

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

 Senate
Office of the Secretary

24 MAR -7 P4 :38

SENATE
Senate Bill No. 2595



Introduced by Senator Aquilino "Koko" Pimentel III

**AN ACT
PROVIDING FOR A SYSTEM OF PEOPLE'S INITIATIVE
AND REFERENDUM**

EXPLANATORY NOTE

Article XVII, Section 2 of the Constitution speaks of the power of the people to propose amendments to the Constitution directly through the system of initiative, upon a petition of at least twelve percent (12%) of the total number of registered voters, of which every legislative district must be represented by at least three percent (3%) of the total number of registered voters therein. The provision, however, is not self-executory. The right of the people to directly amend the Constitution cannot be exercised unless Congress provides for its implementation through a sufficient law.

As the enabling law of the said provision, Congress passed Republic Act No. 6735 (R.A. No. 6735), otherwise known as the "Initiative and Referendum Act" on August 4, 1989. However, the Supreme Court held in the case of *Miriam Defensor Santiago et al. vs. Commission on Elections* (G.R. No. 127325, decided on March 19, 1997) ("*Santiago*") that R.A. No. 6735 shall only pertain to initiative and referendum on national and local laws, ordinances, and resolutions. The Court found that R.A. No. 6735 is inadequate to cover the system of initiative on amendments to the Constitution and fails to provide

sufficient standards for subordinate legislation on the part of the Commission on Elections.

As a measure to not only fill in the gaps found in R.A. No. 6735 but to also update the system of people's initiative and referendum to reflect present-day political conditions, it is proper that this bill be introduced as a new measure, rather than an amendment to the existing law.

This measure introduces as well penal provisions against the commission of prohibited acts connected to the conduct of initiative and referendum. Making reference to the punishable acts of the Omnibus Election Code and other election laws, this measure ensures the sanctity of direct democracy just as our election laws ensure the sanctity of the ballot.

Hence, prompt passage of this bill is earnestly sought.


AQUILINO "KOKO" PIMENTEL III

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AN ACT
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

I. General Provisions

1
2
3 **SECTION 1. Title.** - This Act shall be known as “The People’s
4 Initiative and Referendum Act of 2024.”

5
6 **SEC. 2. Statement of Policy.** - The power of the people to directly
7 propose amendments to the Constitution through initiative and the
8 power to directly propose and enact laws, or approve or reject any act
9 or law or part thereof passed by the Congress or local legislative body
10 under a system of initiative and referendum are hereby affirmed,
11 recognized and guaranteed.

12
13 **SEC. 3. Definition of Terms.** - As used in this Act:

- 14
15 a) “Amendment” is a change or alteration of one or a few specific
16 provisions of the Constitution which does not affect the

- 1 functioning of the other constitutional provisions not so
2 amended.
- 3
- 4 b) “Commission” shall refer to the Commission on Elections.
- 5
- 6 c) “Initiative” is the power of the people to propose amendments
7 to the Constitution and to propose the enactment of laws, or
8 the approval or rejection of any act or law or part thereof
9 passed by the Congress or local legislative body.
- 10
- 11 d) “Local government units” refer to provinces, cities,
12 municipalities, and barangays.
- 13
- 14 e) “Local legislative bodies” refer to the *Sangguniang*
15 *Panlalawigan, Sangguniang Panglungsod, Sangguniang*
16 *Bayan, and Sangguniang Barangay.*
- 17
- 18 f) “Petition” is the written instrument containing the proposition
19 and other statements as provided under this Act including the
20 attached signature sheet.
- 21
- 22 g) “Plebiscite” is the electoral process by which an initiative on
23 the Constitution is approved or rejected by the people through
24 an election called for the purpose.
- 25
- 26 h) “Proponent” is the registered voter or group of registered
27 voters proposing amendments to the Constitution or the
28 enactment of laws, or approval or rejection of any act or law
29 or part thereof passed by the Congress or local legislative
30 body.
- 31
- 32 i) “Proposition” is the measure proposed by the Proponent.
- 33
- 34 j) “Referendum” is the electoral process by which a proposal to
35 enact laws, or approve or reject any act or law or part thereof
36 passed by the Congress or local legislative body is approved

1 or rejected by the people through an election called for the
2 purpose.

