

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

**NINETEENTH CONGRESS**  
First Regular Session

House Bill No. 6920



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**Introduced by Representative Ron P. Salo**

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### **EXPLANATORY NOTE**

In most parts of the world, a constitution is considered the most fundamental law of the land where the authority of the government emanates and the sentiments of the people in terms of policies are codified. It is vital that a constitution is periodically updated and dynamic so it can keep abreast with the needs of both the present and future generations.

The 1987 Philippine Constitution was ratified by the people through a plebiscite on February 2, 1987. It has been 36 years since its adoption and several developments in our society and the global arena happened. The passage of time and the present social and economic realities render its certain parts less responsive to our people's needs.

It has been pointed-out time and again that the 1987 Philippine Constitution contains numerous restrictions against the flow of foreign capital in specific areas of economic activities. In particular, the Constitution prevents foreign nationals to own land, exploit and utilize natural resources, own public utilities, and own more than forty percent (40%) of the shares of a corporation in crucial sectors such as education and construction. These restrictions, according to research, have been found to hamper economic growth, dilute the competitiveness among the country's industries, and ultimately stunt national development over the years.

The restrictions on foreign ownership are designed to prioritize Filipino citizens. However, it is noted that the country sorely lacks the requisite capital to boost our economy and develop our natural resources. It is high time to liberalize such restrictions in order to encourage the free flow of capital in the country and pave the way to global competitiveness. This will greatly aid our economy as we navigate our way out of the devastating effects of the pandemic. As it stands today, the Philippines is one of the few remaining countries in Asia that maintain restrictions and limitations on foreign ownership in certain industries that are crucial to the country's development.

While our vigilance to protect and prioritize the Filipino citizens remain, our policies must evolve in order for the country to continually progress and remain competitive globally. Thus, changes to the 1987 Constitution are indispensable.

The current Constitution provides for three (3) modes to which an amendment or revision can proceed, specifically through Constitutional Assembly, Constitutional Convention, or People's Initiative.

It may be argued that the People's Initiative is the most democratic process, however, this mode is only limited to amendments, and not to revisions of the Constitution. On the other hand, a Constitutional Assembly authorizes all incumbent members of Congress to propose amendments to the Constitution. This mechanism has been unpopular to most people because of possible conflict of interest of the members.

The Constitutional Convention addresses both of the concerns associated with People's Initiative and the Constitutional Assembly. The members of the Constitutional Convention will be specifically elected for the sole purpose of reforming the present constitution. Although this mode is more expensive, the advantages of reforming the current Constitution through a Constitutional Convention far outweighs the cost.

Thus, it is proposed that the amendments to the 1987 Constitution shall be through a Constitutional Convention wherein the members will be elected by the people and shall not hold any other office. This ensures that national interest will prevail over personal interests. Delegates are elected based on their knowledge and qualifications with the objective of amending or revising the Constitution. It is to be noted that previous amendments and revisions of our constitutions were achieved in 1971 and in 1986 through a Constitutional Convention.

In view of the foregoing, approval of this bill is earnestly sought.



**RON P. SALO**  
KABAYAN Party List

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**AN ACT**  
**CONSTITUTING A CONSTITUTIONAL CONVENTION TO AMEND THE 1987**  
**PHILIPPINE CONSTITUTION, DEFINING QUALIFICATIONS FOR ITS**  
**DELEGATES, APPROPRIATING FUNDS THEREFOR**

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

**SECTION 1. Short Title.** – This Act shall be known as the "Constitutional Convention Act of 2023."

**SEC. 2. Declaration of Policy.** – The State shall ensure that an amendment or a revision of the Constitution shall be made genuinely inclusive and participatory by ensuring the active participation of Filipinos in every phase of the process. The State shall provide the voters not only sufficient time but ample basis for an intelligent appraisal of the nature, specific and extent of any proposed amendments or revision as well as its relation to other parts of the Constitution with which it has to form a harmonious whole.

**SEC. 3. Powers and Functions.** – The Constitutional Convention once convened, becomes endowed with extraordinary powers generally beyond the control of any departments and agencies of the government, subject to the provisions of this Act. Its primary function is to propose amendments to the 1987 Constitution for ratification of the electorate.

