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APERTURA DE LA SESIÓN

Se abre la sesión a las 5:10 p.m., ocupando el estrado el Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Se abre la sesión.

SR. GRAGEDA: Señor Presidente.

EL PRESIDENTE: Señor Delegate

SR. GRAGEDA: Propongo que se dispense lectura de la lista y del acta.

EL PRESIDENTE: ¿Hay alguna objecion a la moción. (Silencio.) La Mesa no oye ninguna. Queda aprobada.

SR. CASTILLEJOS: Señor Presidente.

EL PRESIDENTE: Señor Delegado.

SR. CASTILLEJOS: Pido que se pase la lista.

SR. PERFECTO: Parece que se ha resuelto ya que se dispense la lectura de la lista, señor Presidente.

EL PRESIDENTE: ¿Tiene algún inconveniente el señor Delegado en retirar su mocion, porque ya se ha acordado la dispensacion de la lectura de la lista?

SR. CASTILLEJOS: Senor Presidente insisto en mi mocion.

EL PRESIDENTE: Lease la lista.

EL SECRETARIO:

Presentes: 129

Senores: Abaya, Alkuino,

Adduru, Alonto,

Abordo, Altavás,

Albero, Ancheta,

Alejandrino, Fernández,

Artadi, Flores,

Aruego, Gaerlán,

Balili, Grageda,

Baltao, Guarina,
Barrión, Guevara,
Bautista, Gumban,
Benítez, Guzmán, (Alej. de)
Bínag, Guzmán, (Ant.)
Bocar,
Hernáez,
Bonto, Hontiveros,
Borbón, Inting,
Briones, Jumawan,
Buendía, Kapunan,
Bueno, Kintanar,
Canónoy, Leonardo,
Cáram, Ledesma,
Carín, Lesaca,
Cariño, Lim,
Castillejos, Locsin,
Castro, López, (E.)
Chioco, Lorenzana,
Cinco, Lorenzo,
Cloribel, Lutero,
Conejero, Maglanoc,
Confesor, Mansueto,
Conol, Martínez, (M.)
Crespillo, Martínez, (R.)
Cruz, (C.) Maza,
Cruz, (R.) Melendres,
Cuaderno, Moncado,
Delgado, Montaña,
Díez, Montesa,
Dikit, Montilla,

Divinagracia, Montinola,
Duguiang, Nepomuceno, (V.)
Fakangan, Nepomuceno, (R.)
Niere, Salazar, (A.)
Ocampo, Salumbides,
Ortega, Sandoval,
Ortiz, (L.) Santos,
Ortiz, (M.) Sanvictores,
Osías, Sevilla,
Ozamis, Singson,
Palma, Encarnación,
Paredes, Sinsuat,
Pérez, (J.) Sison,
Pérez, (T.) Sobrepeña,
Perfecto,
Sotto, (F.)
Piang, Sotto, (V.)
Prieto, Surban,
Quirino, (D.) Tulawi,
Ramos, Velasco,
Ranjo, Ventura,
Ribo, Villamor,
Ricohermoso, Villarama,
Rivera, Vinzons,
Romero, Ybañez,
Romualdez,
Zialcita,
Roxas, Zurbito,
Saguin, El Presidente
AUSENTES: 72
Señores Abella, Buslon,

Abrigo, Cabarroguis,
Aldeguer, Cabili,
Araneta, Calleja,
Arcenas, Castillo,
Arellano, Cea,
Arteche, Clarín,
Bañaga, Cuenco,
Beltran, Curato,
Benito, Encarnacion,
Braganza, Enriquez,
Escareal, Millar,
Esliza, Moldero,
Ezpeleta, Morales,
Francisco, Mumar,
Galang, Muñoz,
Ganzon, Navarro,
Grafilo, Nepomuceno, (J.)
Gullas, Orense,
Gumangan, Pelayo,
Gutiérrez David, Pío,
Guzmán, (B.) Quirino, (E.)
Guzmán, (J.) Rafols,
Irving, Reyes, (G.)
José, Reyes, (J.)
Joven, Salazar, (V.)
Labrador, Sandiko,
Lapak, Sánchez,
Laurel, Suñer,
Liboro, Tanopo,
Lizardo, Ventenilla,
Lizares, Villanueva,

López, (V.) Villareal,

Marábut, Ysip,

Maramara, Yusay,

Melendez, Zavalla,

EL PRESIDENTE: Hay quórum.

DISPENSACIÓN DE LA LECTURA DEL ACTA

SR. OZAMIS: Señor Presidente. :

EL PRESIDENTE: Señor Delegado.

SR. OZAMIS: Pido que se dispense la lectura acta, y que ésta se dé por aprobada.

EL PRESIDENTE: Si no hay objection, así se acuerda. (No hubo objeción.)

DESPACHO DE LOS ASUNTOS QUE ESTAN SOBRE LA MESA DEL PRESIDENTE

EL PRESIDENTE: Leanse los documentos recibidos.

EL SECRETARIO:

RESOLUCIONES

Resolution of the Municipal Council of Bangui, Ilocos Norte making suggestions regarding several constitutional provisions. (P. No. 118).

THE PRESIDENT: To the Committee on Sponsorship.

Resolution of the Municipal District Council of Besac, Bontoc, Mountain Province, requesting the preservation of the integrity of Mountain Province and its political subdivisions (P. No. 119).

THE PRESIDENT: To the Committee on Sponsorship.

