

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session
HOUSE BILL No. **5724**



Sponsored by: Deputy Speaker Raneo E. Abu

AN ACT
STRENGTHENING THE SYSTEM OF PEOPLE'S INITIATIVE AND REFERENDUM
AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 6735, OTHERWISE
KNOWN AS "AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND
REFERENDUM AND APPROPRIATING FUNDS THEREOF

EXPLANATORY NOTE

Section 2, Article 17 of the 1987 Constitution provides:

"Section 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 voters 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 therefor.

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

Republic Act No 6735, otherwise known as "**The Initiative and Referendum Act**" was approved on August 4, 1989 to provide for system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the Constitution, laws, ordinances, or resolutions passed by any legislative body. As its history reveals, the law is intended to cover *initiative* to propose amendments to the Constitution.

However, the Supreme Court, in an *en banc* decision in the case of Miriam Defensor Santiago et al. vs. Commission on Election (G.R. No. 127325, March 9, 1997), held:

"This provision is not self-executory. In his book, Joaquin Bernas, a member of the 1986 Commission, stated:

Without implementing legislation Section 2 cannot operate. Thus, although this mode of amending the Constitution, is a mode of amendment which bypasses congressional action, in the last analysis it still is dependent on congressional action.

Bluntly stated, the right of the people to directly propose amendments to the Constitution through the system of initiative would remain entombed in the cold niche of the Constitution until Congress provides for its implementation. Stated otherwise, while the Constitution has recognized or granted that right, the people cannot exercise it if Congress, for whatever reason, does not provide for its implementation."

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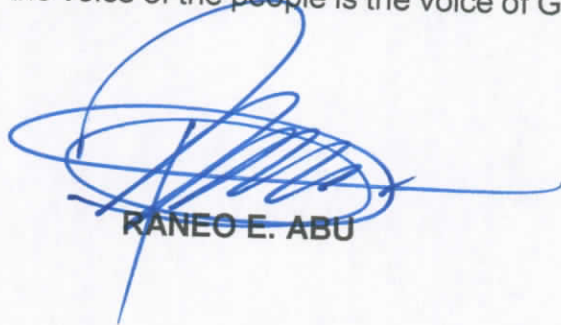
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"There was, therefore, an obvious downgrading of the more important or the paramount system of initiative. R.A. No. 6735 thus delivered a humiliating blow to the system of initiative on amendments to the Constitution by merely paying it a reluctant lip service.

The foregoing brings us to the conclusion that R.A. No. 6735 is incomplete, inadequate, or wanting in essential terms and conditions insofar as initiative on amendments to the Constitution is concerned. Its lacunae on this substantive matter are fatal and cannot be cured by empowering the COMELEC to promulgate such rules and regulations as may be necessary to carry out the purpose of [the] Act."

Considering the paramount importance of the right of the people to directly propose amendments to the Constitution through the system of initiative under Section 2 of Article XVII of the 1987 Constitution, this Bill seeks to fill in the insufficiency of R.A. No. 6735 and to come up with an enabling law sufficient enough to provide for the implementation of the exercise of such right.

Hence, the urgency of the passage of this Bill is a must to put into reality the Latin maxim "**Vox Populi, Vox Dei**," or "the voice of the people is the voice of God."



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

SECTION 1. Section 1 of Republic Act No. 6735 is hereby amended to read as follows:

"Section 1. Title. "This Act shall be known as the "PEOPLE'S Initiative and Referendum Act."

SECTION 2. Section 2 of the same Act is hereby amended to read as follows:

"Sec. 2. Statement of Policy. The power of the people under a system of initiative and referendum to directly **AMEND THE CONSTITUTION** AND propose, enact, approve or reject , in whole or in part, the laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed."

SECTION 3. Section 5 of the same Act is hereby amended to read as follows:

Sec. 5. Requirements. – (a) XXX
XXX

(c) The petition shall state the following:

"c.1 contents or text of the proposed **CONSTITUTIONAL PROVISION** OR law sought to be enacted, approved or rejected, amended or repealed, as the case may be;
X X X."

SECTION 4. Section 8 of the same Act is hereby amended to read as follows;

II. PEOPLE'S INITIATIVE AND REFERENDUM ON THE AMENDMENT OF THE CONSTITUTION

"SEC. 8. Conduct and Date of Initiative or Referendum. The Commission ON ELECTIONS shall call and supervise the conduct of initiatives or referendum. **[Within a period of thirty (30) days from receipt of the petition, the Commission shall, upon determining the sufficiency of the petition, publish the same in Filipino and English at least twice in newspapers of general and local circulation and set the date of the initiative or referendum which shall not be earlier than forty-five (45) days but not later than ninety (90) days from the determination by the Commission of the sufficiency of the petition.]**

UPON RECEIPT OF THE PETITION AMENDING THE CONSTITUTION, THE COMMISSION SHALL DETERMINE THE SUFFICIENCY OF THE PETITION WITHIN THIRTY (30) DAYS AND PUBLISH THE SAME IN FILIPINO AND ENGLISH AT LEAST TWICE IN NEWSPAPERS OF GENERAL AND LOCAL CIRCULATION AND SET THE DATE OF THE INITIATIVE OR REFERENDUM WHICH SHALL BE HELD NOT EARLIER THAN SIXTY (60) DAYS BUT NOT LATER THAN NINETY (90) DAYS AFTER THE CERTIFICATION BY THE COMMISSION ON ELECTIONS OF THE SUFFICIENCY OF THE PETITION."

THE COMMISSION IS HEREBY EMPOWERED TO PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ACT.

SECTION 5. Section 9 of the same Act is hereby amended to read as follows:

"SEC. 9. Effectivity of Initiative or Referendum Proposition.

(a) **[The proposition for enactment, approval, amendment or rejection of a national law shall be submitted to and approved by a majority of the votes cast by all the registered voters of the Philippines.**

If, as certified to by the commission, the proposition is approved by a majority of the votes cast, the national law proposed for enactment, approval, or amendment shall become effective fifteen (15) days following completion of its publication in the official gazette or in a newspaper of general circulation in the Philippines. If, as certified by the commission, the proposition to reject a national law is approved by a majority of the votes cast, the said national law shall be deemed repealed and the repeal shall become effective fifteen (15) days following the completion of publication of the proposition and the certification by the

commission in the official gazette or in a newspaper of general circulation in the Philippines.

However, if the majority vote is not obtained, the national law sought to be rejected or amend shall remain in full force and effect.]

THE PROPOSED AMENDMENT OF THE CONSTITUTION SHALL BE SUBMITTED TO AND APPROVED BY A MAJORITY OF THE VOTES CAST IN THE PLEBISCITE.

- (b) The proposition in [an] THE PEOPLE'S initiative on the AMENDMENT [on] OF the Constitution approved by a majority of the votes cast in the plebiscite shall become effective as to the day of the plebiscite."

SECTION 6. *Repealing Clause.* All laws, decrees, orders, rules and regulations or parts thereof inconsistent with this Act are hereby repealed or amended accordingly.

SECTION 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,