

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

OFFICE OF THE CLERK

8 DEC -3 11 58

SENATE

S. B. No. 2923

RECEIVED

A

INTRODUCED BY HONORABLE MAR ROXAS

EXPLANATORY NOTE

Article II, Section 1 of the 1987 Philippine Constitution in no uncertain terms declares that sovereignty resides in the people and all government authority emanates from them. As such, it is but appropriate that any amendments to, or revision of the basic law of the land should be a sincere answer to the people's clamor for a genuine constitutional reform that will enhance the protection of human rights and promotion of social justice, promote good governance and public accountability and ensure autonomy and self-determination of the regions.

There have been several attempts under the present administration to initiate the process of revising the 1987 Constitution. Proposals for charter change have been put forward in the House of Representatives in 2005, which then shifted to a call for a people's initiative in 2006. Since the 14th Congress opened in July last year, charter change initiatives have come up to a total of 30 measures – 7 bills, 9 concurrent resolutions, 2 joint resolutions, and 12 House resolutions. Twenty-one of these measures warrant the need for charter change either by constitutional convention, constituent assembly, or through a people's initiative. Indeed, the movement towards charter change refuses to die.

The Filipino people however are wary. Distrust in the present administration that is replete with controversies and allegations of corruption, undermines the intention of those who are calling for sincere constitutional reforms. As it is, our nation is divided by political unrest and our economy is under threat from the global economic crisis. Filipinos, meanwhile, take severe punishment from corruption, high prices and food insecurity. Thus, while it is conceded that the present charter needs to go through the process of revision, this should be done with much deliberation and in an atmosphere of mutual trust and respect.

This measure thus proposes a less divisive and more transparent mechanism of revising the present Constitution by calling for a Constitutional Convention the delegates of which shall be elected by the people simultaneously with the 2010 national elections. The filing of certificate of candidacy as a delegate to the Convention by any incumbent elective official of the government shall be automatically construed as resignation from office. The convention is mandated, through a process of public hearings and deliberations that shall be open to the public, to submit the proposed revised constitution for the people's ratification within one year from the time of the effectivity of the rules of the Convention. The new Constitution shall be valid only when ratified by a majority of the votes cast in the plebiscite.

During this difficult period characterized by political and economic unrest, it is incumbent that the constitutional reforms be completed through a transparent process that ensures utmost participation by the nation at large. In keeping with the sovereign mandate of the people, the new constitution of the Republic of the Philippines should be truly reflective of the ideals and aspirations of the Filipino nation, and not of a select few.

In view of the foregoing, approval of this bill is earnestly requested.



M A R ROXAS
Senator

FOURTEENTH CONGRESS OF THE)
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RECEIVED 11/11/09 *AB*

INTRODUCED BY HONORABLE MAR ROXAS

AN ACT
CONSTITUTING A CONSTITUTIONAL CONVENTION TO AMEND THE
1987 PHILIPPINE CONSTITUTION, DEFINING QUALIFICATIONS FOR ITS
DELEGATES WHO SHALL BE ELECTED SIMULTANEOUSLY WITH THE
MAY 2010 NATIONAL ELECTIONS, APPROPRIATING FUNDS FOR ITS
OPERATIONS, AND FOR OTHER PURPOSES.

*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 Convention*
2 *Act of 2009.*"

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

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

11 SEC. 4. *Date of Election for Constitutional Convention Delegates.* – There shall be an
12 election of delegates to a Constitutional Convention simultaneous with the holding of the
13 May 2010 National Elections. The Commission on Elections shall within thirty (30) days

1 from the enactment of this Act, promulgate the rules and regulations necessary for the
2 elections of the delegates to the Constitutional Convention.

3 **SEC. 5. *Composition and Term of the Constitutional Convention.*** – The
4 Constitutional Convention shall be composed of two (2) delegates from every legislative
5 district. The drafting of the amended or revised constitution by the delegates of the
6 Constitutional Convention shall be completed within a period not exceeding one (1) year
7 after the effectivity of its rules. Unless approved by Congress through a law with
8 appropriations, no extension of the term of the Constitutional Convention shall be allowed.

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

14 **SEC. 7. *Qualifications.*** – No person shall be elected a delegate of the Constitutional
15 Convention unless he is a natural born citizen of the Philippines and, on the day of the
16 election, is at least twenty-five years of age, a qualified voter, of recognized probity,
17 independence, nationalism and patriotism.

18 **SEC. 8. *Disqualifications.*** – The following are disqualified from being a candidate for
19 the election of delegates of the Constitutional Convention:

20 1. All incumbent elected officials of the government, including but not limited to
21 the President, Vice-President, Members of the Congress, and local government officials,
22 *Provided* that, any of the foregoing who files a certificate of candidacy as delegate of the
23 Constitutional Convention shall automatically be construed as officially resigned from his
24 position.

1 2. Any person who has been declared by competent authority as insane or
2 incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion
3 or for any offense for which he has been sentenced to a penalty of more than eighteen
4 months or for a crime involving moral turpitude, shall be disqualified to be a candidate for
5 the Constitutional Convention, nor allowed to sit as a delegate of the Constitutional
6 Convention, unless he has been given plenary pardon or granted amnesty.

7 **SEC. 9. *Future Disqualifications*** – Any person elected as a delegate of the
8 Constitutional Convention shall not be eligible to run for any public office or position in the
9 first national and first local elections to be held after the ratification of the new Constitution.
10 Further, no elected delegate of the Constitutional Convention shall be appointed to any
11 public office or position while the Constitutional Convention is in session and within a
12 period of one (1) year after the plebiscite for the revised or amended Constitution.

13 **SEC. 10. *Oath of Delegates*** – Delegates of the Constitutional Convention shall qualify
14 and assume office by taking the following oath or affirmation:

15 “I, (name of delegate), do solemnly swear and affirm that I shall faithfully and
16 conscientiously fulfill my duties as Delegate of the Constitutional Convention of 2010 by
17 drafting a fundamental law truly reflective of the ideals and aspirations of the Filipino
18 people, endeavor to complete the work of the Constitutional Convention within the period
19 provided by law, not to run for any office in the first local and national elections to be held
20 after the ratification of the Constitution that the Constitutional Convention will propose, and
21 preserve and defend the duly ratified Constitution of the Republic of the Philippines. So help
22 me God.”

23 **SEC. 11. *Administrative Support***. – All national government offices and agencies and
24 local government units shall accord and give the Constitutional Convention the necessary

1 support and respect by allowing its officers and personnel to attend the hearings and/or
2 proceedings of the Constitutional Convention.

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

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

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

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

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

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

23 **SEC. 15. *Appropriations.*** – For the implementation of this Act, the amount of One
24 Billion Pesos (P1,000,000,000.00) shall be appropriated to the Constitutional Convention.

1 This whole amount shall be made available to the Constitutional Convention in a timely
2 manner.

3 Each delegate of the Constitutional Convention shall receive a per diem of not less
4 than Three Thousand Pesos (P3,000.00) for every day of attendance in the Constitutional
5 Convention or of any of its committees, and, to necessary traveling expenses to and from his
6 residence when attending the sessions of the Constitutional Convention or of its committees.

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

10 **SEC. 17. *Repealing Clause.*** – All laws, presidential decrees, executive orders,
11 proclamations, rules and regulations which are inconsistent with the provisions of this Act
12 are hereby repealed or modified accordingly.

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

15

16 Approved,