Resolution of the Municipal District Council of Bontoc, Mountain. Province, on the same subject (J. No. 120).

THE PRESIDENT: To the Committee on Sponsorship.

Resolution of the Eastern Tayabas Institute Young Women's Club protesting against woman suffrage (P. No. 121).

THE PRESIDENT: To the Committee on Sponsorship.

Communication of the Municipal President of Libagon, Leyte, advocating reform in the organization of inferior courts (P. No. 122).

THE PRESIDENT: To the Committee on Sponsorship.

CONSIDERACION DE LA PROPOSICION SOBRE EL SISTEMA BICAMERAL

(continuacion)

EL PRESIDENTE: Esta en orden la consideracion de la proposicion sobre el sistema bicameral que esta pendiente.

MR. ARUEGO: Mr. President, I yield ten minutes to the Gentleman from Isabela, Mr. Binag.

THE PRESIDENT: The Gentleman from Isabela has the floor.

SPEECH OF MR. BINAG FAVORING BICAMERAL SYSTEM OF LEGISLATURE

MR. BINAG: Mr. President and Gentlemen of the Convention: I rise to speak in favor of the bicameral system of legislature from a practical point of view. A candid reflection over the advantages and disadvantages of that type of legislature has led us to the conclusion that the two-chambered legislature is preferable to the unicameral system for the following reasons:

First.—A one-chamber legislature may lead to abuse of power and tyranny due to the absence of necessary check that is deemed essential to sound legislation.

Second.—The existence of two legislative chambers is desirable to secure the necessary deliberations and to avoid haste in the consideration of measures.

Third.—A legislature of two houses is harder to bribe than one that has only one house.

Fourth.—It seems unsafe for this country to experiment during the transition period on the unicameral system which is new and familiar to us.

Fifth.—The transition period should be devoted not to experimenting but to the resolution of the many and varied problems, especially those of economic nature which will confront this country under the new government, and in making the necessary readjustments preparatory to the establishment of an independent government.

I will not speak on the first three propositions for they have been discussed already by previous speakers on our side of the question. I shall confine myself to the remaining two propositions.

In the first place, it seems unsafe for us to experiment during the transition period on a unicameral legislature which is unfamiliar to us. The Filipino people and their leaders have been educated in the school of bicameralism. Ever since the establishment in 1907 of the first Philippine Assembly, our legislative body has always been composed of an upper chamber and a lower chamber. That we have attained a certain degree of success under the present system is beyond question. Our legislature compares favorably with the average law-making bodies of other lands. This is the opinion entertained by impartial observers who have had occasions to look into the workings of our legislature.

Now that we have succeeded under the present bicameral system and our ship of state has made smooth sailing under it, shall we abandon the course we have so far taken and sail out in the open sea of unicameralism which is as yet uncharted by experience? The eyes of the world, especially those of the American people, are now focused on us, and will be more so during the transition period. Any slight mistake we commit may upset the plans so carefully laid out for the establishment of a Philippine Republic. We may succeed or fail in our experiment under unicameral system. Therefore, Mr. President, the better part of wisdom is for us to take the safer course by continuing the present system with which we are familiar.

In the second place, during the transition period there will be many urgent problems mostly economic in nature which will require immediate attention and solution. We shall be confronted with grave problems as to where we shall dispose of our surplus products which cannot be absorbed in the American markets due to limitations now being imposed upon such products. Then, there is the question of establishing and promoting new industries which the Government must initiate. These and other varied problems will require the undivided attention and efforts of the best minds of the country; hence, we should not add to these problems the question of experimenting on a widely different system of legislature.

Before I close permit me to correct any erroneous impression which may have been created by the speech of the

Gentleman from Bohol, Mr. Buslon, when he cited the sine die session as an argument against bicameralism. The sine die is not a practice or defect inherent in a legislature of two chambers; it is common to both the bicameral and the unicameral systems. But whether it should be practiced or not depends upon the leaders of the legislature. Such practice will be done away with if provisions relating to this matter contained in the report of the Committee on Legislative Power, of which I am a member, will be approved. In that report the following provisions are found:

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

For these reasons I hereby register my vote for the bicameral system of legislature. Thank you.

MR. ROMERO: I yield ten minutes to the Gentleman from Bulacan, Mr. Villarama.

THE PRESIDENT: The Gentleman from Bulacan has the floor.

DISCURSO DEL SR. VILLANUEVA

MR. VILLARAMA: Mr. President and Gentlemen of the Convention: In taking up your valuable time this afternoon I am not vain enough to believe that I could sway your opinion one way or another. Rather, I believe that whatever we do here — whether in our pronouncement or in deciding fundamental issues — posterity will record its approval on the accomplishments of this constituent assembly. Be it for better or for worse, it will be for posterity to say so. In speaking for a unicameral system of legislature, I am only trying to give compliance to the mandate of a section of the electorate of the whole Philippine Islands, the Second District of Bulacan, which showed signs of acceptance of a unicameral system of legislature during the election of Delegates to this Convention.

If I am not mistaken, the advocates of the bicameral system have hammered on the following points: That the economy to be accomplished under a unicameral system of legislature will be a poor one; that there will be no check and balance of power; and that one house can be easily bribed.

