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WEDNESDAY, APRIL 7, 1948

At 10:50 a. m., the Speaker called the House to order.

REFERENCE OF BUSINESS TO DIFFERENT COMMITTEES

The SPEAKER. The Secretary will call the roll.

The SECRETARY, *reading*:

THE ROLL CALL WAS DISPENSED WITH

BILL FOR FIRST READING

Mr. ALBANO. Mr. Speaker, I move that the roll call be dispensed with.

By Congressmen Ricohermoso and Espinosa (H. No. 1713), entitled:

The SPEAKER. Is there any objection? (*After a pause.*) The Chair does not hear any. The roll call is dispensed with. There is quorum.

An Act to provide for the establishment of the National Indigent Children's Hospital, appropriating funds for the purpose.

The SPEAKER. To the Committee on Health.

APPROVAL OF THE JOURNAL

PETITIONS

Mr. ALBANO. Mr. Speaker, I move that the reading of the Journal of the proceedings of the last session be also dispensed with and that the same be approved.

Communication from Congressman Tito V. Tizon, forwarding a copy of the Resolution adopted by the public school teachers of Santa Rita District, Santa Rita, Samar, earnestly requesting the early approval of the Bill on Back Pay recently passed by the Senate. (Pct. No. 454, 1st C. P.)

The SPEAKER. Is there any objection? (*After a pause.*) The Chair does not hear any. The reading of the Journal of the proceedings of the last session is dispensed with and the same stands approved.

The SPEAKER. To the Committee on Appropriations.

The Secretary will read the order of business.

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HOUSE OF REPRESENTATIVES
LEGISLATIVE ARCHIVES

Communication also from Congressman Tito V. Tizon, forwarding a copy of the resolution adopted by the members of the "Guiuan Sub-Chapter of Samar Teachers Employees League" which requests the approval of "The Educational Act of 1948". (Pet. No. 455, 1st C. P.)

The SPEAKER. To the Committee on Education.

Resolution No. 31 of the Municipal Council of Surigao, Surigao, requesting the adoption of the Visayan dialect as one of national languages. (Pet. No. 456, 1st C. P.)

The SPEAKER. To the Committee on National Language.

Resolution No. 22 of the Municipal Council of Cataingan, Masbate, on the same subject-matter. (Pet. No. 457, 1st C. P.)

The SPEAKER. To the Committee on National Language.

COMMITTEE REPORT

Report of the Committee on Health (C. Rpt. No. 647, 1st C. P.), re H. No. 1299, entitled:

An Act limiting the ownership of drug stores to licensed pharmacists,

recommending its approval.

Sponsor: Congressman Ricohermoso;

Dissenting: Congressmen Fernandez and Tojong.

The SPEAKER. To the Calendar of Unassigned Business.

Mr. LEUTERIO. Mr. Speaker, I ask for the immediate consideration of House Bill No. 1395, creating the barrio of San Policarpio and certain barrios into a municipality.

Mr. TOPACIO NUENO. I raise the question of quorum.

SUSPENSION OF THE SESSION

The SPEAKER. The session is suspended.

RESUMPTION OF THE SESSION

The SPEAKER. The session is resumed.

CONSIDERATION OF HOUSE BILL NO. 1414

Mr. LEUTERIO. Mr. Speaker, I move that we consider now House Bill No. 1414.

The SPEAKER. Is there any objection? (*Silence.*) The Chair does not hear any. The consideration of House Bill No. 1414 is now in order. The Secretary will read the bill.

The SECRETARY, reading:

EXPLANATORY NOTE

The present bill seeks to create the barrios of Can-avid, Carolina, Barok, Casangaya, Mabuhay, Camantang, Canilay, Pandol and Balagon as an independent municipality to be known as municipality of Can-avid.

The group of barrios aggregate a population of no less than ten thousand souls and an income from real estates of no less than six thousand pesos per annum. The progress in education and economic condition of the inhabitants therefore, justify the creation of these barrios into an independent municipality.

The municipality of Dolores, Samar, has no less than twenty barrios and has a very extensive territory. The police work or the maintenance of peace and order will be made easier by the creation of these barrios into a separate and independent body politic. The distance from the poblacion of Dolores to the remotest barrios of Pandol and Balagon is estimated to be no less than 20 kilometers.

In view of the foregoing consideration, the undersigned respectfully requests unanimous approval of said bill.

