

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

Senator PRIMICIAS. On page 4, line 1, strike out the words "native cigar leaf tobacco" and after the word "trading" and semicolon (;) on the same line, insert "IN TOBACCO OF ALL KINDS, ANY PROVISION OF EXISTING LAWS TO THE CONTRARY NOTWITHSTANDING".

El PRESIDENTE INTERINO. ¿Hay alguna objeción a la enmienda? (Silencio.) La Mesa no oye ninguna. Se aprueba la enmienda.

APROBACIÓN EN SEGUNDA LECTURA DEL C. R. NO. 6644

Senator PRIMICIAS. Mr. President, I ask that the bill be approved on second reading as amended.

El PRESIDENTE INTERINO. Los que estén conformes con el proyecto tal como ha sido enmendado, digan sí. (Varios Senadores: Sí.) Los, que no lo estén, digan no. (Silencio.) Queda aprobado el proyecto en segunda lectura.

APROBACIÓN EN TERCERA LECTURA DEL C. R. 6644

Senator PRIMICIAS. Mr. President, I ask that we vote on third reading on House Bill No. 6644. This bill has been certified by the Chief Executive.

El PRESIDENTE INTERINO. La votación en tercera lectura del Proyecto de Ley Número 6644 de la Cámara de Representantes está en orden. Léase solamente el título del proyecto, si no hay objeción. (No la hubo.)

El SECRETARIO: An Act to amend Sections Four, six and fifteen of Republic Act Numbered Eleven hundred thirty-five, entitled "An Act establishing the Philippine Tobacco Administration, defining its objectives, powers and functions, and for other purposes."

El PRESIDENTE INTERINO. Léase la lista. El SECRETARIO:

- Senator Domocao Alonto Sí.
" Manuel C. Briones Ausente.
" Edmundo B. Cea Sí.
" Mariano J. Cuenco Ausente.
" Francisco A. Delgado Sí.
" Ruperto Madrigal Gonzáles Ausente.
" José P. Laurel Ausente.
" Roseller T. Lim Sí.
" Fernando López Sí.
" Alejo Mabánag Ausente.
" Quintín Paredes Sí.
" Emmanuel Peláez Sí.
" Cipriano P. Primicias Ausente.
" Gil J. Puyat Ausente.
" Claro M. Recto Ausente.
" Francisco Soc. Rodrigo Sí.
" Eulogio Rodríguez, Sr.

- Senator Decoroso Rosales Sí.
" Pedro Sabido Sí.
" Lorenzo Sumálong Sí.
" Lorenzo M. Tañada Sí.
" José C. Zulueta Ausente.
El PRESIDENTE INTERINO Sí.

(El Secretario informa a la Mesa del resultado de la votación)

El PRESIDENTE INTERINO. Por catorce votos, queda aprobado el proyecto en tercera lectura.

CONSIDERACIÓN DEL C. R. NO. 6584

(Continuación)

Senator PRIMICIAS. Mr. President, I ask now that we resume consideration of the anti-subversion bill, House Bill No. 6584.

The ACTING PRESIDENT. Resumption of the consideration of House Bill No. 6584 is in order.

ENMIENDAS SABIDO

Senator PELÁEZ. Mr. President, I have sat down with the distinguished gentleman from Albay and the distinguished gentleman from Abra who has amendments to go with the amendment of the distinguished gentleman from Albay. I will read it for him. The amendment is to delete the whole Section 2 beginning with line 20 up to line 26 on page 1, and delete line 1 on page 2, and in lieu thereof insert the following:

"SEC. 2. THE CONGRESS HEREBY DECLARES THE COMMUNIST PARTY OF THE PHILIPPINES TO BE AN ORGANIZED CONSPIRACY TO OVERTHROW THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES FOR THE PURPOSE OF ESTABLISHING IN THE PHILIPPINES A TOTALITARIAN REGIME AND PLACE THE GOVERNMENT UNDER THE CONTROL AND DOMINATION OF AN ALIEN POWER. THE SAID PARTY AND ANY OTHER ORGANIZATION HAVING THE SAME PURPOSE AND THEIR SUCCESSORS ARE HEREBY DECLARED ILLEGAL AND OUTLAWED."

