



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

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2264

Introduced by Hon. ELPIDIO F. BARZAGA, JR.

EXPLANATORY NOTE

This bill seeks to call for a Constitutional Convention to propose amendments to, or revision of the 1987 Constitution and appropriating funds thereof, objectives of which are the following:

The 23-year old 1987 Philippine Constitution contains certain provisions which have seemingly outlived their purpose and needs to be revisited to institute much needed socio-economic and political reforms;

The various proposals for amendments to, or revision of the Constitution are essential for this Republic to directly address the basic needs of the people, and to ensure its competitiveness in a highly globalized economy;

The calling for a Constitutional Convention to propose amendments to the Constitution is the most transparent, exhaustive and democratic means of implementing constitutional reforms, among the three modes of amending the Constitution as provided for under Sections 1 & 2, Article XVII of the 1987 Constitution;

The passage of this bill is earnestly sought.

ATTY. ELPIDIO F. BARZAGA, JR.
Representative
Lone District of the City of Dasmarinas



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**AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION TO PROPOSE
AMENDMENTS TO, OR REVISION OF, THE 1987 CONSTITUTION AND
APPROPRIATING FUNDS THEREFOR**

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

Section 1. Short Title. - A Constitutional Convention is hereby constituted to propose amendments to, or revision of, the 1987 Constitution of the Philippines. This law shall be known as the "Constitutional Convention Act of 2010".

Section 2. Composition. - The Constitutional Convention shall be composed of delegates who shall be elected from every legislative district of the Republic of the Philippines.

Section 3. Qualifications. - Delegates shall have the same qualifications as those required of Members of the House of Representatives as provided under Article VI, Section 6 of the 1987 Philippine Constitution.

Section 4. Election of Delegates. - The election of delegates to the Convention shall be held on every second Monday of May, 2013. The Commission on Elections (COMELEC) shall promulgate such rules and regulations as may be necessary for the conduct of such election.

Section 5. Prohibited Acts. - In addition to the prohibited acts provided for in the Omnibus Election Code of the Philippines:

- (1) Officers and members of all political parties, or a coalition or alliance of such, are prohibited from nominating, fielding, endorsing, supporting directly or indirectly, whether material or otherwise, and campaign for or against any candidate. No candidate shall represent or allow himself or herself 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 convenor thereof. A

candidate who is member of a political party shall be deemed resigned from the party upon filing of the certificate of candidacy.

(2) Any person holding a public office or position, whether elective or appointive, including members of the armed forces and officers and employees of corporations or enterprises owned and/or controlled by the government, shall be considered resigned upon the filing of his certificate of candidacy: *Provided*, That any government official who resigns in order to run for delegate and who does not yet qualify for retirement under existing laws, may, if elected, add to his length of service in the government the period from the filing of his certificate of candidacy until the final adjournment of the Constitutional Convention.

(3) Any person elected and qualified as delegate to the Convention shall not be eligible to run for the office in the first local and 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.

Section 6. *Who May Convene.* - The Chairman of the COMELEC, assisted by the Secretary of the Senate and the Secretary General of the House of Representatives, shall initially take charge of all arrangements for the convening of the Constitutional Convention.

Section 7. *Commencement of Session.* -The Convention shall meet in the Session Hall of the House of Representatives on the third Monday of August 2013 at ten o'clock in the morning.

The Chief Justice of the Supreme Court shall preside at its opening until a presiding officer is elected by the Convention from among the delegates. The Convention shall be deemed organized upon the election of the Convention President and presiding officer, which shall be the first order of business.

Section 8. *Vacancy in the Position of Delegate.* - Whenever a vacancy occurs in the position of delegate, the Commission on Elections, upon due certification of the existence of such vacancy and recommendation by the Convention, shall immediately call a special election to fill the vacancy, which election shall be held within thirty (30) days from the date of the said call.

Should the vacancy occur before the start of the convention, the Commission on Elections, after verification of the said vacancy, shall call and hold a special election as above provided.

Section 9. *Tenure and Emoluments.* -The office of the delegate shall be without compensation and shall not be compatible with any other public office in the Government or any government- owned or controlled corporations or of any of their subsidiaries: *Provided*, That every Delegate shall be entitled to a *per diem* of Two Thousand Pesos (Php 2,000.00) for every day of actual attendance in the Convention or in any of its committees: *Provided*, further That every Delegate shall

be entitled to necessary traveling expenses to and from his place of residence when attending sessions of the Convention or of any of its committees.

Section 10. *Parliamentary Immunity.* – Laws relative to parliamentary immunity of Members of Congress shall be applicable to the delegates of the Convention.

Section 11. *Administration 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, and furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

Section 12. *Convention Report.* – The Convention shall submit its report to the President and the Congress of the Republic of the Philippines, and the Commission on Elections within (30) days from the completion of the consolidated amendments, or revision.

Section 13. *Ratification.* – The amendments to, or revision of, the Constitution proposed by the Convention shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty (60) days nor later than ninety (90) days after the approval of such amendments or revision.

Section 14. *COMELEC Authority.* – The Commission on Elections shall issue such rules and regulations as may be necessary to carry out the purpose of this Act.

Section 15. *Completion.* – The Convention shall complete its work within one (1) year from the time of its organization.

Section 16. *Appropriation.* –The amount needed to initially implement the provisions of this Act shall be charged against the Fiscal Year 2010 appropriations of the COMELEC for the holding of elections. In case of deficiency, any savings generated from the budget of the COMELEC may be used to augment said appropriations. Thereafter, such sums as may be needed for its continued implementation shall be included in the annual General Appropriations Act.

Section 17. *Separability Clause* . - If any provision of this Act shall be declared unconstitutional, any other provision not affected thereby shall remain in full force and effect.

Section 18. *Repealing Clause.* - All other laws, rules, regulations or parts thereof which are inconsistent with this act are hereby repealed, amended or modified accordingly.

Section 19. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Adopted,