- 3
4 k) "Revision" is a change or alteration of the Constitution which
5 changes the basic constitutional structure or which affects the
6 functioning of various parts or agencies within the
7 constitutional structure.

8
9 **SEC. 4. *Who May Exercise.*** - The power of initiative and
10 referendum may be exercised by any registered voter or group of voters
11 in the Philippines.

12
13 **II. *Amendment of the Constitution Through Initiative***

14
15 **SEC. 5. *Petition.*** — Amendment of the Constitution through
16 initiative is commenced upon the filing of a verified Petition with the
17 Commission, containing the following:

- 18
19 a) Complete name, address, and personal circumstances of the
20 proponent/s, to be called the Petitioner/s;
21
22 b) The complete text of the proposed amendment to the
23 Constitution;
24
25 c) The reason/s therefor;
26
27 d) The signature sheets signed by at least
28 twelve percent (12%) of the total number of registered
29 voters, of which every legislative district must be
30 represented by at least three percent (3%) of the registered
31 voters therein;
32
33 e) The starting date when the signatures were collected;
34
35 f) A statement that:

1. The signature sheets attached to the Petition contain the complete text of the proposed amendment to the Constitution;
2. The proposed amendment was explained to the signatories in a language or dialect known to them before their signatures were affixed;
3. The reasons for the proposed amendment were thoroughly explained to each signatory before their signatures were affixed;
4. The signatories agree that the amendment of the Constitution shall be proposed through initiative;
5. The signatories authorized the proponent/s to file the Petition;
6. The petition was filed within eighteen (18) months from the date the first signature was affixed;
7. That no money or anything of value was given, offered or promised to be given to procure signatures; and
8. That no funds were received from those disqualified to contribute for purposes of partisan political activity under the Omnibus Election Code and other election laws.

SEC. 6. *Signature Sheets.* – The signature sheets shall be attached to the Petition and shall contain the following:

- a) Complete name, address, and precinct number of the signatory;
- b) Signature of the signatory and the date it was affixed;
- c) The complete text of the proposed amendment to the Constitution;
- d) A statement that:
 1. The proposed amendment was explained to the signatories in a language or dialect known to them before their signatures were affixed;

- 1 2. The reasons for the proposed amendment were
- 2 thoroughly explained to each signatory before their
- 3 signatures were affixed;
- 4 3. The signatories agree that the amendment to the
- 5 Constitution shall be proposed through initiative;
- 6 4. The signatories authorize the proponent/s to file the
- 7 Petition within a prescribed period which must not
- 8 exceed eighteen (18) months from the date the first
- 9 signature was affixed; and
- 10 5. That no money or anything of value was given, offered
- 11 or promised to be given to the signatories to procure their
- 12 signatures.

13
14 **SEC. 7. *Determination of the Sufficiency of the Petition.*** – Within
15 ninety (90) days from receipt of the Petition, the Commission shall
16 determine the sufficiency in form and substance of the Petition and
17 verify the number of signatures and their authenticity. During this
18 period, concerned registered voters and groups may intervene, observe
19 the verification process and oppose the petition, and any signatory may
20 withdraw his/her signature. The Commission shall render a Decision
21 certifying whether the Petition is sufficient or insufficient, providing
22 copies to the proponent and those who opposed the Petition.

23
24 The Decision of the Commission may be brought to the Supreme
25 Court by a special civil action for certiorari.

26
27 **SEC. 8. *Plebiscite.*** - The Commission shall set the date of the
28 plebiscite which shall not be earlier than sixty (60) days but not later
29 than ninety (90) days from its certification of the sufficiency of the
30 Petition.

31
32 **SEC. 9. *Publication.*** – Prior to the date of the plebiscite, the
33 Commission shall publish the complete text of the proposed
34 amendment to the Constitution once a week for two consecutive weeks
35 in a newspaper of general nationwide circulation.