Now, Mr. President, the distinguished gentleman from Bulacán would like to make a statement.

The ACTING PRESIDENT. The gentleman from Bulacán is recognized.

Senator DELGADO. Mr. President, in view of this amendment, I withdraw the reservation that I made to introduce an amendment on the same section because the amendment appears to me satisfactory.

Senator PELÁEZ. Mr. President, the committee accepts the amendment in toto.

El PRESIDENTE INTERINO. ¿Hay alguna objeción a la enmienda? (Silencio.) La Mesa no oye ninguna. Se aprueba la enmienda.

Senator SABIDO. Mr. President, for another amendment. On page 2, lines 5 and 6, strike out the words "any unit or subdivision of any such organization", and on line 7, after the word "organization" put a period (.) and strike out the rest starting from the word "unit" up to and including the word "organization", on line 12.

Senator PELÁEZ. Would the gentleman accept a suggestion?

Senator SABIDO. Yes, Your Honor.

Senator PELÁEZ. Would Your Honor care to retain the words "any unit or subdivision of any such organizations" on lines 5 and 6, and then I would accept an amendment with that difference so that it would read: "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, properly known as the *Hukbong Mapagpalaya ñg Bayan*, formerly known as *HUKBALAHAPS*, any unit or subdivision of any of such organizations, and any successors of such organizations . . ."

Senator SABIDO. Before I accept the proposition, may I inquire from the gentleman from Misamis Oriental if, in his opinion, a unit or subdivision is not included in the organization of the *HUKS* or the Communist Party?

Senator PELÁEZ. Yes, that would be the meaning. But precisely I would not like to remove those words because they have been there in the other drafts and removing them would give rise to other implications we do not intend.

Senator SABIDO. I am afraid "any unit or subdivision" may be used as an excuse to brand any association as a unit.

Senator PELÁEZ. Whether we put those words or not does not matter. My only purpose in using those words is to avoid any erroneous conclusion which may be drawn from the fact that it is our point of view. However, they may be taken out.

Senator SABIDO. I do not think so because in this section, line 3, we use the word "organizations" and the word "organizations" includes the *Hukbong Mapagpalaya ñg Bayan* or the *HUKS*, the Communist Party and its successor.

Senator PELÁEZ. Your Honor therefore would agree with me that even if we remove the words "any unit or subdivision", it would at any rate include unit or subdivision.

Senator SABIDO. That is the interpretation.

Senator PELÁEZ. If that is the interpretation, I would like that to appear in the records. I have no objection to removing those words "any unit or subdivision". I therefore accept Your Honor's amendment.

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

Senator SABIDO. On the same page 2, section 4, lines 15 and 16, delete the words "or any subver-

sive association"; also delete on lines 16 and 17, the words: "with knowledge of its purpose or objective or organizes such an association"; and on line 20 after the words "Provided, that" insert the following: "one who is not only a member but an active organizer or leader".

Senator PELÁEZ. Will the gentleman yield?

El PRESIDENTE INTERINO. El caballero de Albay puede contestar, si le place.

Senator SABIDO. Gladly.

Senator PELÁEZ. According to Section 2, this bill would declare the Communist Party and any other similar organization outlawed. Now, I believe therefore we should keep "any subversive association" because we outlaw not only the Communist Party but an organization with the same purpose. So, if Your Honor would agree, I would accept this amendment provided we keep "and/or its successor, or of any subversive association as above defined," or "as indicated in Section 2 hereof," so that it will be quite clear.

Senator SUMÚLONG. Mr. President, for a privileged motion. The amendment being offered by the gentleman from Albay to Section 4 goes up to the end of that section, so I will ask that we vote on the amendments in a bunch.

Senator SABIDO. For purposes of clarification and so that the gentleman from Rizal may vote in favor of my first amendment, I beg leave to restate my amendment as follows: On page 2, Section 4, lines 15 and 16, eliminate the words "or any subversive association" and the words "with knowledge of its purpose or objective or organizes such an association" on lines 16 and 17. So that this section will read as follows:

"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 as above defined 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 . . ."

