

Tenants — *Do They Have the Right to Strike?* 5 F.E.U. L.Q. No. 3 at 229-237 (1957). ₱2.50 at Far Eastern University Institute of Law, F.E.U. Quezon Blvd., Manila. This issue also contains: Guevara, *A Critique on the Proposed Corporation Code*; Nollodo, *When is the Crime of Arson Attempted, Frustrated, or Consummated.*)

LEGISLATION

[R.A. NO. 1700]

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

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

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

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

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

SEC. 2. The Congress hereby declares the Communist Party of the Philippines to be an organized conspiracy to overthrow the Government of the Republic of the Philippines for the purpose of establishing in the Philippines a totalitarian regime and place the Government under the control and domination of an alien power. The said party and any other organization having the same purpose and their successors are hereby declared illegal and outlawed.

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

SEC. 4. After the approval of this Act, whoever knowingly, wilfully and by overt acts affiliates himself with, becomes or remains a member of the Communist Party of the Philippines and/or its successor or of any subversive association as defined in section two hereof shall be punished by the penalty of *arresto mayor* and shall be disqualified permanently from holding any public office, appointive and elective, and from exercising the right to vote; in case of a second conviction, the principal penalty shall be *prisión correccional*, and in all subsequent convictions the penalty of *prisión mayor* shall be imposed; and any alien convicted under this Act shall be deported immediately after he shall have served the sentence imposed upon him: *Provided, That*

if such member is an officer or a ranking leader of the Communist Party of the Philippines or of any subversive association as defined in section two herof, or if such member takes up arms against the Government, he shall be punished by *prisión mayor* to death with all the accessory penalties provided therefor in the Revised Penal Code; *And provided, finally*, That one who conspires with any other person to overthrow the Government of the Republic of the Philippines or the government of any of its political subdivisions by force, violence, deceit, subversion or other means, for the purpose of placing such Government or political subdivision under the control and domination of any alien power, shall be punished by *prisión correccional* to *prisión mayor* with all the accessory penalties provided therefor in the same Code.

SEC. 5. No prosecution under this Act shall be made unless the city or provincial fiscal, or any special attorney or prosecutor duly designated by the Secretary of Justice, as the case may be, finds after due investigation of the facts, that a *prima facie* case for violation of this Act exists against the accused, and thereafter presents an information in court against the said accused in due form, and certifies under oath that he has conducted a proper preliminary investigation thereof, with notice, whenever it is possible to give the same, to the party concerned, who shall have the right to be represented by counsel, to testify, to have compulsory process for obtaining witnesses in his favor, and to cross-examine witnesses against him: *Provided*, That the preliminary investigation of any offense defined and penalized herein by *prisión mayor* to death shall be conducted by the proper Court of First Instance.

SEC. 6. Any person who knowingly furnishes false evidence in any action brought under this Act shall be punished by *prisión correccional*.

SEC. 7. No person shall be convicted of any of the offenses penalized herein with *prisión mayor* to death unless on the testimony of at least two witnesses to the same overt act or on confession of the accused in open court.

SEC. 8. Within thirty days after the approval of this Act, any person who is a member of the Communist Party of the Philippines or of any such association or conspiracy, who desires to renounce such membership, may do so in writing and under oath before a municipal or city mayor, a provincial governor, or a person authorized by law to administer oaths. Such renunciation shall exempt such person or persons from the penal sanction of this Act, but the same shall in no way exempt him from liability for criminal acts or for any violation of the existing laws of the Republic of the Philippines committed before this Act takes effect.

SEC. 9. Nothing in this Act shall be interpreted as a restriction to freedom of thought, of assembly and of association for purposes not contrary to law as guaranteed by the Constitution.

SEC. 10. This Act shall take effect upon its approval.

Approved, June 20, 1957.

[R.A. NO. 1792]

AN ACT TO AMEND REPUBLIC ACT NUMBERED ELEVEN HUNDRED AND SIXTY-ONE OTHERWISE KNOWN AS "THE SOCIAL SECURITY ACT OF 1954", AND FOR OTHER PURPOSES.

