

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWELFTH CONGRESS
Second Regular Session

HOUSE CONCURRENT RESOLUTION NO. 12

Introduced by:
HON. CONSTANTINO G. JARAULA,
SPEAKER JOSE DE VENECIA, Jr.,
HON. ANTONIO CUENCO, and
HON. ISMAEL MATHAY III

CONCURRENT RESOLUTION CALLING FOR THE
CONVENING OF CONGRESS AS A CONSTITUENT
ASSEMBLY TO PROPOSE REVISION TO THE 1987
CONSTITUTION, PROVIDING FOR A UNICAMERAL
PARLIAMENTARY SYSTEM OF GOVERNMENT AS
DEFINED AND SPECIFIED IN THE PROPOSED
CONSTITUTION APPENDED HERETO

WHEREAS, Section 1, Article XVII of the 1987 Constitution provides that “Any amendment to, or revision of, this Constitution may be proposed by: (1) The Congress, upon a vote of three-fourths of all its Members; x x x “

WHEREAS, the presidential system of government provided for in the present Constitution has proven to be inadequate in regard to the fundamental needs of the people in a globalized economy, and has in fact propagated the culture of corruption and cronyism that is extensively destructive of the moral fiber and the social order;

WHEREAS, the “deadlock” in the Senate that is now sowing chaos and confusion in the political firmament and will likely prejudice all the more the country’s economy, is just one of the evils of the presidential system that has great capacity to repeat itself many times over in various ways or manner;

WHEREAS, the present bicameral system is both very expensive in monetary terms as well as in point of time, and the savings that will be realized by going unicameral will tremendously anchor and enhance our economic recovery;

WHEREAS, it is imperative that revision of the Constitution be made now and partisan political interests be set aside so that the country can stand solid once more and restructure the foundations of a great nation;

WHEREAS, a combination and correlation of both the 1973 Constitution and the 1987 Constitution, products of great minds and of recent vintage, will readily produce the Constitution that is relevant to the times, responsive and visionary;

NOW, THEREFORE, BE IT

RESOLVED, by the House of Representatives, the Senate concurring, that Congress shall convene as a Constituent Assembly to propose the necessary revision to the 1987 Constitution, and for this purpose to consider the proposed Constitution appended hereto and made integral part hereof which provides for a unicameral and parliamentary system of government.

HON. CONSTANTINO G. JARAULA
SPEAKER JOSE DE VENECIA, JR.

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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWELFTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 119

Introduced by:
HON. GERARDO S. ESPINA, SR.

RESOLUTION
CALLING FOR THE SENATE AND THE HOUSE OF
REPRESENTATIVES TO CONSTITUTE THEMSELVES
INTO A CONSTITUENT ASSEMBLY TO INTRODUCE
AMENDMENTS TO THE PRESENT CONSTITUTION.

WHEREAS, many sectors of the Philippine Society have openly expressed and admitted to the fact that the present Constitution contain several major defects that need to be removed and or amended;

WHEREAS, to make our Constitution a more effective instrument for providing for our people and country not only democracy and political stability, justice and peace, social well being but also economic justice for all, then the necessary amendments must be introduced as soon as possible;

RESOLVED THEREFORE as it is hereby resolved that the Senate and the House of Representatives constitute themselves into a Constituent Assembly to amend the present Constitution; resolving further that the constituent assembly shall do the task of amending

the Constitution in only six (6) months, without additional salary and compensation to its members except for the salaries and allowances for additional staff and employees who are needed and necessary and monies for office and other supplies needed for the Constituent Assembly's operations, for six (6) months.

Adopted.

GERARDO S. ESPINA, SR.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWELFTH CONGRESS
Second Regular Session

[House Resolution No. 220](#)

Introduced by
HON. GERARDO S. ESPINA, SR.

RESOLUTION
REITERATING THE CALL FOR THE SENATE AND THE
HOUSE OF REPRESENTATIVES TO CONSTITUTE
THEMSELVES INTO A CONSTITUENT ASSEMBLY TO
INTRODUCE AMENDMENTS TO THE PRESENT
CONSTITUTION.