ENMIENDA DEL COMITÉ A LA ENMIENDA

Senator PELÁEZ. As I said, the amendment is acceptable to me except that I would like to retain, as a matter of fact I would like to insert on line 15 the words "or any subversive organization as indicated in Section 2 hereof". I will accept the amendment with that change.

Senator SABIDO. I think the amendment to the amendment is good.

Senator PELÁEZ. I accept the amendment as amended.

The ACTING PRESIDENT. If there is no objection, the amendment as amended is approved. (*There was none.*)

ENMIENDAS CEA

Senator CEA. Mr. President, for an amendment. On page 2, lines 13 and 14. On line 13 after the word "knowingly" insert a comma (,) and delete the word "and"; and on line 14 between the words "willfully" and "affiliates" insert the words "and by overt acts".

I have inserted the words "overt acts" because we are punishing mere membership in the Communist Party. I would like that membership to be proved by overt acts, by positive acts, because it may happen that one's name may appear in the list of members.

El PRESIDENTE INTERINO. ¿Qué dice el Comité? Senator PELÁEZ. Your Honor, by the general principle of criminal law that one cannot be punished except by overt acts, the amendment is logical, and if Your Honor wants to emphasize that under that philosophy, I will accept the amendment.

El PRESIDENTE INTERINO. Si no hay objeción, se aprueba la enmienda. (*No la hubo.*) Senator CEA. I would like to insert the same words, "by overt acts" on line 23, after the word "conspires." Or "conspires BY OVERT ACTS", for the reason that I want membership to be proved by positive acts.

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

ENMIENDA LIM

Senator LIM. Mr. President, I propose an amendment on page 2, line 20, between the word "vote" and the semi-colon (;), insert the following: "IN CASE OF A SECOND CONVICTION, THE PRINCIPAL PENALTY SHALL BE PRISIÓN CORRECCIONAL, AND IN CASE OF SUBSEQUENT CONVICTIONS, THE PENALTY OF PRISIÓN MAYOR SHALL BE IMPOSED."

El PRESIDENTE INTERINO. ¿Qué dice el Comité? Senator PELÁEZ. Accepted. El PRESIDENTE INTERINO. Si no hay objeción, se aprueba la enmienda. (*No la hubo.*)

Senator SUMÚLONG. Mr. President, I would like to direct some questions to the sponsor as a basis for presenting an amendment if I should deem it necessary.

El PRESIDENTE INTERINO. El ponente puede contestar si le place.

Senator PELÁEZ. Gladly.

Senator SUMÚLONG. In the proviso of this Section 4, there are two different sets of acts which are penalized. One is the taking up of arms against the Government, and the other one is conspiracy. And we are applying to both the same penalty which is *prisión mayor* to death. Now, does not Your Honor believe that a member of this party or association who takes up arms against the Government commits a more serious crime than one who conspires, because even in the case of treason, there is a difference between one who commits treason and one who conspires to commit treason? In the case of rebellion, the penalty imposed for its commission is different from that imposed for conspiracy to commit rebellion. We should not apply the same penalty of *prisión mayor* to death to these different sets of offenses. So, I would suggest that we separate them—what penalty we should impose for conspiracy and what we should impose for taking up arms against the Government.

Senator PELÁEZ. The gentleman from Albay was proposing an amendment which would put in the same bracket an active organizer or leader or one who takes up arms, and frankly I thought that the provision about conspiracy should be put in a separate bracket.

Senator SUMÚLONG. Regarding active member?

Senator PELÁEZ. No, active organizer and leader.

Senator SUMÚLONG. Active organizer.

Senator PELÁEZ. If Your Honor will recall, on line 17 we deleted "or organizer of such an association". So, the way I understood the amendment of the gentleman from Albay to be was that on line 20, beginning with that proviso, the rest would follow, "that one who, being a member of the Communist Party of the Philippines . . . as defined in Section 2 thereof, takes up arms against the Government or conspires BY OVERT ACTS 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." Now, with respect to conspiracy by overt acts, I agree, Your Honor, that we can provide a different penalty.

