

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



'18 APR 25 P5:30

SENATE
S. B. No. 1784

RECEIVED BY

Introduced by Senator Aquilino "Koko" Pimentel III

AN ACT
STRENGTHENING THE SYSTEM OF PEOPLE'S INITIATIVE
AND REFERENDUM, AMENDING FOR THE PURPOSE
REPUBLIC ACT NO. 6735, OTHERWISE KNOWN AS
"AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND
REFERENDUM AND APPROPRIATING FUNDS THEREFOR"

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. Moreover, this power to amend the Constitution can only be exercised once every five years after the ratification of the Constitution.

As the enabling law of the said provision, Congress passed *Republic Act No. 6735 (R.A. 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 Election* (G.R. No. 127325, decided on March 19, 1997) that *R.A. 6735* shall only pertain to initiative and referendum on national and local laws, ordinances, and resolutions. The Court found that *R.A. 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. The people are

not accorded the power to directly propose, enact, approve, or reject, in whole or in part, the Constitution through the system of initiative provided in *R.A. 6735*.

This bill seeks to fill the gap in *R.A. 6735*. This will address the need for an adequate enabling law to provide for the detailed implementation of the people's initiative to propose amendments to the Constitution.

Hence, prompt passage of this bill is earnestly sought.


AQUILINO "KOKO" PIMENTEL III

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

1 SECTION 1. This Act shall be known as the "People's Initiative
2 and Referendum Act."
3

4 SEC. 2. Section 2 of Republic Act No. 6735 (R.A. 6735) is hereby
5 amended to read as follows:
6

7 "Sec. 2. Statement of Policy. The power of the people under a
8 system of initiative and referendum to directly **AMEND**
9 **THE CONSTITUTION AND** propose, enact, approve or
10 reject, in whole or in part, the laws, ordinances, or resolutions
11 passed by any legislative body upon compliance with the
12 requirements of this Act is hereby affirmed, recognized and
13 guaranteed."
14

15 SEC. 3. Section 5 of R.A. 6735 is hereby amended to read as
16 follows:
17

18 "Sec. 5. Requirements. - (a) x x x x x

19 (b) x x x x x

20 (c) The petition shall state the following:
21
22

1 “c.1 contents or text of the proposed **AMENDMENT**
2 **TO A CONSTITUTIONAL PROVISION OR** law sought
3 to be enacted, approved or rejected, amended or repealed, as
4 the case may be;

5
6 x x x x x.”

7
8 **SEC. 4.** *Section 8 of R.A. 6735 is hereby amended to read as*
9 follows:

10
11 **“II. PEOPLE’S INITIATIVE AND REFERENDUM**
12 **ON THE AMENDMENT OF THE CONSTITUTION**

13
14 **“SEC. 8. *Conduct and Date of Initiative or***
15 ***Referendum.*** The Commission shall call and supervise the
16 conduct of initiative or referendum.

17
18 Within a period of thirty (30) days from receipt of the
19 petition, the Commission shall, upon determining the
20 sufficiency of the petition **AMENDING THE**
21 **CONSTITUTION OR AMENDING, REPEALING, OR**
22 **PROPOSING A LAW**, publish the same in Filipino and
23 English at least twice in newspapers of general and local
24 circulation and set the date of the initiative or referendum
25 which shall not be earlier than **SIXTY (60)** days but not later
26 than ninety (90) days from the determination by the
27 Commission of the sufficiency of the petition.”

28
29 **SEC. 5.** *Section 9 of R.A. 6735 is hereby amended to read as*
30 follows:

31
32 **“SEC. 9. *Effectivity of Initiative or Referendum***
33 ***Proposition*** — (a) The proposition for enactment, approval,
34 amendment or rejection of a national law shall be submitted
35 to and approved by a majority of the votes cast by all the
36 registered voters of the Philippines.

37
38 If, as certified by the commission, the proposition is
39 approved by the majority of votes cast, the national law
40 proposed for enactment, approval, or amendment shall
41 become effective fifteen (15) days following the completion
42 of its publication in the Official Gazette or in a newspaper of
43 general circulation in the Philippines.

1
2 However, if the majority vote is not obtained, the
3 national law sought to be rejected or amended shall remain in
4 full force and effect.

5
6 **(b) THE PROPOSED AMENDMENT OF THE**
7 **CONSTITUTION SHALL BE SUBMITTED TO AND**
8 **APPROVED BY A MAJORITY OF VOTES CAST IN**
9 **THE PLEBISCITE.** The proposition in [an] **THE**
10 **PEOPLE’S** initiative on the **AMENDMENT [on] OF** the
11 Constitution approved by a majority of the votes cast in the
12 plebiscite shall become effective as to the day of the
13 plebiscite.”

14
15 **SEC. 6.** *R.A. 6735* is hereby amended to include a new provision
16 after *Section 9*, to wit:

17
18 **“SECTION 9-A. LIMITATIONS ON PEOPLE’S**
19 **INITIATIVE IN AMENDING THE CONSTITUTION.**
20 **— THE POWER TO DIRECTLY AMEND THE**
21 **CONSTITUTION THROUGH THE PEOPLE’S**
22 **INITIATIVE SHALL NOT BE EXERCISED MORE**
23 **THAN ONCE EVERY FIVE (5) YEARS.”**

24
25 **SEC. 7. *Implementing Rules and Regulations.*** — Within ninety
26 (90) days from the effectivity of this Act, the Commission on Elections
27 shall promulgate the rules and regulations necessary to effectively
28 implement the provisions of this Act.

29
30 **SEC. 8. *Separability Clause.*** — Should any provision of this Act
31 or part hereof be declared unconstitutional, the other provisions or parts
32 not affected thereby shall remain valid and effective.

33
34 **SEC. 9. *Repealing Clause.*** — All laws, decrees, orders, rules, and
35 regulations, or parts thereof, inconsistent with this Act are hereby
36 repealed or amended accordingly.

37
38 **SEC. 10. *Effectivity.*** — This Act shall take effect fifteen (15) days
39 after its publication in the *Official Gazette* or in two newspapers of
40 general circulation.

Approved,