Mr. Chairman, I really cannot understand why by saving at least one million five hundred thousand pesos annually, it will be a poor economy if we institute only one house of legislature. I cannot understand why we, who are in a position to blaze new trails, should fail to undertake a new experiment in this part of the world. I can not understand why the Filipino people always try to cite precedents from other countries saying, "If you want to ally yourself with small countries, you should prefer a unicameral system of legislature." I do not know why we, as a people, have so ingrained in our soul the inferiority complex which I think is an obstruction to progress. Although I feel that it is not also right to possess a superiority complex or sense of grandeur, yet to have much inferiority complex always results in negativism. One is just as bad as the other when individual or national progress is to be attained.

I can only agree that the economy to be attained under one house of legislature will be a poor one if we believe that our public men will be lacking in courage, honesty, and patriotism to work for the benefit of the whole nation. We must understand that our people are anxious to have a change and that the independence we want is not one that will last only for the few years of the transition period or a little time after it, but an independence that will stand the test of time. I think that if we begin well, we should show or demonstrate our earnestness and sincerity by laying down a solid foundation in inaugurating the Commonwealth, which should withstand any disaster. It is right for the unicameralists to expect that when the bicameralists cite here a series of bills approved by the Senate

and by the House of Representatives they should have cited also under what circumstances these bills were approved, whether they affected the welfare of the nation or not, and why approval was made possible. The Gentleman from Pangasinan had said that in the very beginning only 43% of bills approved by our House were approved by the Senate, but as the years passed by he said approval went up to the present 70%. If there were checks and balances, why such an upward tendency? In medicine, when we cite statistics it is not enough to mention only the number of increase but also the why of such increase. I had expected as I listened patiently to all the speeches of bicameralist advocates that these points would be elucidated during the discussion, but the discussion went on and on and still I found myself unable to understand the citations by the Gentleman from Pangasinan. If I interpret it, it seems to me that there is a growing tendency for the two houses to be together—to have the "tayo-tayo" system. The cry of the populace against such a system will be felt sooner or later. Even now connivance is believed to be rampant between the two houses. The people will wake up someday to demand responsibility in the state of affairs; and if we believe that this august Hall shall be perpetuated in the memory of generations, we must be on record as having advocated a system to protect the coffers of the people. If there is to be a "tayo-tayo" system, why increase yet the members?

One point has been hammered repeatedly: that a unicameral legislature can easily be bribed. Speaking of bribes, is it not common knowledge that everybody can be bribed? The Chinese understand this better. It depends upon the amount, I repeat.

Gentlemen, it seems to me that you have forgotten one incident in the deliberations of the Philippine Legislature: the famous "salary rider." Don't you remember that it had been agreed upon by both houses of the Legislature and the measure had been signed by the Governor General; but only one man's voice stood firm against it, the voice with the right to speak for the Filipino people. When that voice was heard, what happened to the salary rider? That is of common knowledge. Is it not a strong reason that the simpler the government, the simpler the lawmaking body we establish for the Commonwealth, the better for us? Gentlemen, do not complicate matters because altho the Filipino people have been painted as a people with the patience of a carabao, somehow that patience will manifest itself, I am not threatening the Convention, but if we fail by our actions and our deeds, we will be heading towards trouble.

Gentlemen, another point is that it will be easy to commit abuse if we have a one-house legislature. To cite a quotation from Montesquieu: "It is the experience of the ages that every man who attains power is prone to abuse it. He goes forward until he finds his limits. If power is not to be abused, then it is necessary, in the nature of things, that power be made a check to power."

SEVERAL DELEGATES stood at the same time: Will the Gentleman yield?

MR. VILLARAMA: If you permit me, I will yield after I am through; just a few minutes more.

(Continuing.) Mention has been made here of the composition of the French Senate. It is worthy of note that during the reign of monarchy in 1836-1840 and the second empire, 1840-1870, there were two bicameral systems of legislature in France. Those who favored the bicameral system were the anarchists, the conservatives and reactionaries. They did not share in the belief that the people should be governed by the masses, so they were the ones who advocated a French Senate. The reactionaries, the monarchists, and the conservatives —these were the people with vested interests—they advocated the French Senate.

In the second republic, however, from 1848 to 1852, there was only one chamber because due to preponderance of the younger elements in the Government who wanted to open new fields, to experiment, because they wanted progress. But after the French revolution, a republican government was established under the third republic, from 1871 up to the present time. True there are two chambers, and if you read the Constitution of France you will be

convinced that the French Senate is higher than the Chamber of Deputies. But in practice it is not. Those appointed as life members, seventy five of them, have not had their successors by appointment because the French people do not approve of special privileges and practically the power of the French Senate seems to have been relegated to the background. Why? Be-cause nobody would dare dissolve the Parliament, to dissolve the Chamber of Deputies ever, with the consent of the French Senate and concurrence of the French President, for fear of the people, the masses.

Gentlemen of the Convention, we want to establish a government that is responsive to the sentiments of the people, the masses, wherein the issues can be presented to them squarely because we shall not have a quasi-permanent Senate one-half of whose membership is elected every three years. If we want issues presented squarely before the public and if we want progress we should vote for a unicameral legislature.

MR. SANDOVAL: Mr. President, will the Gentle-man yield?

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

MR. VILLARAMA. Willingly.

MR. SANDOVAL. Is it not a fact that thanks to the refusal of President Quezon to sign the Appropria-tions Act because of discovery of the rider by Senator Recto that said salary rider did not go through?

MR. VILLARAMA: Exactly. It proves that there was no need for a bicameral legislature, because one man was sufficient to object.

MR. SANDOVAL: So the Gentleman admits that thanks to the existence of the Senate, the salary rider did not go through?