Senator SUMÚLONG. I would not bracket an active leader with one who takes up arms against the

Government, because on a mere member we apply the penalty of *arresto mayor*. And if we follow, by analogy, the provisions of the Revised Penal Code regarding illegal association, mere membership is punished by *arresto mayor* and the founders, directors and leaders are punished by *prisión correccional* in its minimum and maximum. So, I would rather bracket active leaders, active organizers or leaders, with a conspirator and apply to them the penalty of *prisión correccional*.

Senator PELÁEZ. Your Honor, these active leaders and organizers are as dangerous as the *Huks* who take up arms. For instance, these *Huks* have an educational department. They have a head who does not go with the patrols but he directs the propaganda and he takes part in directing the strategy and tactics of the whole movement. That man has a greater responsibility than a person who is a soldier, who goes out with the *Huk* patrol.

Senator SUMÚLONG. But is not one who organizes, an organizer always an active person? Simply using the word "active" will not make any distinction in my humble opinion. But being an organizer or a leader is very far from taking up arms against the Government, and I think that we should . . .

Senator PELÁEZ. No, this is an organizer or a leader of the Communist Party of the Philippines. I think it is quite serious for anyone to organize the Communist Party in any place or to organize any of its units, like the *Huks*, without necessarily taking up arms. The responsibility for the armed violence that might follow certainly can be traced back to the organizer or the leader, so, I would bracket them with those who take up arms. The masterminds, we might call them, the ones who directed the members of the Politburo who were here in Manila, did not expose their lives in raids, but they were the brains who directed those raids, and as far as I am concerned, their moral responsibility is as great, if not greater.

Senator SUMÚLONG. I am afraid I cannot see how such a provision may be applied in practice, because it is so easy to accuse anybody of being an active organizer or leader while it is not so easy to accuse somebody of having taken up arms against the Government, and I would not like a person, accused simply of being an active organizer, to be subject to the extreme penalty of *prisión mayor* to death, because it makes the offense non-bailable. That is my reason.

Senator PELÁEZ. If Your Honor would notice, we have reduced the penalty which was *reclusión*

temporal in the original bill to *prisión mayor*, so that an active organizer or leader, if there are no aggravating circumstances, may be punished with *prisión mayor*, not necessarily death. Death will be imposed only in extreme cases where there are aggravating circumstances, so that we can bracket them, because we have widened the range of the penalty. Now, of course, Your Honor called my attention to the fact that we jumped from *arresto mayor* to *prisión mayor* without passing through *prisión correccional*. If we were to be consistent, I think membership should be punished with only *prisión correccional*, but because of the fear that membership might be used unlawfully against innocent persons, that is why we consented to lower *prisión correccional* to *arresto mayor*. By lowering it from *reclusión temporal* to *prisión mayor*, I believe we have met Your Honor's objections. So, I would say that there is logic in bracketing active organizers or leaders and those who take up arms within that penalty of six months and one day to death.

Senator SUMÚLONG. No, but the point is, whether we make it *reclusión temporal* to death or *prisión mayor* to death, when we find the charge involving that penalty, the offense becomes nonbailable. So, the fact that we are making it from *prisión mayor* to death does not change the fact that anybody who is accused will not be allowed bail while the trial is going on, and that is the reason why I would like to limit the penalty of *prisión mayor* to death to one who takes up arms against the Government, while in the case of conspirators or what Your Honor calls active organizers or leaders, let us bracket them together and apply the penalty of *prisión correccional*.

Senator PELÁEZ. But Your Honor speaks of leaders being punished by *prisión correccional*. A leader is one who directs. Under the Communist Party you have the military arm. Now, the leader in the top bracket does not necessarily go out to take up arms, but he directs. Now, the responsibility of a leader is to me as great, if not more serious, as the responsibility of those who actually go out or actually engage our Armed Forces in combat.

Senator SUMÚLONG. There are different kinds of leaders. Anybody can say that he is a leader—leader in a region, leader in a locality, etc.