SECTION 1. Section Two of Republic Act Numbered Eleven hundred and sixty-one is hereby amended to read as follows:

"SEC. 2. *Declaration of policy.*—It is hereby declared to be the policy of the Republic of the Philippines to develop, establish gradually and perfect a social security system which shall be suitable to the needs of the people throughout the Philippines and shall provide protection against the hazards of disability, sickness, old age and death."

SEC. 2. Section three of Republic Act Numbered Eleven hundred and sixty-one is hereby amended to read as follows:

"SEC. 3. *Social Security System.*—(a) To carry out the purposes of this Act the Social Security System, with principal place of business in Manila, Philippines, is hereby created. The System shall be directed and controlled by a Social Security Commission composed of the Secretary of Labor, the Secretary of Health, the Social Welfare Administrator, the General Manager of the Government Service Insurance System and three other members, one of whom shall represent the labor group and another management group, to be appointed by the President of the Philippines with the consent of the Commission on Appointments. The Chairman of the Commission shall be designated by the President of the Philippines. The term of the appointive members shall be three years: *Provided*, That the terms of the first three appointive members shall be one, two and three years, respectively. All vacancies, except through expiration of the term, shall be filled for the unexpired term only. Members of the Commission who are public officers shall not receive any additional compensation, but members who are private citizens shall receive twenty-five pesos for each meeting actually attended by them: *Provided*, That no compensation shall be paid for more than one meeting a week.

SEC. 3. Paragraph (a) and (b) of section four of Republic Act Numbered Eleven hundred and sixty-one are hereby deleted and paragraphs (c), (d), (e), (f) and (g), of the same section four are hereby re-designated as paragraphs (a), (b), (c), (d) and (e), respectively, and the following paragraphs to be designated paragraphs (f) and (g) are hereby inserted in the said section four:

"SEC. 4. *Powers and duties of the Commission.*—For the attainment of its main objectives as set forth in section two hereof, the Commission shall have the following powers and duties:

* * * * *

"(f) To adopt from time to time a budget of expenditures, including salaries of personnel, against all funds available to the System under this Act."

"(g) To set up its accounting system and provide the necessary personnel therefor."

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SEC. 4. Sub-paragraph 7 of paragraph (j) of section eight of Republic Act Numbered Eleven hundred and sixty-one is hereby deleted and sub-paragraphs eight, nine, ten and eleven of paragraph (j) of section eight are hereby re-designated as subparagraphs seven, eight, nine, and ten, respectively, and paragraph (f) of the same section is hereby amended to read as follows:

"SEC. 8. *Terms defined.*—For the purposes of this Act, the following terms shall, unless the context indicates otherwise, have the following meanings:

(f) *Compensation.*—All remuneration for employment, including the cash value of any remuneration paid in any medium other than cash, except that part of the remuneration in excess of five hundred pesos received during the month.

SEC. 5. Section nine of Republic Act Numbered Eleven hundred and sixty-one is hereby amended so as to read as follows:

"SEC. 9. *Compulsory coverage.*—Coverage in the System shall be compulsory upon all employees between the ages of sixteen and sixty years, inclusive, if they have been for at least six months in the service of an employer who is a member of the System: *Provided*, That the Commission may not compel any employer to become a member of the System unless he shall have been in operation for at least two years and has, at the time of admission, if admitted for membership during the first year of the System's operation at least fifty employees and if admitted for membership in the following year of operation and thereafter, at least six employees: *Provided, further*, That any benefits already earned by employees under private benefit plans existing at the time of the approval of this Act shall not be discontinued, reduced or otherwise impaired: *Provided, further*, That private benefit plans which are existing and in force at the time of the compulsory coverage shall be integrated with the plan of the System in such a way that where the employer's contribution to his private plan is more than three and a half per centum, he shall pay to the system only the three and a half per centum required in the Act and he shall continue his contributions to such private plan less the three and a half per centum contributed to the System so that the employer's total contributions to his private benefit plan and to the social security system shall be the same as his contribution to his private plan before the compulsory coverage: *Provided, further*, That any changes, adjustments, modifications, eliminations or improvements in the benefits to be available under the remaining private plan, which may be necessary to adopt by reason of the reduced contribution thereto as a result of the integration, shall be subject to agreements between the employers and the employees concerned: *Provided, further*, That the private benefit plan which the employer shall continue for his employees shall remain under the employer's management and control unless there is an existing agreement to the contrary: *Provided, finally*, That nothing contained in this act shall be construed as a limitation on the right of employers and employees to agree on and adopt benefits which are over and above those provided under this Act.

