

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Thirteenth Congress
Second Regular Session

House Bill No. 5017



Introduced by Representative **Imee R. Marcos**

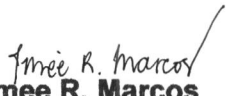
EXPLANATORY NOTE

Article XVII, Section 2 of the 1987 Philippine Constitution provides for a novel method of introducing amendments to the Constitution. The method is more popularly called, the "people's initiative."

Unlike the other provisions of the Constitution, however, the same is not self-executory. The 1987 Constitution itself mandates that "(t)he Congress shall provide for the implementation of the exercise of this right."

Moreover, the Supreme Court, in the case of *Santiago v. COMELEC* (270 SCRA 106), struck down the attempt to use national initiative in 1997 for lack of the necessary implementing law. The Supreme Court held that the provision on people's initiative is NOT self-executing. Citing the book of the prominent constitutional lawyer, Fr. Joaquin Bernas, the Supreme Court said that Section 2 of Article XVII cannot operate without an implementing legislation. The Supreme Court added that Republic Act No. 6735, otherwise known as the (*People's Initiative and Referendum Act*) provided for a local initiative only, and not for the national initiative for proposing constitutional changes. This ruling was reiterated in the case of *PIRMA V. COMELEC* (G.R. No. 129754, Sept. 21, 1997).

There is therefore the need to pass a law that will govern the process by which constitutional amendments are introduced by the people directly through the people's initiative. In view of the absolute need for an implementing measure for the operation of the people's initiative, the approval of this bill is earnestly recommended.


Imee R. Marcos
Representative
2nd District, Ilocos Norte

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

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

SECTION 1. Short Title. - This Act shall be known as the "People's Initiative to Amend the Constitution Act of 2006."

SECTION 2. Declaration of Policy. - Amendments to the Constitution may be directly proposed by the people through the 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) "Amendment" envisages an alteration of one or a few specific provisions of the Constitution which do not affect the functioning 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 re-examination 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 districts must be represented by at least three per centum (3%) of the total number of registered voters therein. No amendment of the Constitution through a people's initiative shall be held oftener than once every five years thereafter.

(b) The petition shall be signed before the Election Registrar, or other designated 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;
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 of 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 have been verified by the Commission, the same shall be posted in the barangay hall of each of the legislative district for at least sixty (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 sixty (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 6. *Appeal.* - The Decision of the Commission on the findings of the sufficiency or 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 Article VI, Section 30 of the 1987 Philippine Constitution.

SECTION 7. *Special Registration.* - There shall be a 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 on the date of the scheduled plebiscite. Two separate lists shall be made. The first list consists of those whose age ranges fifteen (15) to seventeen (17). The second list consists of those who would have attained eighteen (18) years of age on the day of the plebiscite.

SECTION 8. *Verification of Signatures.* - The Election Registrar shall verify the signatures on the basis of the registry list of voters, voter's affidavit and voter's identification cards used in the immediately preceding election.

SECTION 9. *Conduct and Date of Initiative or Referendum.* - The Commission shall call and supervise the conduct of the 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 plebiscite on the initiative, which shall not be held earlier than sixty (60) days nor later than ninety (90) days after the certification of the sufficiency of petition.

SECTION 10. *Authority of the Courts.* - Nothing in this Act shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution.

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 Elections is hereby empowered to promulgate such rules and regulations as may 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 provision or part thereof is held invalid or unconstitutional, the remainder of the law of the provision not otherwise affected shall remain valid and subsisting.

SECTION 15. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, rule or regulation contrary to, or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 16. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,