



*Sixteenth Congress
First Regular Session*

HOUSE BILL No. **2161**

Introduced by Honorable Victor F. Ortega

EXPLANATORY NOTE

This bill seeks to implement House Concurrent Resolution ____ calling 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 26-year old 1987 Philippine Constitution needs to be revisited to institute much needed political and economic reforms;

The various proposals for amendments to, or revision of the 1987 Constitution are imperative 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 least divisive and the most transparent, exhaustive and democratic means of achieving constitutional reform, among the three modes of amending the constitution as provided for under Section 1 and 2, Article XVII of the 1987 Constitution;

To dispel fears of promoting any vested interests among the incumbent elected officials and to defray the cost of a separate election for delegates to the Constitutional Convention, it shall be conducted simultaneously with the October 28, 2013 barangay elections. The process of amending the Constitution shall only take place thereafter.

Passage of this bill is earnestly sought.

Rep. VICTOR F. ORTEGA
First District, La Union



Sixteenth Congress
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HOUSE BILL No. 2161

Introduced by Honorable Victor F. Ortega

AN ACT
IMPLEMENTING HOUSE CONCURRENT RESOLUTION NO. ____ OF THE
CONGRESS OF THE PHILIPPINES 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 Constitution Convention is hereby constituted to propose amendments, or revision of, the 1987 Constitution of the Philippines. This law shall be known as the "Constitutional Convention Act of 2013".

Section 2. Composition. - The Constitutional Convention shall be composed of Delegates, one for every congressional district of the Republic of the Philippines. The Delegates shall have the same qualifications as those of the Members of the House of Representatives.

Section 3. Election. - The Delegates to the Convention shall be elected on October 28, 2013 to coincide with the barangay elections in accordance with the pertinent provisions of applicable elections laws, particularly those pertaining to the Members of the House of Representatives.

Section 4. Persons Holding Office. - 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 filing of his certificate of candidacy until the final adjournment of the Constitutional Convention.

Section 5. Disqualification to Run. - Any person elected as delegate to the Constitutional Convention shall not be qualified to run for any public office in any election or to assume any appointive office or position in any branch of the Government until after the final adjournment of the Constitutional Convention.

Section 6. 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 days from the date of 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 7. Who May Convene. - The Chairman of the Commission on Elections shall take charge of all arrangements for the convening of the Constitutional Convention. The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session. The Convention shall meet in the session hall of the House of Representatives on the second Monday of January 2014 at ten o'clock in the morning. Thereafter, the Convention may in its discretion hold its session at any other place within the Republic of the Philippines.

Section 8. 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 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 travelling expenses to and from his place of residence when attending sessions of the Convention or of any of its committee.

Section 10. Quorum. - A majority of all the Delegates to the Convention shall constitute a quorum to do business but a smaller number may adjourn from day to day and may compel the attendance of absent Delegates in such a manner and under such penalties, as the Convention may provide.

Section 11. Convention Rules and Journal. - The Convention shall determine the rules of its proceedings, punish any of the Delegates for disorderly behavior, and the concurrence

of two-thirds (2/3) of all Delegates, suspend or expel a Delegate. A penalty of suspension, when imposed, shall not exceed fifteen (15) days.

The Convention shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and yeas and nays on any question shall, at the request of one-fifth of the delegates present, be entered in the Journal.

Section 12. Immunity. - The parliamentary immunity provided for and/or enjoyed by the Members of the Congress shall be granted to the Delegates of the Convention.

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 of revision.

Section 14. Appropriation. - The amount of Three Billion Pesos (Php 3,000,000,000) is hereby provided to carry out the provisions of this Act.

Section 15. Effectivity. - This Act shall take effect upon its approval.

Approved,