Senator PELÁEZ. I could say, for the record, that when we use "organizer" or "leader" we mean those who in the present set-up of the Communist Party hold top-ranking positions, who are part of the

policy-making echelons of the Communist Party. That is what we mean, not just anybody, but those who are proved to be in the policy-making bracket of the Communist Party. I would gladly put that on the record, that when we speak of leaders we mean that, and not just any person.

Senator SUMÚLONG. I am afraid that I cannot see eye to eye with Your Honor on this.

Senator PELÁEZ. I am sorry.

Senator SUMÚLONG. I can see Your Honor's point of view, but at the same time I would go very slow on this, that "leader" can mean so many things to the fiscals and prosecutors who would handle this kind of cases.

Senator PELÁEZ. I think we can instruct the Department of Justice to give out instructions on this law and to instruct the fiscals properly. An extract of our discussion here, I think, would do a lot to help.

Senator SUMÚLONG. But if Your Honor will allow me, may I call Your Honor's attention to the fact that when it comes to illegal associations as penalized by our Penal Code, the founders, directors and presidents of associations organized for the purpose of committing any of the crimes punished under said Code, are penalized only by *prisión correccional* in its minimum degree.

Senator PELÁEZ. For the purpose of committing . . . ?

Senator SUMÚLONG. For the purpose of committing any of the crimes punishable under this Code, and that includes treason, rebellion, all the crimes under the Penal Code.

Senator PELÁEZ. I wonder if that would include those committing actual treason.

Senator SUMÚLONG. I will read Article 147 of the Revised Penal Code to Your Honor.

"The penalty of *prisión correccional* in its minimum and medium periods and a fine not exceeding one thousand pesos shall be imposed upon the founders, directors, and presidents of associations totally or partially organized for the purpose of committing any of the crimes punishable under this Code or for some purpose contrary to public morals."

So, a person who is the founder or director or president of an association organized to commit treason will be punished by *prisión correccional*, while here, if we follow Your Honor's theory, a founder or, as Your Honor calls it, a mastermind of the Communist Party or any branch of the *Hukbalahap* will be subjected to *prisión mayor* to death. There is a big disparity which I myself cannot understand.

Senator PELÁEZ. Precisely the deficiency of the present Revised Penal Code has led us to think of this bill. Your Honor has the case of Luis Taruc who admittedly was one of the founders and one of the leaders of the Communist movement here. He took part in laying down and conceiving the over-all strategy for the capture of the Government, and yet he could be sentenced only to twelve years under the Revised Penal Code. I would say that the Revised Penal Code is deficient and it is about time we should revise that and make it more realistic. I say that that is not realistic.

Senator SUMÚLONG. That is why I am going with Your Honor that if the *Hukbalahaps* or the Communists take up arms against the Government, and I think that that will cover any leader of the *Huks* who takes up arms, it will be easy to prove that they took up arms against the Government.

Senator PELÁEZ. There are some who are engaged not in military activities, like the educational department, the propaganda department, but they are very high in the top echelons, they take part in policy-making. That is why I say that as far as I am concerned, I think we should give interpretation to the word "leaders" to mean those who take part in policy making and in directing the policies and strategies of the party, not just a local leader but really in the policy-making bracket. That is what we should put on the record as what we mean by "leaders". Then, he could come within *prisión mayor*, and if there are no aggravating circumstances, I suppose the penalty of six years and one day to twelve years will be imposed on him.

Senator SUMÚLONG. But the whole trouble, Your Honor in using "leader" is that the word is so broad that it will apply not only to the top leaders Your Honor has in mind. It can be applied to any leader of the unit.

Senator PELÁEZ. Let us agree to define it in the record and let us see to it that the prosecutors are instructed in the manner of distinguishing these leaders by making it appear of record that when we speak of "leaders" we do not mean anybody who leads a few persons but those really who are on top positions and who are, let us say, in command, a top leader, an active organizer.

Senator SUMÚLONG. Leaders on the politburo level?

Senator PELÁEZ. Yes. Let us put it in the records that we mean leaders of politburo level or leaders of regional command, top leaders.

Senator SUMÚLONG. Your Honor is agreeable that the conspirators will be punished only with *prisión correccional*?

