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## A UNICAMERAL LEGISLATURE FOR THE PHILIPPINES

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### INTRODUCTION

"Whatever is unnecessary in government is pernicious. Human life makes so much complexity necessary that an artificial addition is sure to do harm. You cannot tell where the needless bit of machinery will catch and clog the hundred needful wheels; but the chances are that it will impede them somewhere, so nice are they and so delicate," so wrote that English political sage, Bentham, not long ago.

For over twenty-five years since 1907 we have experimented with and lived under the regime of a bicameral legislature. During all this period we have spent vast amounts disproportionate to our economic condition and to the size and population of our country for our law making. During all these years we have had a chance to choose, to our disgust and shame, all classes of representatives and senators, from those who merely wait for their salaries without doing anything to merit them, to those who are out and out public servants, who really are a credit to any legislative body, from the grafters and self-centered solons, (who hardly merit the name) to honest to goodness law-makers. We have observed with derision and contempt how our representatives and senators wait for the sine die sessions and rush up the making of the laws which govern us. We have read and studied to our shame, how one house barter its prerogatives and duties for the privilege of having its bill passed by the other house. These revelations make us look up as from a stupor, and inquire whether, after all we need to overhaul our lawmaking body.

The reorganization of the whole governmental machinery has made the problem of reorganizing our legislature pressing and urgent. Bearing in mind the main basis of the reorganiza-

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tion plan which is economy in government without, in any way, decreasing, much less destroying its efficiency, the question comes up whether the legislative organ of our Insular government needs a change for economic reasons. Considering further, that ours is a dependent nation, and our government merely autonomous, that we are preparing ourselves for an independent existence while at the same time adopting our ways and means to our present status and conditions, the problem presents itself, whether our present bicameral legislature is in consonance with our program of preparation and well adopted to our present situation and needs.

This thesis espouses the cause of unicameralism for the Philippines. This desire the writer shall accomplish by recounting the histories of both systems, their rise and fall; by advancing the reasons for the existence of each; by comparing the advantages and disadvantages of one with those of the other; by suggesting a plan for our purposes here in the Philippines, and the reasons in support of the plan. All questions relating to the constitutionality of the change shall be avoided because the writer shall assume that the different steps leading to the adoption of a change in our lawmaking body which will involve correspondent modifications in the Jones Law should first be complied with.

#### HISTORY OF UNICAMERALISM—ITS RISE AND FALL

Unicameralism is not a new idea. It coexisted with the idea of bicameralism in the minds of ancient political reformers. Students of the science of government have found that in ancient, as well as in mediaeval ages, governments first experimented with unicameralism before they adopted bicameralism after they had found that their social and political conditions did not warrant the continuation of a one-chambered legislature.

But in the eighteenth century, as well as in the early part of the nineteenth, single chambered assemblies were looked upon with great favor. For instance, when Cromwell was ruler of England, a unicameral legislature was made to exist in the commonwealth. With the fall of Cromwell also fell the unicameral lawmaking body in England; but its idea was not lost. Bentham took up the torch of unicameralism which Cromwell threw to be carried on, and almost single-handed in leadership, advocated the reestablishment of a unicameral body. The rise,

however, of the nobility and the multiplication of their interests, drowned the voice of Bentham, and crowded out unicameralism; the House of Lords was constituted. As years go by, however, this second chamber has been shorn of most of its powers so much so that it is now relegated to almost legislative uselessness, and is only rendering valuable service through its judiciary committee, as the Supreme Court of the United Kingdom and its dominions.

In France at the time of the revolution the unicameral idea had many supporters. As a result, the principle was incorporated in the constitution of 1791 by almost unanimous vote of the national Assembly, and was continued in the constitution of 1793. Although substituted by a bicameral legislature in 1795, it was again reverted to in 1848. Among its staunch advocates was Lamartine. During the revolution its ablest exponent was Turgote. It has since been abandoned for the double-chambered system because it resulted in extremely impulsive and variable legislation and marked by want of stability. Under the present constitution of France although for ordinary legislation the two houses act separately, for changes of the constitution the two combine into one.

