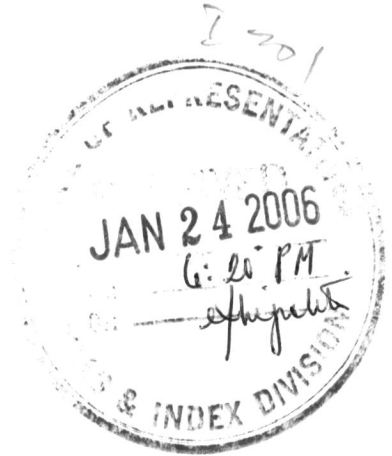


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



THIRTEENTH CONGRESS
Second Regular Session

House Bill No. 5025

Introduced by Rep. ROBERTO C. CAJES

EXPLANATORY NOTE

Article 17, Section 2 of the 1987 Philippine Constitution expressly provides that:

Section 2. Amendments to the Constitution may likewise be directly proposed by the people through initiative upon a petition of at least twelve per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered voters therein. No amendment under this section shall be authorized within five years following ratification of this Constitution nor oftener than once every five years thereafter. [Italics Supplied]

The Congress shall provide for the implementation of the exercise of this right.

This method is popularly known as "People's Initiative." Thus, the provision clearly mandates Congress to provide for exercise of this right.

The existing law, Republic Act No. 6735, otherwise known as THE INITIATIVE AND REFERENDUM ACT, however, governs only people's initiative for local legislation. It does not provide for the people's initiative for Constitutional Amendments.

It is therefore necessary to enact a law to empower the people to directly introduce amendments to the Constitution.

Wherefore, the early passage of this bill is earnestly sought.

Rep. ROBERTO C. CAJES



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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."

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) "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 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 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 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 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 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 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 5. *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 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 on the date of the scheduled plebiscite. Two separate lists of those age ranges from fifteen (15) to seventeen (17). The second list consists of those who would have attained 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 of 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 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 preclude 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 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 provision 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 he 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,