Senator PELÁEZ. Shall we make it *prisión correccional* to *prisión mayor*? May I ask Your Honor to replace that line 27 regarding conspiracy?

Senator SUMÚLONG. I think the gentleman from Albay studied that proviso.

Senator SABIDO. I am withdrawing my amendment.

EL PRESIDENTE INTERINO. Se da por retirada la enmienda.

Senator PELÁEZ. Mr. President, now, the Committee offers the following amendment. The proviso now would read as follows:

Provided, That one who is not only a member but is a top organizer or top leader of the Communist Party of the Philippines, and one who, being a member of the Communist Party of the Philippines and/or its successor, or of any subversive association as defined in Section 2 hereof, takes up arms against the Government shall be punished by *prisión mayor* to death with all the accessory penalties provided therefor in the Revised Penal Code; and *Provided, finally*, that one who 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 correccional* to *prisión mayor* with all the accessory penalties provided therefor in the same Code.

Senator SUMÚLONG. I think that is quite all right.

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

ENMIENDA LIM

Senator LIM. Mr. President, on the same page 2, line 29, after the word "Code." add the following:

"... *Provided, finally*, that any of the aforementioned members commit any crime defined by the Penal Code or by any law penal in nature of the Philippines, said crime shall be an aggravating circumstance which shall be taken into account."

Suppose he commits any crime, even swindling, robbery or anything, and he is a communist, that will be taken as an aggravating circumstance.

Senator PELÁEZ. Will Your Honor kindly explain the amendment?

Senator TAÑADA. Mr. President, I would like to hear further explanation of this amendment.

EL SEN. LIM RAZONA SU ENMIENDA

Senator LIM. Mr. President, we have been reducing penalties but at the same time, in carrying

out the purpose of the bill, we are trying to discourage membership in the Communist Party as much as possible without being oppressive. That is why we are reducing the penalty for members of any such organizations of the Communist Party of the Philippines or the like. If a man, for example, commits murder and is a member of the Communist Party, his membership would be considered an aggravating circumstance because the idea is to discourage him. Aside from the fact that he has committed murder, we will try to find out whether he is a member of the Communist Party. The purpose of my amendment is really to discourage a person to become a member of the Communist Party or similar organization.

Senator CEA. Mr. President, that amendment, I believe, is not germane to the subject under consideration. That may be considered as a rider. Furthermore, we are quarreling about the penalty that should be applied to mere membership. We are trying here to be humane in our treatment of the subject because when one is a member already he is punished.

Senator LIM. Before I withdraw my amendment, I would like to say that from the very beginning my purpose in submitting the amendment is to disabuse the mind of the people that we are committing persecution by punishing mere membership in the Communist Party and imposing upon said member the maximum penalty if he commits other crimes that will constitute aggravating circumstances. I believe it is better perhaps to punish a person after he has committed a crime penalized under the Penal Code than by membership in the Communist Party alone. In other words, before we can go after a Communist he should have committed a crime penalized by the Penal Code and his membership in the Communist Party will make him subject to the imposition of a heavy penalty for that particular crime. But in view of the attitude of some of my colleagues, I withdraw the amendment rather than let it be defeated.

EL PRESIDENTE INTERINO. Se da por retirada la enmienda.

ENMIENDAS TAÑADA

Senator TAÑADA. Mr. President, for some amendments. On page 2, line 31, delete the comma (,) after the word "fiscal", and insert the following: "OR ANY SPECIAL ATTORNEY OR PROSECUTOR DULY DESIGNATED BY THE SECRETARY OF JUSTICE."

EL PRESIDENTE INTERINO. ¿Qué dice el ponente? Senator PELÁEZ. Accepted.

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

Senator TAÑADA. On page 3, lines 2 and 3, delete the following phrase: "of confrontation of witnesses", and in lieu thereof, insert the following: "TO BE REPRESENTED BY COUNSEL, TO TESTIFY, TO HAVE COMPULSORY PROCESS FOR OBTAINING WITNESSES IN HIS FAVOR AND TO CROSS-EXAMINE WITNESSES."

Senator PELÁEZ. How about "whenever such notice is possible"?

