

cies between the two bills, I ask the Senate to reject the Lower House version and appoint a conference committee to be composed of Senators Peláez, Púyat and Cea to confer with a similar committee of the Lower House.

The PRESIDENT. If there is no objection, the motion is carried. *(There was none.)*

#### SUSPENSIÓN DE LA SESIÓN

Senator PRIMICIAS. Mr. President, I ask that we suspend the session for a few minutes.

The PRESIDENT. The session is suspended for a few minutes.

*Eran las 7:30 p. m.*

#### REANUDACIÓN DE LA SESIÓN

*Se reanuda la sesión a las 8:25 p.m.*

The PRESIDENT. The session is resumed.

Senator PRIMICIAS. Mr. President, I ask that the Secretary read some committee reports.

The PRESIDENT. The Secretary will please read the committee reports.

The SECRETARY. "Report of the Committee on Provincial and Municipal Governments and Cities on House Bill No. 7150 entitled "An Act amending certain sections of Republic Act No. 183, otherwise known as the Charter of Pasay City, as amended", with the recommendation that it be approved."

#### ORDEN ESPECIAL

Senator PRIMICIAS. Mr. President, I ask that this bill be put in the calendar for tomorrow.

The PRESIDENT. If there is no objection, the motion is approved. *(There was none.)*

#### CONSIDERACIÓN DEL C. R. NO. 6584

*(Continuación)*

Senator PRIMICIAS. Mr. President, I ask that we resume consideration of House Bill No. 6584, the Anti-Subversion Bill. The gentleman from Misamis Oriental will resume sponsorship.

The PRESIDENT. The sponsor is recognized.

#### PONENCIA DEL SEN. PELÁEZ

*(Continuación)*

Senator PELÁEZ. Mr. President, since we last took up this bill, we have prepared an amendment by substitution which, of course, at this stage I am not presenting because we are not yet in the period of amendments. However, we endeavored to take into account the observations made here and we will propose to amend the House Bill in the sense that the preamble will be shortened and membership in the Communist Party or any subversive organization will be penalized by *arresto mayor* as well as

disqualification from holding public office and the right to vote.

Senator CEA. Mr. President will the sponsor yield?

The PRESIDENT. The sponsor may yield, if he so desires.

Senator PELÁEZ. Gladly.

Senator CEA. I wish to inform the distinguished sponsor that frankly I have not yet made up my mind on how to vote on this bill. I can still be convinced, so I want to ask two or more questions just to satisfy my conscience that what I am approving is good. We are all anti-communists and we cannot therefore by any other than democratic in our attitude and feelings.

Senator PELÁEZ. I can assure Your Honor that I have no such doubt.

Senator CEA. The last time the sponsor took the floor to defend this bill, he mentioned by way of answer to the question propounded to him by the distinguished gentleman from Quezon, Senator Tañada, that he could not present nor produce the constitution and by-laws of the Communist Party because the Communists were hiding in the hills and mountains and they were outside the pale of the law. In other words, I have the impression when Your Honor made that remark that the Communists and their organization are already outlawed at present, that is why the Communists are in hiding and to use Your Honor's own expression, "they are outside the pale of the law". In this bill we seek to outlaw the Communist Party and the Communists. My question is, how can we outlaw people and an organization that by Your Honor's own admission are already outlawed, who are already outside the pale of the law?

Senator PELÁEZ. There is no legislative finding up to the present. There is no legislative declaration outlawing the Communist Party. They are beyond the pale of the law in the sense that they have organized themselves and have taken up arms. In that sense they are outside the pale of the law but there is no law outlawing the Communist Party.

Senator CEA. How are they outside the law?

Senator PELÁEZ. Because they have formed a military arm, the Huk; they have been committing depredations against the civilian population; they have been attacking towns and military camps, and naturally the Armed Forces of the Philippines have been going after them; and in spite of the success achieved by the Armed Forces of the

Philippines, they still constitute a menace to the country.

Senator CEA. But does not Your Honor agree that for all these criminal activities of the Communists we have existing laws that could be applied to the end that they may be brought into our courts of justice for the punishment that they deserve?

Senator PELÁEZ. In the particular case of Luis Taruc for instance, in spite of the fact that we knew that he was the leader of the Communist movement and in spite of the fact that he confessed in open court, the court could impose only the sentence of 12 years imprisonment on him, and Your Honor will remember that there was a public outcry against the lightness of that penalty.

Senator CEA. He was prosecuted under our laws referring to rebellion, it seems to me.

Senator PELÁEZ. Yes, Your Honor.

Senator CEA. Well, if the penalty for rebellion according to Your Honor's statement is not enough, does not Your Honor think that the wise thing for us to do is that we should increase the penalty for rebellion and insurrection?

Senator PELÁEZ. Your Honor will remember that last year there was an attempt to amend the law on rebellion by including a law on qualified rebellion. There was a lot of opposition then and the sentiment was to leave it as it is, because the law on rebellion refers to political movements which are domestic in character. In this particular case, we distinguish between rebellion as simple rebellion and the Communist movement which is not a local uprising but is connected with an international movement seeking to destroy freedom.

Senator CEA. Under this substitute bill which Your Honor has announced will be introduced, mere membership is being punished first by *arresto mayor* if it is only a simple membership.

Senator PELÁEZ. Yes, Your Honor.

Senator CEA. But, when besides being a member, one affiliates himself with the armed branch of the Communist movement, etc., the penalty of *prisión mayor* to death is applicable.

Senator PELÁEZ. When a Communist, his membership being proven, takes up arms against the Government or conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions by force, violence, deceit, subversion or other illegal means, for the purpose of placing such Government or political subdivision under the control and domination of any alien power, he shall be punished by *prisión mayor* to death with all the accessory penalties provided

therefor in the Revised Penal Code. In other words, mere membership is punished by *arresto mayor*. But when a Communist takes up arms or when he leads a conspiracy, such as the members of the Politburo, the heads of the Communist Party now, then they are subject to the penalty which is proposed here of *prisión mayor* to death.

Senator CEA. Under our existing Revised Penal Code, what would be the crime of one who takes up arms against the Government or conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions for the purpose of placing such Government or political subdivision under the control and domination of a foreign power?

Senator PELÁEZ. Under the present provisions on rebellion, the purpose of placing the Government under the control and domination of any alien power is not present. That is why the highest penalty that could be imposed is 12 years *prisión mayor*, and that is what happened in the case of Luis Taruc.