The single house was a practice of the colonies in America during the seventeenth century. In most of those colonies the great struggle between the people and the governors, led to the separation of the two parts of the legislature so unlike in interests, character and manner of appointment.

In New England, although both the Assembly and the assistants were chosen by the people, the influence of the parliamentary model, the old customs in Massachusetts, and the method of electing the assistants by districts, led eventually to the entire separation of the two houses.

The ideas and practices of unicameralism in America did not perish with the inroad of bicameralism. The famous Benjamin Franklin took up its advocacy in the early days of America's independent existence. Largely through his influence the legislature of Pennsylvania under its first constitution was constructed on the unicameral principle. After Franklin, there came many others who became convinced that bicameralism was fraught more with demerits than with merits, and that unicameralism was the best cure for the ills and defects of the legislative machinery.

Under the leadership of those men, in 1913 and 1916, the states of Arizona, California, Nebraska, Washington, Kansas, South Dakota, Oregon, and Oklahoma, considered the establishment of unicameral law-making bodies. Oregon voted upon the initiative proposition at the legislative election of 1917 to abolish the Senate and thus make one chamber, but the measure was defeated, by a vote of 123,429 to 62,376. The Oregon plan provided for 60 elective members whose actions are subject to initiative and referendum.

Governor Hunt of Arizona strongly recommended a one house legislature to consist of not less than seven nor more than fifteen members. Governor Lister of Washington also recommended the same change in the legislature of his state.

According to the resolutions introduced into both houses of the legislature of California, the legislative power would thereafter be vested in a legislative body of one chamber composed of forty-members elected by districts for the term of four years, one half of the membership expiring every two years.

Governor Hodges of Kansas suggested a single legislative assembly of thirty members from thirty legislative districts. Their term of office would be four or six years, and the members are to be paid salaries sufficient to justify them in devoting their entire time to the public business.

These attempts to reestablish unicameralism show a recognition by the state legislatures of the clumsiness, ineffectiveness and other defects of bicameralism. The attempts failed not because of the worthlessness of the unicameral system, but because of deep-seated traditions, interests and prejudices which were bound up with the bicameral system.

It must not be forgotten, however, that when the most fundamental law is enacted, the single chambered convention, not a bicameral body is invariably employed. This is significant; for it shows that the efficiency and expediency, the deliberateness and thoroughness of the single-chambered assembly is recognized by even those who believe in a double-chambered law-making body. This conclusion is inevitable. The fundamental law governs the government—it furnishes the framework, the skeleton, as it were, of the whole governmental machinery. Consequently, it must be made by men of extraordinary caliber, and in the most thorough manner possible, and by the real representatives of the people.

Experience with a unicameral legislature was not confined to states only. Many cities have established unicameral councils and have continued its existence. They merely experimented with a bicameral council; but when they found out that it entailed delays, and enhanced unnecessary friction between the two chambers, involved unnecessary increased expense, and afforded manifold opportunities for chicanery and corruption, they abandoned it. And in those cities where a unicameral council has been adopted, more people are represented than there are in a state legislature; more money is raised and appropriated, and more matters affecting the interests of more people are dealt with than are in the state legislature.

In Canada, seven of the nine provinces have single-chambered legislatures. The older provinces except Quebec and Nova Scotia have abolished their original upper legislative chambers and none of the new provinces had ever more than one chamber.

In all Swiss Cantons which have representative law-making bodies, the legislature is unicameral.

After the world war the national parliaments of Bulgaria, Yugoslavia, Norway, Greece, Finland, Esthonia, Latvia, Lithuania, and Turkey, have all become unicameral. All in all after the world war, more than sixty provincial and national legislative bodies were organized on the single chambered plan.

In most of the individual states of the other Latin federations except Argentina, the unicameral plan prevails. Costa Rica has "un congreso constitucional;" Guatemala, "una asamblea nacional," etc., etc.

The parliament of New Zealand, although in theory is composed of two houses, is in practice composed of one chamber only, and this system has been entirely as popular as any government can be.