Specifically, the Constitutional Convention shall have the power to:

- a) Promulgate its own rules of procedure;
- b) Elect and appoint its own officers;
- c) Determine and organize its own committees and sub-committees;
- d) Provide for its own schedule or calendar of business;
- e) Conduct public hearings in connection with proposed amendments or revisions to the 1987 Constitution;
- f) Require the involvement and attendance of resource persons in hearings, discussions, and other activities that may benefit from their expertise and knowledge;
- g) Subpoena documents and persons;

- h) Cite for contempt persons in violation of its orders;
- i) Adopt and use a seal to denote its identity and authority; and
- j) Such other powers necessary to carry out the provisions of this Act.

**SEC. 4. Date of Election for Constitutional Convention Delegates.** – There shall be an election of delegates to a Constitutional Convention on the third (3<sup>rd</sup>) Monday of January of the year Two Thousand Twenty-Four (2024). The Commission on Elections shall within thirty (30) days from the enactment of this Act, promulgate the rules and regulations necessary for the fair and efficient election of the delegates to the Constitutional Convention consistent with Batas Pambansa Blg. 881, otherwise known as the Omnibus Election Code, as amended, and other election laws.

**SEC. 5. Composition of the Constitutional Convention.** – The Constitutional Convention shall be composed of not more than Three Hundred Ten (310) members. They shall include one (1) delegate from every legislative district and the remaining seats shall be allocated to the party-list system of registered national, regional, and sectoral parties or organizations.

During the canvassing of votes in the election, all party-lists shall be ranked from highest to lowest based on the number of votes garnered. Starting from the highest and in descending order, each party-list shall be entitled to one delegate until all seats are allocated.

**SEC. 6. Participation of the Party-list System.** – Registered national, regional, and sectoral parties or organizations intending to participate in the election of delegates of the Constitutional Convention shall file with the Commission on Elections their manifestation of intent to participate.

In the event that the election of delegates for the Constitutional Convention will be scheduled and held on the same date as the general election, the party-lists may, at their option, submit only one (1) list of nominees for both elections; Provided that, in cases where the party-list decides to submit only one (1) list of nominees for both elections and are proclaimed as a winner in both, the first (1<sup>st</sup>) nominee, and the second (2<sup>nd</sup>) and third (3<sup>rd</sup>) nominees when entitled, shall assume the seat as representative of the party-list at the House of Representatives. Thereafter, the subsequent nominee shall assume the seat of a delegate at the Constitutional Convention.

The Committees and Sub-Committees that may be created by the Constitutional Convention shall ensure proportional representation of delegates from the party-list system.

**SEC. 7. Term of the Constitutional Convention.** – The Constitutional Convention shall, within forty-five (45) days from the date of election for Constitutional Convention Delegates, formally convene, organize its affairs, and jointly take their oath in accordance with Sec. 13 of this Act. It shall propose, deliberate, approve, and submit for ratification the proposed amendments to the 1987 Constitution within twenty-four (24) months from the date the Constitutional Convention is deemed convened.

The Constitutional Convention shall finally adjourn upon the submission to the COMELEC of its proposal for ratification of the proposed amendments to the 1987 Constitution. It shall be deemed terminated upon the final adjournment.

**SEC. 8. Qualifications.** – No person shall be elected a delegate to, or to represent a party-list in, the Constitutional Convention unless he is a natural born citizen of the Philippines and, on the day of the election, is at least twenty-five (25) years of age, and a qualified voter. Provided, that all delegates shall be college degree-holders and shall have sufficient knowledge and background on governance, economics, banking and finance, law, education, health, medicine, science and technology, social sciences, arts and humanities, or any other fields of study.

**SEC. 9. Disqualifications.** – The following are disqualified from being a candidate for the election of delegates of the Constitution:

Any person who has been declared by competent authority as insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion, terrorism, or for any offense for which he has been sentenced to a penalty of more than eighteen (18) months or for a crime involving moral turpitude, shall be disqualified to be a candidate for the Constitutional Convention, unless he has been given plenary pardon or granted amnesty.

Persons who have been dismissed or dishonorably discharged from service shall also be disqualified.

**SEC. 10. 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, are not disqualified but shall be considered resigned upon the filing of their certificate of candidacy.

**SEC. 11. 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 not terminated without forfeiting his seat in the Constitutional Convention.

**SEC. 12. Compensation of Delegates of the Constitutional Convention.** – The Delegates of the Constitutional Convention shall be entitled to the same salary, benefits, privileges, and emoluments as those of the members of the House of Representatives.