Senator CEA. Supposing we increase the penalty to *reclusión perpetua*, not death necessarily.

Senator PELÁEZ. I will consider that amendment.

Senator CEA. Your Honor must be aware of the fact that this is a bill that punishes mere membership. I mean criminal punishment. In the United States, I have hastily studied and read some anti-subversion laws, beginning with the Smith Law of 1940 and ending with the Anti-Communist Control Act of 1954, and I have found no provision punishing as a crime mere membership in the Communist organization. Here, we are going further than the United States in the sense that we punish mere membership as a crime. I am in favor of imposing civil and political sanctions to membership, and I am glad that in this bill there are such sanctions. But when we consider that mere membership may be punished by imprisonment and, in another case, not only imprisonment but death, it seems to me that, as one of the members of this Body says, this is legislative cruelty. What is Your Honor's reaction to the statement of my feeling about this punishment? This, to me, is extreme and cruel—death penalty for mere membership.

Senator PELÁEZ. In the United States, the Communists have not gone as far as they have gone in the Philippines. There have been no killings, there have been no raids and there has been no armed uprising. So, that may be the reason why they limited the penalty to civil sanctions, although in

some states, as in the state of Texas, imprisonment up to 20 years is provided. Now, I say that it is a matter of appreciation. As far as I am concerned, since they have gone very far in the Philippines, to the extent that in 1950 this Government was in danger of falling into the hands of the Communists, I believe that we are justified in going as far. That is why Your Honor will notice that instead of the original penalty of *reclusión temporal* to death, we have made it *prisión mayor to death*. That is to give the judge sufficient leeway, and it is to be understood of course that death is an extreme penalty which should be meted out only in extreme cases. That does not mean that that will have to be applied in every sense.

Senator CEA. I cannot agree with Your Honor that the Communist threat in the United States is not as serious as the threat in the Philippines. The sabotage and espionage of the Communists in the United States have caused them death of property and defense installations in the United States. I even think personally—Your Honor may disagree with me—that Communism is more serious as a threat to the security of the state in the United States than here in our country. But I would like to address to Your Honor the wisdom of providing for a lesser penalty for membership in the Communist Party.

Senator PELÁEZ. Well, *arresto mayor* is the least of the penalties in the Penal Code. It is one month and one day to six months.

Senator CEA. Would Your Honor agree to imposing the penalty of *prisión correccional* in the second instance?

Senator PELÁEZ. Well, we have the particular case of Luis Taruc and there is no question from his confession or from his plea of guilt that he headed this movement, and there was evidence that he was one of the brains of the Communist strategy, that he was one of the brains behind the raids and depredations where civilians were killed. And yet, the State could impose only twelve years. Now, Your Honor would make it *prisión correccional*. That would be even less. That is only six months and one day to six years.

Senator CEA. In that case, would Your Honor not consider the circumstances described on lines 21 to 29 on page 2 as aggravating circumstances in applying the penalty for the crime of rebellion? Senator PELÁEZ. The crime of rebellion is punished only up to twelve years. In that case, *prisión mayor* to death. Since this is going to be applied in accordance with the Penal Code, death

will not be applied unless there are aggravating circumstances. So that would go along with Your Honor's idea that only in extreme cases where there are aggravating circumstances should the highest penalty be imposed.

Senator CEA. No, I would like to apply the aggravating circumstance in the application of the penalty for the crime of rebellion, because this is really rebellion, what is described here is rebellion. We want to increase the penalty.

Senator PELÁEZ. There are two schools of thought as to that. The opinion, which is contrary to Your Honor's is that rebellion is a purely domestic political crime. It is an intramural quarrel. Citizens may take up arms to change their Government, but there is no intention to deliver the country to alien domination or control, whereas the crime we are describing here is not just rebellion. The Communist movement is not a local movement. It is part of an international plot. That is why we are meeting that problem with this bill, but we leave untouched the law on rebellion, because if any body takes up arms against the Government because he has grievances but he has no connection with the Communist movement, he should be punished under the law of rebellion, and it is not as high as the punishment for Communist movement.

Senator CEA. In that case, would Your Honor agree to the imposition of the penalty of *prisión mayor* to *reclusión temporal*? That is higher than twelve years and is up to twenty years.

Senator PELÁEZ. I realize that in actual implementation this will be the effect, that what will be imposed would be at most *reclusión temporal*. However, I would like to be perfectly frank with Your Honor, I would like to say that if the heads of the Communist Party are arrested now, we would not be able to keep them in jail pending trial if the penalty is only *reclusión temporal* because we would need the penalty of death.

Senator CEA. I will follow this point and sit down and yield the floor to our other colleagues.

Senator DELGADO. Mr. President, will the gentleman yield for some questions of information?

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

Senator PELÁEZ. Gladly.

Senator DELGADO. As I understood from Your Honor's sponsorship, the objective of the present bill is to outlaw the Communist Party of the Philippines which is tied up with International Communism, is that correct?

Senator PELÁEZ. Yes.

Senator DELGADO. Why then is Your Honor including other illegal associations here when there is already an article in the Code of Crimes punishing illegal association?

Senator PELÁEZ. The particular article referred to by Your Honor in the Revised Penal Code refers to illegal associations that seek to overthrow the Government simply, but the associations mentioned here aside from the Communist Party are associations which not only seek to overthrow the Government but have the purpose of placing that Government under the control and domination of an alien power.

Senator DELGADO. Are there any other associations existing in the Philippines outside the Communist Party that have such purpose?

Senator PELÁEZ. None at present.

Senator DELGADO. And has not Your Honor taken efforts to prove precisely that the Communist Party is the only party here that intends, because of its tie-up with International Communism, to deliver this country to an alien power?

Senator PELÁEZ. That is true.

Senator DELGADO. Then, why include here a provision that might be misinterpreted and might be used to persecute persons or associations that have no similarity at all to, or has nothing in common with, International Communism? I wish to assure Your Honor that I am in favor of this bill, but why not limit this exclusively to the Communist Party which Your Honor has elaborately and convincingly proved to have been established precisely to put down the Philippine Government and deliver it to International Communism?

Senator PELÁEZ. Would Your Honor object to including the successors?

Senator DELGADO. Not at all. Anything that is Communism, past, present, and future, I will be willing to include.