In the South African Union, the establishment of the bicameral legislature was due mainly to tradition. In Australia, the bicameral system established when responsible government was granted, was suggested partly by example of the mother country, partly to provide a check on the supposed danger of hasty, ill-considered action by the more popular house; and to represent the equality of states and guard the rights of the smaller states from the numerical preponderance of the larger ones in the House of Commons. It is worthy of note, however, that in Australia as in Great Britain, the parliament is the

centre of political activity, the mainstay of the mechanism of Government. It is the complete master of its existence. No veto checks it. So the necessity for the second chamber. In spite of the necessity for its existence, however, the Senate in Australia, like the House of Lords in England has utterly failed to attain the ends for which it was established, and it has done little to improve measures, or to be a reservoir of sages and the best political talents of the nation, because of the election of its members by popular state vote. The senators can succeed only through their parties—party therefore controls. This failure manifests the effectiveness of popular election in providing for a check against the enactment of hasty and ill-considered measures.

Perhaps, the latest nation to establish a unicameral legislature is Spain. Under her new constitution, Spain has adopted a one-chambered Cortes; and has set an example to the whole world of an abrupt change both in the form of government and in the kind of law-making body. In order to better comprehend the operation of that new law-making body let us consider some pertinent provisions of the constitution. This may guide us in making our own legislature, and this may convince us of the practicability of a unicameral legislature.

“Art. 51. The legislative power resides in the people and is exercised by means of the Cortes.

“ART. 52. The Cortes is composed of representatives elected by equal, direct and secret universal suffrage.

“Art. 53. All citizens over 23 years of age without distinction as to sex or civil status shall be eligible for membership, provided they fulfill the conditions fixed by the electoral law. Deputies once elected represent the nation. The legal duration of the mandate shall be four years counting from the date on which the general election were held. At the end of this term, the Cortes shall be wholly renewed, seventy days, at most, after the expiration of the mandate or the dissolution of the Cortes, a new election must take place. The Cortes shall convene not later than thirty days after the election. Deputies shall have the right of election indefinitely.

“Art. 59. The Cortes shall convene without the necessity of convocation on the first week (not a holiday) of the month of February and October of each year and shall function for at least three months in the first period and two in the second.

"Art. 66. By means of the referendum the people may decide upon the laws passed by the Cortes. This may be accomplished by a petition signed by 15% of the electoral body. The people shall, likewise, exercising the right of initiative, present to the Cortes the proposal of a law whenever this should be demanded by at least 15% of the electors. A special law shall regulate the proceedings and guarantees of the referendum and popular initiative.

"Art. 83. Before promulgating laws not declared urgent, the president may request the Cortes by means of a detailed message to submit them for further deliberation. If they should be approved by a majority of 2/3 of those voting, the president shall be obliged to promulgate them.

"ART. 90. It falls to the duty of the council of ministers, especially to elaborate the projects of the laws to be submitted to the Cortes, to issue decrees, to exercise the regulating power, and to deliberate on all matters of public interest.

"Art. 97. The president of the Supreme Court shall have the power (a) to prepare and propose to the ministry and to the parliamentary Commission of Justice laws of judicial reforms and laws of the Codes of Procedure."

We see in the above provisions of the Spanish constitution, safeguards against corrupt and hasty legislations, a defect often urged against a one-chambered legislature. This provisions may be adopted without difficulty and with slight amendments under any kind of independent government, and under any form of dependency where there is a legislative body.

In this country the ideas and practices of unicameralism is not a new matter; if adoped it will not be an innovation but only a reestablishment. For when the founders and defenders of that famous though short-lived Philippine Republic drafted and adopted a constitution, they established a single-chambered legislative body. Provisions of the constitution of that Republic will manifest the manner the legislature would have functioned.

"ART. 33. The legislative power shall be exercised by an Assembly of representatives of the nation.

"The Assembly shall be organized in the form and under the conditions determined by the law which may be passed to that effect.

"ART. 34. The members of the Assembly shall represent the whole nation and not exclusively the voters who chose them.

"ART. 35. No representative can receive from his electors any imperative instruction.

"ART. 36. The Assembly shall meet every year. The President of the Republic has the prerogative to convoke it, suspend and close its sessions and dissolve it, with its concurrence or with that of the permanent commission in its default, and within the period established by law.

ART. 37. The Assembly shall be open at least three months each year, without including in this time that which is required for its organization.