SEC. 6. Paragraph (b) of section ten of Republic Act Numbered Eleven hundred and sixty-one is hereby deleted.

SEC. 7. Paragraphs (a), (b) and (c) of section twelve of Republic Act Numbered Eleven hundred and sixty-one are hereby amended to read as follows:

"SEC. 12. *Retirement Benefits.*—(a) Upon retirement, an employee shall be entitled to a pension credit for each year of membership between the date of coverage and the retirement age equivalent to one-half of one per cent of his average monthly compensation during such year of membership, which pension shall be paid to him as long as he lives but in no case for less than two years. The monthly pension at retirement age shall be the sum of such yearly credits, with a minimum of twenty-five pesos (P25.00), provided he has been a member of the System for at least two years.

"(b) During the re-employment of a retired employee his annuity shall be suspended and he shall be subject again to the provisions of section eighteen

hereof, and his employer to section nineteen, provided that such employee receives from his re-employment an average monthly compensation of not more than fifty (P50.00) pesos.

"(c) On reaching the age of sixty years and after having rendered at least two years of service in an employment, a covered employee shall have the option to retire under this Act."

SEC. 8. Paragraph (a) of section thirteen of Republic Act Numbered Eleven hundred and sixty-one is hereby amended so as to read as follows:

"SEC. 13. *Death and disability benefits.*—(a) Upon the covered employee's death or total and permanent disability under such conditions as the Commission may define, before becoming eligible for retirement he or, in case of his death, his beneficiaries as recorded by his employer, shall be entitled to a benefit equivalent to one hundred per centum of the average monthly compensation he has received during the year multiplied by twelve if he has been a member of the System for at least one year, or multiplied by six if he has been a member of the System for less than one year: *Provided*, That in no case shall he be qualified to claim the benefits as herein provided if he has failed to pay his contributions for more than six months before his death or disability: *Provided, finally*, That if the death or disability should occur during such six-month period of grace, he shall be entitled to the corresponding benefits, but any such unpaid contributions shall be deducted from the amount of benefits payable hereunder:

SEC. 9. Section fifteen of Republic Act Numbered Eleven hundred and sixty-one is hereby deleted and sections sixteen, seventeen and eighteen are hereby re-designated as sections fifteen, sixteen and seventeen, respectively.

SEC. 10. Section nineteen of Republic Act Numbered Eleven hundred and sixty-one is hereby re-designated as section eighteen is amended so as to read as follows:

"SEC. 18. *Employee's contribution.*—Beginning as of the last day of the calendar month immediately preceding the month when an employee's compulsory coverage takes effect and every month thereafter during his employment, there shall be deducted and withheld from the monthly compensation of such covered employee a contribution equal to two and a half per centum of his monthly compensation."

SEC. 11. Section Twenty of Republic Act Numbered Eleven hundred and sixty-one is hereby re-designated as section nineteen amended to read as follows:

"SEC. 19. *Employer's contribution.*—Beginning as of the last day of the month immediately preceding the month when an employee's compulsory coverage takes effect and every month thereafter during his employment, his employer shall pay, with respect to such covered employee in his employ, a monthly contribution equal to three and a half per centum of the monthly compensation of said covered employee. Notwithstanding any contract to the contrary, an employer shall not deduct, directly or indirectly, from the compensation of his employees covered by the System or otherwise recover from them the employer's contribution with respect to such employees.

SEC. 12. The following new section to be designated section twenty of Republic Act Numbered Eleven hundred and sixty-one is hereby added:

"SEC. 20. *Government contribution.*—As the contribution of the Government to the operation of the System, the Congress shall annually appropriate out

of any funds in the national treasury not otherwise appropriated, the necessary sum or sums to meet the estimated expenses of the System for each ensuing year. In addition to this contribution, the Congress shall appropriate from time to time such sum or sums as may be needed to assure the maintenance of an adequate working balance of the funds of the System as disclosed by suitable periodic actuarial studies to be made of the operations of the system.