MR. VILLARAMA: Probably the Gentleman is cor-rect if he mistakes President Quezon for the Senate. It happened once in a while that those in one chamber— desiring to play up to the galleries, to their constituen-cies—tried their best to pass bills in their chamber, just for the sake of politics and to justify their election, al-though they knew that those measures would never pass the other chamber.

MR. SANDOVAL: But the Gentleman is not sure or does not know that the House of Representatives then considered that the salary rider was duly and legally passed ?

MR. VILLARAMA: It was duly passed, but the opposition of one man killed it.

MR. SANDOVAL: So, had not the Senate existed the salary rider would have been passed?

MR. VILLARAMA: Had there been only one House, President Quezon or Senator Recto would have been there still. I reiterate that for the purpose of fixing responsi-bility, a unicameral legislature should be adopted. by this Convention.

(El Presidente cede la presidencia al Vicepresidente Sr. Montinola).

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

REMARKS OF DELEGATE CARIN IN FAVOR OF BICAMERALISM

MR. CARIN: Mr. President and Gentlemen of the Convention: The question before us which has been debated in the Hall of this Convention for five days already is whether or not we should adopt in our Cons-titution the unicameral system, in substitution of the bicameral system which we have now. I rise to register my vote in favor of retaining the bicameral system. It is a system deeply rooted and well-understood in all modem governments, not only because it is a system the utility of which had been trusted and recognized since the early republics of

Rome and Greece; not only because it is a system adopted in all English colonies and in other nations, including England which is considered the best governed monarchy in the world, but also because it is the system implanted here by the American as a product of the genius of their forefathers who framed their Constitution.

Mr. President, the subjugation of our race by the American people has brought to us many blessings. One such blessing we received is the establishment here of a system of government patterned after their own. Under the system of government instituted here by the American people, we have achieved tremendous progress in all lines of prosperity. The introduction of the bicameral system of legislation in our government has proven to be of great utility to the country, not only in hastening the establishment of a stable government of our freedom, but also in demonstrating to the American people and the whole world our ability to govern our-selves; and after the people have learned at heart and become familiar with the workings of such system, here comes a movement of innovation, for unicameralism. Every movement for reform, Sir. President, must be predicated on the proposition that the actual condition, the present system, is anomalous and unsatisfactory. It must first be shown, before we accept any change, that the present system is prejudicial to those who seek the reform. It must first be established that the present system is inimical to the people's liberty or detrimental to the country's welfare. But have the unicameralists proven any fact here tending to show that the present system of bicameralism has brought dangers to the people's liberty or the country's welfare? Have they shown any fact tending to prove that the bicameral system has created a situation in our government which necessitates a change, a reform, a cure, a remedy?

On the contrary, Mr. President, it is not denied here that the most important pieces of legislation have been passed after the implantation of a bicameral legislature; that most if not all, of the progressive laws which now adorn the pages of our statute books were passed or adopted at the initiative of legislators whose superlative talent have come to rule now the upper chamber. The legislators who are also members of this Convention can bear witness to the fact that undesirable pieces of legislation precipitately passed in the lower chamber have been blocked and defeated by a sane, conservative and upright Senate. Why then desire a change in the face of these facts? Simply on the plea of economy, as some speakers in the opposite side have advanced. In the years when our Treasury was depleted, when our Revenues were barely sufficient to cover government expenditures, we did not desire this change nor petition the United States Congress to give us and establish in our country a unicameral legislature because it is more economical than bicameralism. Now that our resources have considerably increased, now that we can maintain a system already adopted and deeply rooted in almost all big states and modern governments, we desire to innovate and we are now initiating a movement for unicameralism for the sake of economy. It has been well said by the Gentleman from Abra that we should not sacrifice a principle for economy. I will add that instead we should sacrifice economy for the sake of maintaining a principle.

If we really desire to effect economy, there are a thousand and one methods of effecting economy without sacrificing this principle which is already an accepted axiom in political science. Under the circumstances in which we fought and obtained our freedom, we could not introduce in our government a unicameral system of legislation.

Mr. President, the preamble of the Jones Law contains a promise of the American people to recognize our independence as soon as a "stable government" referred to in that solemn promise is the system of government outlined and provided for in that very law; and the essential feature of the system of government established under the Jones Law is the bicameral legislature.

In our demands for freedom, we invariably claimed that the "government" established under the Jones Law is already "stable"; we have fulfilled the condition precedent to the granting of our independence. The American people have judged the "stability" of our government which provides for "bicameral legislature," and the Tydings-McDuffie Law is the result of their decision. The decision of the Congress of the United States that our

government established under the Jones Law is already "stable" is partly premised on the fact that we have a bicameral system of Government.

If we should introduce the unicameral system, we could not anymore claim that our government is "stable" nor that we have complied with the condition precedent, because unicameralism is yet an experiment, unknown in our political institution and foreign to the Jones Law under which our capability and ability to govern ourselves were judged. The decision of the American people concerning the "stability" of our government, which brought to us the Tydings-McDuffie Law, will then have to be altered or changed because we are embarking on another system of government still untried and unproven in our country. We were judged under the system of bicameralism and the decision was in our favor; so, to establish now the unicameralism would be to give a good ground for the reversal of that decision.

Mr. President, I am in favor of the complete retention of the system provided for in the Jones Law, under which our capability and ability as a people of establishing and maintaining a "stable government" were judged by the American people. I am not in favor of introducing radical changes in our present system which are inimical to the political institution of the American people, especially during the period of the transition. It would be all right if the innovation were really for the better, if the proposed change had a decided advantage over the other. But unicameralism, especially in our country where the people are accustomed to the workings of a bicameral legislature, has a very doubtful, questionable utility. Its demerits are manifested by the rarity of its presence in governments of the leading countries in the world.

