

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Constitution Hills, Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1463

HOUSE OF REPRESENTATIVES	
RECEIVED	
DATE:	<u>12 JUL 2016</u>
TIME:	<u>6:00PM</u>
BY:	<u>[Signature]</u>
REGISTRATION UNIT BILLS AND INDEX SERVICE	

Introduced by REP. EDGAR MARY S. SARMIENTO

EXPLANATORY NOTE

This bill seeks to call for a Constitutional Convention to propose amendments to, or revision of the 1987 Constitution, and appropriating funds thereof.

The 29-year old 1987 Philippine Constitution needs to be revisited to institute much needed socio-political and economic reforms. These proposals for amendments to, or revision of the Constitution, aim to update the Constitution for it to be more responsive to the country's present situation and to ensure the country's competitiveness in a highly globalized economy.

The delegates of the Constitutional Convention shall be elected on the date agreed and confirmed by the members of the House of Representatives upon the approval of this measure in accordance with the pertinent provisions of applicable laws.

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 Sections 1 & 2, Article XVII of the 1987 Constitution.

Through a transparent Constitutional Convention — participated by the people from election of its delegates, public hearings and deliberations, to ratification of the new Constitution by a plebiscite — upholding the sovereign mandate of the Filipino people is genuinely at hand.

The approval of this bill is therefore earnestly requested.

EDGAR MARY S. SARMIENTO



1 by Congress upon the approval of this measure. The Commission on Elections shall within
2 thirty (30) days from the enactment of this Act, promulgate the rules and regulations
3 necessary for the elections of the delegates to the Constitutional Convention.

4 SECTION 5. *Composition and term of the Constitutional Convention.* – The
5 Constitutional Convention shall be composed of two (2) delegates from every legislative
6 district. The drafting of the amended or revised constitution by the delegates of the
7 Constitutional Convention shall be completed within a period not exceeding two (2) years
8 after the effectivity of its rules. No extension of the term of the Constitutional Convention
9 shall be allowed.

10 SECTION 6. *Qualifications.* – No person shall be elected a delegate of the
11 Constitutional Convention unless he is a natural born citizen of the Philippines and, on the
12 day of the election, is at least twenty-five years of age, a qualified voter, of recognized
13 probity, independence, nationalism and patriotism.

14 SECTION 7. *Disqualifications.* – The following are disqualified from being a
15 candidate for the election of delegates of the Constitutional Convention:

- 16 1. All incumbent elected officials of the government, including but not limited to the
17 President, Vice-president, Members of the Congress, and local government
18 officials, Provided that, any of the foregoing who files a certificate of candidacy
19 as delegate of the Constitutional Convention shall automatically be construed as
20 officially resigned from his position.
- 21 2. Any person who has been declared by competent authority as insane or
22 incompetent, or has been sentenced by final judgment for subversion, insurrection,
23 rebellion or for any offense for which he has been sentenced to a penalty of more
24 than eighteen months or for a crime involving moral turpitude, shall be
25 disqualified to be a candidate for the Constitutional Convention, nor allowed to sit

1 as a delegate of the Constitutional Convention, unless he has been given plenary
2 pardon or granted amnesty.

3 SECTION 8. *Future disqualifications.* – Any person elected as a delegate of the
4 Constitutional Convention shall not be eligible to run for any public office or position in the
5 first national and first local elections to be held after the ratification of the new Constitution.
6 Further, no elected delegate of the Constitutional Convention shall be appointed to any public
7 office or position while the Constitutional Convention is in session and within a period of one
8 (1) year after the plebiscite for the revised or amended Constitution.

9 SECTION 9. *Oath of the delegates.* – Delegates of the Constitutional Convention
10 shall qualify and assume office by taking the following oath or affirmation:

11 “I, (name of delegate), do solemnly swear and affirm that I shall faithfully and
12 conscientiously fulfill my duties as Delegate of the Constitutional Convention of (specific
13 year) by drafting a fundamental law truly reflective of the ideals and aspirations of the
14 Filipino people, endeavor to complete the work of the Constitutional Convention within the
15 period provided by law, not to run for any office in the first local and national elections to be
16 held after the ratification of the Constitution that the Constitutional Convention will propose,
17 and preserve and defend the duly ratified Constitution of the Republic of the Philippines. So
18 help me God.”

19 SECTION 10. *Administrative support.* – All national government offices and
20 agencies and local government units shall accord and give the Constitutional Convention the
21 necessary support and respect by allowing its officers and personnel to attend the hearings
22 and/or proceedings of the Constitutional Convention.

23 SECTION 11. *No restraining order or preliminary injunction.* – Except for the
24 Supreme Court, no court of the Philippines shall have jurisdiction to issue any restraining
25 order or writ of preliminary injunction against the Constitutional Convention in any case or

1 dispute arising from or necessary to the application and enforcement of the provisions of this
2 Act.

3 SECTION 12. *Rules of the Constitutional Convention.* – The elected delegates of the
4 Constitutional Convention shall establish their own rules and regulations for the effective and
5 efficient conduct of its purpose and proceedings. The Constitutional Convention shall have
6 the powers to cite any person in direct or indirect contempt, and, accordingly, issue the
7 appropriate penalties for contumacious conduct.

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

11 SECTION 13. *Parliamentary immunities.* – A delegate of the Constitutional
12 Convention shall, in all offenses punishable by not more than six (6) years imprisonment, be
13 privileged from arrest during attendance of its session, and in going to and returning from the
14 same. Further, a delegate of the Constitutional Convention shall not be questioned nor be held
15 in any other place for any speech or debate in the Constitutional Convention, in any
16 committee thereof, or in any public hearing conducted by the Constitutional Convention or
17 any committee thereof whenever held.

18 SECTION 14. *Appropriations.* – For the implementation of this Act, the amount of
19 Two Billion Pesos (P2,000,000,000.00) shall be appropriated to the Constitutional
20 Convention. This whole amount shall be made available to the Constitutional Convention in a
21 timely manner. Each delegate of the Constitutional Convention shall receive a per diem of
22 not less than Five Thousand Pesos (P5,000.00) for every day of attendance in the
23 Constitutional Convention or of any of its committees, and, to necessary traveling expenses
24 to and from his residence when attending the sessions of the Constitutional Convention or of
25 its committees.

1 SECTION 15. *Separability Clause.* – If any provision, or part hereof is held invalid or
2 unconstitutional, the remainder of the law or the provision not otherwise affected shall remain
3 valid and subsisting.

4 SECTION 16. *Repealing Clause.* – Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to or
6 inconsistent with, the provisions of this Act is hereby repealed, modified, or amended
7 accordingly.

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

Approved,