"ART. 48. No bill should become a law without having been previously voted upon by the Assembly.

"In order to pass any law, there must be presented in the Assembly at least a fourth part of the total number of members whose certificates of election have been approved and who have taken the oath of office.

"ART. 49. No bill can be approved by the Assembly without having been voted upon as a whole, and then article by article.

"ART. 51. The introduction of laws belongs to the President of the Republic and the Assembly.

"ART. 53. The office of Representative shall be for a term of four years."

These provisions illustrate the feasibility and applicability of unicameralism here. Safeguards against lack of deliberation may be provided for as in this Constitution. Safeguard against corrupt practice may be checked without the necessity of a second chamber.

In framing up that organic law for the erstwhile Philippine Republic the constitutions of France, Belgium, Mexico, Brazil, Nicaragua, Costa Rica and Guatemala were used as a model because the framers considered those nations as most resembling the Filipino nation.

The American system of legislature was not adopted, because, as stated by Calderon, "the gratitude which the Filipino people owed the American nation did not oblige them to adopt the institutions of the latter, taking into consideration the differences in their history, usages, and customs; this country is most akin, politically to the South American Republics and other Latin nations."

We adopted the bicameral principles in our national legislature only in 1907 when the Philippine Assembly was established. Before that the Commission was the only law-making

body. A review of the achievements of that body will reveal that for the purposes of this small country, without much varied interest, without varied groups to be represented, unicameralism seems more adaptable, more fit, more practicable.

Although our national legislature is bicameral our municipal councils, city and provincial boards have always been unicameral. And yet who can say that these law-making bodies are not efficient and representative of the interests of the people.

#### THE RISE OF BICAMERALISM

The adoption of the principles of bicameralism is mainly based on the circumstances and conditions obtaining when they first existed. The bicameral legislature in America was a compromise between the rights of states and the rights of the people. It was to effect this compromise that Franklin, a staunch advocate of unicameralism, was forced to say, "Give the States large and small alike equal voting power in the Senate, and the people proportional representation in the lower house of representatives."

In the original thirteen states of America the bicameral plan arose naturally out of the conflict between aristocratic and democratic elements. The other states later followed the plan as a result of a more or less conscious imitation of the older states, or of the national congress. And it has since been perpetuated through unquestioning adherence. It was believed then to furnish a formula for checks and balances. The idea prevailed that that system was necessary in order that the different social and economic groups in the state may be represented. But this reason can hardly withstand investigation now. The retention of the bicameral system has been justified mainly on the ground that it provides representation for different geographic areas in one branch and for units of population in the other;—and for the reason that it is an effective means of preventing undesirable and hasty legislation by insuring presumably a double consideration of all laws prior to their enactment.

The usefulness of the second chamber has been declared to have no foundation in truth; it is said to be founded upon mere prejudice—authority begotten and blind custom begotten of prejudice. According to many political scientists there was never any good reason for its existence except as a copy of the English House of Lords. After habit and imitation, the most im-

portant consideration in the maintenance of the bicameral system is the fact that it is a necessary part of the system of checks and balances.

It has now and then been advanced, in support of the bicameral system, that the second chamber is an insurance against aristocratic government. It is said that the reduction of the number of representatives will consequently reduce popular will which is the essence of practical democracy. In favor of this form of a law-making body and against the unicameral, it is argued that the latter is conducive to dictatorial government. It is the only effective barrier, it is urged, against oppression, accidental or intentional, because it balances interests against interests, ambition against ambition, the spirit of domination of one body against the like consideration and spirit of another.

The reasons that were advanced at the beginning for the establishment of bicameral legislature are still availed of and urged to uphold its continuance. Those reasons may be summarized as follows:

1. It conserves knowledge, wisdom and experience. It is contended that since the qualifications required of the members of the upper house are higher than those required of members of the lower house, therefore the upper house must necessarily be composed of better men—and these men it is further argued conserve experiences inasmuch as they hold their offices for a longer period than do the members of the lower house.

2. The bicameral system prevents undesirable legislation, by insuring a double consideration of all laws prior to their enactment.

The upper chamber serves as a check upon hasty, rush and ill-considered legislation.

