

# THE FILIPINO LEGISLATOR; HIS DIFFICULTIES AND SUCCESSES

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AN ADDRESS DELIVERED BY HON. VICENTE SINGSON Y ENCARNACION, MEMBER OF THE PHILIPPINE COMMISSION, BEFORE THE LAW FORUM OF THE COLLEGE OF LAW ON AUGUST 1, 1914.

As you know, in the United States there are two great political parties which up to the present time have been in power alternately. One is the republican, and the other the democratic party.

The leaders of each of these parties have declared that it is not the purpose of the American people to enslave us, but to prepare us for an independent self-government; the only difference between them being, that while the republicans proclaim that the present generation is not capable of maintaining a stable independent government and that it will probably be necessary for two or three generations to pass before such a government can be established here, the democrats contend that self-government and independence must come in time for us, who are living and have struggled to establish such a government, to enjoy the same, within say, two years or within four or six years at the most.

The republicans, consistent in their ideas, passed the Act of Congress approved July 1st, 1902, known as the Philippine Bill, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," by which the Philippine Commission was to be converted into the upper house and the Philippine Assembly into the lower house of a Legislature granted to the Filipino people merely as an opportunity to demonstrate its capacity for self-government.

## I

### PHILIPPINE ASSEMBLY.

Leaving the Philippine Commission to the last, I shall now pass on to the consideration of the Philippine Assembly, which, as you all know,

was officially inaugurated on the 16th of October, 1907. The Assembly, a new thing in this country, during the first months and even years of its existence, encountered not only the natural difficulties attendant upon every new constructive undertaking but also many others which have not been met by other old legislative houses or assemblies of civilized nations and which have required the greatest efforts on the part of the Assembly to overcome.

#### NATURAL DIFFICULTIES INCIDENT TO THE ORGANIZATION OF THE PHILIPPINE ASSEMBLY.

The members of the Assembly, in order to overcome the natural difficulties attendant upon a new organization, were compelled to adopt the rules of some other legislative chamber, and did so, not haphazard but deliberately, selecting the rules of the House of Representatives of the United States. In doing so, they took into account the fact that at that time the majority of the Commission, the other legislative house, was composed of Americans, who were naturally more accustomed to the methods of their own congress than to those of any other nation, and, chiefly, they took into account that, in the end, the American people and no other would be the judge of the success or failure of said Assembly which was being established as the touchstone of the capacity of the Filipino people to make their own laws.

When under way, after the ordinary routine work necessary in all legislative labor, such as the introduction, consideration and discussion of bills prepared by the delegates themselves or by any private citizen had been settled in an ordinary manner, they were confronted by a fundamental difficulty which was whether the members of the Assembly were representatives of the electoral districts which had elected them or were simply delegates thereof.

Although at first it was maintained, on account of the designation "Delegate to the Philippine Assembly" that they ought not and could not have free opinions on questions on which contrary and unequivocal opinion had been given by the districts from which they were elected, after long discussion it was generally admitted that the members of the Assembly were vested with all the prerogatives of representatives in

popular chambers of the most democratic governments and that therefore, even though they were called delegates and not representatives, in all questions submitted to their consideration they substituted their constituents, or inhabitants of their respective districts, to the extent that, outside those matters which were the subject of consideration during the election campaign in which they were elected, they should be free to have such opinions as they thought fit, in the manner they conceived the most advisable for the interests of the country in general and of their district in particular. We therefore established definitely as a precedent that a delegate to the Philippine Assembly, outside the questions which were clearly at issue during the electoral campaign in which he was elected, substituted his constituents and was therefore entitled to hold opinions which were in agreement or counter to the opinion of his district.

In the course of some months it was noted that the system of organization adopted by the Assembly carried with it, as a natural and logical consequence, a lack of connection, coordination and affinity among the different laws which were being enacted, for the reason that said chamber had been organized into several committees which constituted, to parody an expression of Senator Hoar, of Massachusetts, so many other little legislatures, by reason of their power of directing legislation, without any bond of connection between them. In order to avoid this, which had been foreseen, and to secure to a certain extent, homogeneity and unity of legislation, the most precious product of the parliamentary system, the committees on revenues or taxation and that on expenditures or appropriations were consolidated into one single committee, the members of which were practically all of the chairmen of the other committees, thus establishing a point of contact and a certain union amongst all of the committees, something which does not exist in the House of Representatives of the United States or in the legislature of any other country which has adopted the congressional system.

#### DIFFICULTIES WITHOUT PRECEDENT IN OTHER LEGISLATURES.

The present government of the Islands, owing to its state of transition does not rest, as in all other constitutional countries, on the basis

of a division of powers, legislative, executive and judicial, for although the judicial power is absolutely separate from the legislative, it is not separate from the executive power, (or at least was not prior to the enactment of what is commonly termed the judicial reorganization act), and the executive power is intimately connected with the legislative power, so that it can be said that the system is entirely lacking in precedents from other civilized nations.

