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FRIDAY, JULY 15, 1960

At 10:35 a.m., the President, Hon. Eulogio Rodriguez, Sr., called the Senate to order.

The PRESIDENT. The Secretary will please call the roll.

ROLL CALL

The SECRETARY:

Table with 2 columns: Senator Name and Status (Present/Absent). Includes names like Alejandro Almendras, Domocao Alonto, Eulogio Balao, etc.

Table with 2 columns: Senator Name and Status (Present). Includes names like Lorenzo Sumulong, Lorenzo M. Tañada, Arturo M. Tolentino, and The PRESIDENT.

The PRESIDENT. There being 18 members present, the Chair declares that there is a quorum.

APPROVAL OF THE MINUTES

Senator PRIMICIAS. Mr. President, I move that the reading of the minutes of the proceedings of the last session be dispensed with.

The PRESIDENT. Is there any objection? (Silence). The Chair does not hear any. The motion is approved.

The Secretary will please read the Order of Business.

REFERENCE OF BUSINESS

The SECRETARY:

MESSAGE FROM THE PRESIDENT OF THE PHILIPPINES

July 14, 1960

Gentleman of the Congress:

In addition to my proposal to amend the Constitution of the Philippines, which was the subject-matter of Proclamation No. 677, dated June 7, 1960. I

hereby submit for the consideration of Congress during its current special session a House Bill, entitled:

"AN ACT APPROPRIATING THE SUM OF FIVE MILLION PESOS FOR RELIEF IN THE PROVINCE OF ALBAY AS A RESULT OF THE DAMAGES WROUGHT BY TYPHOON 'OLIVE.'"

Pursuant to the provisions of Section 21(2), to the necessity of the immediate enactment of the above-mentioned bill.

Respectfully,

(Sgd.) CARLOS P. GARCIA
President of the Philippines

The Senate
Congress of the Philippines
Manila

The PRESIDENT. To the Committee on Rules.

The SECRETARY:

COMMUNICATION

Communication from the Legislative Secretary to the President of the Philippines dated July 13, 1960, transmitting a copy of H. B. 4280 (re Franchise Cottage Textile Development Corporation), now known as R. A. No. 2979, which became a law on June 19, 1960, without the signature of the President.

The PRESIDENT. To the Archives.

The SECRETARY:

BILL ON FIRST READING

S. No. 575—

By Senators Sumulong and Sabido, entitled:

781
AN ACT AMENDING CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED ONE THOUSAND SEVEN HUNDRED EIGHTY-NINE, ENTITLED "AN ACT PRESCRIBING THE NATIONAL POLICY IN THE PROCUREMENT AND UTILIZATION OF REPARATIONS AND DEVELOPMENT LOANS FROM

JAPAN, CREATING A REPARATIONS COMMISSION TO IMPLEMENT THE POLICY, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

The PRESIDENT. To the Committee on Foreign Relations.

CONSIDERATION OF S. NO. 571

(Continuation)

Senator PRIMICIAS. Mr. President, I ask that we resume consideration of Senate Bill No. 571. We were in the period of amendments yesterday and the gentleman from Manila, Senator Tolentino, will resume the sponsorship. I ask that he be recognized.

The PRESIDENT. To gentleman from Manila is recognized.

Senator TOLENTINO. Mr. President, yesterday we finished the amendments from the Committee and the amendments which were introduced by the Committee at the suggestion of various members of this Chamber. I understand that some other members wanted to introduce amendments on the floor.

Senator MARCOS. Mr. President, I have some amendments.

The PRESIDENT. The gentleman may state his amendments.

MARCOS AMENDMENT

Senator MARCOS. On page 2, line 8, after the word "constituting" insert the following: "A VIOLATION OF RULES AND REGULATIONS DULY PROMULGATED BY COMPETENT AUTHORITY OR".

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

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

Senator MARCOS. On line 10, same page, after the word "omit" delete the article "the" and insert in lieu thereof the following "such violation or".

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

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

Senator MARCOS. On the same page, line 23, with respect to acceptance of employment, in lieu of the period (.) after the word "HIM", put a comma (,) and add the following: "OR IN FAVOR OF WHICH PRIVATE ENTERPRISE HE MAY HAVE PROMULGATED A FAVORABLE DECISION WITHIN A PERIOD OF SIX MONTHS PRIOR TO HIS ACCEPTANCE".

Senator TOLENTINO. I realize the intention of that amendment, Your Honor. There was a provision similar to that, an independent section, in Senate Bill No. 293, prohibiting employment within a certain period after ceasing to hold office in any enterprise favored by an action while an incumbent. That was one of those deleted in the conference between the Senate and the Lower House. I am very willing to have a provision like that in our bill. But I anticipate that since in the conference committee we gave that up already, the Lower House may insist in conference upon that position.

Senator MARCOS. With the understanding that if it becomes an obstacle, I am willing to withdraw.

The PRESIDENT. The amendment is withdrawn.

Senator TAÑADA. Mr. President, for an amendment.

The PRESIDENT. The gentleman may state his amendment.

TAÑADA AMENDMENT

Senator TAÑADA. I have an amendment to paragraph (a), Section 3. It is purely a matter of style. On page 2, line 8 change the phrase "a crime" to "an offense"; and on 10, delete the word "crime" and in lieu thereof insert the words "AN OFFENSE". Instead of "a crime" I suggest it should be: "OFFENSE IN CONNECTION WITH THE OFFICIAL DUTIES OF THE LATTER."

I believe "offense" is a wider term than "crime."

Senator TOLENTINO. That is acceptable, Mr. President.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted.

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

FERNANDEZ AMENDMENTS

Senator FERNANDEZ. Mr. President, I propose the following amendment, on page 2, section (c) and, specifically, on line 18. After the word "himself" eliminate the "comma" (,) and add: "OR FOR ANOTHER." The purpose of this amendment is as follows: If a public officer asks a gift or monetary consideration from a person in whose behalf he is going to seek, say, a dollar allocation, and this gift or monetary consideration is for his girl friend, he might escape prosecution because he can say: "I did not ask for that gift or monetary consideration for myself."

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. Is there any objection, the amendment is approved. (*There was none.*)

Senator FERNANDEZ. Subsection (e). Before proposing the amendment, may we know from Your Honor if you would be agreeable to delete on line 26 the words: "administrative or "judicial" so that the paragraph would read as follows:

"Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits in the discharge of his official functions."

Senator TOLENTINO. "Official functions"?

Senator FERNANDEZ. Yes. We eliminate "administrative or judicial."

Senator TOLENTINO. That brings to my mind, Your Honor, that you are going to include "legislative functions" and, therefore, you are going to put a law or authority to question a legislator in any

place outside of the halls of Congress, the very thing that was raised when your speech was referred to the Blue Ribbon Committee. I think this is a provision that was precisely worded in this way at the suggestion of the gentleman from Quezon to preclude the possibility of a Member of Congress being questioned outside for an act done inside Congress.

Senator FERNANDEZ. I withdraw the amendment.

The PRESIDENT. The amendment is withdrawn.

Senator FERNANDEZ. I have another amendment on page 3, line 27, paragraph (k). I propose to delete on line 27 the words "on account of his official position," so that the "comma" (,) will be after the word "him". In other words, as amended, this paragraph will read as follows:

"Divulging valuable information of a confidential character, acquired by his office or by him, to unauthorized persons, or releasing such information in advance of its authorized release date."

Senator TOLENTINO. May I say this? If it is acquired other than by his official function, may I see what Your Honor has in mind?

Senator FERNANDEZ. We have the circulars, Circulars Nos. 105 and 106 of the Central Bank. It is clearly stated there that they were of confidential nature. These circulars were supposed to have been drafted in the Research Division. Let us suppose a clerk in another division enters the office of the Research Division and steals a copy and then afterwards give the same to an unauthorized person. Under this paragraph (k), as presently worded, he can escape prosecution. That is why I propose that we eliminate the phrase "on account of his official position." After all, to my mind, what is important here is that no public officer or employee should divulge information of confidential character.

Senator TOLENTINO. I think that is all right. I will accept that.

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

PAREDES AMENDMENTS

Senator PAREDES. Mr. President, will the gentleman accept some amendments on page 2, Section 3(b)? After the words "for himself" on line 12 add the following: "OR ANY OTHER PERSON."

Senator TOLENTINO. Paragraph (c) was amended, but not paragraph (b). This amendment is in paragraph (b). We accept the amendment.

The PRESIDENT. The amendment is approved if there is no objection. (*There was none.*)

Senator PAREDES. Subsection (e), same page, line 25, place a comma (,) after the word "benefits" I would propose for the better specification the addition of the words: "ADVANCE OR PREFERENCE."

Senator TOLENTINO. So that the "comma" (,) will be placed after the word "benefits" and then insert: "ADVANCE OR PREFERENCE."

Senator PAREDES. Yes, insert "ADVANCE OR PREFERENCE."

Senator TOLENTINO. Accepted.

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

Senator PAREDES. How about this page 3, line 3. This is an amendment already approved; "for the purpose of favoring his own interest." Could we not add "OR THE INTEREST OF OTHERS," or "SOMEBODY ELSE," or something like that so that we make it uniform with the other amendments.

Senator TOLENTINO. But that is covered by the next phrase: "OR GIVING UNDUE ADVANTAGE FOR OR DISCRIMINATING AGAINST ANY OTHER INTERESTED PARTY."

Senator PAREDES. Yes, that is already included there.

MARCOS AMENDMENT

Senator MARCOS. For an amendment on page 3, line 31. Before I submit the amendment, may I

Inquire whether the term "person or organization" includes private persons as it seems to include?

Senator TOLENTINO. Yes, Your Honor.

Senator MARCOS. Now, if that is so, in view of the fact that this provision is included in a section entitled "*Corrupt practices of public officers*", would this not fall within the purview of Section 4 instead of Section 3?