3. The bicameral system provides representation of distinct geographic areas, and of units of population.

4. It is contended that the presence of a second chamber will avoid the danger of the legislature being ruled by a party. The upper house being composed of able and talented members, it is said that there is less possibility of being swayed by party manipulations.

5. To protect not only the legislature against its own errors of haste and impulse but also the individual against the despotism of a single chamber, the second-chambered legislature has been adopted. As Bryce puts it—"there is a natural propensity on

the part of legislative bodies to accumulate power into their hands, to absorb the powers of the executive and the judiciary." The necessity of two chambers is based on the belief that the innate tendency of an assembly to become tyrannical, hateful, and corrupt, need be checked by the coexistence of another house of equal authority.

6. The second chamber will provide a hindrance or a prevention against corrupting influences in the legislature.

7. The bicameral system provides stability in policy.

The existence of bicameralism in these Islands is not a product of thorough study of its merits and its defects, nor an outcome of any political necessity or historical evolution. It is not, plainly speaking, of our own voluntary choice. It is an outgrowth of our peculiar status and accidental plight of being a subject people. It has been imposed on us by our rulers, they also having adopted the same system, on the theory that (a) the two houses will secure proper safeguard against hasty and ill-considered legislation, (b) that one chamber will check the excesses of the other, for it is claimed that one chamber will thoroughly and critically revise the proposed laws passed upon by the other chamber; (c) that predatory interests will encounter greater difficulties when there are two chambers than when there is only one.

This kind of legislature has been embodied in the Jones Law, our constitution, a making of the American Congress. It seems safe, therefore, to say that our bicameral legislature is the result of imitation and imposition.

#### ADVANTAGE OF UNICAMERALISM

As has been previously remarked the downfall of unicameralism was not due to its worthlessness, but to the particular conditions and circumstances existing when it was conceived. It is, therefore, logical to conclude that once those particular conditions cease to exist, the system must also perish. Different times need different measures and different men. As James Russel Lowell puts it:

"New times demand new measures and new men:  
The world advances and in time outgrows  
The laws that in our fathers' days were best;  
And doubtless, after us, some purer scheme  
Will be shaped out by wiser men than we  
Made wiser by the steady growth of truth."

Some advantages claimed exclusively for bicameralism may now be obtained under a unicameral system; others can not now be availed of under the present conditions and forms of government.

The bicameral system has been adopted because it is claimed to provide for checks and balances, and to set up a barrier against oppression and tyranny. This argument implies the absence of effective constitutional restrictions upon legislative actions. Unfortunately, however, the implication is far from the truth. For a study of the present-day constitutions will reveal just the opposite. Our organic law is no exception to this. It provides checks and balances, more effective perhaps than any second chamber. Specifically, we may mention that there are courts which have power to declare a law unconstitutional. There is the chief executive who may veto any measure passed by either house. Then still there are organic laws or constitutional limitations as to the kind of measure which may be considered by the legislative body.

Let us take for concrete example the legislature of the Dominion of Canada. The provinces there have enumerated rather than residuary powers. There is the veto power of the imperial government through the governor general. What chance is there therefore for hasty, ill-considered, and undesirable bills to become a law?

This same constitutional limitations and safeguards exist here in the Islands; so that even if we do away with the upper chamber there are still barriers against oppression and tyranny. As in the United States, the government is divided into executive, legislative, and judicial departments. Each of these is co-ordinate to and independent of another. Neither can encroach upon the rights and prerogatives of another. Are these not real checks and balances themselves?

Again it is contended that the second chamber will preserve the policy of the state and furnish the wisdom and experience for the legislature. But this too could be attained by modifying the mechanism of a one-chambered legislature. If the members of the one-chambered law-making body be elected like the members of the upper chamber, there is no impossibility for preserving the policy of government. As to attracting able men to membership in the legislature there can be no difficulty whether it be a unicameral or bicameral legislature. In fact, I believe, that a unicameral assembly will attract more good men. The

qualifications will be higher; the area from which to choose is wider and more populated—so that there are many from whom the electors may elect. There is a distinction in being a member of a single-chambered legislature—this is an inducement.