It is on account of these features that it is impossible to determine if our system of government is parliamentary or congressional, for, while our Assembly, because of its internal organization and because the secretaries of departments do not in any way direct the legislation emanating from that body, is, on general lines, of a congressional type; the Commission, for the reason that the most important legislation related with the bureaus of all the departments of the Insular government emanating from it is directed, (or at least was directed prior to July 3d, 1914), by the secretaries of departments, who, up to that time, were committees of one on all matters pertaining to their respective departments, appears to have the features of a parliamentary system. Our system of government is therefore, to use the expression of the famous commentator Dr. Gonzalez Calderon, quasi-congressional or quasi-parliamentary.

The members of the Philippine Assembly had necessarily to encounter in their labors all of the disadvantages of the congressional system, to travel alone and without a guide and without the aid of experts in each legislative matter, and without the necessary detailed data from the executive branch of the government, in order to carry on a conscientious and wise legislative work, and had not the chief advantage of the parliamentary system, which is the power to compel the executive or rather, the secretaries of departments, to follow their opinions or ideas in all legislative work of importance, for, as Vandervelde very well says, in a parliamentary government the elective assembly (lower house) essentially decides the fate of the ministers.

Under these very special circumstances, in which everything was in obscurity and in which there was nothing to enlighten the members of the Assembly or guide their acts, without precedents from other governments, they were obliged to manufacture a great part of their own

precedents in order to have something which might serve as a guide and rule of conduct in their future acts.

Another of the great difficulties which the Philippine Assembly encountered during the first years of its work was the lack of clear and explicit provisions in the law creating it regarding its privileges as the only and genuine representation of the people of these Islands in the matter of legislation. For this reason it has had to employ a great part of its time and energy in struggling with the Commission to have the latter recognize as a privilege of the Assembly, similar to that of the House of Representatives of the United States, the exclusive right to initiate legislation providing for new taxation or making an appropriation or expenditure of any sums from the public treasury, and the designation of Filipino Delegates or resident commissioners in Washington, the Assembly believing itself to be the only representative of the Filipino people, inasmuch as its members are the only ones who are direct representatives. After a hard and incessant struggle the Commission has recognized the first of these privileges, as at present no legislation appropriating funds, creating taxes, etc., originates in the Commission.

#### CRITICISM.

The Philippine Assembly has been repeatedly censured for the manner in which it carries on its legislative work, but the criticism that has persisted, with some measure of rigor, can be reduced to three: (a) the secret caucus meetings; (b) the passage of important bills without discussion, and (c) the enactment of a large number of bills on the last days and, chiefly, on the last day and night, of the sessions.

*Caucus.*—The Congress of the United States, as I have already observed, is divided and directed by several permanent committees; each standing committee is made up of several members belonging to the different political parties so that there is not and cannot be any bond of union within the house amongst the different members of a political party, such as there is, for example, amongst the members of the same party in England. To supply the lack of this bond of union, American politicians have invented and put into practice caucus meetings which consist, in the reunion of all members of a political group for the pur-

pose of arriving at an agreement with respect to some legislative measure pending before Congress.

The Speaker of the Philippine Assembly tried to test these meetings among the members of the Assembly with the difference that, while in the American Congress all such members belong to one party, here in the Philippines, generally, the meetings are not only among those belonging to the party of the majority, but also among those of the minority.

From this fact that such meetings are held amongst all of the members of our popular chamber, with some frequency, the criticism has no doubt arisen that it makes legislation behind closed doors, a criticism which is in a way justified when it is remembered that this practice has continued even after the period which we might call the period of organization of the Assembly had passed.

*Passage of important bills with little or no discussion.* This is one of the criticisms which has persisted from the time of the establishment of the Assembly to the present day, but which, in my opinion, should be blamed on the system and not on the members of the Assembly.

In countries where the parliamentary system is followed, legislation is directed and concentrated in the hands of Ministers who all belong to the majority and for this reason every legislative measure submitted to the consideration of the House is and must be considered as a party measure and as such is very frequently opposed by members of the minority. So, in such countries it has been said that every important discussion is an act of accusation by the minority against the majority, and every important vote is the defeat of one party and the triumph of another. But in our Assembly and in all other countries where the congressional system rules, every legislative measure submitted to the house or assembly for consideration is directed by a committee which invariably is composed of members belonging to the majority and the minority, and such a measure, generally, is not a party measure, but a sort of agreement or compromise between the members of the majority and of the minority composing the committee that has studied the matter. There being, therefore, with rare exceptions, no legislative measures of a party type submitted to the Assembly for consideration, it is natural

that it is not constantly divided and therefore disposed to constant debates.

*Passage of a large number of bills during the last days, and chiefly, during the last day and night, of the sessions.* Prior to the last sessions of the Philippine Legislature, the Assembly committees were not in the habit of commencing to dispose of the bills submitted to them for consideration until after more than half the session had been finished, so that during the last days of the session such a large amount of work was piled up and they had such a large number of bills, of greater or less importance, that on the last day and last night of the session about seventy per centum of the bills committed to them were disposed of. The same thing happened at the last session but not to so great a degree on account of the harmony which has existed between both houses of the legislature and because the committees had started to report on the bills committed to them from the first days of the session.