(Sgd.) ADRIANO D. LOMUNTAD
Congressman, 3rd District, Samar

AN ACT CREATING THE BARRIO OF CAN-AVID AND CERTAIN BARRIOS INTO A MUNICIPALITY.

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. The barrios of Can-avid, Carolina Barok, Casangaya, Mabuhay, Camantang, Canilay, Pandol and Balagon, are hereby constituted as a separate and independent municipality to be known as the Municipality of Can-avid.

Section 2. The municipal mayor, vice-mayor and councilors of the newly created municipality shall be appointed by the President of the Republic of the Philippines to hold office, until the successors are duly elected and qualified.

Section 3. This Act shall take effect upon its approval.

The SPEAKER. The sponsor of the measure has the floor.

BRIEF REMARKS OF THE SPONSOR, CONGRESSMAN
LOMUNTAD

Mr. LOMUNTAD. Mr. Speaker and Gentlemen of the House: This is a simple bill which seeks to create the barrios of Can-avid, Carolina, Barok, Casangaya, Mabuhay, Camantang, Canilay, Pandol, and Balagon as an independent municipality to be known as municipality of Can-avid. Inasmuch as it is our policy to grant an independent existence to barrios desiring to be a municipality, if and when these barrios possess the necessary conditions and requisites for an independent political existence as a local government, I am asking the benevolent consent of the Members of this Body for the unanimous approval of this bill.

Mr. ALBANO. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman may yield, if he so pleases.

Mr. LOMUNTAD. With pleasure.

Mr. ALBANO. In what province is this proposed municipality located?

Mr. LOMUNTAD. In the province of Samar.

Mr. ALBANO. What municipality is affected by the change?

Mr. LOMUNTAD. My town, the municipality of Dolores, Samar.

Mr. ALBANO. What is the population of the barrio?

Mr. LOMUNTAD. Not less than eight thousand. The entire municipality has a population of twenty-two thousand.

Mr. ALBANO. What is the estimated income of the proposed municipality?

Mr. LOMUNTAD. Not less than ₱5,000. It has the necessary plaza and cemetery. In other words, it complies with the requisites required in the creation of a municipality.

Mr. ALBANO. Has it a market site?

Mr. LOMUNTAD. Yes, it has a market site.

Mr. ALBANO. Are the people of those barrios willing to be converted into a municipality?

Mr. LOMUNTAD. Yes, they are willing; in fact that is their petition.

Mr. ALBANO. I thank the gentleman from Samar.

Mr. ARNALDO. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman may yield, if he so desires.

Mr. LOMUNTAD. With pleasure.

Mr. ARNALDO. I just wish to find out from the gentleman from Samar, if this proposed municipality is taken away from another municipality.

Mr. LOMUNTAD. Yes.

Mr. ARNALDO. From what municipality is it taken?

Mr. LOMUNTAD. From the municipality of Dolores, which is a very big municipality.

Mr. ARNALDO. To what classification does that municipality belong?

Mr. LOMUNTAD. To third class.

Mr. ARNALDO. And this municipality which is going now to be constituted will become, perhaps, fifth class, will it not?

Mr. LOMUNTAD. The new municipality?

Mr. ARNALDO. Yes.

Mr. LOMUNTAD. Very likely.

Mr. ARNALDO. What is the estimated income?

Mr. LOMUNTAD. Not less than ₱5,000. We have studied that aspect of the question.

Mr. ARNALDO. Before the separation of this mu-

municipality, what is the total income?

Mr. LOMUNTAD. The total income ranges. The average is from P10,000 up.

Mr. ARNALDO. Is there no danger that, if this new municipality will be taken away, the old municipality will disappear?

Mr. LOMUNTAD. This matter has been thoroughly studied, and there is nothing to fear about that.

Mr. ARNALDO. Studied by whom?

Mr. LOMUNTAD. By the corresponding local officials and myself, being the representative of that municipality.

Mr. ARNALDO. But this case has never been brought before the Department of Finance or before the Department of the Interior, is not that a fact?

Mr. LOMUNTAD. I did not take the trouble, considering that the Department of the Interior will have no objection, precisely because it has the necessary conditions required to become a new municipality.

Mr. ARNALDO. Will both the mother municipality and the new municipality become part of the gentleman's district?

Mr. LOMUNTAD. Yes.

Mr. ARNALDO. Thank you.

Mr. TOPACIO NUENO. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman may yield, if he so pleases.

