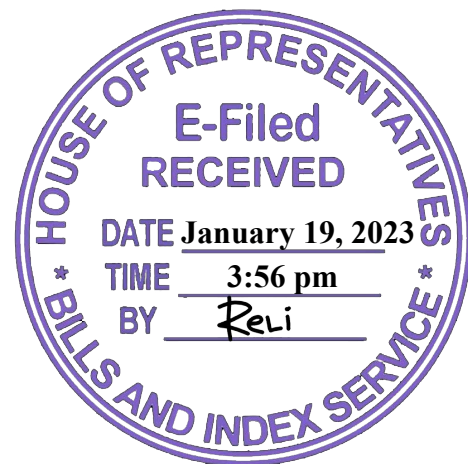


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill NO. 6805



Introduced by Representative Richard I. Gomez

EXPLANATORY NOTE

The 1987 Constitution of the Republic of the Philippines provides for three modes of effecting amendments or revisions thereof, as follows: (1) Constituent Assembly, (2) Constitutional Convention, and (3) People's Initiative. Despite various calls for constitutional change in the past decade, no amendatory process has succeeded in both houses of Congress.

The call for constitutional change is now more relevant and crucial than ever. As the world economy stirs from the dampening effects of the COVID-19 pandemic and the spiraling prices of food, fuel and other goods, the Philippines is firmly pursuing the path to economic recovery. Despite more optimistic economic outlooks for the Philippines in 2023, the fact still holds that the country incurred Php two trillion in debt due to the pandemic. Moreover, a World Bank report cites that the pandemic hit our rural dwellers the hardest, where job losses were experienced the most. Our country, therefore, needs to generate robust economic growth so that we can bounce back from the global downturn and turn a new chapter for our economy.

The next few years will be decisive as to how the country charts its post-pandemic future. Interventions by the national government will be crucial in turning the national economy around and making it more resilient, at least in the next decade. Emerging from a turbulent three-year period is the most opportune time to act and change certain fundamental constitutional policies that have back the country's economic progress since 1987.

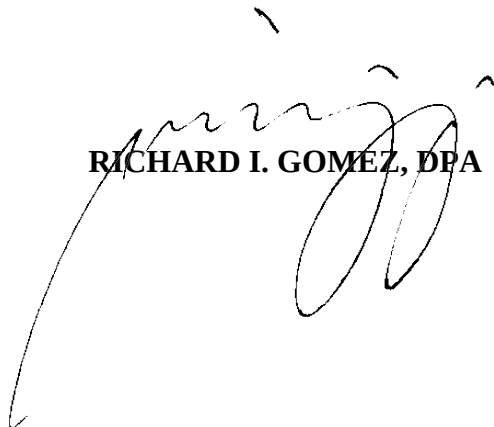
Some of the most significant policies that inhibit our economy's full growth potentials are the economic provisions in Article XII (National Economy and Patrimony), Article XIV (Education, Science and Technology, Arts, Culture and

Sports) and Article VI (General Provisions) of the 1987 Constitution. These provisions are foremost in the charter change envisioned under this measure.

However, despite the urgency for constitutional change, the delicate nature of such a process is recognized. Among the three mechanisms provided in the 1987 Constitution, the Constitutional Convention option presents itself as the most democratic approach.

As such, this bill calls for the formation of the Constitutional Convention of 2024, with the election of delegates to coincide with the October 2023 barangay elections, in order to address the usual objection of high cost attendant to this particular mode of amending or revising the Constitution.

In view of the foregoing, the swift passage of this bill is sought.



RICHARD I. GOMEZ, DPA

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

NINETEENTH CONGRESS
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House Bill NO. **6805**

Introduced by Representative Richard I. Gomez

AN ACT
CONSTITUTING A CONSTITUTIONAL CONVENTION
TO AMEND THE 1987 CONSTITUTION OF THE REPUBLIC OF THE
PHILIPPINES, DEFINING THE QUALIFICATIONS FOR ITS DELEGATES
WHO SHALL BE ELECTED SIMULTANEOUSLY WITH THE NEXT
BARANGAY ELECTIONS, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* - This law shall be known as the “Constitutional Convention Act of 2024.”

SEC. 2. *Powers and Functions.* -The Constitutional Convention to be constituted under this Act shall exercise its power to revise or amend the 1987 Constitution within the bounds of the fundamental Filipino principles and values stated in the latter’s Preamble.