Senator TAÑADA. That is to be retained because there are cases may be when the person is not available.

Senator PELÁEZ. Will Your Honor kindly read now.

Senator TAÑADA. I will read now the section as amended.

"No prosecution under this Act shall be made unless the city or provincial fiscal or any special attorney or prosecutor duly designated by the secretary of justice, 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 to be represented by counsel, to testify, to have compulsory process for obtaining witnesses in his favor and to cross-examine witnesses, whenever such notice is possible."

Senator PELÁEZ. That "whenever such notice is possible" is rather too far away.

Senator TAÑADA. All right, we can transpose that.

Senator PELÁEZ. With notice whenever it is possible to give the same. I suggest that the phrase "whenever it is possible to give the same" be placed immediately after "notice".

Senator TAÑADA. I accept the suggestion as part of my amendment.

El PRESIDENTE INTERINO. ¿Hay alguna objeción a la enmienda? (*Silencio.*) La Mesa no oye ninguna. Queda aprobada.

ENMIENDA SUMÚLONG

Senator SUMÚLONG. Mr. President, I have an amendment to propose.

On page 3, line 3, after the amendment just approved, the amendment introduced by the gentleman from Quezon, add the following proviso: "PROVIDED, THAT THE PRELIMINARY INVESTIGATION ON ANY OFFENSE DEFINED AND PENALIZED HEREIN BY *PRISION MAYOR* TO DEATH SHALL BE CONDUCTED BY THE PROPER COURT OF FIRST INSTANCE." With this proposed proviso, the period (.) at the end of the section as amended by the gentleman from Quezon should be changed to a semi-colon (;).

In other words, Mr. President, when the complaint involves death and the offense will not be bailable, I think that the preliminary investigation, instead of being left to the hands of the fiscal should be conducted by the proper court of first instance to give more safeguards to innocent persons.

El PRESIDENTE INTERINO. ¿Qué dice el Comité? Senator PELÁEZ. Accepted.

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

ENMIENDAS CEA

Senator CEA. Mr. President, I desire to propose an amendment. After those amendments which have been just approved, between lines 3 and 4, add a new section which shall read as follows:

"NO PERSON SHALL BE CONVICTED OF ANY OF THE OFFENSES PENALIZED HEREIN FROM *PRISION MAYOR* TO DEATH UNLESS ON THE TESTIMONY OF AT LEAST TWO WITNESSES TO THE SAME OVERT ACT OR ON CONFESSION OF THE ACCUSED IN OPEN COURT."

El PRESIDENTE INTERINO. ¿Qué dice el ponente?

Senator PELÁEZ. That is an omission. That was omitted inadvertently. That was in the original. I accept the amendment.

Senator CEA. As a consequence the numbering of sections be correspondingly corrected.

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

Senator SABIDO. Mr. President, for an amendment. Add a new section which shall read as follows: "ANY PERSON WHO KNOWINGLY FURNISHES FALSE EVIDENCE IN ANY ACTION BROUGHT UNDER THIS ACT SHALL BE PUNISHED BY *PRISION CORRECCIONAL*."

Senator PELÁEZ. I accept the amendment.

The ACTING PRESIDENT. Is there any objection to the amendment? (*Silence.*) The Chair hears none. The amendment is approved.

ENMIENDA CEA

Senator CEA. Mr. President, for another amendment. On page 3, line 10, between the words "the" and "penal" add the words "CIVIL AND" and add s to the word "sanction".

Senator PELÁEZ. Accepted.

The ACTING PRESIDENT. Is there any objection to the amendment? (*Silence.*) The Chair hears none. The amendment is approved.

ENMIENDA LIM

Senator LIM. Mr. President, for another amendment. I did not want to interrupt the gentleman although I had an anterior amendment. On page 2, line 29, after the period (.) add the following:

"PROVIDED, FINALLY, THAT IF THE OFFENDER IS AN ALIEN HE SHALL BE DEPORTED AFTER SERVING HIS SENTENCE."

Senator DELGADO. Mr. President, may I propose an amendment to the amendment to the effect that if he is executed his remains will be sent back?