WHEREAS, reiterating the earlier filed House Resolution No. 119 calling the Senate and the House of Representatives to constitute themselves into a constituent assembly and stating further that the thrust of the amendment should be, in addition to political amendments, economic;

WHEREAS, economic amendments should also be introduced in the light of the present economic crisis which is almost global, in order to make Philippine economy more attuned to the dynamic changes of the global economy brought about by modern technology especially in the field of information technology;

WHEREAS, economic amendments should include provisions

on ownership of real property, ownership and management of mass media, advertising, telecom and other related business and/or industry and the grant of franchise; also on development of natural resources;

WHEREAS, Article XII, Section 3 & 7 of the Constitution which limits the ownership of public and private lands to Filipinos should be amended so that any citizen can buy public and/or private lands subject to certain conditions;

WHEREAS, Article XVI, Section 11, paragraph 2 shall be amended to allow foreign ownership/management of mass media, advertising, telecommunications and other related industries where foreign ownership is not allowed;

WHEREAS, the Constituent Assembly should review other economic provisions of the Constitution so as to allow easier entry of foreign capital without necessarily limiting them to a minority share of ownership of such company;

RESOLVED, THEREFORE, as it is hereby resolved, that the Senate and the House of Representatives constitute themselves into a Constituent Assembly to amend the present Constitution; resolving further that aside from the political amendments earlier proposed, economic amendments should also be introduced, and resolving further that the constituent assembly shall do the task of amending the Constitution in only six (6) months, without additional salary and compensation to its members except for the salaries and allowances for additional staff and employees who are needed and necessary and monies for office and other supplies needed for the Constituent Assembly's operations, for six (6) months.

Adopted.

GERARDO S. ESPINA, SR.

/dap/rnc

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWELFTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 257

Introduced by
HONORABLE ARTHUR D. DEFENSOR

RESOLUTION
CALLING FOR A CONSTITUTIONAL
CONVENTION TO PROPOSE AMENDMENTS
TO THE CONSTITUTION
OF THE PHILIPPINES

WHEREAS, a Constitution, being the fundamental law of the land, must be responsive to the needs of the Filipino people and must keep pace with the changes in condition and circumstance surrounding them;

WHEREAS, many sectors of Philippine society have been clamoring for amendments to the present Constitution to make it more effective in providing for the national welfare;

WHEREAS, the 1987 Philippine Constitution is flawed and defective, and needs to be amended to enable the country to face the challenges of the 21st century;

WHEREAS, under Article XVII of the Constitution, any amendment to, or revision of, this Constitution may be proposed by:

- (1) The Congress, as a constituent assembly, upon a vote of three-fourths of all its member; or
- (2) A *Constitutional Convention* called for the purpose; and
- (3) The people directly, through initiative, upon petition of the required number of registered voters; (underlining supplied)

WHEREAS, the calling of a constitutional convention to be composed of elected delegates from all the legislative districts in the country is the logical and appropriate means of amending the Constitution, as it will afford people's participation in the process through delegates chosen by them;

WHEREAS, considering the urgency and the monumental task of amending the Constitution, the election of delegates to, and the holding of the Constitutional Convention should be held immediately; now, therefore, be it.

RESOLVED, BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, to call for a Constitutional Convention to propose amendments to the Constitution.

RESOLVED, FURTHER, That any other details relating to the specific appointment of delegates, election of delegates to, and holding of, the Constitutional Convention shall embodied in an implementing legislation to be enacted by Congress.

Adopted,
(Sgd.) ARTHUR D. DEFENSOR

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

S E N A T E
S. B. No. 1252

Introduced by
SENATOR LUISA “LOI” P. EJERCITO ESTRADA

EXPLANATORY NOTE

Article 17, Section 2 of the Constitution provides for a new and untried method of introducing amendments to the Constitution. This method is done through what is called “people’s initiative.” The section reads, “ Congress shall provide for the implementation of the exercise of this right.”

The existing law, R.A. 6735 (the Initiative and Referendum Act) governs only people’s initiative for local legislation. It is silent as to people’s initiative for constitutional amendments.

This silence on the part of R.A. 6735 necessitates the passage of a law that will govern the process by which constitutional amendments are introduced by the people directly through people’s initiative.

In view hereof, the early passage of the bill is earnestly requested.