Senator TOLENTINO. Well, although the title is with respect to corrupt practices of public officials, this paragraph is connected with the acts enumerated in Section 3. That is why it was inserted there.

Senator MARCOS. I see. In which case, may I submit an amendment then, Mr. President. I submit the following amendment: Instead of the words "The person or organization", substitute the words "ANY PRIVATE PERSON", because public officers are already covered by the previous subsection.

Senator TOLENTINO. But supposing the giver is also a public officer.

Senator MARCOS. Very well. Strike out the word "PRIVATE" so that it will read "ANY PERSON". The "organization" does not seem to convey....

Senator TOLENTINO. We can perhaps eliminate now in this paragraph the word "organization" because we have a definition of persons as already including juridical persons. There is a remark that an organization may not be a juridical person, which is correct, but in that event it is the individual representing the organization who will become liable.

Senator MARCOS. I do not think we can hold an organization liable for criminal offenses.

Senator TOLENTINO. Yes, an organization would not be criminally liable. I would agree to the elimination of the phrase "or organization".

Senator MARCOS. And after the word "organization" and before the word "giving" on the same line 31, insert the following: "COMMITTING THE OFFENSE DESCRIBED IN SUBSECTION (A) HEREOF", because it does not seem to have any reference to subsection (a). A private individual may

be persuading, including or influencing a public officer. So, I think he should be equally guilty.

Senator TOLENTINO. No, no, Your Honor. The act here in paragraph (a) is to be performed or is committed by one public officer upon another public officer.

Senator MARCOS. Yes. Suppose it is committed by a private individual. That is my question now, and that is the reason why I include these words: "COMMITTING THE OFFENSE DESCRIBED IN SUBSECTION (A) HEREOF", because, as the gentleman has well said, subsection (a) covers only public officers.

Senator TOLENTINO. Yes. So, how would it read, Your Honor?

Senator MARCOS. It will read like this: "The person committing the offense described in subsection (a) hereof, or" and then continue the wording of the section as it is now, "giving the gift, present, share, percentage etc." I was going also to insert subsection (b) instead of (c).

Senator TOLENTINO. I really cannot grasp, Your Honor, how a private person could participate in the act defined in subparagraph (a).

Senator MARCOS. Well, in Section 4, there is no definition of an offense committed by a private individual who persuades, influences or induces a public officer to commit a crime. Unless the author can show to us....

Senator TOLENTINO. If that is the idea, Your Honor, we better insert a new paragraph in Section 4 to cover that possibility.

Senator MARCOS. I have no objection to that.

Senator TOLENTINO. I do not have any objection to that idea, but I think we should put in Section 4 as a new paragraph.

Senator MARCOS. Very well then. I will submit it as a new paragraph in Section 4, let us say as subparagraph (d).

Senator TOLENTINO. There is subparagraph (c), Your Honor.

Senator MARCOS. Which seems to include it.

Senator TOLENTINO. It might cover the situation Your Honor has in mind.

Senator MARCOS. It reads: "It shall be unlawful for any person knowingly to induce or cause any public official to commit any of the offenses defined in section 3 thereof."

Senator TOLENTINO. I think that might cover.

Senator MARCOS. I would like to clarify this. So, Section 4, subparagraph (c), includes the case of a private individual who persuades, influences or induces a public officer to commit a crime or to violate rules and regulations as described in Section 3, subparagraph (a).

Senator TOLENTINO. Yes, Your Honor, I think so.

Senator MARCOS. In that case, I withdraw the amendment and in lieu thereof, I submit the following: On line 1 of page 3, eliminate the words "or organization" and on line 32 before the letter "(c)" and after the word "subparagraph", insert "(b)", and the word "and" because subparagraph (b) is also a matter of receiving or requesting any gift. It must have been a typographical error that this subparagraph was not included.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President. Make the word "subparagraph" plural.

Senator MARCOS. Yes, "subparagraphs (b) and (c)".

The PRESIDENT. The amendment is approved if there is no objection. (*There was none.*)

Senator MARCOS. On Section 6, page 5, lines 21 and 22, as they are now, read: "AND WHO ACQUIRES OR RECEIVES ANY SUCH INTEREST DURING HIS INCUMBENCY." I would like to insert in line 22, between the words "RECEIVES" and "ANY" the words "OR CONTINUES TO HAVE". This is a consequence of our interpellation during the period of debate.

Senator TOLENTINO. But, Your Honor, what are you going to do with a person who has already had an interest in a business that is subsequently favored by a particular legislation? As the gentleman from Pampanga and Manila said yesterday, he may have to resign from the Senate.

Senator MARCOS. No, Your Honor. I have no intention to prejudice any particular individual. But our purpose as we know, is that this bill, if approved into law, will not have a retroactive effect.

Senator TOLENTINO. Yes, Your Honor, because it is a criminal statute.

Senator MARCOS. It is a penal law. It has only a prospective effect. Now, the example was presented to Your Honor where an offense or, rather, an act which violates this bill or law was committed prior to its approval. By virtue of the technicality of non-retroactivity of this bill, therefore, such an act is not punishable. But knowing this, however, he continues with the act. In short, it is not a single act. It is a continuing offense. So, I submit, say, for instance, a franchise is given which is a specific, definite and special advantage. A franchise is given to corporation A. It was given, say, in 1959. Under the existing laws then, such an act is not punishable if the senator-author or congressmen-author acquired an interest in such a corporation. But if such an act were to happen after the approval of this act, it is punishable.

Senator TOLENTINO. Yes.

Senator MARCOS. Now, after the passage of this bill, knowing this prohibition the congressman or senator continues to have an interest in such a corporation receiving this special franchise, I feel that this is an act which should not be encouraged because he himself was the one who gave a franchise to the corporation. In short, he gave himself a special privilege by legislative action.

Senator TOLENTINO. The example Your Honor gave is of a person having an interest in a corporation who acquired such interest only after the franchise was granted.

Senator MARCOS. He acquired it, or the fran-

chise was granted in 1959, but it was not punishable then to acquire an interest. So, one month after the franchise was signed by the President he obtained 40% of the stockholdings in such corporation, and even that is not punishable by law existing as of today. However, upon the passage of this bill into law, it becomes punishable if it were done after the passage of the bill.

Senator TOLENTINO. In the first place, if it is a franchise granted during his term, the Constitution prohibits him from acquiring an interest.

Senator MARCOS. Assuming that it is not a franchise, let us say that it is a special tax exemption, special privilege which is not governed by the Constitution.

Senator TOLENTINO. The Constitution refers also to special privilege. He would be prohibited.

Senator MARCOS. In that case, there is nothing wrong in including it here.

Senator TOLENTINO. Your Honor gave an example that he could not have acquired.

Senator MARCOS. My example is something that is not prohibited by law at the time he committed the act. Let us say a tax exemption.

Senator TOLENTINO. This provision Your Honor is suggesting immediately reminds me of the provision in the Anti-Subversion Law where it gives a member of the Communist Party a certain period to register or to withdraw from the party, otherwise he commits a crime, but that is a recognition....

Senator MARCOS. I did not submit such an amendment; I want to clarify.

Senator TOLENTINO. You will actually be forcing a member of Congress to withdraw from a corporation where he had an interest before the law was passed.

Senator MARCOS. Because I feel that with this bill the act is innocent.

Senator TOLENTINO. No, but the inception of the act was innocent.

Senator MARCOS. It was immoral but not illegal. It was not illegal because there was no law on the subject, but it is highly immoral for a member of Congress to author a law granting special privilege to specific corporations and then generally after the grant of such special privilege to acquire an interest in such a corporation. Under the provision of this bill, we say that when there was anything irregular in the grant of license or act of the board or officer, his interest or personal interest in the matter is presumed. Now, I feel that that particular provision establishes a standard of morality among public officers, and it that is so, I maintain the proposition that while the act at the time was not illegal, it was highly immoral and scandalous for a Congressman or a senator to author a bill, for instance, which grants a privilege that can be calculated to concede to such a corporation hundreds of thousands of pesos in exemptions from taxes. Why, in that subsequent acquiring of interest in that corporation is to admit that the congressman or senator can legislate for himself, in his favor, and that to me is reprehensible, although I concede the point as already stated that it was illegal at that time.

Senator TOLENTINO. I can agree that perhaps that is reprehensible, but does not Your Honor think that is covered by paragraph (h) under Section 3, page 3? "Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest." Don't you think that the situation Your Honor is contemplating is already included in that provision?

Senator MARCOS. This is prospective. What I sought to insert in the provision and which I think should also be inserted in subparagraph (h) of Section 3 is to continue deliberately having an interest in the corporation which he himself favored by special legislation, because, as the distinguished author will remember, Section 6 speaks of special legislation. It speaks of any specific business enterprise which will be directly and particularly favored or benefited by any law or resolution authored by him previously ap-

proved or adopted by the Congress during the same term. Now, we have already explained the meaning of such provision. The gentleman has already explained that the term means six years for a senator and four years for a congressmen. But I speak of an instance in which the Congressman or senator may have authored a bill or resolution granting some kind of unusual advantage or privilege to a corporation in which he obtains not controlling interest but obtains stockholdings before this bill is approved.

Senator TOLENTINO. I concede the point that there is something really wrong in such a situation, but when is the crime committed? At what moment is it committed? Will it be a minute after the enactment of the law?

Senator MARCOS. At the time he obtains it.

Senator TOLENTINO. You are punishing the continuity of his having an interest in the corporation. What is the length of that continuity? Suppose the law which he authored, for instance, is approved on a certain date and at that time he has already an interest?

Senator MARCOS. Yes.

Senator TOLENTINO. How long after the approval of the law would a crime be committed? Would it be the very minute after the signing of the law if he did not withdraw?