1 **SEC. 10. *Effectivity.*** - The amendment of the Constitution shall
2 take effect immediately upon its ratification by a majority of the votes
3 cast in a plebiscite.

4
5 **SEC. 11. *Limitations.*** - The following shall not be allowed:

- 6
7 a) A petition proposing a revision of the Constitution; and
8
9 b) A petition filed within five (5) years from a ratification of an
10 amendment to the Constitution by initiative.

11
12 **III. *National and Local Initiative and Referendum***

13
14 **SEC. 12. *Petition.*** — The enactment of a law, or approval or
15 rejection of any act or law or part thereof passed by the Congress or
16 local legislative body, through initiative and referendum is commenced
17 upon the filing of a verified Petition with the Commission, containing
18 the following:

- 19
20 a) Complete name, address, and personal circumstances of the
21 proponent/s, to be called the Petitioner/s;
22
23 b) The complete text of the proposed law sought to be enacted or
24 the act or law or part thereof sought to be approved or rejected;
25
26 c) The reason/s therefor;
27
28 d) The signature sheets signed by:
29 1. For national law - at least ten percent (10%) of the total
30 number of registered voters, of which every legislative
31 district must be represented by at least
32 three percent (3%) of the registered voters therein;
33 2. For provincial or city ordinance - at least
34 ten percent (10%) of the total number of registered
35 voters in the province or city, as the case may be, of
36 which every legislative district must be represented by at
37 least three percent (3%) of the registered voters therein;

1 *Provided*, That if the province or city is composed of
2 only one legislative district, then each municipality in the
3 case of a province, or each barangay in the case of a city,
4 must be represented by at least three percent (3%) of the
5 registered voters therein;

- 6 3. For municipal ordinance - at least ten percent (10%) of
7 the total number of registered voters in the municipality,
8 of which every barangay must be represented by at least
9 three percent (3%) of the registered voters therein; or
10 4. For barangay ordinance - at least ten percent (10%) of
11 the total number of registered voters in said barangay.

12
13 e) The starting date when the signatures were collected;

14
15 f) A statement that:

- 16 1. The signature sheets attached to the Petition contain the
17 complete text of the proposed law sought to be enacted
18 or the act or law or part thereof sought to be approved or
19 rejected;
- 20 2. The proposition was explained to the signatories in a
21 language or dialect known to them before their signatures
22 were affixed;
- 23 3. The reasons for the proposition were thoroughly
24 explained to each signatory before their signatures were
25 affixed;
- 26 4. The signatories agree that the proposed law shall be
27 enacted, or the act or law or part thereof passed by the
28 Congress or local legislative body shall be approved or
29 rejected through initiative and referendum;
- 30 5. The signatories authorize the proponent/s to file the
31 Petition;
- 32 6. The Petition was filed within twelve (12) months from
33 the date the first signature was affixed;
- 34 7. That no money or anything of value was given, offered
35 or promised to be given to procure signatures; and
36 8. That no funds were received from those disqualified to
37 contribute for purposes of partisan political activity

1 under the Omnibus Election Code and other election
2 laws.

3
4 **SEC. 13. *Signature Sheets.*** – The signature sheets shall be
5 attached to the Petition and shall contain the following:

- 6
7 a) Complete name, address, and precinct number of the signatory;
8
9 b) Signature of the signatory and the date it was affixed;
10
11 c) The complete text of the proposed law sought to be enacted or the
12 act or law or part thereof sought to be approved or rejected;
13
14 d) A statement that:
15 1. The proposition was explained to the signatories in a
16 language or dialect known to them before their signatures
17 were affixed;
18 2. The reasons for the proposition were thoroughly
19 explained to each signatory before their signatures were
20 affixed;
21 3. The signatories agree that the proposed law shall be
22 enacted, or the act or law or part thereof shall be
23 approved or rejected through initiative and referendum;
24 4. The signatories authorize the proponent/s to file the
25 Petition within a prescribed period which must not
26 exceed twelve (12) months from the date the first
27 signature was affixed; and
28 5. That no money or anything of value was given, offered
29 or promised to be given to the signatories to procure their
30 signatures.
31