I believe that we should take heed of what M. A. Strong said in his Modern Political Constitution: that the "sense of unchecked power of a single assembly, conscious of having only itself to consult, leads to abuse of power and tyranny." It will encourage a feeling of domination over the other departments. Our executive committee has recommended the adoption of a strong executive in its report. This strong executive, who is elected by popular vote, is vested with power to entitle him to claim the mandate of the nation. If we adopt a single legislative chamber which will arrogate to itself dominant powers, then there will be pitted a strong executive against a powerful legislature, and a constant conflict between the executive and the legislative departments will be inevitable and will certainly be unwholesome to the stability of our government.

It has been argued here by the Gentleman from Sorsogon that unicameralism is simpler than the bicameral system of legislation. I admit that the bicameral system is a complex process, but its complexity is the very essence of good laws. A good law, if it is really good, will triumphantly pass a bad law, if it is really bad, may pass in this simple process of unicameralism, but not in the complicated process of unicameralism. If the two chambers are in agreement, they can be trusted to express the will of the people, and the justice and wisdom of their decisions can hardly be challenged; while in cases of disagreement, the executive will occupy the position of a willing arbiter. It is therefore safe to subscribe to what one author said: that a "government resting upon a tripod instead of upon only two legs will enjoy stability."

Lastly, I invite you, Gentlemen, to the prophetic words of Alexander Hamilton, in his notable "Federalists." He says: "The propensity of all single and responsible assemblies to yield to the impulse of sudden and violent passion, and to be seduced by faction leaders into intemperate and pernicious resolutions, justify strongly the need of a Senate as a moderating and checking agency. It doubles the security of the people by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient."

I thank you.

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

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

MR. CARIN: Willingly.

MR. GRACEDA: Does the gentleman believe that the Senate may be able to correct any mistakes committed by the House?

MR. CARIN: Yes, partly.

MR. GRACEDA: Since the Gentleman has much faith in the ability of the Senate as a corrector, can he explain why the Senate had also many acts which have been corrected by the House?

MR. CARIN: That is the advantage of having two chambers. One house not only checks but also supplements the other house.

MR. GRACEDA: Why not abolish either house?

MR. CARIN: When the Senate is corrected by the House and vice versa, that act justifies the existence of both chambers.

MR. GRACEDA: Can we not abolish one house so that only one body will remain to make the laws?

MR. CARIN: You are correct. If there is nobody to check, the simple legislature will abuse its power, conscious that nobody will check itself; so it will abuse its power. I thank you.

MR. ROMERO: Mr. President, I yield ten minutes to the Gentleman from Rizal.

EL VICEPRESIDENTE: Tiene la palabra el Delegado por Rizal, Señor Ortega.

DISCURSO DEL SENOR ORTEGA A FAVOR DEL SISTEMA UNICAMERAL

SR. ORTEGA: Señor Presidente y Caballeros de la Convención: Al principio, cuando esta importantísima cuestión no se había llamado aún para su discusión ante el pleno de la Asamblea, yo me sentía inclinado al sistema bicameral. Y la razón era muy sencilla; era la razón de un hombre tímido que no quiere ningún cambio, porque cree que todo cambio trae consigo la destrucción de las instituciones existentes. Pero después de haber oído atentamente los discursos de los Caballeros que han hablado en pro o en contra de uno y otro sistema, he llegado a la conclusión de que realmente es mucho mayor el sistema unicameral bajo muchos conceptos. Pero como dichos conceptos, excepto el de la economía, ya han sido expuestos y discutidos previamente, me limitaré a exponer cifras que prueban que una de las ventajas del sistema unicameral radica en su conveniencia desde el punto de vista económico. Antes, sin embargo, de pasar a tratar de la proposición principal quisiera decir algo acerca de los principales argumentos que han llamado más mi atención expuestos por los del otro bando, los que dicen que el Senado es necesario como cuerpo moderador de los ímpetus de la juventud, ordinariamente inexperta en las cosas de la vida, pero que ninguno de ellos ha aportado razón alguna que demuestre que el Senado es indispensable. Yo concedo que el sistema bicameral es útil porque realmente una y otra Cámara tendrán siempre algo que hacer, pero no se puede negar que a veces es desventajosa la existencia de los dos cuerpos. Se dice que el Senado es necesario porque generalmente se compone de viejos, de proceres, por decirlo así, de la inteligencia y, por tanto, puede, con mayor razón, ser un contrapeso del ímpetu de la juventud de que generalmente se compone la Cámara Baja. Pero lo que digo es: ¿no hemos visto acaso viejos que son más ímpetuosos que los jóvenes, y jóvenes que son más sabios que los viejos? ¡Ah! es porque el don natural del individuo tanto del saber como de todos los aspectos de la vida no solamente se consigue en las escuelas sino también en el nacimiento. Pues bien; si el Senado no es indispensable, sino simplemente útil, lo que quisiera decir que en esta época de crisis y de depresión económica, en que todo el mundo está lamentando y protestando contra todo lo que está pasando, en forma tal que

estamos temiendo que haya convulsiones sociales, ¿por que no buscamos un remedio para estos males que traerian consigo la revolucion que no solo produciria la eliminacion del cuerpo legislativo sino tambien del gobierno entero?