LUISA “LOI” P. EJERCITO ESTRADA
Senator

TWELFTH CONGRESS
 OF THE REPUBLIC OF THE PHILIPPINES
 Fifth Regular Session

S E N A T E
 S. B. No. 1252

Introduced by
 SENATOR LUISA “LOI” P. EJERCITO ESTRADA

AN ACT
 PROVIDING FOR PEOPLE’S INITIATIVE
 TO AMEND THE CONSTITUTION

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

Section 1. Title. – This Act shall be known as the “People’s Initiative to Amend the Constitution Act of 2001.”

Section 2. Statement of Policy. – Amendments to the Constitution may be directly proposed by the people through initiative upon a petition of at least twelve per centum (12%) of the total number of registered voters, of which every legislative district must be represented by at least three per centum (3%) of the registered voters therein.

Section 3. Definition of Terms. – For purposes of this Act, the following terms shall mean:

(a) “People’s Initiative” is the process by which the people are empowered to propose amendments to a constitution upon compliance with constitutional and legal requirements;

(b) “Amendments” – envisages an alteration of one or a few specific provisions of the Constitution which do not affect the func-



tioning of the other constitutional provisions not so amended. The guiding original intention of an amendment is to improve specific parts or to add new provisions deemed necessary to meet new conditions or to suppress specific portions that may have become obsolete or are judged to be dangerous.

The term “amendment” should be distinguished from “revision” which imports an alteration of the basic constitutional structure or at least an alteration which radically affects the functioning of various parts or agencies within the Constitutional structure. In revision, the guiding original intention and plan contemplates a reexamination of the entire document to determine how and to what extent it should be altered;

(c) “Proposition” is the proposed amendments to the Constitution;

(d) “Petition” is the written instrument containing the proposition and the required number of signatories in a form determined by and submitted to the Commission on Elections, hereinafter referred to as the “Commission”;

(e) “plebiscite” is the electoral process by which the proposition to amend the Constitution shall be approved or rejected by the people.

Section 4. Requirements. – (a) Amendments to the Constitution may be directly proposed by the people through initiative upon a petition of at least twelve *per centum* (12%) of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* (3%) of the total number of registered voters therein. No amendment of the Constitution through people’s initiative shall be held oftener than once every five years thereafter.

(b) The petition shall be signed before the Election Registrar, or his/her designated representative, in the presence of a representative of the proponents and the oppositors in a public place in the barangay of the municipality, city or legislative district. Signature stations may be established in as many places as may be warranted;

(c) The petition on the people's initiative shall be submitted to the Commission, and shall state the following:

1. The names and signatures of the petitioners or registered voters;
2. The barangay and the city, municipality or legislative district to which the petitioners belong to;
3. The text of the amendment of the Constitution or any part thereof sought to be proposed;
4. The reason or reasons thereof;
5. An Abstract or summary of the proposition, printed on top each and every page of the petition;
6. Proof that public hearings and consultations were held in each of the legislative districts to ensure that the people are properly informed on the amendments proposed.

(d) The Commission, through its office in the local government unit concerned, shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number of signatures is a defeat of the proposition;

(e) After the Commission finds that the petition has complied with the above requirements, it shall then proceed with the verification and authentication of the signatures of the registered voters contained therein. Accredited watchers from both the proponents and oppositors shall be present and allowed to observe the process of verification and authentication;

(f) After the signatures shall have been verified by the Commission the same shall be posted in the barangay hall of each of the legislative district for at least (60) days to allow interested parties to examine the same and allow the filing of the necessary protest or to challenge to the authentication within the same period. Any challenge or protest shall be ruled upon within (60) days from the date of filing of such protest or challenge;

(g) The Commission shall issue a certification on the sufficiency of the petition upon the resolution of all protest and challenges filed.

Section 5. Appeal. – The Decision of the Commission on the findings of the sufficiency and insufficiency of the petition may be

◆ appealed to the Supreme Court within thirty (30) days from the notice thereof, provided, that this provision shall be effective only upon the advice and concurrence of the Supreme Court in accordance with the Constitution, Article 6, Section 30.

