


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

6 FEB 20 P 3:49

RECEIVED BY: 

SENATE  
S.B. No. 2209

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Introduced by Senator **ALFREDO S. LIM**

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### EXPLANATORY NOTE

Calls from various sectors for the amendment or revision of the 1987 Constitution appears unstoppable. Some advocate plain amendment of selected provisions to remedy and cope with current problems. Others, however, espouse a drastic change of revising it by altering the form of government.

In fact, no less that the Executive Department (per E.O. No. 453 ) embarked on such attempt by creating the Consultative Commission as early as mid-last year with the Consultative Commission finishing its task in record time of around three (3) months and coming out with its draft in mid-December and submitted to the President and to Congress.

The draft sparked negative reactions because of perceived defects such as: adoption of a parliamentary and federal system; opening up to foreigners exploitation of certain reserved natural resources; and the most notorious, the so-called No-El provision or the scrapping out of the 2007 elections and automatic extension of term of all officials till 2010.

Also taking center stage is the move on the part of the House to propose amendments.

Very few, however, advocate the calling of a constitutional convention because of the enormous expenses it would entail by electing the delegates to constitute it.

During the 1971 Constitutional Convention (RA No. 6132), the amount appropriated for the holding of an election of delegates (P17million) was 30% more than the amount earmarked for the operation of the convention itself (P12million).

Yet, the most acceptable mode of amendment to insure that the exercise is more democratic and as representative as possible of the populace is through the constitutional convention.

In the pastoral letter of the Catholic Bishops Conference of the Philippines issued on January 29, 2006, the Catholic hierarchy strongly endorsed an amendment through such mode, thus:

“While we agree that certain aspects of our Constitution may need amendments and revisions, we do not support hasty efforts to change this fundamental law of the land without the widespread discussions and participation that such changes require. We continue to believe, as we did in our Statement on Charter Change in 2003, that changing the Constitution involving major shifts in the form of government, requires widespread participation, total transparency, and relative serenity that allows for rational discussion and debate. This is best done through a Constitutional Convention. The reasons for constitutional change must be based on the common good rather than on self-serving interests of political dynasties.”

This bill, therefore, seeks to bring to fruition the desire not only of the religious sector but most importantly, by the many of our countrymen, who prefer a constitutional convention over other schemes of amending or revising our Constitution.

Under the bill, we will be able to dispense with the holding of special election to elect delegates by integrating it with elections next year (2007) where we will incur not a single centavo for the purpose.

It is expected that in ten (10) month's time after the ConCon is convened in July 2007, the ConCon will be able to come up with a draft by May 2008. And, before July 2008, Congress can call a plebiscite to take place ninety (90) days thereafter or by October 2008.

  
**ALFREDO S. LIM**

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**AN ACT  
CALLING FOR A CONSTITUTIONAL CONVENTION IN 2007 FOR THE  
PURPOSE OF REVISING OR AMENDING THE 1987 CONSTITUTION  
AND  
FOR OTHER PURPOSES.**

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

Section 1. *Title.* – This act shall be known as the “2007 Constitutional Convention Act”.

Section 2. *Convention called.* – A constitutional convention is hereby called pursuant to Section 1, Article XVII of the Constitution to revise or amend the 1987 Constitution of the Republic.

Section 3. *Composition; Qualification and Election of Delegates.* – The constitutional convention shall be composed of as many delegates as there are Representatives in the House of Representatives of Congress to be elected simultaneously in each congressional district, at the election of May 10, 2007, who shall have the same qualifications as those required for Representatives in Congress.

Section 4. *Oath or affirmation.* – Members of the Convention shall qualify and assume office by taking the following oath or affirmation:

“I, (name), do solemnly swear (or affirm) that I shall faithfully and conscientiously fulfill my duties as Delegate to the Constitutional Convention of 2007 by drafting a fundamental law truly reflective of the ideals and aspirations of the Filipino people, endeavor to complete the work of the said Commission within the period provided by law, not to run for any office in the first national elections to be held after the ratification of the Constitution, and preserve and defend the Constitution of the Republic of the Philippines. So help me God.” (In case of affirmation, the last sentence may be omitted.)