Senator PELÁEZ. I see Your Honor's point, but frankly the second part was included in order to forestall any attempt of any other group of people to form associations, but if Your Honor believes that this might be used against others, I would like to hear Your Honor's proposal and then leave it to the Senate to decide.

Senator DELGADO. I appreciate Your Honor's reason for trying to foretell other associations, but it seems to me that by the penalties that we are imposing to the Communist Party, that will be a warning for any other association that might have the same tendency. My idea is that this bill will probably be better and more acceptable to everybody if we delete the second sentence of this sec-

tion and limit this exclusively to Communism. It has a tie-up with International Communism. It seems to me that that alone could be a warning to foretell others who might have the same idea in organizing associations of that kind. Of course, as I said before, I would be pleased to include not only successors but also those of the past, and future Communists with this tendency.

Senator PELÁEZ. Well, I notice from the expression of the distinguished gentleman from Quezon that he does not agree to the proposal.

Senator TAÑADA. Mr. President, may I be permitted to explain why I shake my head? I am referred to by the gentleman from Misamis Occidental.

Senator DELGADO. Mr. President, I am willing to yield to the gentleman from Misamis Occidental. I want to make of record that I did not have that facial expression because he was at the time of the discussion.

The PRESIDENT. The gentleman from Misamis Occidental may proceed.

Senator TAÑADA. Mr. President, I am not in favor of that which would be discriminatory. Why should we outlaw an association simply because it is Communist when we do not outlaw an association organized for the purpose of subverting the Government through force and violence or for the purpose of delivering our country to another power which is just as bad? What is the real ground for this discrimination?

Senator DELGADO. The Communist Party in the Philippines, which has a tie-up with International Communism, has been proven to be working for the turn over of the present Government and for its delivery to International Communism. There is no other party that has acted similarly to judge from the report made by the sponsor and which is set out by the records. Now, to whom are we referring, as this is the only party which has committed that act? Is there any other association that the gentleman from Quezon is alluding to if he has some doubts about the existence of the Communist Party? Can the gentleman from Quezon cite another association that has a similar tendency or has shown by overt acts a similar tendency?

Senator TAÑADA. This law if approved by the distinguished gentleman from Bulacan would be discriminatory against associations that could be formed shortly after the passage of the law and against which the law would be applied. Are we going to wait for such an association to be formed and then enact a law?

be too late. We can legislate with a view to future events, Your Honor.

Senator DELGADO. I already called attention to Article 147 of the Code of Crimes or the Penal Code punishing other illegal associations but, with all due respect to the gentleman from Quezon, there seems to be an inconsistency in his point of view. First, he doubts the existence of the Communist Party, and now he wants to warn us against a future Communist Party. If there is even no need to legislate against the Communist Party, why is he worrying about a possible future organization?

Senator TAÑADA. I would like briefly to answer the distinguished gentleman from Bulacán. Until now it is my humble opinion that the existence of the Communist Party today has not been established to my satisfaction. But I am not one to hold it against the majority members of this Body if they believe there is a Communist Party at present. There is no inconsistency in my stand. If we are going to legislate against what we believe is an existing party, we should also legislate against a similar association whose purposes cannot be different from that of the Communist Party.

Senator DELGADO. As a matter of fact, the bill already provides a legislation against successors and all those of the same ilk, but I just want to state that with all the eloquence of the gentleman from Quezon, I am still unconvinced by the strength of his argument and I insist on mine.

Senator TAÑADA. I am sorry I fail to convince my distinguished colleague from Bulacán. I hope next time I will be successful.

Senator SABIDO. Mr. President, will the sponsor yield to some elucidating questions?

The PRESIDENT. The sponsor may yield, if he so desires.

Senator PELÁEZ. Gladly.

Senator SABIDO. I have already made of record that I agree with the purposes or objectives of this bill. But I must confess I have my misgivings concerning the philosophy underlying it and its mechanics and the possible use that unscrupulous people without soul may make of it. Now, with this statement, I would like to receive clarifying answers.

Senator PELÁEZ. Does Your Honor have the proposed amendment by substitution?

Senator SABIDO. I have read cursorily this proposed amendment by substitution, but just the same I would like to ask certain questions, if the gentleman would allow.

Senator PELÁEZ. Of course, gladly.

Senator SABIDO. Do I understand Your Honor to say that one of the features or characteristics that distinguishes the Communist Party from other political parties is that the Communist Party has for its main objective or purpose not only to overthrow the Government and establish a dictatorship but that of placing the Government of the Republic under the control or domination of an alien power or organization which obviously is treason? It is because of these characteristics that Your Honor feels justified in advocating that more membership in such party be punished as a crime?

Senator PELÁEZ. It is because of that and because of my conviction that a person knowing these purposes, knowing that it would mean the subjection of this country to a foreign power and with that knowledge he still becomes a member of that organization, I believe that is a serious crime. That is why membership is punished here although the penalty imposed is relatively light, *arresto mayor*.

Senator SABIDO. And Your Honor would assume under the proposed bill that the Communist Party in the Philippines has precisely such objective?

Senator PELÁEZ. That is the information which has been gathered by our Armed Forces from the study of their activities here and from the study of the very nature and characteristic of Communism.

Senator SABIDO. Now, let us come to the mechanics, to the procedure that will be followed in prosecuting an alleged member of the Communist Party. Now, suppose Mr. X, an accused, intends to prove that the Communist Party to which he belongs does not really advocate the submission of the Republic of the Philippines to the control or domination of an alien power or organization, will he be stopped and deprived of such opportunity?

In other words, is the presumption that we are creating under this bill a presumption *juris et de jure*?

Senator PELÁEZ. With respect to membership in the group of people who are definitely identified by the records of the Armed Forces to constitute the Communist Party of the Philippines, that, I think, had been established. Now, if he were prosecuted under the second part, that is, under any other association or organization whose object is to overthrow the Government and to place it under the control of an alien power, both requisites will have to be proved by the Government. But in the case of the Communist Party of the Philippines whose officers and heads have been definitely identified by our Armed Forces, our Intelligence has def-

initely established that their purpose is to place the Philippines under alien domination. So, with respect to that, proof of that purpose will no longer be required.