Section 6. Special Registration. – There shall be special registration of voters at least forty five (45) days before the scheduled plebiscite for those who will attain fifteen (15) to eighteen (18) years of age before the scheduled plebiscite. Two separate lists of those age ranges from fifteen (15) to eighteen (18) years of age on the day of plebiscite.

Section 7. Verification of Signatures. – The Election Registrar shall verify the signatures on the basis of the registry list of voters, voter’s affidavit and voters identification cards used in the immediately preceding election.

Section 8. Conduct and Date of Initiative and Referendum. – The Commission shall call and supervise the conduct of plebiscite on the people’s initiative.

Within a period of thirty (30) days from the certification of the sufficiency of the petition, the Commission shall publish the same in Filipino and English at least three (3) times in a newspaper of general and local circulation and set the date of the plebiscite on the initiative, which shall be held not earlier than sixty (60) days nor later than ninety (90) days after the certification of the sufficiency of the petition.

Section 9. Authority of the Courts. – Nothing in this Act shall prevent or prelude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution.

Section 10. Effectivity of the Constitutional Amendments. – Any amendment proposed by the people’s initiative shall be valid and effective when ratified by a majority of the votes cast in a plebiscite which will be held not earlier than sixty (60) days nor later than ninety

(90) days after the certification by the Commission on Elections of the sufficiency of the petition.

FINAL PROVISIONS

Section 11. Applicability of the Omnibus Election Code. – The Omnibus Election Code and other election laws not inconsistent with the provisions of this Act shall be applicable.

Section 12. Rules and Regulations. – The Commission on Election is hereby empowered to promulgate such rules and regulations as many be necessary to carry out the purposes of this Act.

Section 13. Appropriations. – The amount necessary to defray the cost of the people’s initiative as prescribed in this Act shall be charged against the Contingent Fund in the General Appropriations Act of the year when the initiative is to be conducted. Thereafter, the sums necessary for the implementation of this Act shall be included in the annual General Appropriations Act.

Section 14. Separability Clause. – If any part or provisions of this Act is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.

Section 15. Repealing Clause. – All laws, decrees, orders, proclamation, rules and regulations or parts thereof, inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 16. Effectivity Clause. – This Act shall take effect fifteen (15) days from its publication in at least two (2) newspapers of general circulation.

Approved

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

SENATE
S. Ct. Res. No. 3

Introduced by
SENATOR FRANKLIN M. DRILON

CONCURRENT RESOLUTION CALLING A CONVENTION
TO PROPOSE
AMENDMENTS TO THE CONSTITUTION OF
THE REPUBLIC OF THE PHILIPPINES

WHEREAS, the Constitution was crafted fourteen years ago immediately after martial law under conditions which were completely different from today;

WHEREAS, there is a need to address the demands of current realities in our country;

WHEREAS, it is now the opportune time to re-examine the 1987 Constitution to correct some unintended weaknesses that deserve to be adequately addressed if the Constitution is to serve fully the purposes for which it was ordained;

WHEREAS, these weaknesses include, although they are not limited to the following:

- 1) The process of electing Senators at large, resulting in the inequitable representation of the regions in the Senate
- 2) The extent of the powers of the President in times of national emergencies

- 3) An unreasonably short three – year term of office of local government officials
- 4) The present multi-party system resulting in the election of a president who has not been voted by at least a majority of all the votes cast in the election
- 5) A centrally organized and centrally directed national civilian police force, even after it has failed to respond to the requirements of local government;

WHEREAS, there is a need to re-examine and modify these provisions in order to make the Constitution a more effective instrument of political stability and social and economic progress;

WHEREAS, pursuant to Article XVII, Section 3 of the Constitution , Congress may, by vote of two-thirds of all its Members, call a constitutional convention to propose any amendment to, or revision of, the Constitution;

NOW, THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the Philippines, in session assembled, by a vote of not less than two – thirds of all Members of each House voting separately:

SECTION 1. There is hereby called a convention to propose amendments to the Constitution of the Philippines, to be composed of one (1) elective delegate from each representative district who shall have the same qualifications as those required of Members of the House of Representative.