Section 5. *Future Disqualification.* – Any person elected as delegate shall not be eligible to run for office in the first election to be held after the ratification of the new Constitution; or appointed to any government office or position while the Convention is in session and during the period of one (1) year after the ratification of the Constitution.

Section 6. *Who May Convene.* (1) The Chairman of the Commission on Elections shall take charge of all arrangements for the convening of the Constitutional Convention.

(2) The President of the Senate and the Speaker of the House of Representatives shall jointly preside at the opening session of the Convention at the session hall of the House of Representatives on July 30, 2007 at 10:30 a.m. Thereafter, the Convention may in its discretion hold its session any day, excluding Saturdays, Sundays and Holidays, at any other place within the Republic of the Philippines.

(3) The election of the President from among the Members shall be first order of business of the Convention. The Convention shall be deemed organized upon the election and qualification of the President who shall be its Presiding Officer.

(4) Unless the Convention provides otherwise, a majority of all its members shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Convention may provide.

(5) The Convention may determine the rules of its proceedings, punish any Member for disorderly behavior, and with the concurrence of two-thirds of all the Members, expel a Member.

(6) The plenary sessions of the Convention shall be public and duly recorded. It shall conduct public hearings to ensure that the Filipino people will have adequate participation in the formulation of a new Constitution.

Section 7. *Administration and Technical Assistance.*– All government entities, agencies and instrumentalities, including the Senate and House of Representatives, shall place at the disposal of the Convention such personnel, premises, and furnitures thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

Section 8. *Parliamentary Immunities.* - (1) A member of the convention shall, in all offenses punishable by not more than six (6) years imprisonment, be privileged from arrest during attendance of its session, and in going to and returning from the same.

(2) A Member of the Convention shall not be questioned nor held liable in any other place for an speech or debate in the Convention, in any committee thereof, or in any public hearing conducted by the Convention or any committee thereof whenever held .

(3) The penalties imposed in Articles 143, and 145 of the Revised Penal Code, as amended, for offenses defined therein shall apply if such offense are committed against the Convention, or its committees, subcommittees, or the Members thereof.

Section 9. *Compensation.* – (1) Each member shall receive a per diem of Five Hundred Pesos (P500.00) for every day of attendance in the convention or any of its committees and to necessary traveling expenses to and from his residence when attending the sessions of the Convention or of its committees.

The Convention may determine the amount for the office and staff expenses of its Members.

Section 10. *Completion.* – The Convention shall endeavor to complete its work on or before May 2, 2008 and, thereafter, present to the Senate and the House of Representatives the draft Constitution.

Section 11. *Ratification.* – Congress shall by law fix the date of the plebiscite for the ratification or rejection of the proposed Constitution which shall not be later than sixty (60) days following its submission.

The draft Constitution shall become valid and effective upon ratification by a majority of the votes cast in such plebiscite.

Section 12. *Appropriation.* – There is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of One Hundred Million Pesos (P100, 000.00) for the operational expenses of the Convention.

The Convention shall not be subject to the rules and regulations of the Department of Budget on allocations and release of funds; however, it shall account for and report on its expenses to the Commission on Audit at the termination of its work.

Section 13. *Petition for Declaratory Relief.* – Any natural or juridical person whose rights are affected by any provision of this Act, may before breach or violation thereof, bring an action to determine any question of construction, validity or constitutionality arising under this Act and for a declaration of his rights or duties thereunder.

In any action involving the construction, validity or constitutionality of any provision under this Act, the Solicitor General shall be notified by the party contesting such provision and shall be entitled to be heard upon such question.

The petition shall be filed with the Supreme Court and shall be given precedence over any other civil business pending therein.

Section 14. *Separability Clause.* – if for any reason any section or provision of this Act, or any portion thereof, or the application of such section, provision

or portion to any person group or circumstance, is declared invalid or unconstitutional , the remainder of the Act or the application of such provision to other persons, group or circumstances shall not be affected by such declaration.

Section 15. *Effectivity.* – This act shall take effect upon its approval.