Senator MARCOS. After a reasonable time. As the gentleman stated here, there are certain term that hav to be defined by the court and any reasonable time would be my answer to that question. If within a reasonable time he does not dispose of his holdings, he is guilty of the offense that we seek to punish here. I cannot conceive of a member of the Senate or of the Lower House who in the past did this reprehensible act and knowing that we have made it a crime does not withdraw from that embarrassing position within a reasonable time.

Senator TOLENTINO. I can agree with Your Honor on principle, but, then, we will have to state expressly when he should withdraw, otherwise he commits a crime without mentioning how long is given to him to withdraw.

Senator MARCOS. Can we say one year? I will be reasonable and let him withdraw within one year after the approval of this bill.

Senator TOLENTINO. So, how would it be worded?

Senator MARCOS. "Or continues to have any such interest for one year".

Senator TOLENTINO. This will be on page 5, line 22, "or who continues for one year to have..."

Senator MARCOS. After the approval of this act.

Senator TOLENTINO. No, not after the approval of this act but after the approval of the law which he authored.

Senator MARCOS. Suppose it is approved in 1959. So, if we say one year from the approval of the law granting the special privilege, he will be guilty after the approval of this Act.

Senator TOLENTINO. I think it should be one year from the approval of the law which he authored because it is the act of passing that law benefiting the enterprise which is the reprehensible act and then he continues in it. So, we require him to get out of it after the approval of the law benefiting the enterprise. So, it should be counted one year after the approval of the law which he authored, not the approval of this Act. I think, in that case, Your Honor, I did not express myself clear on the question. The situation is like this: Let us say that this bill is approved with the amendment Your Honor suggested, so that continuing in such enterprise which is benefited by the law authored by a congressman or senator would constitute an offense. Let us suppose that congressman or a senator authors a bill.

Senator MARCOS. In what year?

Senator TOLENTINO. After the approval of the law, let us say next year or the year after next.

Senator MARCOS. But Your Honor is referring to the period after the approval of the Act.

Senator TOLENTINO. No, I am considering the application of this prospectively. That was what I was

just trying to clarify. Let us say that in the future a congressman authors a bill or a senator authors a law which benefits an enterprise in which he has already an interest. Now, Your Honor said that is reprehensible and I agree with Your Honor. And then he continues. You will penalize his continuation of having interest in that enterprise after the law has been enacted. My question before was, how long should he continue in that enterprise to be guilty?

Senator MARCOS. May I express my position on this.

Senator TOLENTINO. On the one hand, what Your Honor is seeking to punish is the continuation, after the enactment of the bill, of having acquired a previous interest.

Senator MARCOS. In any corporation.

Senator TOLENTINO. Yes, but benefited by a law approved in the past.

Senator MARCOS. That is right. May I express my position there?

Senator TOLENTINO. My fear there is you have one element of the offense before the approval of the law.

Senator MARCOS. No.

Senator TOLENTINO. One of the elements is his having authored the bill and that is before this bill comes into effect.

Senator MARCOS. But the fact remains that the offense committed at that time was highly reprehensible. But since there is no law punishing it, it does not become a crime. It becomes a crime now if it was committed after the approval of this Act. It is committed before the enactment of this law, it is not a crime.

Senator TOLENTINO. I am thinking of the *ex post facto* nature of the bill.

Senator MARCOS. We have several penal laws. May I call the attention of the gentleman that we have several penal laws which state that the continuation of the possession of a banned or stolen ar-

ticles — let us speak of opium for example — is punishable. Before the opium law was approved, mere possession was not punishable. You have to prove the intent of possession. Now, after the passage of the opium law, continuation of possession — previously acceptable and legal — was automatically considered punishable. The act of continued possession has become a crime. And it is a crime, it must be punishable as of the date after the approval of the Act or the date of effectivity of the Act. The act of possession and of an illegal participation in a corporation differ. The fact of its legality or illegality is only a matter of time, not of intent, not of, should we say, purpose or motivation. And, therefore, while it is true that the law should not have any retroactive effect, the fact remains that he is being punished not for the act committed before but for his continuing to possess such an interest.

Senator TOLENTINO. I can see that, Your Honor.

Senator MARCOS. Therefore, how could it be said that the law is being given retroactive effect? I do intend to give it a retroactive effect. I submit the amendment with the purpose in mind of punishing the act of continuing which is an act committed after the passage of the law, not before its passage.

Senator TOLENTINO. The act of continuing is only one of the elements of the offense. You have to establish the fact that the law was approved to benefit the particular enterprise and that is one of the elements of the offense. So, you have an element of the offense prior to the approval of this bill and I am afraid that that may be tainted with the nature of *ex post facto* legislation.

Senator MARCOS. I don't think so.

Senator TOLENTINO. That is why I said I would be agreeable to having the amendment because I thought that could cover a case prospectively.

Senator MARCOS. No, in a case where the act of acquisition continues after the passage of the bill into law, the mere act of acquisition is the criminal act itself. You do not have to give him time within which to dispose of it.

Senator TOLENTINO. If he acquires it before.

Senator MARCOS. No, after.

Senator TOLENTINO. But if he acquires the interest before the law, that is equally reprehensible.

Senator MARCOS. Yes.

Senator TOLENTINO. But if he continues with it you will cover it with this amendment, because this provision now covers the case of acquisition after the approval of the bill.

Senator MARCOS. May I read the provision. "It shall be unlawful hereafter for any Member of the Congress, during the term for which he has been elected, to acquire or receive any personal pecuniary interest in any specific business enterprise which will be directly and particularly favored or benefited by any law or resolution authored by him previously approved or adopted by the Congress during the same term." Does the gentleman mean that this section intends to punish only the act of acquiring an interest after the passage of the law?

Senator TOLENTINO. Yes.

Senator MARCOS. But it does not punish the author of the bill for acquiring interest before the passage of the law.

Senator TOLENTINO. Personally, I would like to punish that. But we have to word it this way, because if you punish a legislator for approving a law here in favor of a corporation in which he has interest, you will be questioning him for an act done here. You will be questioning him in the judiciary for an act done in Congress and that will violate the provision of our Constitution providing that members of Congress shall not be questioned outside of Congress. We came across that. This was considered and we came across that situation. So, we have to provide the phraseology in such a manner that that constitutional precept would not be violated. That is why it is the subsequent acquisition that is being penalized because there you will not be questioning his act as a congressman or as a senator in the halls of Congress; you are questioning his subsequent ac-

quisition of interest. But where he has a previous interest and you question his act of passing legislation that would benefit that interest, you are actually questioning his legislative actuations. That, I believe, would go against the provision of the Constitution.

Senator MARCOS. Well, for that matter, if that is the standard, there is no way of remedying.

Senator TOLENTINO. The only remedy will be political in that case. But here, as I answered the distinguished gentleman from Pampanga yesterday when he asked, "Can I not author," I said, "You can author the bill." And he continued, "But, can I not acquire interest late on," and I said, "Your cannot." In other words, we are not prohibiting him from doing an official act here in the halls of Congress. What we are prohibiting him to do is a private act which is in conflict with his official actuations here.

Senator MARCOS. I cannot agree with that statement of principle on parliamentary immunity. I am in favor of a liberal interpretation of parliamentary immunity, but not parliamentary impunity. I feel that when a Member of Congress, say, commits the crime of bribery or corruption of a public official, allows himself to be corrupted to obtain material benefits for his actuations here in Congress, that does not mean that he cannot be prosecuted in court for that act of corruption because his conduct within the legislative halls cannot be subject to prosecution.

Senator TOLENTINO. No, Your Honor. That is not the case.

Senator MARCOS. Why, that is practically the same.

Senator TOLENTINO. No, very different, because, a Congressman or a Senator, for instance, receives some benefits and he promises to propose legislation; he does not have to enact a legislation. The mere receipt of money constitutes the offense. He is guilty of bribery even if he does not actually undertake legislation. The offense is committed without the official act. But in the case we are contemplating, he acquires an interest in the business in, let us say, 1958 and then he enacts a law in 1960. The

enactment of the law is an essential element of the offense there and to prove the offense we are going to inquire into his legislative actuation, which I believe is covered by the parliamentary immunity.

Senator MRACOS. Well, I disagree with the distinguished gentleman on the parliamentary immunity on this particular point. I feel that when a Member of Congress is charged with a criminal offense, part of which may have been committed outside of the legislative halls, it is necessary to look into his actuations in the legislative halls not for the purpose of removing from his his parliamentary immunity but for the purpose of establishing his criminal intent. For instance, I feel his obtaining or receiving a share in a corporation which he subsequently will favor with some kind of a special privilege is the most direct kind of bribery, and that is what is being discussed here. I think, the distinguished author must have thought of that when he wrote this particular provision.

Senator TOLENTINO. You will note, Your Honor, that even in this kind of special provision in the case of franchise, special interest or special privilege granted by the Legislature, I think, the act penalized there is subsequent to the grant of the franchise.

Senator MARCOS. Well, the provision of the Constitution on this is found in Section 17, Article VI, which reads:

"Sec. 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any contract with the Government or any subdivision or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office."

So, terms "franchise" and "special privilege" have a special meaning under constitutional law. They do not refer merely to a broad law which may grant unusual kinds of privileges to all corporations in general. For instance, on exempting a general class of business. The term "franchise" or "special privilege" has a certain meaning in constitutional law. It refers to those kinds of special privileges that are granted to individuals or persons by special law. And

the same is true with franchises. So, actually, what we are doing here is that we are adding, we are broadening the prohibition embodied in the Constitution,

Senator TOLENTINO. The prohibition embodied in the Constitution with penal sanction, actually, as I said, is covered in Paragraph 8. That is why Section 6 contemplates of something else and this is a subsequent acquisition of interest after having authored legislation in Congress. Now, what Your Honor wants is to cover even past legislation already.