Senator SABIDO. If we believe, as Your Honor apparently believes, and I would like to concur with Your Honor, that the distinguishing feature of the Communist Party of the Philippines or its distinguishing characteristic lies in the fact that its objective is to establish distatorship and then place the Republic under alien control or domination, why don't we just consider Communist, any other association which may have a similar objective instead of classifying such other organization under a different classification, if any association is formed with the same objectives that we believe are the objectives of the Communist Party and such association forms part of the Communist Party?

Senator PELÁEZ. Well, the Communists resort to diplomacy and deceit, and it is possible that they will camouflage their real intentions and motives by precisely trying to show that they have nothing to do with the Communist Party or Communist movement. So, to plug that loophole, we say that in spite of lack of connection with the Communist movement, if an association is found to have these two things—to advocate the overthrow of the Government and to place the Philippines under alien domination whether Communist or not—that will fall under the same criteria as those established for the Communist Party.

Senator SABIDO. If we provide the definition of the Communist Party as a party whose purpose is to establish a dictatorship and deliver or place the Republic of the Philippines under the control of an alien organization, that association would fall under the definition.

Senator PELÁEZ. Not necessarily Communist, because . . .

Senator SABIDO. It would, if we define as such the Communist Party.

Senator PELÁEZ. We only took from the characteristics of the Communist Party the two salient features of the Communist movement which constitute the threat to the security of our country, and that is, that they advocate the overthrow of the Government and they wish to deliver this country to an alien power. There are other aspects of Communism which we do not necessarily penalize. They are, for instance, Godless. That does not come into our consideration of the nature of Communism because we believe in freedom of religion and in the freedom not to believe in God. We are

not against Communism because of that. And in speaking as civil authority, we are not against Communism because they (the Communists) believe in a certain economic system. What we are condemning in the Communist Party of the Philippines here are these two characteristics—(1) that they seek to overthrow the Government and (2) to place the Republic of the Philippines under alien domination. And they are identified right now. So, we refer to them as the Communist Party of the Philippines.

Senator SABIDO. I agree with Your Honor that if the only distinguishing characteristic of the organization is their disbelief in God, we cannot consider well taken such association as Communist or as an association belonging to the Communist Party. But if aside from such distinguishing feature or characteristic it is established that it is an association which has for its purpose to overthrow the Government, establish a dictatorship and place the Government of the Republic under the control of an alien organization, that association belongs to the Communist Party as we define it, because I am afraid that if we include, as very well stated by the distinguished gentleman from Bulacán, aside from the Communist Party that we are intending to outlaw, any other such association, particularly considering the provision in the bill, in the proposed substitute bill, that even if such association is under a disguise, membership therein may still be punished, associations whose purpose is not precisely to overthrow the Government of the Philippines and place the Republic under the control of an alien organization or country might also be the subject of persecution, because it is very easy for anyone who is not sufficiently steeped in the high principles of justice to even invent charges. And I don't want that to happen. I do not want this bill or this proposed act to be used as an instrument of oppression and persecution.

Senator PELÁEZ. Well, any fiscal who would seek to outlaw an association not connected with the Communist Party of the Philippines would have to prove first, that that association advocates the overthrow of the Government, and second, that the purpose of that association is to deliver the Philippines to an alien power. Now, I think two requisites of the law are there and I don't see how their presence can aggravate the present situation, because at present if really there is an intent to persecute, anybody can be prosecuted under the simple law of rebellion, under the law of illegal association. And yet those laws have existed and there had been no cases of persecution.

Senator SABIDO. Let us not create the opportunity if we can avoid it. I think we can avoid it. Our purpose is to outlaw Communism. Let us confine ourselves to that purpose, to that objective.

Senator PELÁEZ. This is the way I look at it. If a person wants really to prosecute a group of persons, if I were the fiscal, I would prosecute them under the Revised Penal Code provision under illegal association, because under that I have to prove only one requisite—that is, that this association seeks to overthrow the Government. Whereas, under this, I will have to prove not only the advocacy of the overthrow of the Government but also the purpose of delivering the Government of the Philippines to a foreign power. Therefore, if we are to avoid persecution, I don't think that this could be an instrument for persecution because there are already existing provisions of law which are easier to make use of for that purpose.

Senator SABIDO. I know that, but in the meantime the poor accused has suffered already harassment, and until his case is terminated and until he is fully vindicated, he might have undergone untold sufferings. If we can avoid creating an opportunity for oppression and persecution, we should. Let us confine ourselves to punishing, to outlawing Communism in our country and membership therein. It would be safer.

Senator PELÁEZ. Well, as I have informed the distinguished gentleman from Bulacán who has the same opinion, I would leave that for the Senate to decide, although I cannot imagine how this second part can be used as an instrument for persecution, and, precisely, this was placed to avoid the formation of a group of people who would try to show that they have nothing to do with Communism although in fact they are Communists. But if Your Honor believes that we will meet danger by referring merely to the Communist Party of the Philippines, there is some merit in that, although we have to consider the objection of the distinguished gentleman from Quezon that if we are pinpointing the Communist Party of the Philippines, why should we not provide for a general criterion for any group of people who may have these two purposes?

Senator SABIDO. Exactly, by defining what we consider as the Communist Party of the Philippines.

Senator PELÁEZ. Yes, it is defined. But suppose there is a group of people who would seek to overthrow the Government and still wish to deliver the Philippines not to Communist Russia, let us say, but to Indonesia or to Japan.

Senator SABIDO. Well, that is an alien organization, so that group of people would be Communist.

Senator PELÁEZ. No, the tie-up may not be there. There might not be the ideological tie-up. The mention of overthrow, of the purpose, would tally, but their political ideology might be entirely different. What would make them similar to the Communists may be only these two things, and as far as we are concerned, since we are legislating only for the security of the country, we are only after those two things.

Senator SABIDO. And it is on account of these two characteristics or peculiarities that we are outlawing the Communist Party, otherwise we would not do it.

Senator PELÁEZ. That is true.

Senator SABIDO. So, if any other association or organization has the same purposes or objectives, we can consider such organization as belonging to the Communist Party that we are outlawing.

Senator PELÁEZ. May I ask Your Honor a question? I would like to make an example. Suppose I believe in the overthrow of the Government by force and violence, and I also believe that this Government should be under Japan because I believe in the Southeast Asia Co-Prosperity Sphere and I formed an association and I say, "I want this Government to be overthrown because I believe in the Southeast Asia Co-Prosperity Sphere and I want Japan to dominate the Philippines," would that make me a Communist?