SEC. 13. The following new section to be designated section twenty-one of Republic Act Numbered Eleven hundred and sixty-one is hereby added:

"SEC. 21. *Government Guarantee.* — The benefits prescribed in this Act shall not be diminished and to guarantee said benefits the Government of the Republic of the Philippines accepts general responsibility for the solvency of the System."

SEC. 14. Sections twenty-one and twenty-two of Republic Act Numbered Eleven hundred and sixty-one are hereby re-designated as sections twenty-two and twenty-three, respectively.

SEC. 15. Section twenty-three of Republic Act Numbered Eleven hundred and sixty-one is hereby re-designated as section twenty-four and amended to read as follows:

"SEC. 24. *Employment records and reports.*—(a) Each employer shall report immediately to the System the names, ages, civil status, occupations, salaries and dependents of all his employees, who are in his employ and who are or may later be subject to compulsory coverage: *Provided*, That if an employee subject to compulsory coverage should die or become sick, disabled without the System having previously received a report about him from his employer, the said employer shall pay to the employee or his legal heirs damages equivalent to the benefits to which said employee would have been entitled had his name been reported on time by the employer to the System.

SEC. 16. Section twenty-four of Republic Act Numbered Eleven hundred and sixty-one is hereby re-designated as section twenty-five and amended to read as follows:

"SEC. 25. *Deposit and disbursement.*—All moneys paid to or collected by the System every year under this Act and all accruals thereto shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other public special funds: *Provided*, That of the total yearly collection of such moneys and their accruals, not more than seven *per centum* during the first two years of operation of the System nor more than five *per centum* during any year thereafter shall be disbursed for the payment of salaries and wages and purchase of office equipment and materials and operational expenses."

SEC. 17. Section twenty-five of Republic Act Numbered Eleven hundred and sixty-one is hereby redesignated as section twenty-six and the following paragraph is hereby added thereto:

* * * * *

(d) In other projects and investments which, in the determination of the Commission, shall redound to the benefit of the System, its members, as well as the public welfare: *Provided*, That any such investments shall be subject to the prior approval of the insurance commissioner in accordance with existing laws governing investments by insurance entities."

SEC. 18. Section twenty-six of Republic Act Numbered Eleven hundred and sixty-one is hereby redesignated as section twenty-seven.

SEC. 19. Section twenty-seven of Republic Act Numbered Eleven hundred and sixty-one is hereby redesignated as section twenty-eight and paragraph (e) thereof is amended to read as follows:

(e) Whoever fails or refuses to comply with the provisions of sections eighteen, twenty-two and twenty-four of this Act, or with the rules and regulations promulgated by the System, or whoever fails or refuses to pay any of the contributions provided in this Act or to furnish any report or to permit the inspection thereof, shall be punished by a fine of not less than five hundred pesos nor more than five thousand pesos, or imprisonment for not less than six months nor more than one year, or both, at the discretion of the court.

SEC. 20. Sections twenty-eight and twenty-nine of Republic Act Numbered Eleven hundred and sixty-one are hereby redesignated as sections twenty-nine and thirty, respectively.

SEC. 21. Section thirty of Republic Act Numbered Eleven hundred and sixty-one is hereby redesignated as section thirty-one and amended so as to read as follows:

"SEC. 31. *Saving Clause.*—The Congress hereby reserves the right to amend, alter, or repeal any provision of this Act, and no person shall be or shall be deemed to be vested with any property or other right by virtue of the enactment or operation of this Act. After the first two years of operation, an actuarial and financial valuation of the funds and operation of the System shall be made and, based on the results thereof, the President of the Philippines shall determine and recommend to Congress whether additional benefits, such as unemployment, may be included in the System's coverage, and the additional premiums to be imposed commensurate with the additional benefits.

SEC. 22. Section thirty-one of Republic Act Numbered Eleven hundred and sixty-one is hereby redesignated as Section Thirty-two and amended to read as follows:

"SEC. 32. *Appropriation.*—Out of any funds in the National Treasury not otherwise appropriated, the sum of one million pesos or so much thereof as may be necessary is hereby appropriated for the initial operating expenses of the System: *Provided, however*, That not more than sixty *per centum* of the amount herein appropriated shall be expended for salaries of personnel, equipment and other operating expenses of the System.