Mr. LOMUNTAD. With pleasure.

Mr. TOPACIO NUENO. Will the gentleman accept an amendment?

Mr. LOMUNTAD. What is the nature of the amendment?

Mr. TOPACIO NUENO. That this municipality be named "Justice Lomuntad".

Mr. LOMUNTAD. I wish to thank the gentleman

from Manila for his generosity, but I decline to have the honor.

Mr. TOPACIO NUENO. We have a precedent here; we named a municipality after the Speaker.

Mr. LOMUNTAD. No, there is none yet.

Mr. TOPACIO NUENO. Yes, there is a municipality named after the Speaker.

Mr. LOMUNTAD. We have not yet approved that bill.

Mr. TOPACIO NUENO. I think we should immortalize a colleague.

Mr. LOMUNTAD. I should much prefer to have it named Nueno.

Mr. TOPACIO NUENO. Mr. Speaker, another amendment: that the officials be elective instead of appointive.

Mr. LOMUNTAD. I should like to inform the gentleman from Manila that the officials are going to be elected; there is no question about that; in the meantime, however, they will have to be appointed in order to get the municipality started.

Mr. TOPACIO NUENO. I have an idea to serve democracy: all the *tenientes del barrio* should hold a convention to elect the first mayor and municipal councilors. I should like to reason that out. If we allow the appointment of city officials, it will not be conducive to democracy. Before, I reported out several bills regarding the creation of cities with the understanding that the mayors should be elective. I presented bills after bills for the election of city mayors but the Committee on Rules has not reported any of them. We continued creating city after city, the officials of which are all appointed by the President. There are so many cities and towns now created, the officers of which are all appointed by the President. If this policy will continue, we shall make the President a virtual dictator; and we will deprive the people of their right to select their local officials. So, I have adopted a policy in my Committee, which I suppose will be dissolved today, if the news reports are true that in a caucus they have decided to oust me from the Committee, and I consider that as another stab in the back, because I was not present when that was taken up. I am waiting for it to be discussed

on the floor not because I do not want to be ousted but I want to say something about the procedure adopted. Now, as I was saying, I have adopted the policy, when I noticed that this administration does not like elective officials, not to report any more bills regarding the creation of cities and towns unless the officials thereof are made elective. Even in Russia when Stalin noticed that the people were already behind him, either by hook or by crook, he always reported that he had selected his cabinet and that his policies and enunciations were supported 100% by the people, although Stalin has bodyguards less numerous than the bodyguards of our public officials here. But the tendency is to give the people as much power as possible. Now, if we allow the creation of this municipality with appointive local officials, it means that these officials will sit from today, from the creation of this municipality, up to 1952.

Mr. LOMUNTAD. Up to 1949.

Mr. TOPACIO NUENO. No, there will be no local election in 1949. So, it means that if we create municipality after municipality, and city after city with appointive mayors and councilors, these people will be grateful personally only to the President, and the President will use them for election purposes. Because according to the bills regarding the creation of cities, such as the cities of Legaspi and Naga, the local officials will be appointed by the President and their terms of office will terminate at the pleasure of the President—and I should like to amend the provision by putting “at the pleasure of the Liberal leaders” or rather “at the pleasure of the Congressional Representative.” That would be better.

So I say, this would lead to dictatorship. The best policy—if we want to be liberal—to serve the interests of democracy is that we should begin electing the local officials instead of creating a municipality or a city with appointive mayors and councilors. I do not see any good idea in appointing, for example in Iloilo, four or five officials and electing the other four or five. It seems to me that the administration is always jealous of its dictatorial powers; it does not want to give more power and autonomy to the people although in our platform we always announce local autonomy—to give more power to the local and city officials. We promised the people of Manila—and it is in the platform of the Liberal Party which was duly approved in a convention—that the City of Manila would have an elective mayor, but when President Roxas was elected and we reminded him as well

as the leaders about this, they said that it was not good to elect the Mayor of Manila. That is another betrayal of the public weal—deceiving the people of Manila and this is another defection, patronized by Justice Lomuntad with his knowledge—in good faith, of course—because he is one of the most saintly-minded representatives here. In justice to him—I am sincere—I would say that Justice Lomuntad is one of the most good-intentioned, innocent-looking Congressmen in this House; he does everything in good faith.

Mr. ARNALDO. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman from Manila may yield to the gentleman from Capiz, if he so desires.

Mr. TOPACIO NUENO. With pleasure.