Senator MARCOS. Let us go step by step.

Senator TOLENTINO. Even though, I agree with your Honor that, perhaps, after this bill has been approved and the person has acquired an interest in a corporation and later on he authors a bill that will grant special privileges, the act is reprehensible and we should compel him to withdraw. And I am willing to punish his conduct provided we give him time, definite time to withdraw, because, anyway, the prohibition is only during his incumbency. He can acquire interest after his incumbency.

Senator MARCOS. Very well, Mr. President, I will limit this particular problem now. After the passage of this bill into law and subsequently he authors a bill which he —

Senator TOLENTINO. May I make a suggestion, Your Honor?

Senator MARCOS. Yes.

Senator TOLENTINO. That clause on lines 21-22, page 5, could be made to read as follows: "And who acquires or receives or continues for one year after the approval of such law to have any such interest during his incumbency." I think that would express the idea of when the interest was acquired before. But he continues.

Senator MARCOS. It being understood that all these actuations referred to were acts committed after the passage of this bill into law.

Senator TOLENTINO. Yes.

Senator RODRIGO. Mr. President, may I ask a few questions for clarification?

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

Senator TOLENTINO. Yes, Your Honor, gladly.

Senator RODRIGO. Does not the sponsor believe that it is more reprehensible for a Member of Congress who already has an interest in a certain business enterprise to author a law which will benefit that interest?

Senator TOLENTINO. That, I agree.

Senator RODRIGO. Than for another Member of Congress who authors a bill without an interest yet in a certain business enterprise and subsequently he merely acquires interest?

Senator TOLENTINO. I agree, Your Honor, but, as I said, my objection is not against that as a policy. The question that I was raising was if we penalize the enactment or the authorship of a law which would benefit his interest, we are actually questioning his official actuation, which I believe, would be covered by the parliamentary privilege.

If we do not have that question of parliamentary immunity, there would be no debate on this, because, I agree with the principle. But my fear is that if we are going to punish him for having authored a bill which benefits him particularly, we are actually questioning him for his legislative action which I believe is covered by the privilege. He cannot be questioned outside of Congress for that, and to prosecute him would be actually to question him.

Senator RODRIGO. I see that point, Your Honor, and I would like to make a comment and a suggestion regarding the amendment. I recognize the technical difficulty of penalizing a Member of Congress for having introduced or for having authored a bill in Congress because that would be penalizing the act of authoring the bill, which is covered by the parliamentary immunity, and that cannot be questioned in any other place in the country. However, it is admitted that that act is more reprehensible than the act of a Member of Congress who when he authored the law had no interest yet in the business and subsequently acquires interest in the business. Then

my suggestion is this: We can obviate and go over that constitutional technicality by penalizing the mere continuation of the interest of that member of Congress in the business enterprise....

Senator TOLENTINO. Yes, Your Honor.

Senator RODRIGO.without giving him one year. And so if we frame the amendment this way: "Any member of Congress who continues having interest in a business after the law has been approved", then 24 hours after the passage of the law which he authored, if after 24 hours he continues to have interest in that business, we can already go after that member of Congress. First of all, he should not have authored that law without first disposing of his interest. As Your Honor admitted, it is more reprehensible for him to have authored that law. Unfortunately, we cannot go after him because of that constitutional provision. So, why give him one year for an act which is more reprehensible?

Senator TOLENTINO. I am not the author of the amendment, Your Honor. I was only asking that period be fixed. He considered it as a reasonable period.

Senator RODRIGO. I would like to ask the author of the amendment if he will agree to this amendment: Do not set a period.

Senator TOLENTINO. No, we have to set a period.

Senator RODRIGO. We just say "if he continues".

Senator TOLENTINO. We have to set a period, Your Honor, when the prosecution can start.

The PRESIDENT. Gentleman from Ilocos Norte.

Senator MARCOS. May I explain the one-year period was inserted for the purpose of giving time to a member of Congress who, before the passage of this bill into law, may have acquired an interest in a corporation and may have authored a bill in favor of such a corporation in which he has an interest. Now, the one-year period I feel — indeed, as the gentleman from Bulacan — is too long, a little too

long on the prospective act. The one-year period that I proposed was for acts previous to the approval of this bill.

Senator TOLENTINO. What period would Your Honor now propose?

Senator MARCOS. Let us not put a period.

Senator TOLENTINO. No, Your Honor, we have to put a period for that, because....

Senator MARCOS. Upon the suggestion of the distinguished gentleman from Batangas and Quezon, "forthwith".

Senator TOLENTINO. How long is that? How long is "forthwith"? Because things may happen such as now, Your Honor. I am sure Your Honor does not know yet until now what are the bills that have actually come into effect from the regular session. Until now, if I authored a bill, I would not know, because there has been a delay in the official release of bills that have become law.

Senator MARCOS. Your Honor has a point there. But the term "forthwith" takes that into account, because by "forthwith", it means immediately upon notice. Because if you are informed and you do not act on it, that is a malicious attempt to evade the exaction of the law.

Senator TOLENTINO. We must at least fix a period, Your Honor. It may be a short period, but a period must be established.

Senator RODRIGO. Mr. President.

The PRESIDENT. Gentleman from Bulacan.

Senator RODRIGO. My point is this, Mr. President. If we give a member of Congress who already has an interest in a business enterprise and who authors a law favoring that business enterprise a period of time within which to dispose of that interest, this article will look inequitable, and it will actually be, because it is admitted already that this member of Congress who already has an interest and he authors a bill favoring that enterprise commits a more

serious offense that a member of Congress who when he authored a bill did not have the interest yet and only acquires interest subsequently. Now, the only reason why we do not penalize this more serious offense is because of that constitutional provision. So, our intention now is to merely remedy that constitutional difficulty that we encounter. Now, if we give a period to this member of Congress, well, that that would appear as placing him in a better position for a more serious offense than for a member of Congress who committed a less serious offense. First of all, I believe that were it not for the constitutional provision, this member of Congress should be penalized.

Senator TOLENTINO. Correct. I agree with Your Honor.

Senator RODRIGO. The act he committed is more reprehensible than the other act. So, all that we want to do is to be able to go over that constitutional provision so that it will not appear that we are penalizing the act of authoring the bill but an act he commits not as a senator or as a member of Congress. So, I believe that we should not set a time limit. So that if he authors a bill favoring his interest at present, the bill is enacted into law, and after one hour he does not dispose of his interest, the following day a complaint can be filed against him.

Senator TOLENTINO. Well, yes, Your Honor. There is no question about that. But what I want is that there should be some determination in the law itself as to when the offense is committed. You give him six hours, 10 hours, 24 hours, to me is immaterial, so long as the law is clarified as to when the offense is committed. My idea in fixing a period is not to make it lighter for an offender, but to make the law specific, because a period can easily be determined unlike the phrase "manifestly excessive". You cannot determine that. But when it comes to a period, it can easily be determined, by hours, by days. The law must be specific on that because this is a penal statute. Where we can make it specific, we should make it specific.

Senator RODRIGO. To my mind, considering that

the act itself of authoring a bill favoring a business in which a member of Congress has peculiar interest is very reprehensible; we cannot now penalize that because of the Constitution, so I believe that if he continues even for one minute having peculiar interest in that business, he should already be penalized — even for one minute.

Senator TOLENTINO. If we say, Your Honor, that he just continues, well, I can remember some jurisprudence on the term "continuing" as requiring a lapse of time sufficient to indicate intention, and that would be quite a long lapse of time. So, if you use the word "continues", the court may consider two or three days as not sufficiently long to show an intention to continue with the reprehensible act. So, if Your Honor would like to fix a period, let us fix a period. If it is 24 hours, I have no objection — fix it at 24 hours. I just want it specific in the law.

Senator RODRIGO. As to the intention, if it is really....

Senator TOLENTINO. Would Your Honor have any objection to putting 24 hours? Fundamentally, has Your Honor any objection? I just want to make it clear.

Senator RODRIGO. I do not have any objection, although it would still appear as making it easier for a member of Congress who committed a reprehensible act than for somebody who commits a less reprehensible act. But if that is the only way we can go over this constitutional provision, I agree to that — 24 hours.

Senator TOLENTINO. So, if the proponent of the amendment can accept that....

Senator PADILLA. Mr. President.

The PRESIDENT. Gentleman from Pangasinan and Manila.

Senator PADILLA. With the permission of the gentleman who spoke on this proposed amendment and of the sponsor of the bill, Mr. President, I am a little disturbed and confused by this discussion, because my concept of a law is a law that is of general

application, unless it be a franchise. Now, if a law is of general application and applies to all who are similarly situated, as all laws should be, otherwise they will be unconstitutional or class legislation, and a member of Congress might incidentally receive, as all others similarly situated, some benefit, now would that fall under the prohibition?

Senator TOLENTINO. No, no, we have explained that repeatedly, that that will not fall under the prohibition.

Senator PADILLA. So that if it is a law that is peculiar to one particular individual or corporation or business, then it would be not a general law, it would be in the nature of a franchise, perhaps the provision here instead of a law, we should make a specific franchise.

Senator TOLENTINO. Not necessarily, Your Honor. We can approve laws appearing to be general in character and yet can be beneficial to only one particular enterprise. I gave an example yesterday on that bill about a match factory; it is general in its appearance, but it is benefiting only one corporation. There can be cases like that. Or we may have a bill authorizing the expropriation of certain property. That is not a franchise. Only one property is going to be expropriated. There may be few, Your Honor, but there are possible cases.

Senator PADILLA. In cases like that, the bill should be killed, it should not be passed, and if it is railroad into passage or it is sometimes approved without the full knowledge of the members of Congress because it is done during the last day of the session, it should be vetoed.

