

JOURNAL No. 47

APERTURA DE LA SESION

Se abre la sesion a las 5:15 p.m. bajo la presidencia del Presidente, Hon. Claro M. Recto.

EL PRESIDENTE: Lease la lista de Delegados.

SR. ESCAREAL: Señor Presidente, pido que se dispense la lectura de la lista.

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

APROBACION DEL ACTA

SR. ESCAREAL: Señor Presidente, pido igualmente que se dispense la lectura del acta, y que la misma se de por aprobada.

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

DESPACHO DE ASUNTOS

EL SECRETARIO:

REPORT OF THE COMMITTEE ON
LEGISLATIVE POWER
CONSTITUTIONAL CONVENTION
Manila

The Honorable President
Constitutional Convention
Mr. President:

Your Committee on Legislative Power, to which have been referred P.C. Nos. 18, by Del. Gullas; 40, by Del. Bocar; 48, by Del. Abordo; 49, by Del. Ventura; 59, by Del. Guevara; 79, by Del. Enriquez; 100, by Dels. Sandoval and Zavalla; 104, by Del. Abella; 124, by Del. Sandoval; 141, by Del. Ibaneze; 142, by Del. Perez (J.) ; 152, by Del. Bocar; 154, by Del. Sanvictores; 213, by Del. Vinzons; 221, by Del. Suner; 227, by Del. Vinzons; 244, by Del. Conol; 247, by Del. Guzman (J.) ; 276, by Del. Binag; 227, by Del. Alberto; 206, by Del. Munoz; 289, by Del. Cea; 311, by Del. Bautista; 318 and 326, by Del. Vinzons; 335, by Del. Abaya; 344 and 347, by Del. Alberto; 371, by Del. Salazar; 383, by Del. Cruz (C.); 392, by Del. Chioco; 394 and 395, by Del. Nepomuceno (R.) ; 397, by Del. Araneta; 399, by Del. Gumban; 413, by Del. Lapak; 416, by Dels. Cabarroguis and Maramara; 433, by Del. Grageda; 445, by Del. Sanvictores; 460, by Del. Santos; 490, by Del. Bocar; 503. by Del. Araneta; 533 and 539, by Del. Altavas; 578, by Del. Diez; 636, by Dels. Santos and others; 641, by Del. Mumar; 668, by Del. Lim; 691, by Del. Zialcita; 698, 701, and

703, by Del. Perez (J.); 728, by Del. Cruz (R.); 759, by Del. Abaya; 763 by Del. Chioco; 767, 770, and 771, by Del. Perez (J.); 776, by Del. Jumawan; 781, by Del. Vinzons; 797, by Del. Pio; 817, by Del. Gumban; 825, by Del. Aldeguer; 846, by Del. Bautista; 850, 852, 853, and 854, by Del. Esliza; 872. by Del. Sandoval; 902 and 904, by Del. Galang; 982, by Del. Guzman (J.); 968. 996, 999, 1004, 1004, 1011, and 1013. by Del. Maramara; 1023 and 1024 by Del. Abella, after a careful study and consideration of all of them, has resolved to submit the attached draft of constitutional precepts, with the recommendation that the same be incorporated in the Constitution.

Respectfully submitted,
(Sgd.) MANUEL C.
BRIONES
Chairman
Committee on
Legislative Power

ARTICLE ———— LEGISLATIVE DEPARTMENT

THE NATIONAL LEGISLATURE

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

THE HOUSE OF REPRESENTATIVES

Election and Apportionment of Representatives

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

Qualifications of Representatives

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

Vacancies

(3) In case of vacancies in the House of Representatives, special elections may be held in the districts wherein such vacancies occurred under such regulation as may be prescribed by law. Officers of the House

(4) The House of Representatives shall choose its Speaker, a Clerk, Sergeant-at-

Arms, and such other officers as may be required.

THE SENATE

Number of Senators

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

Election of Senators

(2) The political parties that elected the largest and the second largest number of members to the House of Representatives at the last preceding election, and any other party or group that elected no less than 10 members to said House or Representatives at such election or which shall present a petition signed by at least five per centum of the voters who cast their votes at said election, may, in convention, nominate a panel to be elected. Upon such nomination the names of the parties or groups thus entitled to present nominations shall be printed on the ballots. Each elector shall indicate the party or group for whose candidates he desires to cast his vote. After all the returns are received the sum total of all the votes for Senators cast and the quotient shall be taken as the unit or quota of representation. The sum total of all the votes polled by each party or group shall then be divided by the unit or quota of representation, and the quotients thus obtained will indicate the number of seats to which each party or group is entitled; but if the sum of said quotients be less than the number of seats to be filled the party or group having the largest remainder, after excluding the votes counted to form the quotas of elected candidates as above specified, shall be entitled to the first vacancy and so on until the total number of seats is filled. The seats corresponding to each party or group shall be filled by the candidates nominated by each, respectively, in the order of preference in which the names of such candidates appear in the panel or list of nominees filed by said party or group.

Tenure of Senators

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

Qualifications of Senators

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

President of the Senate

(5) The Vice-President of the Philippine Islands shall be President of the Senate, but

shall have no vote except in case of a tie.

Officers of the Senate

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

Vacancies

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

ELECTION OF SENATORS AND REPRESENTATIVES MEETINGS OF THE NATIONAL LEGISLATURE

Election of Members of National Legislature

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

Meetings of the National Legislature

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

POWERS AND DUTIES OF EACH HOUSE OF THE NATIONAL LEGISLATURE

Quorum

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

Rules of Proceedings—Punishment of Members

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

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

Adjournment

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

Election and Qualifications of the Members

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

COMPENSATION, PRIVILEGES AND DISABILITIES OF SENATORS AND REPRESENTATIVES

Compensation

Sec. 6. (1) The Senators and Representatives shall receive for their services an annual compensation of four thousand pesos, including per diems and other emoluments or allowances and exclusive of travelling expenses to and from their respective residences when attending sessions of the National Legislature, unless otherwise fixed by law; Provided, that no increase in this yearly compensation shall take effect until after the expiration of the terms of office of all the members of the Legislature that approved such increase.

Parliamentary Immunity

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

Disability to Hold any other Office

(3) No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Government of the Philippine