SECTION 2. The Delegates of the Convention shall be elected on May 13, 2002 simultaneous with the Barangay elections, in accordance with the provisions of existing election laws, rules and regulations. The certificate of candidacy of a candidate for Delegate shall be filed in the same manner as that provided by the existing election laws, rules and regulations with respect to candidates for the House of Representatives.

SECTION 3. The office of Delegate shall be honorary and shall be compatible with any other public office: Provided, That Delegates shall receive the same salaries as that of the member of the House of Representatives.

SECTION 4. Unless the convention provides otherwise, a majority of its members shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. The Convention shall be the sole judge of the election, returns, and qualifications of its members; and it may organize and adopt such rules as it may see fit.

SECTION 5. The laws relative to the parliamentary immunity of the Members of Congress shall be applicable to the members of the Convention, and the protection of the sessions of the same and its committees against obstructions and disturbances and the penalties provided for the violation of said laws shall be applicable to the Convention and to its sessions and those of its committees.

SECTION 6. The Senate and the House of Representatives shall place at the disposal of the Convention such personnel, premises, and furniture thereof as can, in their judgment be spared without detriment to the public service without cost, refund or additional pay.

SECTION 7. The amount of Five Hundred Million Pesos (P500,000,000.00) is hereby appropriated and set aside for the operations of the Convention.

SECTION 8. The amendments proposed by the Convention shall be valid and considered part of the Constitution when approved by a majority of the votes cast in an election at which they are submitted to the people for their ratification to Article XVII of the Constitution.

Adopted,
FRANKLIN M. DRILON

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

SENATE
S. Ct. Res. No. 3

Introduced by
SENATOR OPLE

EXPLANATORY NOTE

Article VII, Sections 7 and 8 of the Constitution provides for the order of succession to the Office of the President in case of vacancy therein, whether permanent or temporary, occurring either at the beginning of the term of the President, or during his incumbency. The order of succession provided therein stops at the Speaker of the House of Representatives as the fourth official of the State. In case of inability of the latter official to act as President, the Constitution provides that Congress shall, by law, provide for the manner in which one who is to act or serve as President shall be selected until a President or Vice President shall have been chosen or elected and qualified.

A succession law is required to fill a dangerous lacuna. There should be no interruption in the exercise of executive power. The political and economic stability, as well as the security of the nation could severely tested if certain unforeseen contingencies arose.

Legislative prudence requires that the gap be filled, not because contingencies will happen, but because they can happen any time.

This bill, therefore, seeks to implement the aforecited constitutional provision on presidential succession. With respect to the provision of Sec. 7 Art. VII of the Constitution which requires the Congress to provide, by law, the manner of selecting one who is to act as Presi-

dent under the circumstances mentioned therein, the bill provides that Congress shall immediately convene without need of a call, and shall, by majority vote of all the members of both Houses, voting separately, elect from among its Members, one who is to act as president, until a President or Vice President shall have been chosen and qualified.

In the case of the vacancy in the Office of the President contemplated under Sec. 8, Art. VII of the Constitution which requires Congress to provide, by law, who shall serve as President until the President or the Vice President shall have been elected and qualified.

The Philippine legislature has previously enacted laws providing the order of succession to the office of the President in case both the President and the Vice President are unable to discharge the powers and duties of said office.

A) Republic Act No. 181 approved on June 21, 1947 which provides the order of succession in the event both the President and the Vice President are unable to discharge the functions of the president, as follows: the Senate President, the Speaker of the House of Representatives or the Senator or Representative elected by the Members in joint session; and

B) Batas Pambansa Blg. 882 approved on December 3, 1985 which provides the order of succession, after the Vice President, as follows: the Prime Minister, the Speaker, the Deputy Prime Minister, the Speaker Pro Tempore, and the Member of the Batasang Pambansa elected by the majority vote of the Members, who is qualified to be President in accordance with Section 4, Article VII of the 1973 Constitution.

Like the Philippine legislature, the United States Congress has passed three different laws on presidential succession. The first one (The Act of 1972) named the Senate President Pro Tempore and the Speaker of the House next in line to the Vice President. The second (The Act of 1886) placed the cabinet members in then order of establishment of the executive departments they headed in the line of succession, eliminating the members of Congress. The third law (The Succession Act of 1947) com-

bined features of the first two Acts, but established a different order of succession by placing the Speaker of the House on top of the line of succession after the Vice President, followed by the Senate President Pro Tempore, then by members of the Cabinet in the order they are named.