Se ha dicho que el sistema unicameral es nuevo en Filipinas, y es peligroso su experimento. Pero yo digo, Senores Delegados, cuando hay mas de veinte naciones que han podido sobrevivir con el experimento del sistema unicameral, ¿por que Filipinas no ha de poder hacer lo mismo y ha de estar a la zaga en la adopcion del sistema? ¿Dudamos acaso de la capacidad del pueblo filipino siquiera para imitar? ¿No sabemos imitar siquiera? Pero yo os digo que en cuanto a imitacion creo que nosotros los filipinos sabemos mas que las mismas veinte naciones que tienen ahora el sistema unicameral.

Se ha dicho aqui que hay mas de cuarenta naciones que tienen el sistema bicameral; pero eso, ¿que prueba? ¿Eso prueba que es indispensable el sistema bicameral? Eso prueba sencillamente que esas naciones han preferido ese sistema porque les conviene. Pero el mero hecho de que otras tantas naciones han vuelto a ser unicameralistas, ¿no demuestra la inquietud del progreso de las naciones, porque no siempre las viejas instituciones son buenas? Siempre han estado cambiando los procesos del corazon y las cumbres de la inteligencia, porque asi lo requiere el progreso. Eso demuestra que si hay veintitantas naciones que hoy adoptan el sistema unicameral, algun dia habra mas de ese numero, porque es ley del progreso el que no se estanquen sino que siempre sigan adelante.

Ademas, la prueba de que Filipinas puede mantener el sistema unicameral y no estar a la zaga de otras naciones, es el hecho palpable de que ha existido en Filipinas un sistema que bien podriamos llamar unicameral; yo me refiero a la existencia de la Comision Filipina. Cuando la Comision Filipina existia era la unica Camara legislativa en Filipinas y desde el primero de septiembre de 1900 hasta el siete de octubre de 1907, estuvo dictando leyes, de modo que en siete anos completos ya habia podido dictar mil setecientas leyes, o sea, un promedio de doscientos cuarenta y cuatro leyes al ano; y esas leyes han probado ser buenas porque hasta ahora estan vigentes. Ahora, direis que entonces el Gobierno del pais se componia de americanos y filipinos. ¿Quereis decir que los americanos son mas aptos y que si se hubiesen quedado solos, los filipinos no hubieran dictado tantas y tan buenas leyes como esas? No, no creo dudeis de la capacidad filipina. La Legislatura Filipina, con la inauguracion de la Asamblea Filipina en conjuncion con la Comision Filipina, desde el 10 de septiembre 1907 hasta el 9 de diciembre de 1933 dicto 2,302 leyes, o sea, un promedio de 89 leyes al ano. La conclusion para mi, en cuanto a este respecto, es que si por siete anos hemos podido tener un sistema unicameral, digamoslo asi, ¿por que no vamos a tener ese mismo sistema; volver a ese sistema durante el Commonwealth y hasta despues de ese periodo de transicion? Cuando hemos podido ser capaces de disfrutar de ese sistema por siete anos, ¿por que no hemos de poder continuar con el y mejorarlo todavia?

Realmente, antes de levantarme aqui abrigaba el temor, porque todavia participo de aquellas supersticiones de antano de los filipinos, de que ocurra lo que algunos Delegados auguraban aqui, no solamente la bancarrota de las instituciones ya establecidas, sino ademas el aniquilamiento del pueblo filipino si instituyéramos el sistema unicameral. Yo pensaba, participando de esas supersticiones de los filipinos, y temia que realmente pudiera ocurrir al pueblo filipino una catastrofe de esa naturaleza si adoptamos el sistema unicameral; pero ese temor se fue disipando con las pruebas sobre la naturaleza del sistema. Los elementos de la naturaleza, cuando hay amenaza de catastrofe para el mundo, dan previo aviso para poder prepararnos. Y asi como los elementos de la naturaleza dan este previo aviso, asi tambien las circunstancias y condiciones del pueblo filipino, una vez se haya adoptado el sistema unicameral, le harian ver que ya no es bueno ese sistema y que deberia cambiarse, y asi nos darian tiempo suficiente para cambiarlo. Podriamos poner en la Constitucion que estamos elaborando alguna clausula que facilite el cambio del sistema; pero, senores Delegados, ya no creo que ha de haber una catastrofe, que ha de haber una bancarrota nacional; que ha de haber una dislocacion de las instituciones de Filipinas con la