Had it been considered that the organization of our Assembly is but recent, and what takes place in the American Congress and, probably, in all other congresses of the world, the criticism of our Assembly regarding the postponement of important matters until the last day and night of the session would probably have been moderated very much. Consider what Senator Hoar of Massachusetts says, speaking of the American Congress: "Every Monday,"—he says,—*"after morning hours, and at any time during the last days of the legislature, motions to suspend the rules become the order of the day. Every member then proposes to suspend the rules and pass any proposed bill. Two-thirds of the members voting are required to adopt such a motion. It can lead to no discussion nor to any amendment. So that, if two-thirds of the members agree, a bill, by a simple vote, without discussion or change, will pass through every phase of procedure and will become law, just as soon as the house of representatives can realize this transformation: In this way hundreds of measures of vital importance receive, toward the end of the expiring legislature, without discussion, modification, printing, or being understood, the constitutional assent of the representatives of the American people."*

## II

## PHILIPPINE COMMISSION.

The Philippine Commission as I have said before, according to the provisions of the Act of Congress of July 1st, 1902, has been converted into the upper house of the Legislature, and although its Filipino members have not found the great difficulties encountered by their colleagues of the Assembly in their organization, they have required, however, in order to carry on their work successfully, greater study and extreme ability, taking into account the fact that their American colleagues with whom they are obliged to discuss the different bills submitted to the consideration of the Commission, are secretaries of departments and naturally possess a greater knowledge of all of the data and detail from the bureaus and offices of the Insular Government, which it is somewhat difficult and sometimes impossible for the Filipino members to get; especially on account of their most singular condition in having to legislate for a country to whom their responsibility is most insignificant compared to that which they have to the President of the United States. For this reason the situation has been most difficult and delicate for them to be obliged to vote on an Assembly bill when the ideas of the people were opposed to the policy of the administration at Washington.

Since the opening of the Assembly until November, 1913, the American members of the Commission, on account of being in the majority and all of them committees of one on matters pertaining to their respective departments, practically controlled this branch of the legislature, but under the new policy of President Wilson, ably inaugurated by Governor Harrison, the Filipino members now constitute a majority, and practically at all sessions of the last Legislature had upon their shoulders the greater part of the responsibility of the Commission. From July 3d last it has been definitely and practically established that the greater part of the responsibility for all legislation emanating from the Commission rests upon the Filipinos, as they are in the majority and since that date are chairmen of committees on matters pertaining to each of the departments of the Government.

## RESUME.

To sum up: In spite of the difficulties encountered by the Filipino legislator, both in the Philippine Assembly and in the Philippine Commission, hereinbefore mentioned, it can be said without fear of making a mistake that he has shown not only intelligence but also ability in the exercise of the legislative power. A proof of this are the 606 laws, 37 concurrent resolutions and 32 joint resolutions passed since the 16th of October, 1907, as are also, chiefly, the words of President Taft in his message as Secretary of War to President Roosevelt and those of Governor-General Harrison in his message read at the opening of the special session of the last Legislature.

The former then said:

"The Assembly has shown a most earnest desire, and its leaders have expressed with the utmost emphasis their intention, to labor for the material prosperity of the Philippines and to encourage the coming of capital and the development of the various plans for the improvement of the agriculture and business of the Islands which have commended themselves to those in the past responsible for the government there. In other words, thus far the Assembly has not manifested in any way that obstructive character which those who have prophesied its failure expected to see, and who, in this respect, paradoxical as it may appear, are equally disappointed with those anti-imperialists who have hopefully looked to the Assembly as a means of embarrassing the present government. The organization of the Assembly is one of the great steps in the education of the Filipino people for complete self-government."

What Governor-General Harrison said is as follows:

"Gentlemen of the Legislature: Nearly four months ago I addressed you for the first time. I came to you then with high expectations of your legislative ability; those expectations have now been justified. During the regular session which has just elapsed, your labors for the public welfare have been earnest, industrious and efficient. Your course has been one of progress, and economy of the public monies. Many laws of great importance have been enacted."

It can therefore be affirmed, to parody President Wilson, that if the Filipino legislator is not as good as he might be, he is, undoubtedly, as good as he can be, under the circumstances.

As you will have seen, the work of the men who have up to the present time been directing the country has been great, but I believe that

you who are young students now, will have greater responsibilities upon your shoulders when you shall have reached the age to occupy the places that we must leave, as, by that time, I expect and sincerely believe that the Filipino nation will travel alone, without teachers, without guardians, without mentors of any sort. For that reason you, who have now the opportunity that we never had in our youth to educate yourselves as thoroughly as you wish, must not waste a single moment nor let any opportunity slip to qualify you for the future to bear the stupendous responsibilities which will be upon you when you shall be the directors of the first democratic republic in the Far East. The road which you will have to follow is rough. You will have to submit to many trials, many privations and not a few disappointments; but always aim high, have faith in your own efforts and that honest and constant work is always rewarded, and at the end of your journey you will feel a great satisfaction in your souls, for then you will see that you will not only have done your duty to yourselves, but your duty to your parents, your teachers and your friends and, above all to the community to which you belong, to the country of which you at present are, in the immortal words of Rizal, a beautiful hope.

I thank you one and all.