SEC. 23. *Effectivity.*—This Act shall take effect upon its approval.

Approved, June 21, 1957.

[R.A. NO. 1793]

AN ACT CONSTITUTING AN INDEPENDENT PRESIDENTIAL ELECTORAL TRIBUNAL TO TRY, HEAR AND DECIDE PROTESTS CONTESTING THE ELECTION OF THE PRESIDENT-ELECT AND THE VICE-PRESIDENT-ELECT OF THE PHILIPPINES AND PROVIDING FOR THE MANNER OF HEARING THE SAME.

SECTION 1. There shall be an independent Presidential Electoral Tribunal to be composed of eleven members which shall be the sole judge of all contests relating to the election, returns, and qualifications of the president-elect and

the vice-president-elect of the Philippines. It shall be composed of the Chief Justice and the other ten members of the Supreme Court. The Chief Justice shall be its chairman. If on account of illness, absence, or incapacity upon any of the grounds mentioned in section one, Rule one hundred and twenty-six of the Rules of Court, of any member of the Tribunal, or whenever, by reason of temporary disability of any member thereof, or vacancies occurring therein the requisite number of members of the Tribunal necessary to constitute a quorum or to render a judgment in any given contest, as hereafter provided, is not present, or for any other good reason for the early disposal of the contest, the Chief Justice may designate any retired justice or justices of the Supreme Court as may be necessary, to sit temporarily as Member of the Tribunal, in order to form a quorum or until a judgment in said contest is reached: *Provided, however,* That if no retired justices of the Supreme Court are available or the number available is not sufficient, justices of the Court of Appeals and retired justices of the Court of Appeals may be designated to act as Member of the Tribunal.

SEC. 2. A majority of the Presidential Electoral Tribunal shall constitute a quorum to do business. Unless otherwise specifically provided herein, it may promulgate its own rules and regulations governing the procedure to be followed in the filing and hearing of such contest, and may authorize any three of its members to receive evidence.

The Presidential Electoral Tribunal shall hear and decide *in banc* all presidential election contests brought under this Act and the concurrence of at least seven members of the Tribunal shall be necessary for a final decision thereon.

SEC. 3. The Presidential Electoral Tribunal shall decide the contest within twenty months after it is filed, and within said period shall declare who among the parties has been elected, or, in the proper case, that none has been elected, and in case of a tie between the candidates for president or for vice-president involved in the contest, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the members of the Congress in joint session assembled.

The party who, in the judgment, has been declared elected, shall have the right to assume the office as soon as the judgment becomes final, which shall be ten days after promulgation. The promulgation shall be made on a date previously fixed, of which notice shall be served in advance upon the parties or their attorneys, personally or by registered mail or by telegraph. No motion shall be entertained for the reopening of a case but only for the reconsideration of a decision under the evidence already of record. No party may file more than one motion for reconsideration, copy of which shall be served upon the adverse party who shall answer it within five days after the receipt thereof. Any petition for reconsideration shall be resolved within ten days after it is submitted for resolution. As soon as a decision becomes final, a copy thereof shall be furnished both houses of the Congress.

SEC. 4. The Tribunal shall have a Clerk of the Tribunal and such other subordinate officers and employees as may be necessary for the efficient performance of its functions and duties, all of whom shall be appointed by the Tribunal in accordance with the Civil Service Law and Rules. The Presidential Electoral Tribunal may designate the Chief Attorney of the Commission on Elections to act as Clerk of the Tribunal, and may assign other employees of the Commission on Elections and of the Supreme Court as may be necessary to perform duties in connection therewith. Such officials and employees when

so assigned by the Tribunal, shall perform their duties and functions under the exclusive supervision and control of the Tribunal.

SEC. 5. Any registered candidate for President or for Vice-President of the Philippines who received not less than five hundred thousand votes may contest the election of the President or the Vice-President, as the case may be, by filing a petition of contest with the Clerk of the Presidential Electoral Tribunal within thirty days after the proclamation of the result of the election.

