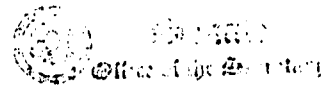


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



20 DEC -7 P3:33

SENATE

Resolution of Both Houses No. 2

RECEIVED BY

Introduced by Senator Francis "Tol" N. Tolentino and Senator Ronald "Bato" Dela Rosa

**RESOLUTION
OF BOTH HOUSES OF CONGRESS TO CONVENE THE 18th CONGRESS AS A
CONSTITUENT ASSEMBLY FOR THE PURPOSE OF INTRODUCING LIMITED
AMENDMENTS TO THE 1987 CONSTITUTION**

1 WHEREAS, the Constitution is the supreme law of the land, expressing the sovereign
2 will of the people. It enumerates the powers and policies of the State, the basic framework of
3 government, and the fundamental rights of citizens;

4
5 WHEREAS, the Constitution aims to ensure the prosperity and independence of the
6 nation and ensure freedom from poverty through policies that foster an independent and self-
7 reliant economy. However, since the ratification of the Constitution on 2 February 1987,
8 certain exigencies, events, and developments have arisen which necessitate the introduction
9 of amendments that not only allow the fundamental law of the land to address such exigencies
10 but also protect the important values and ideals our nation was founded upon;

11
12 WHEREAS, Section 1, Paragraph 1, Article XVII of the 1987 Constitution provides "Any
13 amendment to, or revision of, this Constitution may be proposed by: The Congress, upon a
14 vote of three-fourths of all its Members";

15
16 WHEREAS, the Supreme Court ruled in the case of Tolentino v. COMELEC (G.R. No.
17 L-34150, 16 October 1971) that the members of the Congress are component elements of a
18 constituent assembly, to wit:

19
20 " Indeed, the power to amend the Constitution or to propose amendments thereto is
21 not included in the general grant of legislative powers to Congress (Section 1, Art. VI,
22 Constitution of the Philippines). It is part of the inherent powers of the people — as

1 the repository sovereignty in a republican state, such as ours (Section 1, Art. 11,
2 Constitution of the Philippines) — to make, and, hence, to amend their own
3 Fundamental Law. Congress may propose amendments to the Constitution merely
4 because the same explicitly grants such power. (Section 1, Art. XV, Constitution of the
5 Philippines) Hence, when exercising the same, it is said that Senators and members of
6 the House of Representatives act, not as members of Congress, but as component
7 elements of a constituent assembly. When acting as such, the members of Congress
8 derive their authority from the Constitution, unlike the people, when performing the
9 same function, (Of amending the Constitution) for their authority does not emanate
10 from the Constitution — they are the very source of all powers of government including
11 the Constitution itself.”
12

13 WHEREAS, the interest of the Filipino people will be served by introducing meaningful
14 reforms reinforcing not only economic growth and development but also more pragmatic
15 democratic representation. Reforms are needed to be introduced to the thirty-three year old
16 Constitution in order to aid the country in achieving economic growth, especially during this
17 time of rising global uncertainty;
18

19 WHEREAS, against the backdrop mounting economic and health concerns brought
20 about by the pandemic, it is important to ensure that the subsequent national policies and
21 strategies for the rehabilitation of our nation be responsive to the needs of our people in
22 order to bring about genuine economic growth and sustainable development;
23

24 NOW THEREFORE BE IT RESOLVED, as it is hereby resolved, by the Senate and the
25 House of Representatives, to constitute the 18th Congress as a Constituent Assembly pursuant
26 to Section 1, paragraph 1 of Article XVII of the 1987 Constitution, for the purpose of adopting
27 amendments, limited to the provisions on democratic representation and the economic
28 provisions of the Constitution.
29

30 Adopted,


RONALD "BATO" DELA ROSA
Senator


FRANCIS "TOL" N. TOLENTINO
Senator