

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

24 JAN 11 A10:51

SENATE
P.S. Resolution No. 903

RECEIVED BY: 

Introduced by **SENATOR IMEE R. MARCOS**

**A RESOLUTION
DIRECTING THE APPROPRIATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, INTO THE EFFICACY OF REPUBLIC ACT NO. 6735
IN PROVIDING FOR A SYSTEM OF INITIATIVE AND REFERENDUM**

WHEREAS, Section 32, Article VI of the Constitution requires Congress to provide for a system of initiative and referendum whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Congress or local legislative body;

WHEREAS, Section 2, Article XVII of the Constitution mandates Congress to provide for the implementation of the People's Initiative to amend the Constitution;

WHEREAS, on 04 August 1989, Republic Act (RA) No. 6735, also known as "The Initiative and Referendum Act", was enacted;

WHEREAS, in the case *Santiago, et al. vs. Commission on Elections, et al.*, G.R. No. 127325, promulgated on 19 March 1997 ("*Santiago*"), the Supreme Court held that RA No. 6735 is inadequate to cover the system of initiative on amendments to the Constitution and that it failed to provide sufficient standard for subordinate legislation;

WHEREAS, in the same case, the Supreme Court stated that "*COMELEC should be permanently enjoined from entertaining or taking cognizance of any petition for initiative on amendments to the Constitution until a sufficient law shall have been validly enacted to provide for the implementation of the system*" and declared as unconstitutional COMELEC Resolution No. 2300 which prescribed the rules and regulations on the conduct of initiative for amendments to the Constitution;

WHEREAS, in *Lambino and Aumentado vs. COMELEC*, G.R. No. 174153 ("*Lambino*"), promulgated on 25 October 2006, the Supreme Court refused to revisit its ruling in *Santiago*, stating that the Court "*must avoid revisiting a ruling involving*

the constitutionality of a statute if the case before the court can be resolved on some other grounds";

WHEREAS, on 21 November 2006, the Supreme Court denied all of the motions for reconsideration filed in the *Lambino* case. However, the resolution stated that, "*ten (10) Members of the Court reiterate their position, as shown by their various opinions already given when the Decision herein was promulgated, that Republic Act No. 6735 is sufficient and adequate to amend the Constitution thru a people's initiative*";

WHEREAS, after the promulgation of the resolution in *Lambino*, several bills have been filed in the Senate to cure the insufficiency of RA No. 6735, including, Senate Bill No. 2245 filed by Senator Miriam Defensor Santiago on 02 August 2010 during the 15th Congress and Senate Bill No. 1784 filed by Senator Aquilino "Koko" Pimentel III on 25 April 2018 during the 17th Congress;

WHEREAS, on 31 January 2020, COMELEC promulgated Resolution No. 10650 which provides the revised rules and regulations for the conduct of initiative on the Constitution;

WHEREAS, recent statements by COMELEC officials suggest that the Commission is of the view that *Lambino* overturned the *Santiago* ruling and that RA No. 6735 is, in fact, adequate to cover the system of initiative on amendments to the Constitution;

WHEREAS, it remains unclear from the two-page resolution of the Supreme Court in *Lambino* whether the last paragraph thereof effectively modified the original decision of the Court, considering that such resolution dismissed all motions for reconsideration and did not grant any partial reconsideration as to explicitly modify any portion of the original decision;

WHEREAS, while there is no issue on the adequacy of the provisions of RA No. 6735 pertaining to initiatives or referenda on national statutes, their efficacy in implementing such initiatives or referenda is questionable as shown by the failure of various attempts to use the same to effect changes in national statutes;

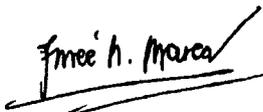
WHEREAS, there is likewise no available record on the number of times, if any, when RA No. 6735 has been successfully utilized to effect a People's Initiative or Referendum on local ordinances;

WHEREAS, in order to ensure that there is a realistic avenue for the people to propose amendments to the Constitution or to propose national or local legislation, as well as, to approve or reject a local or national law or resolution, there is a need to

examine the efficacy of RA No. 6735 in providing for a system of initiative and referendum;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE PHILIPPINE SENATE, directing the appropriate Senate committee to conduct an inquiry, in aid of legislation, into the efficacy of RA No. 6735 in providing for a system of initiative and referendum.

Adopted,


IMEE R. MARCOS