It is believed that the official who is to act or serve as President under the circumstances provided in the Constitution should be an elected national official instead of an appointive one. Considering the vast powers and responsibilities vested upon the President, it is only appropriate and advisable that the one who will discharge the same even in a temporary capacity and no matter how short the period may be, should be an official who has obtained a popular mandate from the people.

It will be recalled that in the previous Congress, former Congressman Jose Conjuangco, jr. of Tarlac proposed to designate the Chief Justice of the Supreme Court as the fifth in line of succession. The debate on the succession issue was, however, set aside in the House.

The problem we see in placing the Chief Justice of the Supreme Court in the line of presidential succession is that, this might go against the principle of separation of powers. Moreover, under the Constitution, it is Chief Justice who presides at an impeachment trial of the President, although he does not vote therein. Furthermore, the other objection that can be raised against the proposal of including the Chief justice of the Supreme Court in the line of presidential succession is that members of the Judiciary are politically inactive because they do not hold a popular mandate. This is because the very nature of their office demands that they detach themselves from partisan politics. Thus, as will be noted, all our previous Constitutions and two laws on presidential succession cited above, have limited the order of succession to elective officials, specifically, legislative officials.

In view of the foregoing considerations, the approval of the bill is earnestly sought.

BLAS F. OPLE, Senator

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

SENATE
S. Ct. Res. No. 3

Introduced by
SENATOR OPLE

AN ACT
IMPLEMENTING THE PROVISIONS OF SECTIONS 7 AND
8 OF ARTICLE VII OF THE CONSTITUTION ON PRESI-
DENTIAL SUCCESSION

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

SECTION 1. Where no President and Vice President shall have been chosen or shall have qualified, or where both shall have died or become permanently disabled, and the officials who are to act as President pursuant to Section 7, Article VII of the Constitution both fail to discharge such responsibility due to death, permanent disability, or inability, the Congress shall convene immediately in accordance with its rules without need of a call, and shall, by a majority vote of all the Members of both Houses, voting separately, elect from among its members, one who is to act as President until President or Vice President shall have been chosen and qualified.

The election of the Members of Congress who is to act as President shall be finished not late than three (3) days from the time the Congress has convened in accordance with this section.

SEC. 2. In case of death, permanent disability, removal from

office, or resignation of both the President and the Vice President, and the Acting President referred to under the second paragraph of Section 8, Article VII of the Constitution fails to discharge his responsibilities as such due to death, permanent disability, or resignation, the Senate President Pro Tempore shall serve as President until the President of the Vice President shall have been elected and qualified, and be subject to the same restrictions of powers and disqualifications as the aforesaid Acting President.

SEC. 3. All laws, decrees, executive orders, rules and regulations or parts thereof which are contrary or inconsistent with the provisions of this Act are hereby modified or repealed accordingly.

SEC. 4. This Act shall take effect fifteen (15) days following its publication in at least two (2) newspapers of general circulation.

Approved,

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

SENATE
S. NO. 6

Introduced by
SENATOR FLAVIER

EXPLANATORY NOTE

This bill seeks to convene a constitutional convention to propose amendments to, or revision of, the 1987 Constitution. Its legal basis is found in Section 1 of Article XVII of the charter, which allows Congress by a vote of two-thirds of its Members, to call for one.

A constitutional convention, composed of delegates elected by their fellow citizens, provides forum for an intelligent discussion, profound study and dispassionate debate on the proposed remedies to perceived Charter defects.

Proposing constitutional changes must be deliberative in style, which is absent in the mass production of signatures for the people's initiative, and objective in nature, which is not expected from a constituent assembly which may be tempted to craft a Charter along its desires.

Our past three constitutions have been written the "deliberative assembly" way. There is no compelling reason to divert from this proven track. And there is the opportunity in the next three hundred sixty five (365) days to review the Charter, with the least cost to the public and the smallest fissure in our already fractious society.

This bill allows the election on ConCon delegates to be done simulta-

neous with the May 2001 election and the ratification of proposed Charter amendments no later than ninety (90) days after submission to the President.