Senator LIM. I would like to remind the gentleman from Bulacán the term "serving sentence" means a prison term, not the electric chair.

Senator DELGADO. I understand that "serving sentence" includes the execution of the death penalty. However, in view of the explanation of the gentleman from Zamboanga, I withdraw my amendment.

The ACTING PRESIDENT. The amendment to the amendment is withdrawn. What does the sponsor say to the amendment of the gentleman from Zamboanga?

Senator PELÁEZ. I accept the amendment.

The ACTING PRESIDENT. Is there any objection to the amendment? (*Silence.*) The Chair hears none. The amendment is approved.

ENMIENDA CEA

Senator CEA. Mr. President for another amendment. Amend the title to read: "AN ACT TO OUTLAW THE COMMUNIST PARTY OF THE PHILIPPINES AND SIMILAR ASSOCIATIONS, ETC."

Senator PELÁEZ. Accepted.

The ACTING PRESIDENT. Is there any objection to the amendment? (*Silence.*) The Chair hears none. The amendment is approved.

APROBACIÓN EN SEGUNDA LECTURA DEL C. R. NO. 6584

Senator PELÁEZ. Mr. President, if there are no further amendments, I ask that we vote on the bill on second reading as amended.

The ACTING PRESIDENT. As many as are in favor of the bill, say *aye*. (*Several Senators: Aye.*) As many as are against, say *noy*. (*Silence.*) The bill is approved on second reading as amended.

APROBACIÓN EN TERCERA LECTURA DEL C. R. NO. 6584

Senator PRIMICIAS. Mr. President, I ask that we vote on third reading on House Bill No. 6584. This bill has been certified by the Chief Executive.

El PRESIDENTE INTERINO. La votación en tercera lectura del Proyecto de Ley Número 6584 de la Cámara de Representantes está en orden. Léase

solamente el título del proyecto, si no hay objeción. (*No la hubo.*)

El SECRETARIO:

An Act to outlaw the Communist Party of the Philippines and similar associations, penalizing membership therein, and for other purposes.

El PRESIDENTE INTERINO. Léase la lista.

El SECRETARIO:

Senador Domocao Alonto	Sí.
" Manuel C. Briones	Ausente.
" Edmundo B. Cea	Sí.
" Jesús M. Cuenco	Ausente.
" Francisco A. Delgado	Sí.
Senadora Pacita Madrigal González	Ausente.
Senador Ruperto Kangeón	Ausente.
" José P. Laurel	Ausente.
" Roseller T. Lim	Sí.
" Fernando López	Ausente.
" Alejo Mabánag	Sí.
" Quintín Paredes	Ausente.
" Emmanuel Peláez	Sí.
" Cipriano P. Primicias	Sí.
" Gil J. Púyat	Ausente.
" Claro M. Recto	Ausente.
" Francisco Soc. Rodrigo	Ausente.
" Eulogio Rodríguez, Sr.	Sí.
" Decoroso Rosales	Sí.
" Pedro Sabido	Sí.
" Lorenzo Sumulong	Sí.
" Lorenzo M. Tañada	Sí.
" José C. Zulueta	Ausente.
El PRESIDENTE INTERINO	Sí.

(*El Secretario informa a la Mesa del resultado de la votación*)

El PRESIDENTE INTERINO. Por trece votos, queda aprobado el proyecto en tercera lectura.

ORDEN ESPECIAL

Senator PRIMICIAS. Mr. President, I ask that the following bills be included in the Calendar for tomorrow: House Bills Nos. 7434, 7335, 7088, 7150, 7288, 7413, 4066, 4660, 5004, 5292, 7188, 6801, 5626 and 5642, and Senate Bills Nos. 678 and 643.

The ACTING PRESIDENT. Is there any objection? (*Silence.*) The Chair hears none. The motion is carried.

LEVANTAMIENTO DE LA SESIÓN

Senator PRIMICIAS. Mr. President, I move to adjourn until tomorrow morning at 10 o'clock.

The ACTING PRESIDENT. If there is no objection, the session is adjourned until tomorrow morning at 10:00 o'clock. (*Silence.*)

Eran las 11:45 p.m.