Mr. ARNALDO. The gentleman mentioned that Justice Lomuntad is a victim of deceit in presenting this bill. Does the gentleman mean to say that this bill is authored by somebody else and that it was just presented by Congressman Lomuntad?

Mr. TOPACIO NUENO. No, I do not mean that he is not the author of this bill. What I mean is that, taking advantage of his good faith, by making him believe that appointive officials are preferable, he was led to present this bill. I am only driving at that point—regarding the election of officials. So, I hope that, inasmuch as Justice Lomuntad is in favor of democracy, he will accept my amendment by making the officials elective; and I believe that this will be good for him because this will make him popular.

Mr. LOMUNTAD. Mr. Speaker, I think I have already manifested to the gentleman from Manila that I cannot accept his proposed amendment, and I should like to make a few remarks in connection with that amendment. Mr. Speaker, I think we have already approved in past sessions the creation of several municipalities, and in the interregnum, we have always provided that the local officials of the newly-created municipalities are to be appointed by His Excellency, the President of the Philippines, until such time as their successors shall have been duly elected and qualified. It does not mean that these municipalities will not participate in the election; they will. But in the meantime and inasmuch as after the approval of this proposed law they will immediately have to exist as an independent body politic, from that time the local

officials will enter into their functions, the municipality will be performing its duties as such. In order not to retard the functions of this local body politic, which is sought to be created here, I sincerely beseech the approval of this bill without amendments.

Mr. TOPACIO NUENO. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman may yield, if he so desires.

Mr. LOMUNTAD. Willingly.

Mr. TOPACIO NUENO. Is not the gentleman from Samar aware of the fight here last night because of the appointive officials of Ormoc? This will be another fight between the gentleman and somebody.

Mr. LOMUNTAD. I will assure the gentleman from Manila that in my place it will not so happen because there is no quarrel there between Congressmen, nor between Congressmen and Senators.

Mr. TOPACIO NUENO. How can the gentleman guarantee that?

Mr. LOMUNTAD. I can guarantee that because, in the past, we had already created municipalities and we always had easy sailing in the appointment of local officials.

Mr. TOPACIO NUENO. Is the candidate for Mayor of this proposed municipality a man of the gentleman from Samar? If he is, I will favor the passage of the bill; if the gentleman is the one to select the mayor of the municipality, I will have no objection.

Mr. LOMUNTAD. I will be the one.

Mr. TOPACIO NUENO. Because I have always favored the policy that every representative should be given the right to select the local officials in his district.

Mr. LOMUNTAD. I am glad to inform the gentleman from Manila that I have been recommending men for appointment and my recommendees have always been appointed.

Mr. TOPACIO NUENO. The gentleman is lucky.

Mr. LOMUNTAD. I am not yet a candidate for reelection; it is yet too early.

Mr. TOPACIO NUENO. We do not like to miss you in this House. I will just abstain; it is fundamental; I cannot withdraw.

By the way, what is the name of this municipality?

Mr. LOMUNTAD. Can-avid.

Mr. TOPACIO NUENO. What is the meaning of that?

Mr. LOMUNTAD. It has a sentimental meaning; I do not know exactly what it means, but it has a sentimental significance to the residents of that locality in the sense that it was the name of a former aborigine or Malayan.

Mr. TOPACIO NUENO. Why not name it after a guerrilla leader or a martyr?

Mr. LOMUNTAD. That is the concern of the people there, on account of the fact that the name "Can-avid" has a sentimental meaning to them.

Mr. TOPACIO NUENO. Is that the name of a person?

Mr. LOMUNTAD. Yes, of a former Malayan.

Mr. TOPACIO NUENO. Does the gentleman belong to that generation?

Mr. LOMUNTAD. We all belong to the Malayan race.

Mr. TOPACIO NUENO. Was that man a rajah?

Mr. LOMUNTAD. I do not know.

Mr. TOPACIO NUENO. If he was rajah or a sultan, the gentleman may be a prince tomorrow.

The SPEAKER. Period of amendments. Are there any amendments? (*There was none.*)

The House will vote on the bill. As many as are in favor of the bill will please say *Aye*. (*A majority: Aye.*) As many as are against will please say *No*. (*A minority: No.*) The bill is approved on second reading.

CONSIDERATION OF HOUSE BILL NO. 1484

The SPEAKER. Consideration of House Bill No. 1484 is now in order. The Secretary will read the bill.