**SEC. 13. Oath of the Delegates.** – Delegates of the Constitutional Convention shall qualify and assume office by taking the following oath or affirmation:

*“I, (name of delegate), do solemnly swear and affirm that I shall faithfully and conscientiously fulfill my duties as Delegate of the Constitutional Convention by drafting a fundamental law truly reflective of the ideals and aspirations of the Filipino people. I shall endeavor to*

*complete the work of the Constitutional Convention within the period provided by law. I undertake not to run for any office in the first local and national elections to be held after the ratification of the Constitution that the Constitutional Convention will propose. And I swear to preserve and defend the duly ratified Constitution of the Republic of the Philippines. So help me God.”*

**SEC. 14. Administrative Support and Technical Assistance.** – The Constitutional Convention shall have its own secretariat that shall assist the convention in its day-to-day activities. The secretariat shall also render administrative and technical support as required.

Further, the individual delegates shall be assisted by administrative and technical staff. The number of staff for each delegate shall be determined by the Constitutional Convention and approved by the Department of Budget and Management (DBM) but shall not be more than that provided to current members of the House of Representatives.

Provided further, that all government entities, agencies and instrumentalities, including the Senate and House of Representatives, shall place at the disposal of the Convention such personnel, premises, and property thereof as can, in their judgment, be spared without detriment to the public services, without cost, refund or additional pay.

**SEC. 15. No Restraining Order or Preliminary Injunction.** – Except for the Supreme Court, no court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Constitutional Convention in any case or dispute arising from or necessary to the application and enforcement of the provision of this Act.

**SEC. 16. Who May Convene.** – (1) The Chairman of the Commission of Elections, assisted by the Secretaries of the Senate and the House of Representatives, shall take charge of all arrangements for the convening of the Constitutional Convention; (2) The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session until a presiding officer is elected by the Convention from the delegates. The election of a chairman and presiding officer from among the delegates shall be the first order of business. The Convention shall be deemed organized upon the election and qualification of a Chairman and presiding officer. The Convention shall choose such other officers, as it may deem necessary.

**SEC. 17. Rules and Quorum.** –

- (1) A majority of all delegates shall constitute a quorum to do business, but smaller number may meet, adjourn from day to day, and compel the attendance of absent delegates in such a manner 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 suspends or expel a delegate. A penalty of suspension shall not exceed thirty (30) 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 of the Philippines.
- (4) The Convention shall conduct public hearings, in groups or committees, 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 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 the convention formally convenes. The rules shall be approved by majority vote of all elected delegates.

**SEC. 18. Ratification.** – The amendments to or revision of, the Constitution proposed by the Constitutional Convention shall be valid when ratified by a majority of the votes cast in a plebiscite which may be held simultaneous with the national and local election or not earlier than sixty (60) days nor later than ninety (90) days after the approval of such amendments or revision, whichever comes first.

**SEC. 19. Parliamentary Immunities.** – A delegate of Constitutional Convention shall, in all offenses punishable by not more than six (6) years imprisonment, be privileged from arrest during attendance of its session, and in going to and returning from the same. Further, a delegate of the Constitutional Convention shall not be questioned nor be held any other place for any speech or debate in the Constitutional Convention, in any committee thereof, or in any public hearing conducted by the Constitutional Convention or any committee thereof whenever held.

**SEC. 20. Place of the Convention.** – The Constitutional Convention shall have its principal office in Metro Manila, and shall hold its first convention anywhere thereat. Thereafter, it may hold its convention or hearings, including that of its committees or sub-committees, anywhere in the Philippines.

**SEC. 21. Appropriations.** – For the implementation of this Act, the amount of Two Billion Pesos (Php 2,000,000,000.00) shall be appropriated to the Constitutional Convention. This whole amount shall be made available to the Constitutional Convention in a timely manner.

**SEC. 22. Implementing Rules and Regulations.** – The Chairman of the Commission on Elections, the Secretary of the Department of Budget and Management, the Secretary of the Department of Justice, the Solicitor-General, a law faculty member and two (2) former members of the 1986 Constitutional Convention of proven competence, integrity, probity, and independence, in consultation with the

Secretaries of the House of Representatives and the Senate, shall promulgate the implementing rules and regulations (IRR) of this Act within thirty (30) days from approval of this Act. The law faculty member and the two (2) former members of the 1986 Constitutional Convention shall be appointed by the President of the Philippines.

**SEC. 23. Separability Clause.** – If any provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected shall remain valid.

**SEC. 24. Repealing Clause.** – All act, executive orders, administrative orders, decrees, proclamations, rules and regulations or other issuances or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

**SEC. 25. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved.*