

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1241

HOUSE OF REPRESENTATIVES	
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Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

EXPLANATORY NOTE

Article XVII of the Philippine Constitution provides:

Section 1. Any amendment to, or revision of, this Constitution may be proposed by:

- (1) The Congress, upon a vote of three-fourths of all its members;
or
- (2) a constitutional convention

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 thereafter.

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

Section 3. The Congress may, by a vote of two-thirds of all its members, call a constitutional convention, or by a majority vote of all its Members, submit to the electorate the question of calling such a convention.

The aforementioned Section 3, Article XVII of the 1987 Constitution provides for two alternative modes of calling for a constitutional convention, to wit:

Call for a constitutional convention by Congress upon a vote of two-thirds of all its Members; or

Submit to the electorate the question of calling a constitutional convention upon a majority vote of the Members of Congress.

It is herein proposed that the first option be adopted by Congress, i.e. call for a Constitutional Convention by two-thirds (2/3) of the vote of all the Members of Congress.

The movement towards charter change has always been relevant. However, calls for genuine constitutional reforms have taken a backseat because of perceived controversies and allegations of corruption in previous administrations. Filipinos, meanwhile, take severe punishment from corruption, high prices, inequitable distribution of income, and a lopsided playing field when it comes to foreign investments. Thus, while it is a given that the present charter needs to go through the process of amendments/revision, this should be done with much deliberation and in a transparent and trustworthy atmosphere.

Calling for a Constitutional Convention, the delegates of which shall be elected by the people simultaneously with the next Barangay or National elections, is a measure that is intended to be more transparent and less conflict-ridden. The convention is mandated, through a process of public hearings and deliberations, to submit the proposed charter change for the people's ratification which shall be held not earlier than sixty (60) days nor later than ninety (90) days after approval of the amendments/revisions, and the same shall be valid only when ratified by a majority of the votes cast.

It is important that constitutional reforms be completed through a transparent process that ensures the participation by the nation at large. In keeping with the sovereign mandate of the people, the new Constitution of the Republic of the Philippines should be truly reflective of the ideals and aspirations of the Filipino nation, and not of a select few.

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



LUIS RAYMUND F. VILLAFUERTE, JR.

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Introduced by HONORABLE LUIS RAYMUND F. VILLAFUERTE, JR.

AN ACT CONSTITUTING A CONSTITUTIONAL CONVENTION TO AMEND THE 1987 PHILIPPINE CONSTITUTION, DEFINING QUALIFICATIONS FOR ITS DELEGATES WHO SHALL BE ELECTED SIMULTANEOUSLY WITH THE BARANGAY OR NATIONAL ELECTIONS, APPROPRIATING FUNDS FOR ITS OPERATIONS, AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* – This Act shall be known as the “Constitutional Convention Act of 2016.”

SECTION 2. *Declaration of Policy.* – The State shall ensure that in the revision or amendment of the Constitution, the time honored fundamental principles and blessings of democracy including but not limited to the following: protection of human rights, promotion of social justice, separation of powers, grant of autonomy and self-determination to the regions, good governance and public accountability, shall be enhanced and better protected.

SECTION 3. *Powers and functions.* – The Constitutional Convention shall exercise its power to revise or amend the 1987 Constitution pursuant to Section 2 of this Act.

SECTION 4. *Date of election of Constitutional Convention Delegates.* – There shall be an election of delegates to a Constitutional Convention simultaneous with the holding of the next Barangay or National Elections. The Commission on Elections shall within thirty (30) days from the enactment of this Act, promulgate the rules and regulations necessary for the elections of the delegates to the Constitutional Convention.

SECTION 5. *Composition and term of the Constitutional Convention.* – The Constitutional Convention shall be composed of one (1) delegate from every legislative district. The drafting of the amended or revised Constitution by the delegates of the Constitutional Convention shall be completed within a period not

exceeding two (2) years after the effectivity of its rules. No extension of the term of the Constitutional Convention shall be allowed. The death or incapacity of an elected delegate shall not be a ground for the holding of a special election or for the delay of the proceedings of the Convention.

SECTION 6. *Funding.* – An initial appropriation of Three Hundred Million Pesos (P300,000,000.00) is hereby appropriated for the start-up of program. Thereafter, the Department of Budget and Management (DBM) shall submit a recommendation to Congress for the budgetary requirements of this Act as specified in Section 16 hereof.

SECTION 7. *Qualifications.* – No person shall be elected a delegate of 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, a qualified voter, of recognized probity, nationalism and patriotism.

SECTION 8. *Disqualifications.* – The following are disqualified from being a candidate for the election of delegates of the Constitutional Convention:

All incumbent elected officials of the government, including but not limited to the President, Vice-president, Members of the Congress, and local government officials.

Any person who has been declared by competent authority as 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 (18) 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.

SECTION 9. *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.

SECTION 10. *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, endeavor to complete the work of the Constitutional Convention within the period provided by law, 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 preserve and defend the duly ratified Constitution of the Republic of the Philippines. So help me God.”

SECTION 11. *Administrative Support and Technical Assistance.* – 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 furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

SECTION 12. *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 provisions of this Act.

SECTION 13. *Who May Convene.* –

(1) The chairman of the Commission on Elections, assisted by the Secretaries General of 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.

SECTION 14. *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 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 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 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.

SECTION 15. *Parliamentary immunities.* – A delegate of the 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 in 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.

SECTION 16. *Appropriations.* – For the implementation of this Act, the amount of Two Billion Pesos (P2,000,000,000.00) shall be appropriated to the Constitutional Convention. This whole amount shall be made available to the Constitutional Convention in a timely manner. Each delegate of the Constitutional Convention shall receive a per diem of not less than Five Thousand Pesos (P5,000.00) for every day of attendance in the Constitutional Convention or of any of its committees, and, to necessary traveling expenses to and from his residence when attending the sessions of the Constitutional Convention or of its committees. Every delegate to the Constitutional Convention shall be allowed to hire the necessary technical and administrative staff or personnel to serve during the duration of the Constitutional Convention unless sooner terminated at the discretion of the delegate.

SECTION 17. *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 18. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,