Before the Presidential Electoral Tribunal shall take cognizance of a petition of contest or counter-contest, the contestant or counter-contestant shall file a bond with two sureties satisfactory to the Tribunal and for such amount as it may fix, to answer for the payment of all expenses and costs incidental to said contest, or shall deposit with the Tribunal cash in lieu of the bond, or both, as the Tribunal may order. Within five days from the filing of the contest or counter-contest, the Tribunal shall fix the amount of the bond or the cash deposit or both and if the contestant or counter-contestant fails to file the required bond or cash deposit or both within ten days from notice, his petition of contest or counter-contest, shall be dismissed. The Tribunal may, for good reason, order from time to time that the amount of the bond or the cash deposit be increased or decreased, or order the disposition of such deposit as the course of the contest may require. In case the party who has paid the expenses and costs wins in the contest, the Tribunal shall assess, levy and collect the same as costs from the losing party.

SEC. 6. The Presidential Electoral Tribunal shall have and exercise the same powers which the law confers upon the courts of justice, including the issuance of subpoena, subpoena *duces tecum*, the taking of depositions, the arrest of witnesses for the purpose of compelling their appearance; the production of documents and other evidence, the compulsory payment of the costs and expenses which may have been assessed against the parties and their bonds and the enforcing of said payment through the officers charged with the enforcement of judicial orders.

The Presidential Electoral Tribunal or any of its Members shall have the power to punish contempts provided for in Rule 64 of the Rules of Court under the same procedure and with the same penalties provided therein and exercised by superior courts.

The telegrams and correspondence of the Tribunal shall be transmitted free of charge.

SEC. 7. The sum of two hundred thousand pesos is hereby appropriated to carry out the purposes of this Act.

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

Approved, June 21, 1957.

[R.A. NO. 1827]

AN ACT TO REGULATE LOBBYING IN THE CONGRESS OF THE PHILIPPINES AND IN THE COMMISSION ON APPOINTMENTS.

SECTION 1. *Legislative purpose.*—The purpose of this Act is to prohibit corrupt or undesirable methods of lobbying, to promote a high standard of ethics in the practice of lobbying, to prevent harassing unfair and unethical lobbying practices, and to provide for the licensing of lobbyists and the suspen-

sion or revocation of such licenses.

SEC. 2. *Corrupt means to influence legislation; disclosure of interest.*—Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the Congress of the Philippines or before either House or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the Congress of the Philippines or before either House or any committee thereof, shall attempt in any manner to influence any member of said Congress for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, shall be punished by imprisonment of not more than two years or by fine not exceeding five thousand pesos or both such imprisonment and fine.

SEC. 3. *Corrupt or secret means to influence confirmation of appointment.*—Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the confirmation or rejection or by-passing of any appointment before the Commission on Appointments or before any committee thereof, upon the contingency or condition of the confirmation or rejection or by-passing of such appointment, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having an appointment in his favor pending before the Commission on Appointments or before any committee thereof, shall through secret or clandestine methods attempt in any manner to influence any member of such Commission to vote for confirmation of such appointment, shall be punished by imprisonment of not more than two years or by a fine not exceeding five thousand pesos or both such imprisonment and fine.

SEC. 4. *Definitions.*—The following words and phrases shall have the meaning respectively ascribed to them:

(1) *Measure.*—Any proposed legislation either in the form of bill, resolution or otherwise or any amendment thereof.

(2) *Lobbying.*—The practice of promoting or opposing the introduction or passage of legislation before either House of the Congress of the Philippines or any of its committees, or promoting or opposing the confirmation of any pending appointment before the Commission on Appointments or any of its committees.

(3) *Lobbyist.*—Any person who engages in the practice of lobbying for hire except in the manner authorized by section twelve of this Act. Lobbying for hire shall include activities of any officers, agents, attorneys or employees of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(4) *Unprofessional conduct.*—A violation of any of the provisions of this

Act, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempt to influence the vote of members of Congress on any measure pending or to be proposed or on any appointment submitted for confirmation by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any member of Congress, or engaging in practices which reflect discredit on the practice of lobbying or the Congress.

