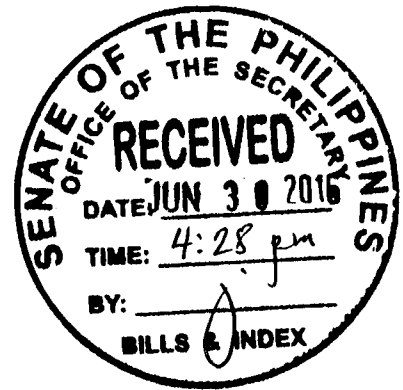


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )



SENATE

Senate Bill No. 128

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Introduced by Senator Juan Miguel F. Zubiri

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**AN ACT**  
**CONSTITUTING A CONSTITUTIONAL CONVENTION TO AMEND THE**  
**1987 PHILIPPINE CONSTITUTION, DEFINING QUALIFICATIONS FOR**  
**ITS DELEGATES WHO SHALL BE ELECTED SIMULTANEOUSLY WITH THE**  
**OCTOBER 2016 BARANGAY ELECTIONS, APPROPRIATING FUNDS FOR**  
**ITS OPERATIONS, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Justice Isagani Cruz made it clear that the constitution must be quintessential rather than superficial, the root and not the blossom, the base and framework only of the edifice that is yet to rise. It cannot be argued that the Philippine society of today had grown tremendously as compared to ours of three decades ago. The complexities of modern social, cultural scientific, moral and political landscape of the Filipinos is so challenging that the survival of the nation is deeply rooted and traceable to the basic law of the land – the Constitution.

International challenges and developments is a wake up call for a re-examination of our desire and our continuing pursuit for national identity as defined by the highest law of the land

Modern-day democracy is no longer about the government charting the future of the governed but is more about the latter commanding the actions of the former based on well-defined parameters, rules and guidelines to ensure compliance and prevent abuses.

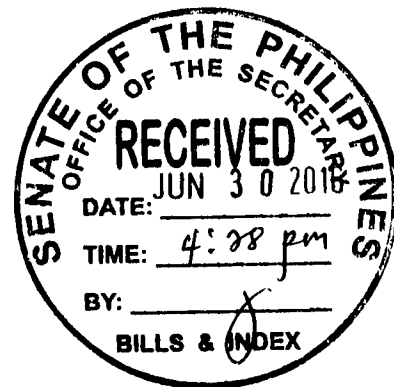
The Constitution of the Republic is not permanent or constant like the waves of the deep blue sea; it goes where the wind blows. Basic is the principle that a very good constitution is not only brief, broad and definite but more particularly it should be flexible to answer the call of the changing times.

Undoubtedly, the Duterte administration was catapulted to power as an expression of the people's desire for change or at least a promise that change is coming. With the first President from Mindanao, who, even before he decided to run has been seriously advocating for a change of system of government to give the areas outside the so called "*mega manila*" a better opportunity, a fighting chance to improve economically and politically by empowering them through a shift to Federalism, a new hope has grown for our people. However, major hindrances intact in the existing basic law are stumbling blocks to achieve the promises of a new Philippines.

The intention of this measure is to give high regard to the clamor of the people for change, a change that will be rooted on the basic law of the land through the establishment of a Constitutional Convention. It is incumbent that the constitutional reforms be completed through a transparent process that guarantees utmost participation by the nation at large. In keeping with the sovereign mandate of the people, the new Constitution of the land must be genuinely reflective of the ideals and aspirations of the entire Filipino nation.



**JUAN MIGUEL F. ZUBIRI**



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

1 **Section 1. Short Title.** – This Act shall be known as the "*Constitutional*  
2 *Convention Act of 2016.*"

3 **Section 2. Declaration of Policy.** – The State shall ensure that in the revision  
4 or amendment of the constitution, the time honored fundamental principles and  
5 blessings of democracy including but not limited to the following: protection of  
6 human rights, promotion of social justice, separation of powers, reduced  
7 discretion to the executive, grant of autonomy and self-determination to the  
8 regions, good governance and public accountability, shall be enhanced and  
9 better protected.

10 **SEC.3. Powers and Functions.** -The Constitutional Convention shall have the  
11 power to revise or amend the 1987 Constitution pursuant to Section 2 of this Act.

12 **SEC.4. Date of Election for Constitutional Convention Delegates.** - There  
13 shall be an election of delegates to a Constitutional Convention simultaneous  
14 with the holding of the October 2016 Barangay Elections. The Commission on  
15 Elections shall within thirty (30) days from the enactment of this Act, promulgate  
16 the rules and regulations necessary for the elections of the delegates to the  
17 Constitutional Convention.

18 **SEC.5. Composition and Term of the Constitutional Convention.** – In  
19 order to ensure greater people's participation and representation, there shall be  
20 one (1) delegate from every province, five (5) delegates from National Capital  
21 region, and fourteen (14) delegates to be appointed by the President. The  
22 drafting of the amended or revised constitution by the delegates of the  
23 Constitutional Convention shall be completed within a period not exceeding three  
24 (3) years after the effectivity of its rules. Unless approved by Congress through a  
25 law with appropriations, no extension of the term of the Constitutional  
26 Convention shall be allowed.