Senator TOLENTINO. In that particular case of the match, it was not railroad. It was with the full knowledge of all the members; there was even an experiment conducted about the inflammability of the match sticks right in the session halls of Congress, but it was passed just the same. There are certain bills like that, and we have to accept that possibility. So, we use the general term in the phraseology.

Senator PADILLA. I am in full accord in maintaining the highest standard of morality and propriety.

but I am afraid that if we do not word this properly, any incidental benefit that may accrue to any member of Congress who incidentally may have an interest as a small stockholder may fall under the technical clutches of the law, which is not the intention.

Senator TOLENTINO. That has been very clearly mentioned in the amendment.

Senator MARCOS. Mr. President, if the intention is to limit it to twenty-four hours, I withdraw my amendment as forthwith, and in lieu thereof place twenty-four hours.

Senator TOLENTINO. Therefore, I will read the amendment, and it will be reformed in this manner, so that on lines 21 and 22, on page 5, it would read as follows:

Senator TAÑADA. Mr. President, may I make questions with respect to the operation of the twenty-four hour period? I think we should be reasonable when we enact laws here. Suppose the member of Congress who authored the bill that benefits a corporation in which he has a substantial interest, happens to be in Europe when the bill become a law, do you think that the twenty-four hour period would be reasonable? I just ask that question, Mr. Sponsor. I know how reasonable you are.

Senator TOLENTINO. Yes, that may be possible, but, Your Honor, as I explained, in a situation like this we have the law. If this bill becomes a law, every member of Congress would have notice of the provision of the law. If he authors a bill that benefits a specific business enterprise where he has an interest and he knows after twenty-four hours he becomes criminally liable, I think he should follow that bill up and immediately withdraw his interest. In fact, Your Honor, I would say that in the exercise of discretion and prudence, the moment the law passes Congress, he does not have to wait for the approval of the President, he should begin disposing of his interest, because we are just awaiting the date of approval.

Senator TAÑADA. In that case, why fix twenty-four hours? Why not forthwith?

Senator TOLENTINO. So that the twenty-four

hour limit gives him notice specifically of the period, but forthwith is quite something vague.

Senator TAÑADA. Still, Your Honor, I would like to say that the twenty-four hour period is unreasonable. It might not be possible for a senator who holds various interests in a corporation that has been benefited by a law to look for buyers of those interests. Let us not try to put up here a front as if we are the cleanest and the best of all people. Let us be reasonable. Personally, I do not have any holdings, any such interest in a corporation, but I can realize the situation of other persons who may be members of this Body. Let us be reasonable with the period. If we give a criminal twenty-four hours within which to answer an information, I think we should give others a reasonable period. Twenty-four hours is too short.

Senator TOLENTINO. As far as I am concerned, I am just waiting for a fixed period to be proposed by the authors. I will accept because this is a penal legislation.

Senator TAÑADA. I would appeal to the authors of this amendment with respect to the period that we be reasonable.

Senator TOLENTINO. As far as I am concerned, proposed was to penalized the mere act of continuing to have interest in that business, and, as I said, if he continues even for one minute he should be penalized. As a matter of fact, morally speaking, even the mere authorship of a law we have already agreed on all that, that is why the only thing we are trying to go around in this amendment is that constitutional obstacle. So I think we can agree on just saying the author of a bill which benefits a business enterprise in which he has an interest and who continues having that interest in that business is liable under this section. In other words, it is the mere continuation that is penalized and not negative act of failing to dispose of his interest within a certain period of time.

Senator TOLENTINO. Well, continuity, Your Honor, is just the other aspect of failing to dispose of his interest. It is like a coin, one side is the continuation, the other side is the disposition.

Senator RODRIGO. Yes, but the difficulty starts from the thought of failing to dispose of his interest. As Your Honor said, we have to set a period, and according to the gentleman from Quezon, it must be a reasonable period, but once we give a reasonable period to members of Congress who author bills favoring business enterprises in which they have interest to dispose of their interest, then we will be in that awkward position where we are being more lenient with people who commit more reprehensible acts than those who commit less reprehensible acts.

Senator TOLENTINO. I think that is quite clear, Your Honor; but as I said this being a penal statute I would rather prefer that we fix a period, and if the gentleman from Quezon has an idea of what a reasonable period is, perhaps he can inform us of what is a reasonable period, and we can ask the author of the amendment if that is agreeable to him.

Senator TAÑADA. Mr. President, I think that the elements of the offense now being defined are clear already and we do not have to repeat them. The only question now is what time are we going to give the persons affected within which to dispose of their interest. I submit that 24 hours is too short and I consider it unreasonable. So, at the risk of being charged of being lenient to this particular class of persons, I submit that one month is reasonable.

Senator TOLENTINO. We better ask the distinguished gentleman from Ilocos Norte if that is agreeable to him.

Senator MARCOS. To cut the discussion short, Mr. President, and in view of the fact, I believe, that there is not any member here who does not want a reasonable compromise, although I have another version of the whole thing, I think the act of merely initiating the legislation should be punishable immediately even if the legislation is not approved.

Senator TOLENTINO. That is entirely a different proposition. Right now, I am very much interested in finding out the attitude of the proponent of the amendment to the suggestion of the distinguished gentleman from Quezon.

SUSPENSION OF THE SESSION

Senator MARCOS. Mr. President, I ask for one minute suspension of the session.

The PRESIDENT. If there is no objection, the session is suspended for one minute. *(There was none.)*

It was then 11:57 a.m.

RESUMPTION OF THE SESSION

The session is resumed at 12:02 p.m. with the Hon. Senate President presiding.

The PRESIDENT. The session is resumed.

Senator MARCOS. Mr. President.

The PRESIDENT. Gentleman from Ilocos Norte.

Senator MARCOS. After consultation, Mr. President, with the other members of the Senate, I am honored to submit the compromise period of thirty days after the approval of the Act.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. That is acceptable, Mr. President. So, I would just restate the whole clause with such amendment. In other words, lines 21 to 22, page 5, shall read: "AND WHO ACQUIRES OR RECEIVES OR WHO CONTINUES FOR THIRTY DAYS AFTER THE APPROVAL OF THE SAID LAW OR RESOLUTION TO HAVE ANY SUCH INTEREST DURING HIS INCUMBENCY."

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

Senator MARCOS. Mr. President, just a mere explanation of the amendment in view of questions addressed to me as to safeguards against fictitious transfer. My answer is that in Civil Law, a fraudulent transfer has a definite meaning and fraudulent transfer is meant transfer to relatives, transfer without consideration, *pacto de retro* transfer and the like. So, Mr. President, I hope that this explains the fact that the intention is really to have a genuine, honest-to-goodness transfer of interest.

Senator TOLENTINO. In other words, Mr. President, he would not have any interest and that the transfer is not a pretended or simulated one.

Senator MARCOS. And that, therefore, there is no need to state any safeguard in the law. Thank you, Mr. President.

Senator PADILLA. Mr. President, may I address myself on Section 7, regarding statement of assets and liabilities. I remember the Senate passed Resolution No. 42. Could we not adopt, more or less, the wording of Senate Resolution No. 42 in the sense that on line 32, page 5, in addition to the statement of assets and liabilities, the source of income and the amounts of personal and family expenses, etc., mention be made also of the amount of income tax paid? Now, it seems to me that instead of the phrase "personal and family expenses" which in a way is too personal, that phrase could be change to something similar to the Senate Resolution No. 42 and in lieu of "personal and family expenses," substitute the phrase "income taxes paid."

Senator TOLENTINO. Why don't we just add that as an additional information, Your Honor?

Senator PADILLA. Because I was thinking that with respect to personal and family expenses, if every public officer were to submit as required in this bill a detailed statement, that might be too cumbersome, besides the fact that personal and family expenses are to my mind rather private. After all, this public officer like any other citizen is supposed to file an income tax return and those returns are subject to verification and investigation.

Senator TOLENTINO. That is precisely the reason for these personal and family expenses because in the income tax returns, the allowable exemption for which, I think, is P1,000, we all know that those are not the expenses that have been incurred for a minor child. We can see, more or less, whether the assets of a person are affected by the expenses that he incurs, because if he appears to have increased assets but at same time increased expenses, then the assets must be coming from somewhere else.

Senator PADILLA. On the other hand, if he is

acquiring illegitimate sources of income that constitutes graft and corruption, he can so increase his expenses or his so-called personal and family expenses to camouflage the possible excess between his legitimate and illegitimate sources, and personal and family expenses are something very elastic. A person may live frugally, or he may live very extravagantly. It seems to me that it is going too far into the private and personal affairs of a citizen or a family man.

Now, I am just bringing this to your attention, but if the sentiment is to retain this phrase, I would have no particular or personal objection. Then I would just propose the insertion of the phrase "income taxes paid" although, personally, I do not believe that this statement of assets should also include a detailed statement of personal and family expenses.

Senator TOLENTINO. So, if Your Honor please, would you have line 32 read as follows, so that instead of "his income" delete the word "income" and after that, also, "his personal and family expenses and the amount of income tax paid for the next preceding calendar year."

Senator PADILLA. If the sponsor would not accept my suggestion to eliminate "personal and family expenses".....

Senator TOLENTINO. I don't think it will do any harm to retain that, Your Honor, and add the phrase: "and the amount of income taxes paid." I will accept that.

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

Senator SABIDO. Mr. President.

The PRESIDENT. Gentleman from Albay.

Senator SABIDO. Will the distinguished sponsor yield to a question before I formulate the amendment that I have in mind?

Senator TOLENTINO. Gladly, Your Honor.

Senator SABIDO. Would not Your Honor consider important also to require the public officer in

his statement to include the how and when he acquired his assets?

Senator TOLENTINO. Sources?

Senator SABIDO. The when and how he acquired his assets.

Senator TOLENTINO. It may be easy to say that in some cases, but there may be times when you cannot specify definitely.