adopcion del sistema unicameral. Pero si yo creo, sin hacer un augurio, que el pueblo filipino, con la eliminacion del Senado, gozara de bienestar, especialmente en esta epoca de depresion economica muy aguda, porque el dinero que el Senado esta gastando todos los anos lo podremos invertir en otras empresas mas perentorias que imponen las circunstancias de hoy. Y para ilustrar a los Caballeros de esta Convencion sobre cuanto gasta el Senado y a que servicios perentorios podriamos dedicar lo que se ahorre con su supresion, me permitire citar en numeros redondos lo que el Senado gasto en 1916 al ser inaugurado. Comenzo con un gasto de 60 mil pesos, que fue aumentando y aumentando hasta llegar a 620 mil pesos, o cerca de 621 mil pesos. Y en esta epoca de depresion economica, o sea, en 1933, ha gastado el Senado 607 mil pesos, y en el budget de 1933-34 tiene un presupuesto de cerca de 600 mil pesos, a pesar de la depresion economica que he anunciado. En contraste la mortandad infantil reclama una atencion mas perentoria. Los que padecen de tuber-culosis necesitan de una ayuda economica no menos peren-toria. ¿Sabeis cuantos mueren de tuberculosis anualmente? De 30 a 40 mil. ¿Sabeis cuantos ninos mueren de cada mil que nacen? Un promedio de 150 ninos. ¿Quereis tener una nacion libre e independiente, vigorosa, ilustrada y educada? Luchad, luchad para que siquiera se reduzcan a lo minimo los danos de la tuberculosis, y la mortandad infantil. ¿Que nacion hemos de tener si ha de estar compuesta de hombres enclenques que no puedan ni siquiera imponer respeto? Pero no podemos reducir estos males porque nos falta dinero. Se necesitan, segun la Oficina de Sanidad, solo para establecer una clinica para atender a los tuberculosos en cada centro 1,800 pesos al anio, y nos falta este dinero. ¿Y en cuanto a las escuelas? Antes de conocer los datos del Buro de Educacion, yo creia que no existia ya el analfabetismo en nuestro pais; yo creia que el numero de ninos que asisten a nuestras escuelas era mayor que el de los que debian asistir, pero resulta que tenemos mas de tres millones de poblacion escolar de 8 a 17 anos de edad. ¿Y cuantos de ellos asisten a las escuelas? No mas de un millon, quedando fuera de las aulas mas de dos millones. ¿Y solo por que? Porque no hay dinero, pues para cada 60 alumnos de las clases elementales se necesitan 700 pesos, y no hay dinero para atender a otras cosas muy necesarias: Pero si eliminamos el Senado, podriamos economizar y tener en las cajas insulares 600 mil pesos, mas o menos, los cuales se podrian invertir en las necesidades mas perentorias como las que he mencionado, y hariamos no solo una gran obra en beneficio de la nacion, sino tambien una obra grandemente humanitaria. Pero si los partidarios del sistema bicameral pudieran solo probar, pero no pueden, que con la eliminacion del Senado ocurriria una catastrofe nacional, yo naturalmente pospondria la economia a la existencia del Senado; pero, como ya he dicho antes, si las demas naciones han podido existir hasta ahora con una sola Camara legisladora, ¿por que Filipinas no ha de poder existir con una sola Camara? Tambien se han hecho aqui muchas disquisiciones hipoteticas y filosoficas, pero nada se ha .dicho sobre una cosa practica, como la eco-nomia, el dinero para las necesidades perentorias de la nacion, como las que he expuesto con pruebas evidentes. ¿Hemos de preferir las disquisiciones hipoteticas y filosoficas a las razones practicas y pruebas evidentes? Por eso, Senor Presidente y Caballeros de la Convencion, para no molestar mas la atencion de esta Asamblea, pido a los senores Delegados que todavia no han hecho su composicion de lugar, que no se han pronunciado aun sobre la cuestion que esta ante este jurado soberano que voten con nosotros los unicameralistas cuando llegue el dia de la votacion, sin temer, como algunos han dicho, que ocurrira una catastrofe, una bancarrota nacional, una bancarrota de todas las instituciones constituidas en el Gobierno filipino, porque yo, como todos vosotros, tengo confianza ciega en la integridad, en la capacidad del pueblo filipino, como siempre lo ha demostrado.

He dicho.

MR. ARUEGO: Mr. President, I yield ten minutes to the Delegate from Negros Occidental, Mr. Perez (J.).

SPEECH OF MR. PEREZ (J.) ON THE BICAMERAL SYSTEM OF LEGISLATURE

MR. PEREZ (J.): Mr: President and Gentlemen of the Convention: At the outset, I want to clarify my position on the pending proposition. I am for a bicame-ral legislature only as long as the Senate would be composed of members elected at-large on the basis of the principle of proportional representation. Placed be-fore the

alternative of choosing between any other form of constituting the Senate and unicameral legislature, I am for the latter.

Let us not begin our tasks by doing away with our existing political institutions. If they are defective, let us introduce useful improvements on them before taking the extreme course of demolishing them. If our Senate is defective, let us first improve its composition so that we may point to it with the same pride and look at it with that same admiration with which the American people do so on the Senate of the United States.

The most treasured institution in the American national legislature is not the House of Representatives but the Senate. The U.S. House of Representatives lines up at the lash of the party whip and marches at the commands given and directed from the seclusion of the cloak rooms. The Senate does not, so act and function. It checks bossism in the lower chamber. The Senate of the American Congress has produced the outstanding figures of Borah, Johnson, Reed and gave the great philosophy of liberalism its champion in the great La Follette.

The failure of the House of Representatives of America to produce figures of national prestige is due to its tendency to engage in the promotion of bills of local and private character. We have the case of James Cox, formerly Democratic presidential candidate who, while he was a member of the House of Representatives, introduced bills, all of which, excepting 20, were of private and local character. This tendency of the Lower Chamber to localism finds a check in the Upper Chamber.

I do not mean to say that our Senate, as actually constituted, is free from indulgence in promoting private and local bills. I positively know that our Senators are also victims of this pernicious habit. But the first remedy is not to abolish the Senate but to change the mode of electing our senators so that the Senate would perform its checking function. In a unitary republic, the justification of the existence of the Senate is that it is the agency which must act as a check to the Lower Chamber. The constitution of our present Senate does not accomplish this purpose. Its checking function is so important that this alone justifies the existence of a bicameral legislature.