32 **SEC. 14. *Determination of the Sufficiency of the Petition.*** –
33 Within ninety (90) days from receipt of the Petition concerning a
34 national law, or thirty (30) days in the case of a local law or ordinance,
35 the Commission shall determine the sufficiency of the Petition and
36 verify the number of signatures and their authenticity. During this
37 period, concerned registered voters and groups may intervene, observe

1 the verification process, and oppose the petition, and any signatory may
2 withdraw his/her signature. The Commission shall render a Decision
3 certifying whether the Petition is sufficient or insufficient, providing
4 copies to the proponent/s and those who opposed the Petition.

5
6 The Decision of the Commission may be brought to the Supreme
7 Court by a special civil action for certiorari.

8
9 **SEC. 15. Referendum.** - The Commission shall, thereafter, set the
10 date of the referendum, which shall not be earlier than sixty (60) days
11 but not later than ninety (90) days in the case of a national law or not
12 earlier than thirty (30) days but not later than forty-five (45) days in the
13 case of a local law or ordinance, from its certification of the sufficiency
14 of the Petition.

15
16 **SEC. 16. Publication.** - Prior to the date of the referendum, the
17 Commission shall publish the complete text of the proposed law sought
18 to be enacted or the act or law or part thereof sought to be approved or
19 rejected as follows:

- 20
21 a) For national law – in a newspaper of general nationwide
22 circulation once a week for two (2) consecutive weeks; or
23 b) For local law or ordinance – in a newspaper of general circulation
24 within the locality, and be posted for at least fifteen (15) days in
25 a bulletin board at the entrance of the provincial capitol, or city,
26 municipal, or barangay hall, as the case may be, and in at least
27 two (2) other conspicuous places in the local government unit
28 concerned.

29
30 **SEC. 17. Effectivity of Initiative or Referendum Proposition.** –

- 31
32 a) The proposition for the enactment of a national law, or for the
33 approval or rejection of any act or law or part thereof passed by
34 the Congress shall be submitted to and approved by a majority of
35 the votes cast by the registered voters in a referendum.

1 If, as certified by the Commission, the proposition is approved in
2 a referendum, the national law proposed for enactment shall
3 become effective fifteen (15) days following completion of its
4 publication by the Commission in the *Official Gazette* or a
5 newspaper of general nationwide circulation. If, as certified by
6 the Commission, the proposition to reject a national law is
7 approved in a referendum, the said national law shall be deemed
8 repealed effective fifteen (15) days following the completion of
9 its publication in the *Official Gazette* or in a newspaper of general
10 nationwide circulation.
11

- 12 b) The proposition for enactment of a local law or ordinance or for
13 the approval or rejection of any act or law passed by a local
14 legislative body shall be approved by majority of the votes cast in
15 a referendum.
16

17 If, as certified by the Commission, the proposition is approved in
18 a referendum, the local law or ordinance proposed for enactment
19 shall become effective fifteen (15) days after its posting by the
20 Commission on a bulletin board at the entrance of the provincial
21 capitol, or city, municipal, or barangay hall, as the case may be,
22 and in at least two (2) other conspicuous places in the local
23 government unit concerned. If, as certified by the Commission,
24 the proposition to reject an act or law or part thereof passed by
25 the local legislative body is approved in a referendum, the said
26 act or law or part thereof shall be deemed repealed effective
27 fifteen (15) days after its posting by the Commission on a bulletin
28 board at the entrance of the provincial capitol, or city, municipal,
29 or barangay hall, as the case may be, and in at least two (2) other
30 conspicuous places in the local government unit concerned.
31

32 **SEC. 18. *Limitations.*** - The following shall not be allowed:
33

- 34 a) A petition proposing more than one (1) subject matter; and
35

1 b) A petition containing a subject matter which is beyond the
2 power of the local legislative bodies to enact, in the case of
3 local initiative.
4

