


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

6 MAR 29 P5:38

SENATE

RECEIVED BY: 

P. S. Res. No. 478

Introduced by DRILON, SERGE OSMEÑA, GORDON, MAR ROXAS, PANGILINAN, PIMENTEL JR., FLAVIER, JINGGOY EJERCITO ESTRADA, COMPAÑERA PIA S. CAYETANO, LUISA "LOI" P. EJERCITO ESTRADA, LIM, ENRILE, LACSON, M. A. MADRIGAL, RAMON "BONG" REVILLA JR., BIAZON, ARROYO, MIRIAM DEFENSOR SANTIAGO, MANNY VILLAR, MAGSAYSAY JR. AND RECTO

RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE SIGNATURE CAMPAIGN TO INTRODUCE CHANGES TO THE CONSTITUTION THROUGH BARANGAY ASSEMBLIES INITIATED BY THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT IS ILLEGAL

WHEREAS, on March 10, 2006, the Department of Interior and Local Government (DILG) issued Memorandum Circular No. 2006-25 enjoining all Punong Barangays to conduct Barangay Assemblies on March 25, 2006 to tackle issues on health, agriculture, education, and "current issues affecting the country";

WHEREAS, newspaper reports disclose that the Barangay Assemblies which commenced on March 25, 2006 were used as venues for a signature campaign to amend the Constitution through a people's initiative;

WHEREAS, Article XVII, Section 2 of the Constitution provides that amendments to the Constitution may be "directly proposed by the people through initiative upon a petition of at least twelve per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered votes therein" and that the Congress shall provide for the implementation of the exercise of the right of initiative;

WHEREAS, the Supreme Court in *Defensor Santiago vs. Commission on Elections* (270 SCRA 106, March 19, 1997 and Resolution in GR No. 127325, June 10, 1997) ruled that R.A. No. 6735, the law regulating the people's initiative, "was inadequate to cover the system of initiative on amendments to the Constitution, and (to have) failed to provide sufficient standard for subordinate legislation";

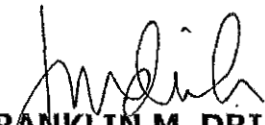
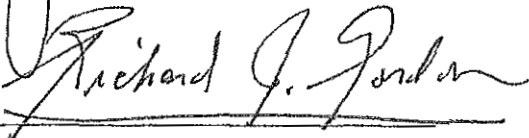
WHEREAS, in the same case, the Supreme Court also ruled that the Commission on Elections is "permanently enjoined from entertaining or taking cognizance of any petition for initiative on amendments on the Constitution until a sufficient law shall have been validly enacted to provide for the implementation of the system";

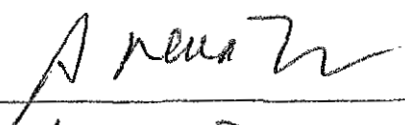
WHEREAS, under the Constitution, the exercise of the right of initiative granted to the people is limited to the right to propose amendments and not revision of the Constitution;

WHEREAS, the proposed change in the form of government from bicameral-presidential to unicameral-parliamentary, entails a revision of the Constitution which cannot be done through a people's initiative;

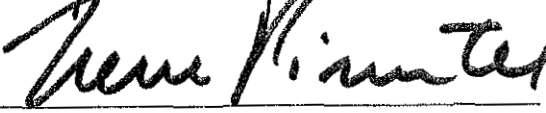
NOW, THEREFORE, be it resolved by the Senate to express its sense that the signature campaign to introduce changes to the Constitution through barangay assemblies initiated by the Department of Interior and Local Government is illegal.

Adopted,

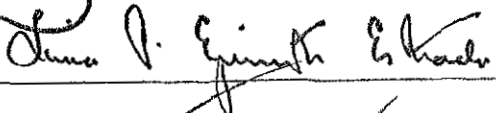

FRANKLIN M. DRILON


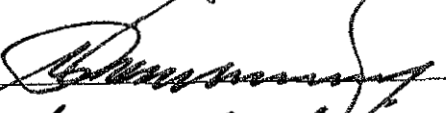




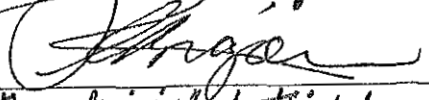




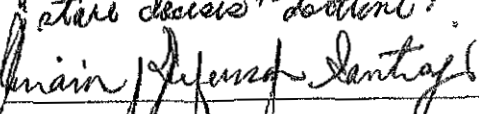

Dina S. Espinoza Estrada

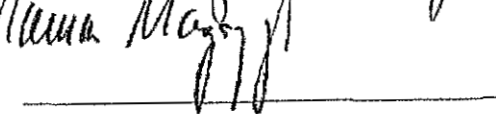







To uphold


"stare decisis" doctrine!


Amin Defensor Santiago


Anna Magno






Pia S. Caybatan