Senator SABIDO. At least when, so that the people may know whether the assets were acquired during his incumbency or not; at least when, if not how.

Senator TOLENTINO. The particular date? Because in case, for instance, of a bank deposit, we state as an asset the balance. How can we say when we acquire that?

Senator SABIDO. In the case of fixed assets, for instance, we will be in a position to state when they were acquired.

Senator TOLENTINO. Perhaps, if we specify real estate, that will be very easy.

Senator SABIDO. Or fixed assets, at least we can specify when we acquired the fixed assets.

Senator TOLENTINO. Maybe, that can be done. How would you word it, Your Honor?

Senator SABIDO. On line 22, page 5, after the word.....

Senator TOLENTINO. On page what? You are using the old copy.

Senator SABIDO. Maybe, I have the old copy.

Senator TOLENTINO. Line 22, — that is now line 30, "a true detailed and sworn statement of assets...."

SABIDO AMENDMENT

Senator SABIDO. Page 5, line 31, the new version, after the word "liabilities," insert the following: "WHEN HE ACQUIRED HIS FIXED ASSETS."

Senator TOLENTINO. Would Your Honor be ag-

reeable to just insert on line 30, after the word "assets," your proposed phrase in parenthesis, so that we do not entirely destroy the present arrangement?

Senator TOLENTINO. The date of acquisition of fixed assets.

Senator PRIMICIAS. Mr. President.

The PRESIDENT. Gentleman from Pangasinan.

Senator PRIMICIAS. May I state at this juncture that that would mean a discrimination against those who acquire fixed assets. How about those who acquire real estate, shares of stock and other securities which, after all, mean much more than fixed assets? There may be discrimination. If we are going to be broad, let us put all assets, or none at all.

Senator SABIDO. That is my proposition because, gentleman from Pangasinan, I agree with Your Honor that we should — that the officer shall be required to state the date of acquisition of all his assets, because it is only through such statement that we may be able to determine whether he acquired his assets during his incumbency or not.

Senator PRIMICIAS. Well, I do not know if that is necessary, because after all under this article or section of the bill, he must have to file a statement of assets within the month of January of every other year. So, he must file every two years — therefore, every other year. Therefore, one can trace the acquisition of assets. But if you require the statement of the dates when the assets are acquired, shares of stock, bonds or other securities, you will have a very difficult and very detailed statement of assets. But if you are required to file every other year your assets, shares, stocks, bonds, so much, well, you can trace when were acquired.

Senator SABIDO. But such requirement will only be complied with after the approval of this law, but before the approval of this law many things have occurred already and many things have been done. Let the people know how Mr. X, for instance, from a poor rat, has become a millionaire overnight.

Senator PRIMICIAS. That is also true, but as regards members of the Senate, they have filed their statement of assets.

Senator SABIDO. Well, I am not referring to members of the Senate, because this provision . . .

Senator PRIMICIAS. Of course, Your Honor. I have not finished the statement. As regards members of the Senate, they have filed their statements of assets in accordance with the resolution approved in 1954 or 1955. Now, as regards other persons, there is something in what Your Honor says, that they must certify when they have acquired their assets. But at any rate, the law will not have a retroactive effect. And whether or not those assets were acquired prior to the approval of the law and during their incumbency, and it would involve a violation of the provisions of the present law, they could not be prosecuted for those acquisitions.

Senator SABIDO. But, Your Honor, I consider more important the statement of the date of the acquisition of the assets than the mere declaration of assets. Because what do we get by requiring a public officer to make a declaration of his assets and liabilities? What practical thing do we attain by such mere declaration? Whereas, if we require a public officer to make a declaration as to when and how he acquired his assets, then we may have a clear picture of that man.

Senator PRIMICIAS. We do not have any quarrel on that, Your Honor, but with the requirement that statement of assets and liabilities be filed every other year, anyone can trace the assets.

Senator SABIDO. Yes, Your Honor, but that will be after.

Senator PRIMICIAS. Because I am only figuring. I do not have any stocks, bonds or securities. I do not acquire. But I am considering the situation of other people who may have acquired stocks, bonds and securities at different dates, or they might be buying stocks at the stock exchange from day to day, or they might also buy bonds as a good place of investment for their savings, and it might mean a very long list. If everyday they buy, they must have to put that down — everyday. I am wondering if that provision might not defeat the purposes of the bill by encouraging the hiding of these assets.

Senator SABIDO. Let that inconvenience be the price of his wealth.

Senator PRIMICIAS. Well, if Your Honor insists on that, I am only calling your attention to the fact that it might be so inconvenient, it might be so unreasonably hard and strict, that it might provoke people or it might induce people to avoid this provision of the bill itself.

Senator SABIDO. In the case, for instance, of shares of stock, the date of acquisition appears in the shares of stock, and if the exact date cannot be stated, well, let the official so say or so state in his declaration. He will not be required to perform the impossible.

Senator PRIMICIAS. Now, suppose he buys shares of stock every day in the stock exchange.

Senator SABIDO. Well, let him say so.

Senator PRIMICIAS. And he sells them everyday also. In other words, he engages in the buying and selling of shares of stock for some purpose, for gain, or suppose that he bought those shares of stock before the war and some years ago, and the records are lost. How could this be complied with.

Senator SABIDO. Well, at any rate, in that case, he may so state in his declaration, and he will not be required more than that. But I consider it very important if we want to attain our purpose, attain something practical through this provision, for every official to say how he acquired his assets and when in his statement, otherwise this bill or proposed law will just be another piece of paper without any practical value.

Senator PRIMICIAS. I do not accept that statement. I believe that if we require public officers to file a statement of assets and liabilities every other year, that will sufficiently give us the necessary information. But if Your Honor wants to have a more detailed statement, as I said at the very beginning, I would not want to have any discrimination against those who acquire fixed assets. If we are going to apply the rule to one, we must apply it to all.

Senator SABIDO. I agree with Your Honor, and

that is my original proposition. I only wanted to accommodate the author of the bill.

Senator PRIMICIAS. In that case, Mr. President, I will submit that to the Senate if the gentleman is going to return to his original proposition.

Senator SABIDO. I am returning to my original proposition.

Senator TOLENTINO. How is it now, Your Honor.

Senator SABIDO. The proposed amendment is as follows: That on page 5, Section 7, line 30, after the words "statement of assets", add the words "INCLUDING THE DATE OF ACQUISITION THEREOF". No one requires the impossible.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. I did not get it clearly, Your Honor.

Senator SABIDO. On page 5, line 31, after the word "assets", add the words "INCLUDING THE DATE AND MANNER OF ACQUISITION THEREOF".

Senator TOLENTINO. Shall we place that in parenthesis?

Senator SABIDO. Why in parenthesis?

Senator TOLENTINO. Because it would be very awkward, Your Honor. It is followed by the words "and liabilities".

Senator SABIDO. Well, that may be done.

Senator TOLENTINO. So, on line 30, after the word "assets" place in parenthesis the words "INCLUDING THE DATE AND MANNER OF ACQUISITION THEREOF".

Senator SABIDO. Yes, Your Honor.

Senator TOLENTINO. Accepted, Mr. President.

The PRESIDENT. The amendment is approved if there is no objection. (*There was none.*)

COMMITTEE AMENDMENT

Senator TOLENTINO. Mr. President, before we

go further, I might forget this amendment. This has been overlooked. On the same page 5, line 30, after the word "President," insert the following: "OR in THE CASE OF MEMBERS OF THE CONGRESS AND THE OFFICIALS AND EMPLOYEES THEREOF, WITH THE OFFICE OF THE SECRETARY OF THE CORRESPONDING HOUSE,".

The PRESIDENT. The amendment is approved if there is no objection. (*There was none.*)

Senator MARCOS. Mr. President.

The PRESIDENT. Gentleman from Ilocos Norte.

Senator MARCOS. Mr. President, may I call attention to the fact that the amendment I have submitted on line 22, page 5, refers only to executive officials. I would like to call the attention of the author, because I wish to state that my intention was to make it applicable to members of Congress equally. This question of continuation to have interest, we have amended the paragraph pertaining to executive officials but we did not amend the paragraph with respect to members of Congress. The President may think again that we are discriminating against the executive officials.

Senator TOLENTINO. Yes, the gentleman is correct, Mr. President. The way it was inserted it would apply only to executive officials when the intention is, I think, to apply to all members of Congress as well as those recommending the initiation of legislation. Perhaps the best way is to reconsider that amendment on lines 21 and 22 and instead add a third paragraph in this section which would convey the idea in the amendment of the gentleman from Ilocos Norte.

MOTION FOR RECONSIDERATION

Senator MARCOS. I withdraw therefore, my original amendment and seek a reconsideration that it be embodied on a third paragraph which will include all the officials of the legislative and executive branches of the Government.

Senator TOLENTINO. Yes.

The PRESIDENT. If there is no objection, the Motion for Reconsideration is approved.

MARCOS AMENDMENTS

Senator MARCOS. Now, Mr. President, I propose the following amendment: On page 5, between lines 22 and 23, insert a new paragraph to read as follows: "It shall likewise be unlawful for such member of Congress or other public officer, who, having such interest prior to the approval of such law or resolution, continues for thirty days after such approval to retain such interest."

The PRESIDENT. What does the Committee say?

Senator TOLENTINO. Accepted, Mr. President.

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

Senator MARCOS. Next amendment, Mr. President. On page 6, Section 9, line 19, between the words "any" and "unexplained wealth" insert "prohibited interest and", in accordance with the previous section.

Senator TOLENTINO. Accepted, Mr. President.

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

Senator MARCOS. This is a matter of amendment on the style, Mr. President. On line 29, same page, instead of the word "in" substitute the word "at".