(5) *Principal.*—(a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the Congress or to be proposed, affecting the pecuniary interest of such person, corporation or association, or in connection with any appointment pending before the Commission on Appointments.

(b) Any branch or subdivision or instrumentality of the government, including government-owned and government-controlled corporations, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such branch, subdivision, or instrumentality.

(6) *Docket.*—The register of licensed lobbyists maintained by the Secretary of the House of Representatives and by the Secretary of the Senate (insofar as Congress is concerned) or by the Secretary of the Commission on Appointments (insofar as said Commission is concerned) pursuant to section seven of this Act.

(7) *Report.*—The statement of expenses filed with the Secretary of the House of Representatives and the Secretary of the Senate (insofar as Congress is concerned) or with the Secretary of the Commission on Appointments (insofar as said Commission is concerned) by lobbyists pursuant to section nine of this Act.

(8) *Pecuniary interest.*—This term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

SEC. 5. *Licenses for lobbyists; suspension or revocation.*—(1) *Licenses; fees; eligibility.*—Any person of legal age and good moral character who is a citizen of the Philippines is qualified to be licensed as a lobbyist as herein provided. The Secretary of the House of Representatives and the Secretary of the Senate (insofar as Congress is concerned) or the Secretary of the Commission on Appointments (insofar as said Commission is concerned) shall provide for the form of application for license. Such application may be obtained in the office of the Secretary of either House of Congress or of the Secretary of the Commission on Appointments, as the case may be, and filed therein. No application shall be approved except by unanimous vote of the Secretaries of both Houses insofar as lobbying in Congress is concerned. Upon approval of such application and payment of the license fee of seventy-five pesos to the Secretary of either House or to the Secretary of the Commission on Appointments, as the case may be, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more

principals. Each license shall expire on December thirty-first of the year in which it was issued. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within ten days of the date of filing of the application. Denial of a license may be reviewed by mandamus proceeding in the proper court.

(2) *Suspension or revocation of license.*—Upon verified complaint in writing charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or deceit or through error, the Solicitor General is hereby authorized to bring civil action in the proper Court of First Instance against the holder and in the name of the state as plaintiff to revoke the license. The procedure in such civil action shall be as provided in the Rules of Court. If the court finds for the plaintiff judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be. If the court shall determine that the complaint made to the Solicitor General was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action with such damages as the court may award. The licensing authority may commence such action on their own motion.

(3) *Suspension of lobbying privileges.*—No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of any provision of this Act shall engage in any activity permitted by section twelve hereof until he has been reinstated to the practice of lobbying and duly licensed.

SEC. 6. *Lobby registry.*—Except as provided in section twelve (2) hereof every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be entered upon the docket. It shall also be the duty of the lobbyist to enter his name upon the docket. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

SEC. 7. *Docket; authorization.*—(1) The Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, the name and business address of his principal, and the subject or subjects of legislation or pending appointment to which the employment relates. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the said Secretaries.

(2) Any principal employing any lobbyist shall when further subjects of legislation or further appointments are submitted which such lobbyist is to promote or oppose, make or cause to be made additional entries in the docket stating such employment so that the docket will show at all times all subjects of legislation or pending appointments in relation to which the lobbyist is employed. The docket may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed.

(3) Within ten days after his registration in the docket, a lobbyist shall file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a written authorization to act as such signed by his principal.

SEC. 8. *Restriction on practice of lobbying.*—(1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of section five hereof and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect of any legislation or appointment in which such principal is interested until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the Congress or of either House thereof or of any committee thereof, or upon the confirmation or rejection or bypassing of any appointment pending before the Commission on Appointments.

(2) Within five days after delivering any written or printed statement, argument or brief to the entire membership of either or both Houses of Congress, three copies thereof shall be deposited with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be.