The reason advanced for bicameralism which is that the upper chamber provides representation for distinct geographic areas is only true where there are really distinct interests in these areas, interests different from that of the people living therein. Even if there are, I do not clearly see any good reason for making separate representation. After all the representatives ought to represent the whole nation and the people, not a particular state or province. By so doing we are putting in our government that which is impractical and unwise. The distinction is simply vicious and unnecessary.

The most important and much resorted to argument in favor of bicameralism is that it prevents hasty, rash, ill-considered legislation, because it presupposes deliberation and thorough consideration. This is very good argument in theory, but not so in practice—in reality. According to Governor Hodges of Kansas, speaking in a conference of American governors: “Generally speaking, the two houses do a lot of trading; the first house in order to get anything, accepts amendments of the second and *vice-versa*. In actual practice, the two houses seldom seek a middle ground, at least not by formal methods. Two considerations do not necessarily mean a double consideration, and two hasty considerations may not be as good as through one. There is a tendency to assume that a subject has been considered in the other house, when the consideration there has been very inadequate, or sometimes one house hastily passes a bill, with the expectation, that the other house will deal with it more carefully; and so there is frequently a shifting of responsibility from one chamber to another. It is customary to advance bills advocated by the party leaders, and upon these the second chamber is of little additional usefulness in furnishing consideration.”

Bicameral legislatures have in fact long ceased to be truly deliberative. The rush of the age has invaded the dignified assembly hall, and bills are shot through “by pneumatic pressure.” The two most important factors in modern legislation are the lobby and the committee. Loss of the deliberative character is due chiefly to the enormous increase of business submitted for consideration.

Deliberation is now in the committees. The houses most often delegate the consideration of the measures presented to constituted committees. When they come out from the committee they are already threshed and refined, and ready for approval or disapproval.

And again, more than 90% of the laws enacted by bicameral legislatures in general are done during the sine die session. And we all know that at that occasion deliberation is dispensed with; careful and serious consideration is not the policy of the hour. Haste is the rule.

In this country we have often witnessed the failure of the upper house to carry out the mission set for it to accomplish. It no longer checks nor supervises the operation of the lower house for fear that measures originated in it may not be passed or approved by the latter. It has compromised and bartered its power to check for a privilege to have its bills passed by the house it is supposed to balance and check.

Furthermore, most of the work of our law-making body is given to constituted committees and there is by little deliberation required of both houses.

Oftentimes check become detrimental to legislation. Delays and deadlocks occur, and the progress of reform is impeded. It is true that the introduction of undesirable bills may also be avoided, but this result is less advantageous as the hindrance to the initiation of reforms is more disastrous. While in the first case there may be a remedy in the veto power of the executive and in the power of the courts to declare a law unconstitutional, in the second case when the legislature cannot pass a good measure, there cannot be any other remedy; for the remedy is in the legislature itself.

Besides, what deliberation could be attained when according to the present plan of the bicameral legislature one house represents an interest different from that of the other? "On behalf of effective representation, harmonious cooperation, timely concession, apt adjustment, and habitual preference of the more pressing to the less pressing claim, a common discussion in one broadly representative chamber must surpass in value any series of discussions conducted first by persons exclusively on order of interests, and afterwards by those having exclusively qualified for another order." In the present operation of bicameral legislative bodies each assembly is deprived of a part of the knowledge possessed by it. The same reasons are not pre-

sented in the two houses with the same force. The arguments which have decided the votes in the one may not be employed in the other.

Real checks under a bicameral legislature could only be secured when the second chamber is composed of men of higher caliber than those in the lower chamber. In this the bicameral law-making body has failed. In order that a second chamber can be of great value to the government it must be able to compel the lower house to give full consideration to all suggestions which are consistent with the general principles of the bill that are being discussed. The present second chamber cannot and do not fulfil this requirement. The two houses act almost independently of each other and except on mutual consideration one house cannot in any way control the other. The influence of one is just as great as that of the other. There is no moral or legal superiority in the upper house which may require the lower house to submit its actions and its procedures to it for revision.

The differences between the two houses have in reality disappeared, although the constitution still recognizes their existence. The two houses, from the standpoint of legislation, have equal powers, and in no way represent different points of view in the community.