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

Senator MARCOS. Page 7, line 4, between the first two words "court" and "may" insert the following: "even before the termination of the preliminary investigation".

Senator TOLENTINO. Just a moment, Mr. President.

Senator MARCOS. I beg Your Honor's pardon. It should be after the word "may", so that it will read: "...competent court may even before the termination of the preliminary investigation..."

Senator TOLENTINO. I would like to seek clarification. Properly, Mr. President, it says: "...the

competent court may even before the termination of the preliminary investigation order that a witness..."

Senator MARCOS. Yes.

Senator TOLENTINO. Which is the competent court that will order the witness?

Senator MARCOS. Ordinarily, the initiation of the criminal case may be at the justice of the peace or the court of first instance, whichever has acquired jurisdiction, but I foresee this petition has to be filed with the court of first instance, because the competent court, from the way we have been using the term competent court, refers to the court that has jurisdiction over the offense.

Senator TOLENTINO. Suppose the offense is recognized by the court of first instance, there is a preliminary investigation in the justice of the peace and a witness who seeks this exemption is needed in the preliminary investigation.

Senator MARCOS. The proper petition has to be filed in the court of first instance.

Senator TOLENTINO. There would be no case yet in the court of first instance.

Senator MARCOS. Precisely, that is why I sought to include this because we have the situation where in the second paragraph we state "in case the court should refuse to order such exemption, but the witness nevertheless agrees to testify, his testimony whether given in court or before an investigation official..." So, the provision envisage the possibility that the witness appears in the preliminary investigation. The investigating official probably refers to either the fiscal of a city or the justice of the peace court who investigates but does not try.

Senator TOLENTINO. I can see the purpose there because in the justice of the peace there may be no witness except the one who needed exemption from criminal liability. What is the procedure in getting the exemption? There is no case yet in the court of first instance, which is the competent court.

Senator MARCOS. Can we say that the justice of the peace court can grant the exemption?

Senator TOLENTINO. No.

Senator MARCOS. If that is not acceptable....

Senator TOLENTINO. How can he grant exemption of a case which is not within his own jurisdiction?

Senator MARCOS. Well, let us say this, that there is at present the exclusion of the accused for purposes of testifying as prosecution witness. I understand under our rules of court this exclusion of an accused, in order that he may testify as prosecution witness, may happen at the stage of the trial. It does not seem to be applicable to preliminary investigation.

Senator TOLENTINO. It is not.

Senator MARCOS. So, I feel that we make a specific provision here. Now, suppose instead of placing this amendment of mine we place a special provision that in case the petition or rather in case the exemption or immunity of the witness is sought before the termination of the preliminary investigation, the petition may be filed with the proper court of first instance having jurisdiction over the offense.

Senator TOLENTINO. May be that can be added as a second sentence in the first paragraph on line 7.

Senator MARCOS. Yes.

Senator TOLENTINO. If the gentleman can formulate his proposed amendment, I would accept it.

Senator MARCOS. I therefore withdraw my original amendment, Mr. President, and submit an amendment in substitution thereto as follows: On line 7 of the same page 7, after the first sentence ending with "acts" and the period (.) insert a new sentence, a continuing sentence which shall read as follows: "In case the immunity for the witnesses in such a criminal case is sought before the termination of the preliminary investigation, the petition for immunity may be filed with the proper court of first instance having jurisdiction over the offense."

Senator TOLENTINO. Accepted, Mr. President.

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

TAÑADA AMENDMENT

Senator TAÑADA. Mr. President, on page 8, line 14, between the words "profession" and "by" insert the following: "trade or occupation".

Senator TOLENTINO. What is intended, Your Honor, by the amendment? May I ask clarification?

Senator TAÑADA. Because here we are providing that this act shall not be interpreted to prejudice or prohibit the practice of any profession by any person or by public officer who under the law may already have been practicing his profession during his incumbency. Now, I thought that we should not limit the coverage of this provision or the application of the same to those on the professions. It should include trade or occupation.

Senator TOLENTINO. Would it include influence peddling? That is why I ask for clarification because it might defeat the intention of the whole bill.

Senator TAÑADA. That is, of course, no included within the known term "trade or occupation".

Senator TOLENTINO. How about agency? Precisely those people who act as agents.

Senator TAÑADA. It is understood that it can be considered as profession, but when we use here the term "profession" means the known accepted professions. So when we say "trade or occupation," it must be understood that it is a valid trade or occupation.

Senator TOLENTINO. Yes, but precisely this is a saving clause, and I am afraid that unless we place some qualifications here, there may be misinterpretations.

Senator TAÑADA. Precisely, we can qualify valid trade or occupation, because it is not fair that we just make this clause apply to those who are engaged in a profession. How about those engaged in occupation or trade not exalted enough to be called a profession?

Senator TOLENTINO. Profession or local trade or occupation.

Senator TANADA. Surely, because to my mind for us professionals, this is all right, but for those who have no profession but have an occupation or trade not exalted enough to be considered a profession this exemption will not be of much benefit.

Senator TOLENTINO. Let us take an instance, Your Honor. For instance, in the case of a professor of law, he can appear before a bureau in an administrative case as a professional although a member of Congress is not allowed to collect fees. But with respect to members of the Board they can do so. With respect to trade and occupation, what trade or occupation will be needed to be excepted because of the provision of this bill?

Senator TANADA. For example, business, that is trade. This bill, Your Honor, has far-reaching effects and we would like to cover as much as possible the field provided for in this paragraph so long as the trade or occupation is a valid trade or occupation. I do not see any harm if we would include that here.

Senator TOLENTINO. Well, the amendment would, I presume, be that after the word "profession", we place a comma (,) and insert the following: "OR LAWFUL TRADE OR OCCUPATION" and it is understood that this lawful trade or occupation will be ones for which licenses or permits have been granted by the Government. In other words, it covers a person who enters a particular trade but under a permit or license granted by the Government.

Senator TANADA. Yes, like lawyers.

Senator TOLENTINO. So that means that a trade or occupation not licensed is not included.

Senator TANADA. Yes, precisely.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

Senator PRIMICIAS. Mr. President, may I ask questions regarding this amendment?

The PRESIDENT. The gentleman may proceed.

Senator PRIMICIAS. Suppose there is a real estate broker and he is a private person and through some means he could induce the sale of real estate to the Government at an exorbitant price, wholly disproportional to the real value. Now, he is a duly licensed broker. Would he be exempted from the liability under this bill?

Senator TOLENTINO. I would like to request the proponent of the amendment, because he would know the intent and scope of the amendment, to answer the question.

Senator TANADA. Mr. President, I am sorry I did not hear the question because the distinguished gentleman from Albay was asking me another question. What was the question please?

Senator PRIMICIAS. My question was in the form of an example. There was a real estate broker, a private person, duly licensed to engage as such. Now, through some means he was able to sell to certain agencies of the Government a parcel of land at an unconscionable price, an evidently and manifestly exorbitant price, and made a pile of money by reason thereof. Would he be penalized under this bill if enacted into law? In other words, if he is a broker duly licensed as such and habitually engaged in the brokerage business, would he be penalized if the amendment is incorporated in this bill?

Senator TANADA. In my opinion, unless you can prove conspiracy to defraud the Government, he cannot be penalized because the broker can drive hard a bargain as much as he can.

Senator PRIMICIAS. But he will be under the general penal laws, not under this bill.

Senator TANADA. Yes.

Senator PRIMICIAS. That means that every other person in the same situation will not be penalized under this bill, although he may be, for some other crimes of conspiracy or fraud, under the general penal laws if the evidence so warrants.

Senator TANADA. That is my opinion.

Senator PRIMICIAS. But the public officer guilty

of the act in conspiracy with the private person can be prosecuted under this bill if it becomes a law.

Senator TAÑADA. There is an express section covering that situation and that is entering into agreement or contract manifestly disadvantageous or prejudicial to the interest of the Government.

Senator PRIMICIAS. Precisely, if the public officer can be penalized under this proposed act by reason of a conspiracy he had with a duly licensed broker, why will the public officer be made to answer criminally for a violation of the law and not his co-conspirator if by reason of this amendment he is exempt from the provisions of this bill?

Senator TAÑADA. Because the question of conspiracy is not provided for in this special law.

Senator PRIMICIAS. This thing has occurred to me, Mr. Senator, because it would seem that if we insert a provision like that it might create discrimination and unequal protection of the laws.

Senator TAÑADA. There is exactly no case of discrimination here because a public officer is punished because he is a public officer occupying a position of trust which is not in the case of the broker. But if you want to make the act of the broker entering into a conspiracy to defraud a special offense, that is at your pleasure. I am answering your questions in accordance with the provision of the bill.

Senator PRIMICIAS. Yes, I am very glad for your very frank answer on this point because this could be cited, probably in the future, when the corresponding case will be filed in court. But it would seem that there is something which is not entirely fair, that a broker would be exempt from the provision of the bill when the public officer is penalized because of the insertion of that amendment. I am asking this because I wanted to be clarified. This might open the door to certain brokers to go on a rampage. There had been accusations in the past about certain real estates acquired by certain government agencies at exorbitant prices through brokers. Now, the public officer intervening in the transaction would be penalized under this bill but the broker goes scot free.

Senator TAÑADA. If Your Honor wants to include the broker in such a situation, there should be another paragraph covering that, whereby it is made to appear that any person who conspires with any public officer to defraud the Government is covered. But as the bill is now worded, the broker is not covered.

Senator PRIMICIAS. We must have to amend practically several provisions of the bill because this provision Your Honor is amending is a general provision applicable to all.

Senator TAÑADA. No, you can state in a separate article your idea covering all conspiracies to defraud the Government. For example, if in the commission of any of the offenses the offense was committed in conspiracy with a private person, the co-conspirator may be held liable. That would apply to all articles.

