

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3824

Introduced by Representative Faysah RPM Dumarpa

In pursuant to the initiative on charter change, this proposed legislation seeks to convene a constitutional convention in proposing amendments to, or revision of the 1987 Constitution. Section 1, Article XVII of the 1987 Constitution provides for the manner of instituting amendments or revisions to the Constitution, either by the initiative of the Congress, upon a vote of Three-Fourths of All its Members or by Constitutional Convention. The 1935 and 1973 Constitutions provided for two constituent assemblies, the Congress or National Assembly and the Constitutional Convention. The 1987 Constitution has provided for a third: the electorate, through popular initiative.

Generally, a constitution may not be changed without following the process prescribed by the existing constitution. But history has proven that, since the people are the ultimate legal sovereign, they may opt to effect amendments or revisions to the Supreme Law of the Land neither by the initiative of the Congress or by Constitutional Convention but by a "revolutionary" way. However, with the three methods of proposing amendments or revisions to the constitution, the proposals effected by a constitutional convention is seen as a more effective means as members or delegates will be chosen by the people themselves who will be subjected to qualifications devoid of biases and prejudices or political partisanship.

Considering the foregoing, the early approval of this bill is sought.


FAYSAH RPM DUMARPA

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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 THEREFOR AND FOR OTHER PURPOSES

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

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

Section 2. Composition - The Constitutional Convention shall be composed of Two Hundred Four (204) delegates, each of whom shall be elected by legislative district.

Section 3. Qualification - Delegates shall have the same qualifications, as those required of Members of the House of Representatives.

Section 4. Disqualification - The following are disqualified from being delegates of the convention :

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

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.

Section 10. 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 sessions of the Convention, including the meetings of its committee, shall be public and duly recorded. It may hold its session in any place in the Philippines.
- (4) 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.

Section 11. Approval of Proposed Constitutional Amendments or Revisions. - The final approval of any proposed amendments to, or revision, of the Constitution shall require a majority vote of all the delegates to the Convention.

Section 12. 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 services, without cost, refund or additional pay.

Section 13. Parliamentary Immunities. - Laws relative to parliamentary immunity of Members of Congress shall be applicable to the delegates of the convention.

Section 14. Compensation. –

- (1) Each member shall receive a per diem of One Thousand Pesos (1,000) for every day attendance in the plenary session of the convention or any of the meetings of the committees or sub-committees and to necessary traveling expenses to and from his residence when attending the session 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.

Section 15. 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.

Section 16. * 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

Section 5. Election of Delegates - The election of delegates to the Convention by the qualified electors of each district shall be held on the 2nd Monday of May 2006. The Commission on Elections shall promulgate such rules and regulations as may be necessary for the conduct of such election, taking into consideration the need to reduce the minimum expenses on the part of the candidates and of the government and the non-partisan nature of the Convention.

Section 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.

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

- 1) A concise statement, not exceeding one hundred and fifty words, 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 interest, including those of his spouse and children, and other relatives within the fourth (4th) degree of consanguinity or affinity.

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

Section 8. Oath of 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 delegate to the 2006 Constitutional Convention by drafting proposed amendments to, or revision of, the fundamental law of which are fully 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.”

Section 9. 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, 2006 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

which will be held not earlier than sixty (60) days nor later than ninety (90) days following its submission to the President.

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

Section 17. Funding. - The sum of Three Hundred Million Pesos (300,000,00) which shall be taken from the Contingency Fund in the General Appropriation Act for Fiscal Year 2005 is hereby set aside and made available for the operations of the Convention.

Section 18. Approval. - This Act shall take effect 15 days after its publication in a newspaper of general circulation.

Approved.