1 **SEC.6. Plebiscite and Ratification of the Revised or Amended**  
2 **Constitution.** - The revised or amended constitution shall be submitted for  
3 ratification in a plebiscite which shall be held not earlier than sixty (60) days nor  
4 later than ninety (90) days after the approval of such revision or amendment.  
5 The revised or amended constitution shall be valid when ratified by a majority of  
6 the votes cast in the plebiscite.

7 **SEC.7. Qualifications.** - No person shall be elected a delegate of the  
8 Constitutional Convention unless he is a natural born citizen of the Philippines  
9 and, on the day of the election, is at least twenty-five years of age on the day of  
10 election, a register voter, able to read and write and must be a resident of the  
11 district which he/she intends to represent one (1) year immediately preceding  
12 the day of election.

13 **SEC.8. Disqualification.** - All incumbent elected officials of the government,  
14 including but not limited to the President, Vice-president, Members of the  
15 Congress, and local government officials. Neither shall any person who filed  
16 his/her certificate of candidacy for any national or local position or was  
17 nominated, as a party-list representative in the election of May 9, 2016 shall be  
18 qualified as a candidate for election as Delegate to the Convention. The same  
19 disqualification shall apply to any person who is related within the second civil  
20 degree of consanguinity or affinity to any incumbent elected national official or to  
21 any incumbent elected regional, provincial, city, municipal, or barangay official in  
22 the administrative region where he or she seeks to be elected.

23 Any person holding an appointive public office or position, including members of  
24 the armed forces and officers and employees of corporations or enterprises  
25 owned and/or controlled by the government shall be considered resigned upon  
26 the filing of his/her certificate of candidacy. Such government official who  
27 resigned in order to run for Delegate and who does not yet qualify for retirement  
28 under existing laws, may, if elected, add to his/her length of service in the  
29 government the period from filing of his/her certificate of candidacy until the  
30 final adjournment of the Constitutional Convention.

31 No candidate for Delegate to the Convention shall represent or allow himself to  
32 be represented as being a candidate of any political party, party-list or any other  
33 organization. No political party, party-list, political group, political committee,  
34 civic, religious, professional, or other organization or organized group of  
35 whatever nature shall intervene in the nomination of any such candidate or in  
36 the filing of his/her certificate of candidacy or give aid or support, directly or  
37 indirectly, material or otherwise, favorable to or against his/her campaign for  
38 election.

39 **SEC.9. Future Disqualification.** - Any person elected as a delegate of the  
40 Constitutional Convention shall not be eligible to run for any public office or  
41 position in the first national and first local elections to be held after the  
42 ratification of the new Constitution. Further, no elected delegate of the  
43 Constitutional Convention shall be appointed to any public office or position while  
44 the Constitutional Convention is in session and within a period of one (1) year  
45 after the plebiscite for the revised or amended Constitution.

46 **SEC. 11. Administrative Support.** - All national government offices and  
47 agencies and local government units shall accord and give the Constitutional  
48 Convention the necessary support and respect by allowing its officers and

1 personnel to attend the hearings and/or proceedings of the Constitutional  
2 Convention.

3 **SEC.12.No Restraining Order or Preliminary Injunction.** – Except for the  
4 Supreme Court, no court of the Philippines shall have jurisdiction to issue any  
5 restraining order or writ of preliminary injunction against the Constitutional  
6 Convention in any case or dispute arising from or necessary to the application  
7 and enforcement of the provisions of this Act

8 **SEC. 13. Rules of the Constitutional Convention.** - The elected delegates of  
9 the Constitutional Convention shall establish its own rules and regulations for the  
10 effective and efficient conduct of its purpose and proceedings.

11 The Constitutional Convention shall have the powers to cite any person in direct  
12 or indirect contempt, and, accordingly, issue the appropriate penalties for  
13 contumacious conduct.

14 The delegates of the constitutional convention must complete the rules of the  
15 Constitutional Convention within a period of Twenty (20) days from the time the  
16 delegates take their oath. The rules shall be approved by a majority vote of all  
17 the elected delegates.

18 **SEC.14. Parliamentary Immunities.** - A delegate of the Constitutional  
19 Convention shall, in all offenses punishable by not more than six (6) years  
20 imprisonment, be privileged from arrest during attendance of its session, and in  
21 going to and returning from the same.

22 Further, a delegate of the Constitutional Convention shall not be questioned nor  
23 be held in any other place for any speech or debate in the Constitutional  
24 Convention, in any committee thereof, or in any public hearing conducted by the  
25 Constitutional Convention or any committee thereof whenever held.

26 **SEC. 15. Appropriations.** - For the implementation of this Act, the amount of  
27 One Billion Pesos (P1,000,000,000.00) shall be appropriated to the Constitutional  
28 Convention. This whole amount shall be made available to the Constitutional  
29 Convention in a timely manner.

30 **SEC.16. Separability Clause.** - If, for any reason, any section or provision of  
31 this Act shall be held unconstitutional or invalid, the other section or provision  
32 not otherwise affected shall remain in full force and effect.

33 **SEC. 17. Repealing Clause.** - All laws, presidential decrees, executive orders,  
34 proclamations, rules and regulations, which are inconsistent with the provisions  
35 of this Act, are hereby repealed or modified accordingly.

36 **SEC. 18. Effectivity Clause.** - This Act shall take effect fifteen (15) days after  
37 its publication in the Official Gazette or in at least two (2) newspapers of general  
38 circulation.

39 Approved,