Senator PRIMICIAS. Your Honor made that suggestion and perhaps, thinking aloud, we might add at the end of line 16 a provision like this. I don't know. It is subject to improvement.

"EXCEPT WHERE IN SUCH PRACTICE OF PROFESSION, TRADE, OR OCCUPATION, THE PRIVATE PERSON OR PUBLIC OFFICER HAD ENTERED INTO CONSPIRACY WITH ANY OTHER PERSON IN THE GOVERNMENT TO COMMIT ANY OF THE ACTS PENALIZED IN THIS LAW."

Probably, that would prevent the commission....

Senator TAÑADA. Such a provision would bring in a private person, if you could establish this conspiracy.

Senator PRIMICIAS. That is it. This gives immunity to those who are legitimately and morally practicing their profession.

Senator TAÑADA. In good faith.

Senator PRIMICIAS. But that immunity will be removed if he will go into conspiracy with any other person in the commission of any of the acts penalized in this bill. Is that acceptable to Your Honor?

Senator TAÑADA. Definitely. I do not know what the sponsor thinks about it.

Senator TOLENTINO. That is acceptable to me, Mr. President.

Senator PRIMICIAS. I would propose on page 8, line 16 (14) after the word "INCUMBENCY," delete the period (.) and insert a comma (,) and add the following: "EXCEPT WHERE THE PRACTICE OF SUCH PROFESSION, TRADE, OR OCCUPATION INVOLVES CONSPIRACY WITH ANY OTHER PERSON OR PUBLIC OFFICIAL TO COMMIT ANY OF THE VIOLATIONS PENALIZED IN THIS ACT."

The PRESIDENT. Is that acceptable to the gentleman from Quezon?

Senator TAÑADA. Yes, Mr. President.

The PRESIDENT. What does the sponsor say?

Senator TOLENTINO. Accepted, Mr. President.

Senator MARCOS. Mr. President, how does the provision now read?

Senator TOLENTINO.

"NOTHING IN THIS ACT SHALL BE INTERPRETED TO OR PROHIBIT THE PRACTICE OF ANY PROFESSION, LAWFUL TRADE, OR OCCUPATION BY ANY PRIVATE PERSON OR BY ANY PUBLIC OFFICER WHO UNDER THE LAW MAY LEGITIMATELY PRACTICE HIS PROFESSION DURING HIS INCUMBENCY EXCEPT,"—

the exceptions made by the gentleman from Pangasinan—

"WHEN IT CONSTITUTES A CONSPIRACY WITH ANOTHER PERSON OR PUBLIC OFFICER TO VIOLATE THE LAW."

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

Senator PRIMICIAS. As a consequence, on line 15, after the word "profession" put a comma (,) and add: "trade or occupation".

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

Senator SABIDO. Mr. President, just for clarification.

Senator SABIDO. Will Your Honor be willing to clarify a certain provision?

Senator TOLENTINO. Gladly, Your Honor.

Senator SABIDO. Your Honor, I am referring to the provision contained on lines 16, 17, and 18, page 7, which reads:

"The exemption provided in this Section shall not be a bar to prosecution and conviction for perjury or false testimony committed by the witness."

Now, does the enumeration of these offenses exclude others that the witness might have committed?

Senator TOLENTINO. No, Your Honor, he might have committed some other offense under the Revised Penal Code.

Senator SABIDO. This includes calumny or malicious prosecution?

Senator TOLENTINO. Of course, that will not be a bar.

Senator SABIDO. That will not be a bar to prosecution.

Senator TOLENTINO. The statement that he is still liable for false testimony will not be a bar to prosecution for any other offense he may have committed.

Senator SABIDO. Committed by him?

Senator TOLENTINO. Yes, Your Honor.

Mr. President, I move that we approve the bill on second reading as amended.

APPROVAL OF S.B. NO. 571 ON SECOND
AND THIRD READING

The PRESIDENT. Those who are in favor of the bill, as amended, will please say *aye*. (*Several senator; Aye.*) Those who are against will please say

nay. (Silence.) The bill as amended is approved on second reading.

Senator PRIMICIAS. Mr. President, this bill having been certified by the Executive as urgent, I move that we approve it on third reading.

The PRESIDENT. Voting on third reading on Bill No. 571 is now in order. The Secretary will read the title of the bill, if there is no objection. (*There was none.*)

The SECRETARY:

ANTI-GRAFT AND CORRUPT PRACTICES ACT

The PRESIDENT. The Senate will now proceed to vote on the bill. The Secretary will call the roll.

The SECRETARY:

Senator Alejandro Almendras	Yes
" Domocao Alonto	Absent
" Eulogio Balao	Yes
" M. Jesus Cuenco	Absent
" Estanislao Fernandez	Yes
" Pacita M. Gonzalez	Yes
" Oscar Ledesma	Absent
" Roseller Lim	Absent
" Fernando Lopez	Absent
" Genaro Magsaysay	Absent
" Ferdinand E. Marcos	

SENATOR MARCOS EXPLAINS HIS VOTE

Senator MARCOS. Mr. President, may I make a short statement.

I favor the bill, although I firmly believe that the bill as originally passed by the Congress was both constitutional, legal and valid as well as wise; that the amendments merely clarifying the provision to which the President has objected, are primary. The original intention was to seek the overriding of the veto of the President, but as the author of the bill who signed the resolution with us stated in debate that the overriding of the veto may not materialize because of the fact that there are only nine supporters of the resolution and that we pass this bill with the hope that

the President will not reiterate the veto message which was both unfounded and unqualified.

Thank you, Mr. President.

The SECRETARY:

Senator Ferdinand E. Marcos	Yes
" Ambrosio Padilla	Absent
" Quintin Paredes	Absent
" Cipriano P. Primicias	

SENATOR PRIMICIAS EXPLAINS HIS VOTE

Senator PRIMICIAS. Mr. President, under the provisions of this bill as originally submitted to the President, there was an express provision making the Chief Executive expressly liable for prosecution after his incumbency even if there was no impeachment proceeding filed against him during his incumbency. According to the veto message of the President, from his point of view this is against certain constitutional principles in which he believes.

Now, the President, therefore, through his legal advisers, suggested an amendment to this bill which provides that the President may only be proceeded against criminally after his incumbency if he has been previously convicted in an impeachment proceeding. Now, I know there are two schools of thought regarding this matter. There are those who believe that a previous conviction and impeachment proceeding is necessary in order to render the President amenable to criminal processes after his incumbency for acts committed during his incumbency, and this is the viewpoint of the President and some other constitutional authorities. Others are of the belief that passing through impeachment proceedings is not necessary and that, therefore, the President of any country may be proceeded against criminally even without passing through an impeachment proceeding. Now, I am voting in favor of this bill because it leaves the question open. The courts of the land will determine in the final analysis.— when and if this question will be presented — whether the opinion of one school of thought is good or that the opinion of the other is bad. And I am voting yes in favor of the bill because of this belief, and I also

understand this is the consensus of opinion of many other members of this Body.

Mr. President, I do not subscribe to the sweeping statement that the veto message was unfounded and unjust. Every man is entitled to his own opinion. The Executive had advanced his own reasons in vetoing the bill. And while it may be said that some of the provisions of this bill do not alter the original bill in substance, for the reason that the arguments advanced on the floor should be taken into account when the original bill was being discussed on the floor, I am of the humble opinion that the debates on the floor should only be considered when there is doubt as to the language used. When there is no doubt, there is no need of resorting to arguments advanced on the floor. And it was the opinion of the President — and with him, many others — that it was necessary to spell out in clear language the real intention of Congress in approving the Anti-Graft Act. And because the present bill now contains that clear language and for the reasons already stated, I am voting in favor of the bill.

The SECRETARY:

Senator Cipriano P. Primicias Yes
 " Gil J. Puyat

SENATOR PUYAT EXPLAINS HIS VOTE

Senator PUYAT. Mr. President, I vote in favor, and I say that this is one bill that I feel honored to cast my vote in the affirmative.

The SECRETARY:

Senator Gil J. Puyat Yes
 " Claro M. Recto Absent
 " Francisco Rodrigo

SENATOR RODRIGO EXPLAINS HIS VOTE

Senator RODRIGO. Mr. President, I would not have explained my vote had not our Majority Floor Leader raised a point or the point which he raised. Well, I vote in favor of the bill with the understanding that the meaning of Section 13 of this bill is that all officials, including the President, may be prosecuted for offenses committed by them while they

were holding office after the cessation of their terms. I do not want to subscribe to a theory which in effect would allow a President — not any particular President, but any President — to run away with, let us say, P10 million of the people's money during the last two weeks of his incumbency, when there is no more chance of impeaching him and placing him in a position where he cannot be prosecuted for this act. I vote yes, Mr. President.

The SECRETARY:

Senator Francisco Rodrigo Yes
 " Rogelio de la Rosa Absent
 " Decoroso Rosales Absent
 " Pedro Sabido Yes
 " Lorenzo Sumulong Yes
 " Lorenzo M. Tañada Yes
 " Arturo M. Tolentino Yes
 The PRESIDENT Yes

The PRESIDENT. With thirteen affirmative votes, Bill No. 571 is approved on third reading.

CONSIDERATION AND APPROVAL ON SECOND READING OF SENATE BILL NO. 574

Senator PRIMICIAS. Mr. President, I ask that we now consider Senate Bill No. 574.

The PRESIDENT. Consideration of Senate Bill No. 574 is now in order. The Secretary will please read the bill.

The SECRETARY.

AN ACT

LIMITING THE RIGHT TO ENGAGE IN THE RICE AND CORN INDUSTRY TO CITIZENS OF THE PHILIPPINES, AND FOR OTHER PURPOSES.

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

SECTION 1. No person who is not a citizen of the Philippines, or association, partnership or corporation, the capital or capital stock of which is not wholly owned by citizens of the Philippines,