SEC. 9. *Reports of lobbyists; reports to Congress.*—(1) Every lobbyist required to have his name entered upon the docket shall, within ten days after the end of each calendar month of any regular or special session of Congress, file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Within ten days following the beginning of any regular or special session of Congress and on every week thereafter for the duration of such session, the Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall from their records report to each House of Congress or to the Commission the names of lobbyists registered under section six hereof who were not previously reported, the names of the persons whom they represent as such lobbyist, and the subjects of legislation or appointments in which they are interested. Such reports shall be incorporated into the journal of each House. The Secretaries of both Houses or the Secretary of the Commission on Appointments, as the case may be, shall also forward to each House or to the Commission a copy of each statement required to be filed under subsection (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the House or Commission so orders. Any expenditures made or obligations incurred by any lobbyist in behalf of or for the entertainment of any government official or employee concerning pending or proposed legislative matters or pending appointment shall be reported according to the provisions of this section.

SEC. 10. *Statement of expense by principal.*—Within thirty days after the sine die adjournment of Congress, every principal whose name appears upon the docket or who has employed any person to engage in any activity permitted under section twelve hereof shall file with the Secretaries of both Houses or with the Secretary of the Commission on Appointments, as the case may be, a complete and detailed statement verified under oath by the person making the same, or in the case of a corporation by its president

or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by Congress of any legislation affecting the pecuniary interest of such principal, or in connection with any appointment pending before the Commission on Appointments. The accounts shall be rendered in such form as shall be prescribed by the Secretaries of both Houses or by the Secretary of the Commission on Appointments, as the case may be. Such accounts shall be open to public inspection.

SEC. 11. *Penalties.*—(1) Any principal violating any of the provisions of sections four to ten hereof (excepting the last sentence in section 8[1], the violation of which is penalized under sections 2 and 3) shall for such offense be fined not less than one thousand pesos nor more than twenty thousand pesos.

(2) Any lobbyist who shall fail to comply with any of the provisions of said sections or any person who shall act as lobbyist without being duly licensed shall be fined not less than five hundred pesos nor more than ten thousand pesos and shall be disbarred from acting as a lobbyist for the period of three years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by section nine hereof shall be punished by a fine not to exceed one thousand pesos or by imprisonment. Any lobbyist who shall file a false statement shall be punished by a fine of not less than one thousand pesos nor more than five thousand pesos or by imprisonment for not less than six months nor more than two years, or both such fine and imprisonment.

SEC. 12. *Personal lobbying prohibited, exceptions.*—(1) It shall be unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of Congress to vote for or against any pending therein, or to be proposed, or to vote for or against confirmation of any appointment pending before the Commission on Appointments, otherwise than by appearing before the regular committees thereof, when in session, or by newspaper publications, or by public addresses to persons other than members of Congress or Commission on Appointments, as the case may be, or by written or printed statements, arguments or briefs delivered to each member of Congress or Commission on Appointments, as the case may be; provided, that within five days after delivering such statement, argument or brief, three copies thereof shall be deposited with the Secretaries of both Houses or with the Secretary of the Commission of Appointments, as the case may be. No officer, agent, appointee, or employee, in the service of the government, shall attempt to influence any member of Congress to vote for or against any measure pending therein, affecting the pecuniary interests of such person, exception in the manner authorized herein in the case of lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of Congress.

(2) Any person who limits his lobbying solely to appearance before either House of Congress or Commission on Appointments or its committees and registers his appearance on the records of such House or Commission or committee in writing, shall not be required to be licensed as a lobbyist, pay a license fee, register with the Secretaries of both Houses or with the Secre-

tary of the Commission on Appointments, as the case may be, or make any reports of expenditures.

Any person violating any of the provisions of this section shall be punished by imprisonment of not more than six months or by a fine not exceeding one thousand pesos, or both such imprisonment and fine.

SEC. 13. *Compensation for published articles on matters pending before Congress to be reported; penalty.*—Whenever money or other thing or value is paid, or a promise or agreement to pay money or other thing of value is given, to the owner or publisher or any editor, reporter, agent or employee of any newspaper or periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the Congress, or any appointment pending in the Commission on Appointments, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within ten days after such publication, file with the Secretaries of both Houses, or with the Secretary of the Commission on Appointments, as the case may be, a statement showing the amount of money or other things of value paid or agreed to be paid and the name and address of the person, firm or corporation from whom such payment or agreement was received.

Violation of this section shall be punishable by a fine of not less than five hundred pesos nor more than ten thousand pesos.

SEC. 14. This Act shall take effect upon its approval.

Approved, June 22, 1957.