5 **SEC. 19.** *Initiative and Referendum in the Bangsamoro*
6 *Autonomous Region.* – The system of initiative and referendum on local
7 legislation in the Bangsamoro Autonomous Region shall be exercised
8 in accordance with R.A. No. 11054, otherwise known as the Organic
9 Law for the Bangsamoro Autonomous Region in Muslim Mindanao.
10

11 **IV. Prohibited Acts**

12

13 **SEC. 20.** *Prohibited Acts.* – In addition to acts already penalized
14 by existing laws, the following shall be unlawful:
15

16 a) Any person who gives, offers or promises money or anything
17 of value, any office or employment, franchise or grant,
18 whether public or private, in order to induce anyone to sign
19 in support of a petition to propose an amendment to the
20 Constitution or to enact a law, or approve or reject an act or
21 law, or part thereof, passed by the Congress or a local
22 legislative body, shall be punished by imprisonment of not
23 less than six (6) years and one (1) day but not more than nine
24 (9) years.
25

26 If the same is committed by a public officer, the penalty shall
27 not be less than nine (9) years and one (1) day but not more
28 than twelve (12) years, and forfeiture of all benefits with
29 perpetual disqualification from public office.
30

31 b) Any person who, directly or indirectly, uses: (1) public
32 funds or money deposited with, or held in trust by, public
33 financing institutions or by government offices, banks, or
34 agencies; (2) any printing press, radio, or television station or
35 audio-visual equipment operated by the Government or by its
36 divisions, subdivisions, agencies or instrumentalities,
37 including government-owned or controlled corporations, or

1 by the Armed Forces of the Philippines; or (3) any
2 equipment, vehicle, facility, apparatus, or paraphernalia
3 owned by the government or by its political subdivisions,
4 agencies including government-owned or controlled
5 corporations, or by the Armed Forces of the Philippines for
6 any signature campaign in support of a petition to propose an
7 amendment to the Constitution or to enact a law, or approve
8 or reject an act or law, or part thereof passed by the Congress
9 or a local legislative body, shall be punished by
10 imprisonment of not less than six (6) years and one (1) day
11 but not more than nine (9) years.

12
13 If the same is committed by a public officer, the penalty shall
14 not be less than nine (9) years and one (1) day but not more
15 than twelve (12) years, and forfeiture of all benefits with
16 perpetual disqualification from public office.

- 17
18 c) Any public officer who directly or indirectly solicits
19 signatures in support of a petition to propose an amendment
20 to the Constitution or to enact a law, or approve or reject an
21 act or law, or part thereof, passed by the Congress or local
22 legislative body, shall be punished by imprisonment of not
23 less than nine (9) years and one (1) day but not more than
24 twelve (12) years.

25
26 **SEC. 21.** *Offenses under other election laws.* - All offenses
27 defined under the Omnibus Election Code and other election laws shall
28 apply to the electoral processes provided in this Act and shall be
29 penalized in accordance with the said laws.

30
31 **V. Final Provisions**

32
33 **SEC. 22.** *Applicability of other election laws.* - The Omnibus
34 Election Code and other election laws, not inconsistent with the
35 provisions of this Act, shall apply to the electoral processes provided
36 in this Act.

1 **SEC. 23. *Rules and Regulations.***- The Commission is hereby
2 empowered to promulgate such rules and regulations as may be
3 necessary to carry out the purposes of this Act.

4
5 **SEC. 24. *Separability Clause.*** - If any part or provision of this
6 Act is held invalid or unconstitutional, the other parts or provisions
7 thereof not so declared shall remain valid and effective.

8
9 **SEC. 25. *Repealing Clause.*** - Republic Act No. 6735 is hereby
10 repealed. All laws, decrees, orders, issuances, rules, and regulations or
11 parts thereof, which are inconsistent with this Act are hereby repealed
12 or modified accordingly.

13
14 **SEC. 26. *Effectivity.*** - This Act shall take effect within fifteen
15 (15) days following its complete publication in the *Official Gazette* or
16 in two (2) newspapers of general circulation.

Approved,