Senator SABIDO. It falls within the definition of Communist Party that we might incorporate in this bill. We cannot go farther than that. Your Honor, in answering my question, said that we would be justified in outlawing the Communist Party because the peculiar characteristics or objectives of that party are that it is organized for the purpose of overthrowing the Government of the Republic, to establish a dictatorship and place the Republic under the control of an alien organization or party. Now would there not be the elements of the crime?

Senator PELÁEZ. In that case, to be very precise, let us change the definition and say, "the Communist Party would like to place the Philippines under the domination of a Communist power."

Senator SABIDO. That is why I prefaced my observation . . .

Senator PELÁEZ. Yes, I see Your Honor's point, although the definition of the Communist Party that we are giving here is not for purposes of really describing the characteristics of the party but merely to identify, and we pick out two of the

characteristics that are a threat to our national security. But that does not mean that a group of Filipinos cannot form themselves into an organization and seek to overthrow this country by force because they believe that we should be under Japan within the Southeast Asia Co-Prosperity Sphere. That would not make them Communist, but that would make them fall under that second definition.

Senator SABIDO. Which is precisely our purpose.

Senator PELÁEZ. But if Your Honor takes that away, they are not part of the Communist Party. They are not organized with links.

Senator SABIDO. If they are not part, then they are outside the contemplation of the law.

Senator PELÁEZ. Then, we cannot punish.

Senator SABIDO. But in the contemplation of the proposed law, they are part of the Communist Party.

Senator PELÁEZ. I respect Your Honor's views, but frankly I cannot accept that the coincidence of these two ideas—overthrow of the Government for the purpose of putting the Philippines under alien domination—makes a Communist.

Senator SABIDO. Now, coming to another point, does not Your Honor believe in the advisability of specifying at least certain acts which may be determinative of affiliation with the Communist Party?

Senator PELÁEZ. Yes, as a matter of fact the original of the bill in the Lower House contains certain acts, but again that was objected to as something which might be abused. But if Your Honor has a statement of the acts, we would be glad to give that very serious consideration.

Senator SABIDO. As it is, may I ask Your Honor if the mere fact that Mr. X for example, has been accompanying a group of Communists, he can already be considered as having affiliated himself with the Communist Party?

Senator PELÁEZ. No, because the law says, "anyone who knowingly and willfully affiliates himself or becomes a member".

Senator SABIDO. But suppose in the example without knowing the purposes of the party, aside from joining the group, he did nothing else, would Your Honor consider that man as having affiliated himself with the Communist Party and, therefore, punishable?

Senator PELÁEZ. I think the question answers itself. If he did nothing but accompany them and there is no knowing of the purposes, there is no affiliation with the party.

Senator SABIDO. What would Your Honor consider then as an act involving affiliation?

Senator PELÁEZ. Take an oath before a commander of the Huks and say, "All right, I am part of your unit, I place myself at your disposal."

Senator SABIDO. For purposes of record, because what Your Honor says now may be used later on by our courts for the correct interpretation of the proposed legislation, does Your Honor believe that in order that a person may be considered as affiliated with the Communist Party he will have to take an oath?

Senator PELÁEZ. I did not say that that is all. That is one of the evidence of affiliation. But I don't mean to say that we have to prove the oath all the time. That is one of the evidences.

Senator SABIDO. What would be, in Your Honor's opinion, the minimum quantum of evidence that will be required to establish affiliation under the proposed law?

Senator PELÁEZ. If I were a judge, I would use the yardstick of law, and that is, that amount of evidence that can create a strong conviction of his guilt. We can apply the Rules of Court and the rules of evidence—the quantum of evidence which creates the moral conviction on the part of the judge of the guilt of the accused.

Senator SABIDO. Yes, but unless we establish certain guiding rules, principles, standards for that judge, he is liable to consider as member of the Communist Party anyone who may carry, for instance, the flag of a member of the Communist Party. We have to establish some rule or guiding principles.

Senator PELÁEZ. The words "knowingly" and "willfully" to me have their meaning in law. They are terms that have been used, and there is sufficient jurisprudence to give a standard. Of course, I wish we could put in a few words, a standard that would cover all cases, and I would certainly be glad if we can produce such a standard. The difficulty, however, with a standard is that we cannot foresee all cases, but if Your Honor has a formula, I would certainly be glad to have that as an added safeguard so that we can approve this measure with our conscience clear that we have done everything to see to it that it will not be used as an instrument of persecution.

Senator SABIDO. Under our Revised Penal Code, if a judge renders judgment through ignorance or inexcusable negligence, he incurs certain liability. Would Your Honor entertain an amendment to the effect that a fiscal who knowingly files an unjust information, or due to inexcusable ignorance of the law files an information, should similarly be punished?



Senator PELÁEZ. I will accept that amendment.

Senator ALONTO. Mr. President, will the gentleman yield?

The PRESIDENT. The sponsor may yield, if he so desires.

Senator PELÁEZ. Gladly.

Senator ALONTO. At the outset, I wish to state that this is my first time to interpellate the distinguished gentleman from Misamis Oriental. I would like to make it of record that I am not a pro-communist. I am anti-communist in any form because, being one who belongs to the religion that believes in God, I am against any organization that is anti-religion. I am against any organization that does not respect and recognize human rights which are generally accepted in all civilized countries.

Senator PELÁEZ. I am witness to the truth of what the gentleman from Lanao stated. I have been with him at Bandung and I have seen how the Muslim religion carried its fight against the Communists.

Senator ALONTO. There are very few points I want to touch because some have already been touched by the other gentlemen. My first point is that aside from the intention of a person or organization to deliver our country to a foreign power, is there any other crime envisioned in this bill that is not already punished by the Revised Penal Code?

Senator PELÁEZ. The crime of overthrowing the Government for purposes of delivering it to a foreign country in peace time is not in the Revised Penal Code. The provision on insurrection or rebellion contains only a local uprising, domestic, whereas the law on treason comprehends any act to deliver the country to the enemy in actual war time. That is why in that respect our Penal Code is insufficient or inadequate. Now, the crime here is to conspire to overthrow the Government and to deliver it to alien domination in peace time.

