


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

6 MAY 22

SENATE
S. No. 2247

RECEIVED BY: 

Introduced by **Senator Richard J. Gordon**

EXPLANATORY NOTE

The Constitution grants the people the right to propose amendments to the Constitution via people's initiative, but Congress must provide for the implementation of the exercise of this right. In a previous attempt to propose an amendment to the Constitution lifting the term limits of all elective government officials, the Supreme Court declared that Republic Act No. 6735, the Initiative and Referendum Act, is insufficient to implement the exercise of this right (Santiago vs. COMELEC, G.R. No. 127325, March 27, 1997).

Since no law has yet been passed by Congress, the same situation in Santiago vs. COMELEC, *supra* holds true at present and any attempt to propose amendments to the Constitution via people's initiative will only be futile absent an enabling law. The Supreme Court said that this must thus be acted upon by Congress to fill this void as "the system of initiative to propose amendments to the Constitution should no longer be kept in the cold; it should be given flesh and blood, energy and strength."


Before there can be a valid people's initiative to propose amendments to the Constitution, Congress must first provide for a sufficient enabling law to implement the exercise of this right, which is what this bill seeks to do.


RICHARD J. GORDON
Senator

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**AN ACT PROVIDING FOR A SYSTEM OF PEOPLE'S INITIATIVE TO PROPOSE
AMENDMENTS TO THE CONSTITUTION**

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Initiative on the
2 Constitution Act.”

3 Sec. 2. *Policy.* – Article XVII, Section 2 of the Constitution grants the people, through
4 initiative upon a petition of at least twelve *per centum* (12%) of the total number of
5 registered voters, of which every legislative district must be represented by at least three
6 *per centum* (3%) of the registered voters therein, the right to directly propose amendments
7 to the Constitution in which Congress shall provide for the implementation of the exercise of
8 this right.

9 Sec. 3. *Definitions.* – For purposes of this Act,

10 (1) “Amendment” refers to an alteration of one or a few specific and isolated
11 provisions of the Constitution.

12 (2) “COMELEC” refers to the Commission on Elections.

13 (3) “People’s Initiative” refers to the power of the people to propose amendments to
14 the Constitution.

15 (4) “Petition” refers to the written instrument of a people’s initiative in accordance
16 with Sec. 5 of this Act.

17 (5) “Petitioner” refers to a signatory to a petition for people’s initiative who must be a
18 registered voter in the Philippines.

19 (6) “Plebiscite” refers to the electoral process by which a proposition is approved or
20 rejected by the people.

1 (7) "Proponent" refers to a registered voter in a legislative district principally
2 advocating a proposition and certifying that the petitioners in a petition for people's initiative
3 knowingly, freely, and voluntarily support the same.

4 (8) "Proposition" refers to the particular amendment to the Constitution proposed by
5 the people in a people's initiative.

6 (9) "Revision" refers to an alteration of the entire Constitution or an important cluster
7 of provisions in the Constitution.

8 Sec. 4. *Who May Exercise.* – People's initiative may be exercised by all registered
9 voters in the Philippines.

10 Sec. 5. *Requirements.* – A petition for people's initiative must have at least twelve
11 *per centum* (12%) of the total number of registered voters as signatories, of which every
12 legislative district must be represented by at least three *per centum* (3%) of the registered
13 voters therein. People's Initiative may be exercised only once every five (5) years.

14 The COMELEC shall prescribe the form for a petition for people's initiative, which
15 shall include the following:

16 (1) The contents or text of the proposed provision/s of the Constitution sought to be
17 amended;

18 (2) The proposition;

19 (3) The reason/s for the proposition, not exceeding one thousand (1,000) words;

20 (4) Proof that public hearings and consultations were held in each legislative district
21 to ensure that the people have been properly informed of the proposition;

22 (5) Statement under oath by a proponent in each legislative district that the
23 petitioners in his or her legislative district knowingly, freely, and voluntarily support the
24 proposition; and

25 (6) Names, addresses, and signatures of the petitioners.

26 Sec. 6. *Prohibited Proposition.* – No petition for people's initiative covering more than
27 one (1) proposed amendment to the Constitution or amounting to a revision of the
28 Constitution shall be allowed.

29 Sec. 7. *Penal Provision.* – A petition for people's initiative filed with the COMELEC
30 that violates any provision of this Act shall be dismissed by the COMELEC and the
31 proponents thereof shall be punished with the penalty of imprisonment ranging from one (1)
32 year to six (6) years, or a fine ranging from one hundred thousand pesos (PhP100,000) to

1 six hundred thousand (PhP600,000), or both, without prejudice to administrative, criminal,
2 and civil liability under other laws.

3 *Sec. 8. Verification and Authentication of Signatures.* – Upon order by the
4 COMELEC of the apparent adequacy of a petition for people's initiative within thirty (30)
5 days from receipt thereof, the COMELEC shall verify and authenticate the signatures
6 thereon.

7 After the signatures have been verified and authenticated, the same shall be posted
8 in the barangay hall of each of the legislative district for at least sixty (60) days to allow
9 interested parties to examine the same and allow the filing of the appropriate protest or
10 challenge within the same period. Any protest or challenge to the verification and
11 authentication of the signatures shall be ruled upon by the COMELEC within sixty (60) days
12 from the date of filing such protest or challenge. Upon resolution of the protests and
13 challenges filed, if any, the COMELEC shall issue a certification on the sufficiency of the
14 petition for people's initiative.

15 *Sec. 9. Publication of Proposition.* – Upon certification by the COMELEC of the
16 sufficiency of the petition for people's initiative, the COMELEC shall immediately publish the
17 proposition in English and Filipino at least twice in a newspaper of general circulation in the
18 Philippines.

19 *Sec. 10. Plebiscite.* A Plebiscite shall be held not earlier than sixty (60) days nor
20 later than ninety (90) days after the certification by the COMELEC of the sufficiency of the
21 petition for people's initiative.

22 *Sec. 11. Effectivity of Proposition.* – The proposition contained in the petition for
23 people's initiative shall be effective when ratified by a majority of the votes cast in a
24 plebiscite.

25 *Sec. 12. Applicability of the Omnibus Election Code.* – The Omnibus Election Code
26 and other election laws, not inconsistent with the provisions of this Act, shall apply to this
27 Act.

28 *Sec. 13. Rules and Regulations.* – The COMELEC shall promulgate rules and
29 regulations as may be necessary to carry out the provisions of this Act.

30 *Sec. 14. Appropriations.* – The amount necessary to defray the cost of the initial
31 implementation of this Act shall be charged against the Contingent Fund in the General
32 Appropriations Act of the current year. Thereafter, such sums as may be necessary for the
33 full implementation of this Act shall be included in the annual General Appropriations Act.

1 Sec. 15. *Repealing Clause.* – All laws, decrees, orders, rules and regulations or
2 other issuances or parts thereof inconsistent with the provisions of this Act are hereby
3 repealed or modified accordingly.

4 Sec. 16. *Separability Clause.* – If any portion or provision of this Act is declared
5 unconstitutional, the remainder of this Act or any provision not affected thereby shall remain
6 in force and effect.

7 Sec. 17. *Effectivity.* – This Act shall take effect after fifteen (15) days following the
8 completion of its publication either in the Official Gazette or in a newspaper of general
9 circulation in the Philippines.

10 Approved,