

SENATE

P. S. Res. No. 1126

RECEIVED BY: 

INTRODUCED BY THE HONORABLE SENATOR MAR ROXAS

A RESOLUTION

EXPRESSING THE SENSE OF THE SENATE URGING PRESIDENT GLORIA MACAPAGAL-ARROYO TO UPHOLD HER CONSTITUTIONAL DUTIES AND CATEGORICALLY AFFIRM THAT THE HOUSE OF REPRESENTATIVES CONVENING AS A CONSTITUENT ASSEMBLY INDEPENDENT OF THE SENATE IS UNCONSTITUTIONAL, PUBLICLY REJECT HOUSE RESOLUTION NO. 1109, AND IMMEDIATELY ORDER HER ALLIES IN THE HOUSE OF REPRESENTATIVES TO STOP SUCH BLATANT DISRESPECT OF CONSTITUTIONAL PROCESSES.

WHEREAS, Section 1, Article XVII of the *1987 Philippine Constitution* clearly mandates that any amendment to, or revision of, the Constitution may be proposed by: (1) the Congress, upon a vote of three-fourths of all its Members; or (2) a constitutional convention;

WHEREAS, Section 1, Article VI of the *1987 Philippine Constitution* in no uncertain terms further states that legislative power is vested in the Congress of the Philippines, which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum;

WHEREAS, *Philippine Senate Resolution No. 154* which was adopted unanimously by the Senate on 15 December 2008 categorically resolved that in accordance with the provisions of the Constitution, any amendments to, or revision of, the Constitution shall be done with the approval by three-fourths of the Senate voting separately from the House of Representatives, hence, any attempt by the House of Representatives to unilaterally propose amendments to or revision of the Constitution without the approval of three-fourths of the Senate voting separately is unconstitutional;

WHEREAS, on 2 June 2009, the House of Representatives approved *House Resolution No. 1109* calling on members of the Congress to convene itself for the purpose of proposing amendments to or revisions of the Constitution upon a vote of three-fourths of all its Members, which House Resolution expressed that the 1987 Constitution clearly did away with the requirement that both chambers of Congress shall vote separately relative to initiating the process of amending the Constitution;

WHEREAS, no less than constitutional luminary Fr. Joaquin Bernas has opined that the implicit requirement of separate voting is dictated by the bicameral character of

Congress, and further that bicameralism has been adopted precisely for the purpose of ensuring that important decisions be reached separately by the two Houses of Congress;

WHEREAS, pursuant to the legal maxim of *ut magis valeat quam pereat*, a careful and complete reading of the 1987 Constitution would readily reveal that both the Senate and House of Representatives are intended to act and vote separately in all the measures that they are required to pass upon;

WHEREAS, in unilaterally convening itself as a constituent assembly through House Resolution No. 1109, the House of Representatives unlawfully disregarded the bicameral nature of Congress and blatantly disregarded the Senate of the Philippines as a co-equal body in the Legislative Branch of the Government in violation of the sacred law of the land – the 1987 Philippine Constitution;

WHEREAS, a 3 June 2009 *Inquirer* news article reported that the push for the passage of HR No. 1109 was made with the tacit approval of President Gloria Macapagal-Arroyo, considering that House Speaker Prospero Nograles admitted that the decision to push for the said resolution was arrived at during the Lakas-Kampi-CMD merger;

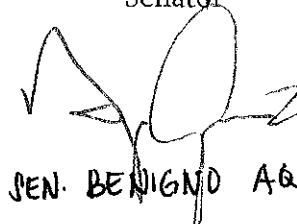
WHEREAS, President Gloria Macapagal Arroyo, as President of the Republic of the Philippines, has the constitutional and moral duty to prove clearly to the entire Filipino nation that she is not in any way behind these efforts to railroad the initiation of the Charter Change process by ordering her allies in the House of Representatives to immediately put a stop to this foolishness because of its patent unconstitutionality;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to express the sense of the Senate urging President Gloria Macapagal-Arroyo to uphold her constitutional duties and categorically affirm that the House of Representatives convening as a constituent assembly independent of the Senate is patently unconstitutional, publicly reject House Resolution No. 1109, and immediately order her allies in the House of Representatives to stop such blatant disrespect of constitutional processes.

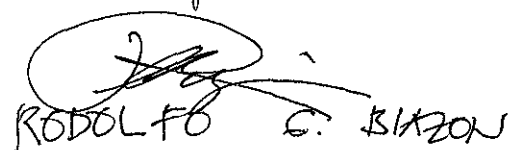
Adopted,



M A R ROXAS
Senator



SEN. BENIGNO AQUINO III



RODOLFO C. BIAZON
SENATOR