Self interest should not be the consideration in the move to amend the Charter. Hence, this should be done after the 1998 election so that politicians barred from seeking re-election may not be able to benefit from any change.

Changing the charter before 1998 will only allow greedy politicians to perpetuate themselves in power.

The ConCon proposed herein is composed of two hundred four (204) delegates, to be elected by congressional district and whose qualifications are the same as members of the House of Representatives.

The election shall be conducted in way which would allow both the candidate and the government to incur the least expense. A candidate must disclose his business interests the moment he files his candidacy. A one hundred fifty (150) word essay on the proposed constitutional reforms he plans to advocate if elected shall be posted inside voting booths to guide the voters.

Political parties are banned from joining or influencing the exercise, and so are public officials. Delegates shall be granted parliamentary immunity.

The ConCon, whose members shall be paid Five hundred pesos (P500.00) per diem for every session or committee meetings attended, is allowed one hundred twenty (120) session days, to submit its work to the President, who shall then schedule a plebiscite sixty (60) to ninety (90) days after the submission. A majority of the votes cast in the plebiscite signals the ratification of the proposed amendments or revisions.

The early approval of this bill is requested.

JUAN M. FLAVIER, Senator

TWELFTH CONGRESS
OF THE REPUBLIC OF THE PHILIPPINES
Fifth Regular Session

SENATE
S. NO. 6

Introduced by
SENATOR FLAVIER

AN ACT
CALLING FOR A CONSTITUTIONAL CONVENTION TO
STUDY AND APPROVE PROPOSED AMENDMENTS TO,
OR REVISIONS OF, THE 1987 CONSTITUTION,
PROVIDING FOR PROPORTIONAL REPRESENTATION
THEREIN AND OTHER DETAILS RELATING TO THE
HOLDING OF THE CONVENTION, SETTING THE DATE
OF ELECTION OF DELEGATES, APPROPRIATING FUNDS
THEREFORE AND FOR OTHER PURPOSES.

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

SECTION 1. Title – This law shall be known and cited as “The
Constitutional Convention Act”.

SEC. 2. Composition – The Constitutional Convention shall
be composed of two hundred four (204) delegates, each of whom
shall be elected by legislative district.

SEC. 3. Qualification. – Delegates shall have the same qualifica-
tions as those required of Members of the House of Representatives.

SEC. 4. Disqualification. – The following are required from be-
ing the delegates to the Convention:

- 1) Any public officials unless he resigns his office upon his filing of his certificate of candidacy; or
- 2) Any person convicted of a crime involving moral; turpitude, unless granted absolute pardon or amnesty.

SEC. 5. Election of Delegates. – the election of delegates to the Convention by the qualified electors of each district shall be held on the second Monday of May 2001 The Commission on Elections shall promulgate such rules and regulations as may be necessary for the conduct of such election, taking in consideration the need to reduce the minimum expenses on the part of the candidate and of the government, and the non-partisan nature of the Convention.

SEC. 6. Ban on Political Parties. – All political parties, or a coalition or alliance of such, their officers and members are prohibited from nominating, fielding, endorsing, supporting, directly or indirectly, material or otherwise, or campaigning for or against any candidate. No candidate shall represent or allow himself to be represented as being a candidate of any political party or any political coalition or group in which a political party is a member or a convenor thereof.

SEC. 7. Declaration of Intent and Disclosure of Assets and Liabilities. – In addition to documentary requirements that the Commission on Election may require of a candidate during the filing of his certificate of candidacy, the candidate shall also submit:

- 1) A concise statement, not exceeding one hundred and fifty word, of the principal constitutional reforms, programs or policies he proposes to advocate if elected; and,
- 2) A sworn statement of assets and liabilities, financial and business interests, including those of his spouse and children, and other relatives within the fourth (4th) degree of consanguinity or affinity.

A copy each of the statements shall be conspicuously posted in each polling place in the district.

