Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

17th Congress
First Regular Session

RESOLUTION OF BOTH HOUSES NO. 05

Introduced by Rep. Raneo E. Abu

RESOLUTION OF BOTH HOUSES FOR CONGRESS TO CALL FOR A CONSTITUTIONAL CONVENTION TO PROPOSE REVISION OR REFORM OF THE 1987 CONSTITUTION IN ORDER TO ESTABLISH A FEDERAL SYSTEM OF GOVERNMENT

WHEREAS, Federalism is a form of government where sovereignty is constitutionally shared between a central governing authority and constituent political units called states or regions;

WHEREAS, the 1987 Philippine Constitution provides for a unitary system of government where the country's development programs are determined, planned, funded and implemented by the national government with its seat of power based in Manila;

WHEREAS, the shift from unitary form of government to federalism requires reform or revision of the 1987 Philippine Constitution;

WHEREAS, the 1987 Philippine Constitution, being the fundamental law of the land, must be responsive to the needs of the Filipino people and must keep pace with the changes in condition and circumstances surrounding them;

WHEREAS, under Article XVII of the 1987 Philippine Constitution, there are three (3) ways of amending or revising the highest law of the land which are as follows:
1. Congress upon three-fourths vote of all its members (Congress acting as a Constituent Assembly);

2. A constitutional convention (fondly called “ConCon”); and,

3. People’s initiative.

WHEREAS, Congress, acting as a constituent assembly is actually exercising the inherent right of the people they represent in proposing amendments or revisions to the Constitution. Three-fourth (3/4) votes of all members of Congress are required but it is not clear if the members should vote as a single body or as separate houses. Thus, convention of Congress into Con-Ass is not explicitly provided for in the Constitution;

WHEREAS, with respect to people’s initiative as a mode of amending or revising the Constitution, Republic Act No. 6735, known as the People’s Initiative and Referendum Act, the implementing law intended to cover initiative to propose amendments or revisions to the Constitution, has been declared by the Supreme Court as incomplete, inadequate, or wanting in essential terms and conditions in so far as initiative on amendments to the Constitution is concerned;

WHEREAS, Congress under the current Constitution may, by a vote of 2/3 of all its members, directly call a constitutional convention or by a majority vote of all its members, submit to the electorate the question of calling such a convention. However, the present Constitution does not specify how delegates to a Con-Con should be chosen;

WHEREAS, during the 1971 Constitutional Convention, Republic Act No. 6132 was enacted and specified how the Con-Con delegates would be chosen and that is through election;

WHEREAS, the calling of a Constitutional Convention to be composed of elected delegates from all the legislative districts in the country is the logical and appropriate means of amending the Constitution, as it will afford people’s participation in the process through delegates chosen by them;
NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by a vote of two-thirds (2/3) OF THE MEMBERS OF THE SENATE AND the HOUSE of REPRESENTATIVES to directly call a Constitutional Convention to propose revision or reform of the 1987 Constitution in order to establish a Federal system of government, as follows:

Section 1. There is hereby called a Constitutional Convention to revise the 1987 Philippine Constitution, for the purpose of changing the unitary system of Government into a Federal system of government and update the economic provisions of the current constitution to keep abreast to the ever changing economy of the country and the region. Further, to ensure the equitable distribution of the national wealth amongst the region or states to be established. Furthermore, to revisit the term of office for the local and national positions and make the appropriate changes, if necessary.

Section 2. Delegates: The delegates to the Constitutional Convention shall be composed of one (1) delegate to be elected from each current legislative district.

Section 3. Qualifications of delegates: The delegates should be natural-born citizen of the Philippines, a degree holder, on the day the election as delegate is at least twenty five (25) years old, must not have been convicted of a crime involving moral turpitude and must not be a candidate during the 2016 local and national elections.

Section 4. Election of delegates to the Constitutional Convention by the qualified voters of each legislative district shall be held on the second Monday of January 2017;

Section 5. The Commission on Elections shall promulgate such rules and regulations as may be necessary for the conduct of such election, taking into consideration the need to reduce the minimum expenses on the part of the candidate and of the government, and the non-partisan nature of the Constitutional Convention.
Section 6. The Chairman of the Commission on Elections (Comelec), assisted by the Secretaries General of the Senate and the House of Representatives, shall take charge of all arrangements for the convening of the Constitutional Convention.

Section 7. No candidate shall represent or allow himself to be represented as being a candidate of any political party or any political coalition or group in which a political party is a member or a convenor thereof.

Section 8. Any person elected and qualified as delegate to the Convention shall not be eligible to run for any office in the immediately preceding local and national elections after the plebiscite of the new Constitution; or appointed to any government office or position while the Convention is in session and during the period of one (1) year after its final adjournment.

Section 9. The office of the delegate shall be honorary and shall be compatible with any other public office: Provided, that delegates shall receive same salaries as that of the member of the House of Representatives.

Section 10. The laws relative to parliamentary immunity of Members of Congress shall be applicable to the elected delegates of the Convention, and the protection of the sessions of the same and its committees against obstructions and disturbances and the penalties provided for violation of said laws shall likewise be applicable to the Convention and to its sessions and those of its committees.

Section 11. The Convention shall meet in the Plenary Hall of the Philippine International Convention Center (PICC) on February 15, 2017 at 10:00 o’clock in the morning.

Section 12. The President of the Senate and the Speaker of the House of Representatives shall jointly preside the opening session of the Convention until a presiding officer is duly elected from the delegates.
Section 13. 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.

Section 14. The Convention may determine the amount for the office and staff expenses of its delegates, subject to pertinent government personnel compensation and audit laws.

Section 15. Each delegate, in addition to the amount of monthly salary which is equivalent to what a member of the House of Representatives receives is entitled to necessary representation and traveling allowances (RATA) when attending the sessions of the Convention, its committees or subcommittees.

Section 16. The sum of ONE BILLION PESOS (P1,500,000,000.00) shall be appropriated in the General Appropriations Act for Fiscal year 2017 and be set aside and made available for the operations of the Constitutional Convention.

Section 17. The Convention shall complete its work on December 31, 2018.

Section 18. Revision of the 1987 Constitution by the Constitutional Convention for the purpose of establishing a Federal system of government in the Philippines shall be valid and active upon ratification by a majority of the votes cast in a plebiscite, which shall be conducted simultaneously with the 2019 National and Local Elections.

ADOPTED.