Mr. President, if we are to establish a unicameral legislature without a Senate to act as check, then we would have a body of representatives of the people with members concentrating their energies in raiding the public treasury for the benefit of local needs in their districts. As our Senate is actually constituted, I admit that it does not prevent this assault, and instead it joins hands with the House in the distribution of the pork from the barrel.

Our first recourse, I repeat, should be to change the mode of composing our Senate so that it would represent the national interest and prevent the tendency of the lower chamber to engage in localism.

It is a sad fact to note that the yardstick by which our people in the provinces measure the success of a legislator is the amount of pork barrel appropriation which he brings to his district and not the number of bills of national character which he has pushed through the Legislature. Thus in his campaign for re-election, the representative goes around his district pointing to this and that bridge as his work; to this and that school building and additional classrooms as the result of his legislative endeavors; and to this and that road, still unfinished business, as the crowning glory of his brilliant career as a national lawmaker. But ask him about his performance in the Legislature in the enactment of bills of national importance, measures to promote the general wealth of the people and consequently increase their tax-paying power, and you would kick the noisy and garrulous representative into an old hat. Pork barrel appropriations and bills of local character are enacted largely through the instrumentality of that most pernicious of legislative practices: the evil of log-rolling which converts legislative practice into nothing more than a question of barter and exchange.

The most adaptable ground and environment for the local growth of the evils of logrolling is a unicameral legislature, although our double-chambered legislature is not free from this evil. The defect is not in the system of

bicameralism but in the present method of constituting our bicameral legislature. Logrolling is the practice among legislators in bartering notes for the passage of measures of like character; therefore, the very psychology of our people in their concept of the true worth of the legislator which to them is measured by the amount of pork which he has secured from the barrel requires that there be a second chamber which must act as a check to the sad scramble of our representatives for pork barrel legislation and the general assault on the public treasury thru the instrumentality of logrolling. If we should continue to adopt the present method of constituting our Senate, then a unicameral body is preferable to the present arrangement which gives way to two, instead of only one chamber, looting the public treasury. Our first and important duty with respect to the problems of legislative composition is to look for a way by which the Senate can best serve as a checking agency.

It has been contended by one of the supporters of unicameralism that a unicameral legislature stands for simplification, hence democratic. I deny that simplification is an essence of democracy for no one would deny the simplicity in operation of a dictatorship and yet contend that a dictatorship is not a democratic form of government.

Mr. President, I know that a unicameral legislature is a fertile field for the growth and bloom of the evils of logrolling; that it provides an easy means of assaulting the public treasury; and that it pushes to one side national interests in return for local ones. But our present bicameral system also has all these defects and some more; therefore, should we want to put a check to the unhampered flourish of the evils of logrolling, should we close the vaults of our treasury against the connivance of unscrupulous assaulters, and should we desire to have a body to look after our national interests, then let us have a bicameral legislature with the senators elected at large on the basis of the principle of proportional representation.

MR. OSIAS: Mr. President.

THE PRESIDENT: The Gentleman from La Union.

DISCURSO DEL SR. OSIAS

MR. OSIAS: Mr. President, I asked for this brief time not to speak on the advantages and disadvantages of the system because that function has already been done and performed more ably by other speakers on this subject. It is admitted by all, I believe, that each system has an advantage and disadvantage. When I first rose before the Assembly and discussed some of the fundamental problems confronting the unicameral legislative body, I presented one of the problems in solving the question of unicameralism versus bicameralism.

Having served both here and abroad in a bicameral body, I am not aware of the advantage which a bicameral institution implanted in this country would bring to us. Realizing, however, the question weighing in the balance of the benefits that would be derived, I have come to the conclusion that the balance is in favor of the unicameral system, I am submitting this afternoon a proposal for a legislative body embodying this unicameral thought.

It is for the purpose of submitting this proposal so that it can be available to the Members of this Constitutional Convention that I rose this afternoon. It is unnecessary for me to point out the advantages in favor of the unicameral system; that has been done, as I said, by the colleagues who preceded me. As to the necessity for check and balance, that can be performed by the Executive Department, the President of the Commonwealth and Republic exercising the veto power. The real check is not exercised by one body over the other. There exists today the unicameral system of legislation in the provincial and municipal governments. We have the provincial board that is a unicameral body in the province. We have the municipal council in our municipalities, and those are unicameral bodies. These bodies exercise legislative functions and those are unicameral bodies. We are therefore consistent in our proposing a unicameral legislative body for the nation as a whole. When the Philippine Legislature and when the Congress of the United States worked out an independence act for the purpose of having

a constitutional convention that would deliberate upon the most fundamental law, no provision was made for a bicameral constitutional convention. We have faith in the Constitutional Convention; we must be consistent in voting for a unicameral body.

I am proposing here, Mr. President, that this legislative body be known as the National Assembly, as a means of connecting our present work with the past. In the Malolos Constitution, a unicameral body was proposed, to be called "Asamblea Nacional." If we approve a constitution that shall serve the needs, interests and demands of our people for a long period of time, we ought to see that its provisions be deep-rooted in the past; that it shall be surrounded by a tradition dating back to the dim past; that said tradition shall be enriched with the passing years; and that such rich tradition shall intertwine with the very life of our throbbing throng.

Mr. President, this concrete proposal for a legislative department in unicameral form comprises eleven sections. The Members of this Convention will do me the honor of acquainting themselves with its provisions and I hope that some of these may find their way into the Constitution that we are to approve formally.

I am through, Mr. President, I thank you.

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 6:45 p.m.

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