In the Ohio legislature of 1919 a competent eye-witness observed that bills were passed in one house out of courtesy to a member, for political reasons, with a reasonable certainty that they would be "put to sleep" in the other body. The said witness adds, "Each house became, so far as legislation initiated by the other is concerned, either as a mere formal ratifying body, or a pleasant and easy going legislative death-bed as per agreements made before hand." This duplication furnishes abundant opportunities for shifty deals between two sets of committees, and two sets of political leaders which still further serve to confuse the issues and dissipate responsibility.

It has often been thought of and believed that two bodies would deter the influence of corruption and private interests on the legislature. This is not true in fact. As may be reasoned out public opinion could not be very well focused on the legislature of two chambers. Public opinion is a safeguard against the introduction of these corrupt and wrongful influences. It is reasonable therefore to conclude that there are in reality more chances for the injection of corruption in a double-chambered assembly than in a unicameral one.

Besides it is a foregone conclusion that the longer the time required for the enactment the more there are chances for lobbying and for the participation of private interests. It is easier, and there are more opportunities, to influence two houses than there are when there is only one; for when attempts fail in one house there is still another to work in.

What Sieyes said seems to be applicable to and demonstrative of the failure of the upper house—He said—“Of what use will be the second Chamber? If it agrees with the House of Representatives, it will be superfluous; if it disagrees, mischievous.”

At present, therefore, there seems to be no plausible or strong reason for the existence of bicameralism. On the other hand, unicameralism has, I am convinced, become a necessity and a wiser system.

In the first place, it is inexpensive. Less representatives means less salaries and less secretaries and legislative offices, consequently smaller legislative expenditure. The other expenses invalued in law-making can also be avoided.

In the second place a unicameral legislature can easily attain unity of purpose and harmony in legislation, difficult of attainment under a bicameral system where authority is divided. Unicameralism will avert discord and division. Unity of leadership in government can readily be secured.

A unicameral legislature will enable public opinion to focus directly upon a narrow and well-defined area, and therefore will permit of and enhance a real scrutiny of legislative proceedings while laws are being made, a thing which is practically impossible in the case of our present two chambered legislature.

Again, in case of a unicameral legislature responsibility can be easily fixed. There would not be any shifting of responsibility from one house to another.

Unicameralism will simplify legislative processes and eliminate much which nowadays blocks good measures. According to Lord Bryce one of the chronic ailments of representative assemblies is “the obstruction or filibustering or stonewalling, that is, the systematic effort to delay the progress of business by speaking against time, and by a series of motions (usually amendments to a bill) which are intended to keep the assembly as long as possible from reaching a decision on the main ques-

tion before it." This ailment can only be cured by a unicameral representative assembly which involves less delay, permits less obstruction arising from the conflict of interests.

Furthermore, in a parliamentary system of government (which we adopted during the short-lived Philippine Republic, and which we may again readopt) difficulties present themselves if a governing group or the cabinet is responsible to two legislative bodies. There is, therefore, a tendency in countries having a parliamentary system toward making the Cabinet, as a governing group, responsible to the more popular of its two legislative bodies. This means, of course, that later the other house will have not little influence upon measures of a political character.

Changes in the size as well as in the structure of a law-making body will also contribute to increased efficiency in legislation. It would also provide less opportunity for lobbyist and legislative hold-ups and the intrusion of private interests. The procedure would be less cumbersome, more expeditious, and at the same time deliberative.

It is the opinion of political scientists that "a good law-making body must be an effective and responsible agency of the public will; it should not be of such a size as to be unwieldy; nor should its form be such as necessary to complicate the process of law-making, or to facilitate evading responsibility for what it enacts or fails to enact; its internal organization and rules governing its proceedings should be free from unnecessary complications and should seek to expedite work while yet giving each bill a fair opportunity to be considered and should ensure full publicity for discussions, committee reports and decisions, and in the handling of financial legislation there should be close cooperation between those agencies of government which are charged with raising the revenues of the state and those which are authorized to appropriate and expend it; it should be a representative of all important as well as unimportant elements of the population."

According to John Stuart Mill,—“A numerous assembly is as little fitted for the direct business of legislation as that for administration.”