SEC. 8. Oath or Affirmation. – Delegates to the Convention shall qualify and assume office by taking the following oath or affirmation:

“I solemnly swear (or Affirm) that I will faithfully and conscientiously fulfill my duties as delegates to the 2001 Constitutional Convention by drafting proposed amendments to, or revisions of, the fundamental law which are truly reflective of the ideas and aspirations of the Filipino people, endeavor to complete the work within the period provided by law, not to run for any office in the first local and the first national elections to be held after the ratification of the amendments that the Convention will propose; and I will preserve and defend the Constitution of the Republic. So help me God.” (In case of Affirmation, last sentence shall be omitted.)

SEC. 9. Future Disqualification. – Any person elected and qualified as delegate to the Convention shall not be eligible to run for the office in the first local and first national elections to be held after the ratification of proposed amendments to the 1987 Constitution; or appointed to any government office or position while the Convention is in session and during the period of one (1) year after its final adjournment.

SEC. 10. Who May Convene. – (1) The Chairman of the Commission on Elections, assisted by the Secretaries General of the Senate and the house of Representatives, shall take charge of all arrangements for the convening of the Constitutional Convention;

(2) The opening session of the Convention shall be held in the Session Hall of the House of Representatives on June 30, 2001 at 10:00 o'clock in the morning;

(3) The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session until a presiding officer is elected by the Convention from the delegates. The election of a Chairman and presiding officer from among the delegates. The election of a Chairman and presiding officer from among the delegates shall be the first order of business. The Convention shall be deemed organized upon the election and qualification of a Chairman and presiding officer. The

Convention shall choose such other officers as it may deem necessary.

Sec. 11. Rules and Quorum. – (1) A majority of all Delegates shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent delegates in such manner and under such penalties as the Convention may provide.

(2) The Convention may determine the rules of its proceedings, punish delegates for disorderly behavior, and with the concurrence of two-thirds of all delegates suspend or expel a delegate. A penalty of suspension shall not exceed sixty (60) days.

(3) The plenary session of the Convention, including the meeting of its committees, shall be public and duly recorded. It may hold its session in any place in the Philippines.

(4) The Convention shall conduct public hearings to ensure that the Filipino people will have adequate and sustained participation in the formulation of proposed amendments to the Constitution.

(5) Delegates shall enjoy franking privileges for official mail. The public shall be given a fifty percent (50%) discount in the regular mail postage should they write to their delegates.

(6) The Convention shall keep a Journal of its proceedings and from time to time publish the same. The public shall have full access to the records of proceedings of the Convention.

SEC. 12. Approval of Proposed Constitutional Amendments or Revisions. – The final approval of any proposed amendments to revision of, the Constitution shall require a majority vote of all the Delegates to the Convention.

SEC. 13. Administrative and Technical Assistance. - All government entities, agencies and instrumentalities, including the Senate And the House of Representatives, shall place at the disposal of the convention such personnel, premises, supplies and furniture thereof which can, in their judgment, be spared without detriment to the public service without cost, refund or additional pay.

SEC. 14. Parliamentary Immunities. – Laws relative to parliamentary immunity of Members of Congress shall be applicable to the delegates of the Convention.

SEC. 15. Compensation. – (1) Each Member shall receive a per diem of Five hundred pesos (P500.00) for every day of attendance in the plenary session of the Convention or any of the meetings of its committees or subcommittees, and to necessary traveling expenses to and from his residence when attending the sessions of the Convention or of its committees.

(2) The Convention may determine the amount for the office and staff expenses of its members, subject to pertinent government personnel compensation and audit laws.

SEC. 16. Completion. – The Convention shall complete its work in one hundred twenty (120) session days, and thereafter, present to the President the proposed amendments to, or revisions of the Constitution.

SEC. 17. Ratification. – The President shall fix the date of the plebiscite for the ratification or rejection of the proposed amendments to, or revisions of, the Constitution which be held no earlier than sixty (60) days no later than ninety (90) days following its submission to the President.

The proposed amendments to, revision of, the Constitution shall become valid and active upon ratification by a majority of the votes cast in such plebiscite.

SEC.18. Funding. – The sum of One hundred million pesos (P100,000,000.00), which shall be taken from the Contingency Fund in the General Appropriations Act for Fiscal year 2001 is hereby set aside and made available for the operations of the Convention.

SEC. 19. Approval. – This Act shall take effect upon its approval.

Approved,



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