍQUEZ: No es cierto absolutamente hablando.

MR. GRAFILO: But generally it is.

SR. ENRIQUEZ: Si, pero no es

MR. GRAFILO: Generally, and yet the Gentleman cited already what he affirmed that the will of the parents is being revoked when brought to the council of the family.

MR. ENRIQUEZ: I am not citing particular cases.

MR. GRAFILO: In supporting the bicameral system, will it mean following the trend that the upper chamber will be organized with the lower chamber subservient to it?

MR. ENRÍQUEZ: What does the Gentleman mean by "subservient?"

MR. GRAFILO: Just following the will of the Upper Chamber as children follow the will of the parents.

MR. ENRÍQUEZ: No, sir.

MR. GRAFILO: So there is no similarity in the examples.

SR. ENRÍQUEZ: No, señor.

MR. GRAFILO: Mr. Delegate from Tayabas, when the will of the children is submitted for sanction by the father,

is it not the same as a bill passed by the Legislature and submitted to the Chief Executive for approval; hence the father is likened to the executive branch and the children the legislative branch?

MR. ENRÍQUEZ: Will the Gentleman be kind enough to repeat his question? I did not get his point.

MR. GRAFILO: I mean that when the will of the children is submitted to the father for approval and execution, the similarity is the same as when a bill is passed by the legislative body and is taken to the executive branch for approval into law and execution. The executive branch takes the place of the father, the legislative branch takes the place of the children.

SR. ENRÍQUEZ: Bajo la teoria y bajo la impresion de que algunas de las decisiones o proposiciones aprobadas por los hijos prevalecen sobre la opinion y la decision de los padres, digo que si.

MR. SALUMBIDES: Mr. President, will the Gentleman yield for a question, because the Gentleman referred to my speech?

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

SR. ENRÍQUEZ: Si, señor.

MR. SALUMBIDES: Is it not a characteristic of the bicameral body that each house has a right to initiate legislation? For instance, the House has the right to make laws as well as the Senate. Is that not a characteristic of the legislative body?

MR. ENRIQUEZ: Yes, sir.

MR. SALUMBIDES: If that is the case, then the municipal council is not a bicameral body, because the provincial board has no right to initiate ordinances.

SR. ENRÍQUEZ: Ya he dicho o Su Señoría, en contestación a su alegación de antes, que los concejos municipales vienen a ser unicamerales y eonstituyen la Camara única en cada municipio.

MR. SALUMBIDES: Will the Gentleman agree that it is a unicameral body?

MR. ENRÍQUEZ: No, sir. I made that answer in connection with what the Gentleman stated here before.

MR. SALUMBIDES: Is it not a fact that the provincial board is a father to the municipal council, just line a governor-general to the laws passed by the Legislature?

MR. ENRÍQUEZ: Not exactly, because the governor-general has his veto power, whereas the provincial board does not have that power.

MR. SALUMBIDES: But if the board can disapprove it, is not such action a veto?

MR. ENRÍQUEZ: Absolutely.

MR. SALUMBIDES: Another thing: Can the municipal council disapprove an ordinance of the provincial board?

MR. ENRÍQUEZ: The council can appeal to the department secretary.

MR. SALUMBIDES: I would like to have it answered with yes or no. Has the municipal council the right to disapprove an ordinance of the provincial board?

MR. ENRÍQUEZ: I think I have the right to explain my answer. The council can appeal to the department Secretary.

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

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

SR. ENRÍQUEZ: Si, señor.

MR. GRAGEDA: It is the Gentleman's belief that by having two chambers, we will prevent ill-considered legislation. But is it not a fact that despite our present system of bicameral Legislature, many bills passed by the two chambers were vetoed by the Governor-General or declared unconstitutional by the courts, just to show that the bicameral system does not cure that defect?

EL PRESIDENTE INTERINO: Ya ha expirado el tiempo del orador.

SR. GRAGEDA: Quiere Su Senoria decir que la existencia de dos Camaras no remedia el veto?

SR. ENRÍQUEZ: No remedia, por el hecho de que algunas veces hay malas legislaciones.

MR. GRAFILO: In other words, the bicameral system will not remedy the alleged defect of ill-considered legislation.

SR. ENRÍQUEZ: No, señor. Cuando hay dos camaras, por lo menos hay menos peligro de que haya legislaciones malas o perjudiciales al país.

(Prosiguiendo.) Y para terminar, señor Presidente y Caballeros de la Convencion, solamente he de decir contra aquella alegacion de que el sistema de gobierno implantado en Filipinas es un sistema de partidos; es decir, que todas las legislaciones que se aprueban aqui pasan por un caucus, y esto no tiene nada de malo, Caballeros. Lo que yo digo, para probar que no es un gobierno de partidos el que ejerce el derecho o la facultad de fiscalizar o de servir de freno contra las demasias de una Camara. Hay leyes aprobadas por la Camara de Representantes, cuya mayoria pertenece a un partido, que al llegar al Senado son desaprobadas por la mayoria de sus miembros que tambien pertenecen al partido de la mayoria de la Cámara de Representantes.

Señor Presidente, para terminar, quiero decir, y ruego, que para evitar que en Filipinas haya una conmocion social, continuemos con el sistema ya implantado, y con eso daremos al pueblo y a las instituciones mas estabilidad y mas firmeza. He dicho.

