



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



Thirteenth Congress
Second Regular Session

HOUSE BILL NO. 5281

Introduced by Honorable Carmen L. Cari

EXPLANATORY NOTE

This bill seeks to provide for people's initiative to amend the Constitution.

The people's initiative to amend or revise the Constitution is specifically provided under Section 2, Article XVII of the Constitution as follows:

"Sec. 2. Amendments to this 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 votes therein. No amendment under this section shall be authorized within five years following the ratification of this Constitution nor oftener than once every five years thereafter.

X X X."

Further, it mandates the Congress to provide for the implementation of the exercise of such right.

While Republic Act No. 6735 otherwise known as "The Initiative and Referendum Act" has been enacted on August 4, 1989, the same does not adequately include or cover initiative on amendments to the Constitution. The Supreme Court, in the case of Santiago vs. Commission on Elections, G.R. No. 127325, March 19, 1997 (270 SCRA 106), declared that Republic Act No. 6735 is inadequate to cover the system of initiative on amendments to the Constitution, and that it has failed to provide sufficient standard for subordinate legislation as mandated by the Constitution. Hence, to ensure that the people shall not be totally deprived of their sovereign rights as embodied in the Constitution, an enabling law such as the proposed measure in compliance with the Constitutional mandate is imperative.

In view of the foregoing, approval of the bill is earnestly recommended.


CARMEN L. CARI



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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. *Short Title.* – This Act shall be known as the
“*People’s Initiative to Amend the Constitution Act of 2006.*”

SEC. 2. *Declaration of Policy.* – It is the declared policy of the State that 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.

SEC. 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 the 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 necessary to meet new conditions or to suppress specific portions that may have become obsolete or 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 amendment 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.

SEC. 4. *Mandatory 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 to the Constitution through a people’s initiative shall be held oftener than once every five years.

(b) The petition shall be signed before the Election Registrar, or his designated representative, in the presence of the proponents and the oppositors, if any, in a public place in the municipality, city or legislative district.

(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;
- (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 proposition.

(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 defeats 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, if any, shall be present and be 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 all barangay halls of all the legislative districts for at least sixty (60) days to allow interested parties to examine the same and allow the filing of the necessary protest or challenge to the authentication within the same period. Any challenge or protest shall be ruled upon by the Commission within sixty (60) days from the date of filing of such protest or challenge; and

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

SEC. 5. *Appeal.* – The decision of the Commission regarding the sufficiency or insufficiency of the petition may be appealed to the Supreme Court within thirty (30) days from notice thereof, in accordance with provisions of the Rules of Court.

SEC. 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 eighteen (18) years of age on the date of the scheduled plebiscite.

SEC. 7. *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.

SEC. 8. *Plebiscite.* – Upon determining the sufficiency of the petition, the Commission shall publish the same in Filipino and English in a newspaper of general and local circulation at least three (3) times 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 by the Commission of the sufficiency of the petition.

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

SEC. 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 the plebiscite.

SEC. 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.

SEC. 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.

SEC. 13. *Appropriation.* – 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.

SEC. 14. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the other parts or provisions thereof not otherwise affected shall remain valid and effective.

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

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

Approved,