Senator ALONTO. As I say, I qualified my question outside of that element. In other words, with those other elements presently in this bill are found also similar elements in cases of illegal association or assembly, rebellion, sedition and, in case of war, treason. Now, I believe that the Legislature in passing the Revised Penal Code may have also in mind a situation similar to that envisioned in this bill, but they may have also foreseen that if they have enacted a law similar to that envisioned in this bill, there may fall into the hands of unscrupulous group of individuals a weapon with which to oppress others who may belong to a different school of thought. So, for this purpose I would like to ask the gentleman from Misamis Oriental some explana-

tions on points or terms used in this bill as, for example, on page 1, Section 2, the second sentence. It states: "Any other association or organization whose object is to overthrow the Government of the Republic of the Philippines, or the government of any of its political subdivisions, by force, violence, deceit, subversion and other illegal means, . . ." To us this can be easily understood, and so with force and violence. But deceit, subversion and other illegal means may in turn be misinterpreted by an intelligent person who wants to use the terms as a weapon. So, for that purpose may we be enlightened by the distinguished sponsor precisely as to what these terms refer?

Senator PELÁEZ. They refer to those tactics of the Communists other than the use of force and violence. They have masqueraded, they have resorted to duplicity, deceit, they have used infiltration, they have used communist-front organizations, and they will subvert our freedoms and the very rights granted us for the purpose of overthrowing the Government and placing this country under alien domination. That second element is necessary. I appreciate Your Honor's observation that they were not found in the Revised Penal Code. I would state that the Revised Penal Code was only a revised version of the Spanish Penal Code and at that time during the revision of the Penal Code these acts, these tactics of the Communists were not known and so they could not have been mentioned in the provisions of the Penal Code. But when I speak of deceit, subversion and other illegal means, I refer to other standard tactics of the Communists of subversion and infiltration; in other words, trying to use the freedom in a democracy precisely to further their ends.

Senator ALONTO. In other words, these terms used really refer to what is already known as the standard procedure of the Communist Party or communist-controlled organization in order to attain its ends and nothing more. I would like to make this clear because even in a democratic form of government like ours the use and meaning of words may be misinterpreted and this may happen in the case of terms used in this bill.

Senator PELÁEZ. The deeds must be connected with the purpose.

Senator ALONTO. Another thing I would like to clarify is to what extent is the term "whose object is to overthrow the Government of the Republic of the Philippines", because people who would like to use this as a weapon to oppress others may even mistake the purpose of a political organization fighting another political organization to overthrow

the administration of that organization as meaning to overthrow the Government of the Philippines.

Senator PELÁEZ. The phrase "object to overthrow the Government of the Republic of the Philippines" has been interpreted many times by the Supreme Court, and we will have to apply the standards that have already been laid down by the Supreme Court. Of course, as Your Honor says, it is an absolute mistake to say that the desire of some people to overthrow a particular administration is a desire to overthrow the Government. I make that distinction. I wish to make it of record that that is farthest from our intention here. When we say "Government of the Philippines", we refer to the duly constituted authorities. And "overthrow" here does not mean overthrow by means of election or other democratic processes.

Senator ALONTO. Now, there is another point here that I would like to be clarified about because it can also be used as a weapon by one group to oppress another group. We say, "to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivision . . .", etc. and "for the purpose of placing such Government or political subdivision under the control or domination of an alien power . . .". I would like that clarified very well because, as I said, while it is true that we are intending this bill primarily for the Communist Party, some may suppose the Government would be in the hands of an extreme nationalist, and here is a group of a particular school of thought which we may call positivists or whatever its name maybe. This group, while believing in nationalism, also believes in positive nationalism, and interpreting this probably to mean that it would have to depend on some other foreign Government to support this Government. . .

Senator PELÁEZ. I don't think that positive nationalism . . .

Senator ALONTO. I am reproducing the word "positive" only as a matter of example. I am not attaching any significance to it, I assure the gentleman. I am only giving it as an example. Suppose, as I said, the Government would be in the hands of an extreme nationalist who would preclude or outlaw any kind of thought except those that are in line with what they believe should be the norm of conduct of the Government or of the people in that Government. And then here is another group that maintains a different belief—who believes in closer ties with the kind of government in Indonesia, in the United States, or in any other kind of government, but that this belief is contrary to the thought

of the group of people holding the reins of Government, and in order to defeat the purpose of this other group, those holding the reins of the Government would use this very Act to oppress their enemies and would file charges against them stating that this opposing group had the idea of delivering this Government to the control of an alien power. I would like to present that to Your Honor which, although it may be an extreme case, would nevertheless be not improbable.

Senator PELÁEZ. Well, as I said, if the purpose of the government official is to prosecute, he would find it easier to use the provisions of the Revised Penal Code whereby the only requisite to prove the crime would be the attempt to overthrow the Government by violence, not the other one, that of delivering the Philippines to another country. So, I should think that that would be an extreme case. Your Honor asked me what this means. I will give the example. One example that comes to my mind is a group of people who band together and advocate the overthrow of the Government by means of violence in order that the Philippines could come under Japan, under the Co-Prosperity Sphere. That would come under the second definition. But I personally believe that that would be extreme for any government official to make use of the . . .

*(En este momento el Sen. Locsin asume la presidencia por designación de la Mesa)*

Senator ALONTO. Nevertheless, while I also believe that that is extreme, we could not preclude the probability of its occurrence under the present wording of this bill.

Senator PELÁEZ. That is why I have announced that I would accept the proposed amendment of the distinguished gentleman from Albay to punish any fiscal who would knowingly prosecute anyone here without just cause. That I would accept and that would be another deterrent towards the field of abuse.

Senator ALONTO. I have asked for explanation from Your Honor because I am more of the belief that to eliminate that portion already suggested by the gentleman from Bulacán would be more proper. After all, we are intending this to really outlaw the Communist Party in the country.

Senator PAREDES. Mr. President, will the gentleman yield?

EL PRESIDENTE INTERINO. El caballero puede contestar si le place.

Senator PELÁEZ. Gladly.

Senator PAREDES. May I know why this organizer of an association like this outlawed by the bill

should be penalized in the same manner as an ordinary member?

Senator PELÁEZ. Is Your Honor referring to the amendment by substitution?

Senator PAREDES. Yes, to the amendment by substitution, page 2, after the word "objective" which reads: "or organizes such an association . . .". My idea is an organizer should be punished more severely.

Senator PELÁEZ. That is true. I would like to thank Your Honor for calling my attention to that. That is my oversight. An organizer should really come under the other category.