The elimination of one of the houses will render much simpler the problems of the relations between the executive and the

legislative department of the government. The executive most often reaches the legislative department through the leaders of the latter.

#### SUGGESTED PLAN

To make the unicameral legislature of great value, its organization and operation should be such as to be able to preserve the advantages offered by bicameralism and avoid the dangers that are said to beset its existence (existence of unicameralism).

Here I shall only cite the changes to be made. Except for these changes, I believe the present system should remain intact and operative.

1. In order to have a less cumbersome and an inexpensive body, the membership should be reduced to about forty-eight, to be elected from the twelve now existing senatorial districts—which means four from each district.

2. In order that the most able and highly desirable men shall be elected to the legislature, the present qualifications for the senate members should be adopted.

3. The term of office shall be for a period of four years from the time the members are inducted into office. And the members of the legislature are to be elected like the senators now are—alternately—two members at every election.

This plan will ensure efficiency. It is observed that legislators are lazy when their term is long because they wait until the last session before beginning real hard work. On the other hand a short term will not enable them to do everything they could for their people. Term of four years is deemed reasonable. It was suggested in a change proposed for the California legislature. It is embodied in the new constitution of Spain.

Besides the reasons mentioned, this scheme will conserve the policy of government and make it continuous.

Of course this change in the term of office may involve a change in election periods also of other offices. But this is not a necessary consequence. We may or we may not alter the terms of other offices.

4. All powers given to the upper house now must perforce be given to the single-chambered legislature, except those which belong to the senate because, not in spite, of the kind of legislative body. These duties must necessarily disappear.

5. In order to safeguard against haste it may be provided as in the new constitution of Yugoslavia that the legislature should submit measures to two votes in the same session before the same can be considered duly passed.

Also that one third of the members should have "a right to demand the postponement of vote until the next session, and if at the next session one half of the members demands it, the decision of the bill may be postponed until after the next election."

The adoption of referendum may also be suggested as another check on the legislature.

#### CONCLUSION

There seems to be no strong basis for the maintenance of bicameralism in these Islands. Our history does not afford any foundation for its existence. In fact, when we first established a legislature of our own making, we set up a single-chambered legislative body; and that assembly might favorably compare with the legislatures of any other countries. To recommend it, Felipe Calderon, the author of the constitution of the erstwhile Philippine Republic, said in his "Mis Memorias Sobre la Revolucion Filipina:" "The work whose results the commission has the honor to present for the consideration of the Congress has been largely a matter of selection."

Our social conditions do not present the necessity for the establishment of the bicameral system. We are not divided into classes which need separate and divided representation in our legislature. There are no distinct interests here as in America and in other countries where bicameralism prevails.

Our economic conditions demand that we should adopt a unicameral law-making body. A bicameral legislature is too expensive to be maintained by as small a country as ours. For instance, in the 1932 appropriation for the government, ₱1,930,026.00 were set aside for the two houses of the Legislature. By abolishing one house and having only one of about 48 members we shall be appropriating for our legislative assembly about one half less than what we appropriate now. If we readopt the ₱30.00 per diems of the members of the former Philippine Assembly, we should have our annual appropriation for law-making at only about ₱250,000 or even less.

Our present status necessitates our adopting a unicameral legislature. We are a subject people desiring to be free. We need

a legislature which is united in its stand for our cause—a legislative body united in upholding our rights against the strength and imposition of our rulers. A unicameral legislature alone can attain this purpose. We have long experienced the effects of bicameralism. We know it divides the leadership—it divides the strength of our participation in the government. An instance may be cited when the Hon. Manuel L. Quezon was elected Senate President and the Hon. Sergio Osmeña was head of the majority party and also speaker of the House of Representatives. For some time, these two leaders divided into factions our therefore united population. There is still a possibility that that same tragedy will be reenacted in the political leadership in our country. Let us avoid the possibility by adopting a unicameral legislature.

The problems and interests of this country are neither varied nor numerous to require very many legislators. What we now need is not too many legislators, but efficient men, servants of the people to enforce the legislation already adopted. A smaller number of law-makers than what we now have can, I believe better handle the task of legislation.

Except for the necessary approval of our rulers across the sea, I cannot see any difficulty for adopting unicameral ideas and practices in these Islands.