SEC. 3. *Composition.* - The Constitutional Convention shall be composed of delegates who shall be elected from every legislative district of the Republic of the Philippines. Each legislative district shall have one (1) delegate to the Constitutional Convention. The Commission on Elections shall within thirty (30) days from the enactment of this Act, promulgate the rules and regulations necessary for the election of the delegates to the Constitutional Convention.

SEC. 4. *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 Constitution of the Republic of the Philippines.

SEC. 5. *Disqualifications.* -The following are disqualified from being a candidate for the election of delegates of the Constitutional Convention:

1. All incumbent officials of the government, whether elective or appointive, including but not limited to the President, Vice-President, Members of Congress, local government officials, and officers and employees of corporations or enterprises owned and/or controlled by the government; and
2. Any persons who has been declared insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion or for any offense for which he has been sentenced to a penalty of more than eighteen (1) months or for a crime involving moral turpitude, shall be disqualified to be a candidate for the Constitutional Convention, nor allowed to sit as a delegate of the Constitutional Convention, unless he has been given plenary pardon or granted amnesty.

SEC. 6. *Future Disqualifications.* -Any person elected as a delegate of the Constitutional Convention shall not be eligible to run for any public office or position in the first national and first local elections to be held after the ratification of the new Constitution. Further, no elected delegate of the Constitutional Convention shall be appointed to any public office or position while the Constitutional Convention is in session and within a period of one (1) year after the plebiscite for the revised or amended Constitution.

SEC. 7. *Election of Delegates.* - The election of delegates to the Convention shall be held, simultaneously with the next barangay elections. The Commission on Elections (COMELEC) shall within thirty (30) days from the enactment of this Act, promulgate such rules and regulations as may be necessary for the conduct of such elections.

SEC. 8. *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.

SEC. 9. *Commencement of the Session.* - The Convention shall meet in the Session Hall of the House of Representatives on January 8, 2024, Monday, at ten o'clock in the morning.

The President of the Senate and the Speaker of the House of Representatives shall jointly 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. The Convention shall choose such other officers, as it may deem necessary.

SEC. 10. *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.

SEC. 11. *Term and Entitlements.* - The term of office of the delegates shall be one (1) year after the effectivity of the Rules of the Constitutional Convention. 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 any of their subsidiaries: *Provided*, That every delegate shall be entitled to a *per diem* of Five Thousand Pesos (Php 5,000.00) for everyday of actual attendance in the Convention or in any of its committees: *Provided, further*, Each delegate shall be entitled to necessary traveling expenses to and from his place of residence when attending sessions of the Convention or any of its committees: *Provided, finally*, the delegates shall be allowed to hire the necessary technical and administrative staff or personnel to serve for the duration of the Constitutional Convention.

SEC. 12. *Rules and Quorum.* -

1. A majority of all delegates shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent delegates in such matter and under such penalties as the Convention may provide.
2. The Convention may determine the rules for the effective and efficient conduct of its purpose and proceedings, punish delegates for disorderly behavior, and with the concurrence of two-thirds (2/3) of all delegates suspend or expel a delegate. A penalty of suspension shall not exceed sixty (60) days.

3. The plenary sessions of the Convention, including the meetings of its committee, shall be public and duly recorded. It may hold its session in any place in the Philippines.
4. The Convention shall conduct public hearings to ensure that the Filipino people will have adequate and sustained participation in the formulation of proposed amendments to the Constitution.
5. The Convention shall keep a Journal of its proceedings and from time to time publish the same. The public shall have full access to the records of the proceedings of the Convention.

The rules of the Constitutional Convention must be completed by the delegates of the Constitutional Convention within a period of thirty (30) days from the time the delegates take their oath. The rules shall be approved by a majority vote of all the elected delegates.

SEC. 13. *Parliamentary Immunity.* - Laws relative to parliamentary immunity of Members of Congress shall be applicable to delegates of the Convention.

SEC. 14. *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.

SEC. 15. *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 thirty (30) days from the completion of the consolidated amendments.

SEC. 16. *Ratification.* -The amendments to, or revisions 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 submission of the convention reports.

SEC. 17. *Appropriations.* - The amount needed to initially implement the provisions of this Act shall be charged against the Fiscal Year 2023 appropriations of the COMELEC for the holding of the 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.

SEC. 18. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,