Senator PAREDES. Will not Your Honor consider therefore an amendment eliminating the word "organizes" in that part and providing that the organizer and the leaders of the organization or movement as such will be considered as an aggravating circumstance?

Senator PELÁEZ. Yes, Your Honor.

Mr. President, I would like to yield the floor now to the distinguished gentleman from La Unión.

EL PRESIDENTE INTERINO. Tiene la palabra el caballero de La Unión.

#### DISCURSO DEL SEN. MABÁNAG, EN CONTRA

Senator MABÁNAG. Mr. President and gentlemen of the Senate: I have asked for a turn to speak against this bill not because I doubt the existence of the Communist Party of the Philippines. Respecting the opinion of others, I am convinced that the Communist Party exists in the Philippines and has existed. I am opposed to this bill, Mr. President, for several reasons. Among these is that this bill is completely unnecessary if our mere objective is to eliminate the Communist Party in our country. We have laws under which we can punish any person affiliated with the Communist Party. As a matter of fact, even without this law, we have already convicted several persons for Communist activities under our existing penal law, and in those cases the Supreme Court declared the Communist Party as an illegal association and has outlawed it. So, there is no need of approving this bill in order to attain that objective of eliminating the Communist Party.

I will only cite some of the penal laws and provisions of our laws under which the Communist Party or any other association which would overthrow the Government may be prosecuted. We have the law on treason, Art. 114 of the Revised Penal Code, under which the crime of treason is committed when a person, owing allegiance to the Government, wages war against it and gives aid and comfort to the enemy, the penalty for which

is *reclusión temporal* to death, and fine. We have Art. 115 of the same Code which punishes conspiracy and proposal to commit treason. We have Art. 116 of the same Code which punishes misfeasance of treason, which is the act of concealing or not divulging any conspiracy against the Government. We have Art. 117 of the same Code which punishes espionage. We have Art. 120 of the same Code which punishes correspondence with a hostile country in time of war. We have Art. 134 of the same Code which punishes rebellion or insurrection against the Government. We have Art. 136 of the same Code which punishes conspiracy and proposal to commit rebellion or insurrection. We have Art. 138 of the same Code which punishes the act of inciting to rebellion or insurrection. We have Art. 139 of the same Code which punishes sedition. We have Art. 142 which punishes the act of inciting to sedition. We have Art. 146 which punishes illegal assemblies and illegal associations, etc. And besides that we have Act No. 1692 under which Evangelista and Capadocia were convicted and punished and in which the Supreme Court declared that the Communist Party is an illegal association. So, there was a time when, due to a lack of cooperation of the people with the then administration, there was the Communist Party in several provinces in Central Luzón and other provinces in the country. But when the new administration which had the confidence of the people took the reins of government in this country, we succeeded in breaking the backbone of Communism here.

Now there are very few Communists who are in hiding. All this we have succeeded to do without any law, and now that there are very few Communists, we are approving this bill. So, I believe that this is not necessary. What is needed is to have more efficient Armed Forces, peace agents to help apprehend those Communists who are in hiding, and have them prosecuted. We have spent many millions of pesos during this administration for the apprehension of Communist leaders and aliens, but up to now we still have some of them in hiding. This is not due to lack of law or deficiency of our present law, but it is because of the inefficiency of our Armed Forces and our agents. For example, in 1954 we appropriated no less than 144 million pesos for our Armed Forces and the Constabulary. In 1955 we appropriated ₱151,711,000 for the same purpose. And in 1956 we appropriated ₱146,514,000. And yet, despite this big amount, we have not been able to eliminate completely those members of the Communist Party who are in hiding. And besides, the people are cooperating now. But still our agents of peace and order have not

been able to apprehend the violators of our laws who are affiliated with the Communist Party. And in Republic Act No. 1600 we appropriated P14,132,000 for law enforcement and maintenance of peace and order. I believe we do not have any need of this law to eliminate Communism in this country. What we need is to have a more active campaign by the Armed Forces of our Government to arrest those Communist leaders who are still hiding in the mountains.

Now, my other reason, Mr. President, is that this law is not more effective than our present law because, in the first place, in order to secure conviction of a Communist under those laws we will need to present two witnesses to declare on the same overt act. At present our law does not require this except in treason. If a Communist is prosecuted for the crime of rebellion, sedition, illegal association, etc., we do not have any need for making the testimony of two witnesses. We can secure conviction by presenting only one witness with corroborative evidence. In the second place, Mr. President, although the authors of this bill are condemning the Communists, yet it seems that they are trying to make more difficult to prosecute a Communist who is apprehended because they require in one of the sections of this bill that before any information should be presented, there should be a preliminary investigation where the fiscal should notify the accused and give him the opportunity to cross examine witnesses. Our present law does not go so far as that with respect to others accused. While a preliminary investigation is necessary, the accused has no right to cross examine the witnesses, although he only has that right at the trial. But here in this bill which proposes to punish Communism it makes it more difficult to prosecute a Communist because it requires the fiscal to conduct preliminary investigation, cite the accused and give him opportunity to cross examine witnesses. So, we are giving more right to the Communists than to other persons accused of crimes. Why are we giving those privileges to Communists? The amendment mentioned here by the honorable gentleman from Albay that the fiscal should be prosecuted if he files an action knowing that it is false, would again make it more difficult to prosecute. Even without that law there is already a general law on the subject. If a fiscal files an action against anybody knowing that he does not have sufficient evidence against that person, he may be prosecuted under our present law. And yet, if we approve that proposed amendment, we will be giving more guarantees in favor of Communists because in this bill which is exclusively against Communists we

have inserted that special provision. We are not content with the general law on the subject governing malicious act.

Mr. President, I am now through with my remarks.

Senator PELÁEZ. If there are no further remarks, I move that we pass on to the period of amendments.

El PRESIDENTE INTERINO. Estamos en el período de enmiendas.

#### ENMIENDAS DEL COMITÉ

Senator PELÁEZ. Mr. President, the Committee would like to present the amendment by substitution to House Bill No. 6584, copies of which have been distributed to the members.

El PRESIDENTE INTERINO. Léase la enmienda por sustitución.

El SECRETARIO:

#### AMENDMENT BY SUBSTITUTION TO HOUSE BILL NO. 6584

AN ACT TO OUTLAW THE COMMUNIST PARTY OF THE PHILIPPINES AND OTHER ILLEGAL ASSOCIATIONS, PENALIZING MEMBERSHIP THEREIN, AND FOR OTHER PURPOSES.