MR. GRAFILO: I yield ten minutes to Delegate Bocar.

SPEECH OF DELEGATE BOCAR IN FAVOR OF A UNICAMERAL LEGISLATURE

MR. BOCAR: Mr. President and Gentlemen of the Convention: In a marathon debate like this, calamity faces the speaker who approaches his subject after it has been mutilated by the arguments already presented. Nevertheless, I will take time only to discuss three points which should be presented again.

Lately there has been plenty of talk that our Constitution should establish a system of government which must be a reflection of our "genio peculiar," our characteristics, our idiosyncrasies as a people. The "genio peculiar" of the Filipino people is best suited to a system of legislature with responsibility. If that is our ideal—that our government should be reflected in our "genio peculiar"—then here is a wonderful chance for us to embody that ideal in a legislature that is simple, democratic, inexpensive and responsible: a unicameral legislature.

There is only one argument in favor of a bicameral legislature, and that is the checking power. But we who have watched the work of our legislature have observed the functioning of the House of Representatives and the Senate and we are all convinced that there is no check. The House does not check the Senate for what happens is that the legislators check each other. The theory of check is only good in a legislature where there are no organized

political parties. The legislative machinery operates; however, laws are not enacted through the ordinary process but by what is agreed upon in party caucuses. If the majority party is interested in a bill, no matter how many checks there are, if it has previously been agreed upon in the caucus, that bill will be passed by the legislature, check or no check.

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

MR. BOCAR: When I am through.

(Continuing.) I have listened to the statistics, the data presented by the Gentleman from Pangasinan, Del-egate Aruego. They showed the function of the check system in our legislature and he mentioned about so many bills that were passed by the House of Represent-atives and approved or disapproved by the Senate, and vice-versa. The Gentleman from Pangasinan should not have stopped there. He should have shown that with the functioning of the check between the two houses, not all the acts passed in the legislature are vetoed by the Governor-General.

Lately I have been reading reports of various Governors-General, from Harrison to others after him. The most notable fact in all those reports is the criticism that the bills they vetoed had been the results of carelessness, haste, imperfections and some other mistakes. What does that show, Gentlemen? It simply shows that after the functioning of check in the leg-islature, the measures were still imperfect because the Governor-General found it necessary to veto them because they were carelessly approved or ill-considered. If that is the case why don't we abolish that check altogether and give that power to the Governor-Gen-eral?

We have in our government a theory called the separation of powers—the executive, the legislative and the judicial. They are all separated. The idea is that one department acts as a check and balance to the other. The Governor-General can veto a legislative enactment. If that is the case, that there is already provi-ded in our system of government a way of checking, why should we still provide another check in the legis-lative itself? It is simply a duplication of power.

Another thing I want to point out: It is the question of fixing responsibility in the legislature. I want to recall the incident of a near-tragedy that oc-curred in our legislature last session when the leg-islature was about to close, at the sine die session. The House of Representatives did not want to have a sine die session, but the Senate wanted to repeat the old tactic of holding one. The Speaker of the House of Representatives adjourned the session at twelve o'clock midnight, but the presiding officer of the Senate did not want to because there were still pending Senate bills that had to be approved in the House of Represent-atives but which the House failed to discuss when it adjourned at twelve o'clock. What did the presiding officer do? He went to his province, refused to come back to Manila, thus frustrating our system of legis-lation. This incident will not likely happen in a unicameral legislature, Gentlemen of the Convention. At present under our system, if anything goes wrong in the legislature, you have to blame the whole legisla-ture. If the bad act was started in the Senate, you can not blame the Senate; it will pass the buck to the House because if anything wrong is done in the legislature, the House and the Senate are accomplices together. But under a unicameral legislature if some-thing wrong is done, we know whom to blame, because there is only one house. Under the present system, we cannot do that.

I want to touch on the arguments presented here by the Gentleman from Tayabas comparing the legisla-ture to a family. There is no parity between the two. The father is absolute head of the family. A child cannot buy a new cravat or a new pair of shoes if the father does not give him the money. Let us take the case of a son who wants to get married but the father does not want him to. So the young man elopes, and yet comes back with his wife to live with his father. There is no parity between the legislature and the family.

Several days ago a friend asked me this very in-teresting question: If the unicameral legislature will be

established in the Philippines, what will happen to the session hall of the Senate? That was a provoking question, one of the extreme consequences of the unicameral system. I told him this: "Don't worry. Ten years from now the people of the Philippine Islands will realize the service of the Constitutional Convention in saving for the Government one million pesos a year in making legislation simpler and making our legislature responsible and democratic. Ten or fifty years from now, the public will recognize that service, and that session hall upstairs will be converted into a museum to be adorned with the busts of a number of men of this Convention, especially the advocates of the unicameral system, and that very august session hall shall bear an inscription like this: 'These are the men that saved the country one million pesos and made this legislature more simple, more democratic'; and that will go down to posterity."

LEVANTAMIENTO DE LA SESIÓN

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

EL PRESIDENTE INTERINO: Si no hay objeción, se levanta la sesión hasta mañana, a las 4:00 de la tarde. (No la hubo.)

Eran las 6:52 p.m.

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