#### FINDINGS OF FACT

The Congress having found:

THAT the Communist Party of the Philippines, although purportedly a political party, is in fact an organized conspiracy to overthrow the Government of the Republic of the Philippines not only by force and violence but also by deceit, subversion and other illegal means, for the purpose of establishing in the Philippines a totalitarian regime subject to alien domination and control;

THAT the continued existence and activities of the Communist Party of the Philippines constitutes a clear, present and grave danger to the security of the Philippines; and

THAT, in the face of the organized, systematic and persistent subversion, national in scope but international in direction, posed by the Communist Party of the Philippines and its activities, there is urgent need for special legislation to cope with this continuing menace to the freedom and security of the country;

NOW, THEREFORE,

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

SECTION 1. This act shall be known as the Anti-Subversion Act.

SECTION 2. The Congress hereby declares the Communist Party of the Philippines to be, as it is, illegal and outlawed. Any other association or organization whose object is to overthrow the Government of the Republic of the Philippines, or the government of any of its political subdivisions, by force, violence, deceit, subversion and other illegal means, for the purpose of placing such Government or political subdivision under the control and domination of an alien power is likewise hereby declared illegal and outlawed.

SECTION 3. As used in this Act, the term "Communist Party of the Philippines" shall mean and include the organizations now known as the Communist Party of the Philippines and its military arm, the *Hukbong Mapagpalaya ng Bayan*, formerly known as *HUKBALAHAPS*, any unit

or subdivision of any of such organizations, and any successors of such organization, unit or subdivision regardless of the assumed name, whose object is to overthrow the Government of the Republic of the Philippines, or the government of any of its political subdivision by force, violence, deceit, infiltration or any other illegal means for the purpose of placing such Government or political subdivision under the control or domination of an alien power or organization.

SECTION 4. After the approval of this Act, whoever knowingly and willfully affiliates himself with, becomes or remains a member of the Communist Party of the Philippines and/or its successor or any subversive association as above defined with knowledge of its purpose or objective or organizes such an association shall be punished by the penalty of *arresto mayor*, and shall be disqualified permanently from holding any public office, appointive and elective, and from exercising the right to vote: *Provided*, that one who, being a member of the Communist Party of the Philippines and/or its successor, or of any subversive association as above defined, takes up arms against the Government or conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions by force, violence, deceit, subversion or other illegal means, for the purpose of placing such Government or political subdivision under the control and domination of any alien power, shall be punished by *prisión mayor* to death with all the accessory penalties provided therefor in the Revised Penal Code.

SECTION 5. No prosecution under this Act shall be made unless the city or provincial fiscal, as the case may be, finds, after due investigation of the facts, that a *prima facie* case for violation of this Act exists against the accused, and thereafter presents an information in court against the said accused in due form, and certifies under oath that he has conducted a proper preliminary investigation thereof, with notice to the party concerned who shall have the right of confrontation of witnesses, whenever such notice is possible.

SECTION 6. Within thirty days after the approval of this Act, any person who is a member of the Communist Party of the Philippines or of any such association or conspiracy, who desires to renounce such membership, may do so in writing and under oath before a municipal or city mayor, a provincial governor, or a person authorized by law to administer oaths. Such renunciation shall exempt such person or persons from the penal sanction of this Act, but the same shall in no way exempt him from liability for criminal acts or for any violation of the existing laws of the Republic of the Philippines committed before this Act takes effect.

SECTION 7. Nothing in this Act shall be interpreted as a restriction to freedom of thought, of assembly and of association for purposes not contrary to law as guaranteed by the Constitution.

SECTION 8. This Act shall take effect upon its approval.

#### ENMIENDAS SABIDO

Senator SABIDO. Mr. President, I wish to present some amendments to the amendment by substitution. On page 1, line 1, eliminate the words "The Congress having found". I do not believe we can say that. On line 2 eliminate the word "That" and insert, in lieu thereof, the words "WHEREAS". On lines 8 and 11, delete the word "That" and in its place insert "WHEREAS".

El PRESIDENTE INTERINO. Si no hay objeción, se aprueba la enmienda. (*No la hubo.*)

Senator SABIDO. Mr. President, I have listened with attention to the brilliant dissertation of the distinguished sponsor, and if I remember correctly he did not even try to prove that the Communist Party tried to place the Republic under the control of a foreign country or organization. What he proved was the connection, the tie-up. And as a consequence, I propose to eliminate also the words that read: "FINDING OF FACT".

Senator PELÁEZ. Those are matters of form and I accept them.

The ACTING PRESIDENT. If there is no objection, the amendments are approved. (*No la hubo.*)

#### SUSPENSIÓN DE LA CONSIDERACIÓN DEL S. NO. 6584

Senator PELÁEZ. Mr. President, could we have a suspension for a few minutes so we could sit down on this?

Senator PRIMICIAS. Mr. President, I ask that we suspend consideration of this bill for a few minutes so we can take up other matters.

El PRESIDENTE INTERINO. Si no hay objeción, se aprueba la moción. (*No la hubo.*)

Léanse los mensajes de la Cámara de Representantes recientemente recibidos.

#### MENSAJES DE LA CÁMARA DE REPRESENTANTES

El SECRETARIO:

MANILA, May 22, 1957

Mr. PRESIDENT:

I have been directed to inform your honorable body that the House of Representatives on May 22, 1957, has disagreed to the amendment of the Senate to House Bill (H. No. 7095, 3rd C. R. P.), entitled:

An Act fixing the compensation on the officials of the City of Manila.

It asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed as representatives at the same on its part, Congressmen Veloso (I. L.), Castaño and Tan.

Very respectfully,

(Sgd.) N. PIMENTEL  
Acting Secretary  
House of Representatives

The Honorable  
The PRESIDENT OF THE SENATE  
Manila

El PRESIDENTE. Al Comité de Gobernación y de Ciudades.

El SECRETARIO:

MANILA, May 22, 1957

Mr. PRESIDENT:

I have been directed to inform your honorable body that the House of Representatives on May 22, 1957, passed the following House Bill No. 7480, entitled:

An Act to amend subsection (b) of Section six of Republic Act Numbered Thirteen hundred forty-five,