

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



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

Resolution of Both Houses No. 1

**RESOLUTION OF BOTH HOUSES CONSTITUTING THE SENATE AND THE
HOUSE OF REPRESENTATIVES INTO A CONSTITUENT ASSEMBLY TO
PROPOSE REVISIONS OF THE 1987 CONSTITUTION BY ADOPTING A
FEDERAL FORM OF GOVERNMENT AND FOR OTHER PURPOSES**

WHEREAS, the Constitution is the fundamental and paramount law which provides the framework of governance, as well as the instrument of the people to secure their rights and promote the common welfare;

WHEREAS, it serves as a covenant between the State and the people, and vests on the government the duty to provide decent living conditions to its people;

WHEREAS, the mandate given to current leaders who advocated for change signifies renewed trust in the government and immense optimism in its ability and commitment to bring about improvement in the quality of life of Filipinos;

WHEREAS, recent events show that it is imperative that reforms be introduced in the present Constitution for it to be responsive to the exigencies of the times, including the need to provide a long-term solution to the decades-old conflict in Mindanao and to spur economic regional development in the countryside, and provide impetus to much needed socioeconomic and political reforms;

WHEREAS, the clamor and sentiment from a broad cross-section of society seeking to amend our 32-year old Philippine Constitution, to make it more attuned and responsive to the demands of present conditions, have not only been sustained but affirmed with the growing number of people who support the platform of President Rodrigo Roa Duterte.

NOW THEREFORE, BE IT RESOLVED by the Senate and the House of Representatives, to constitute the Senate and the House of Representatives into a Constituent Assembly, and by a vote of three-fourths (3/4) of all its members, voting separately, propose the following revisions to the 1987 Philippine Constitution:

PREAMBLE

We, the sovereign Filipino people, imploring the aid of Almighty God, to build a permanent and indissoluble nation and establish a just, humane, united, and progressive society under a government that shall embody our shared ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution of the Federal Republic of the Philippines.

ARTICLE I NATIONAL TERRITORY

SECTION 1. The Philippines has sovereignty over its territory, consisting of the islands and waters encompassed by its archipelagic baselines, its territorial sea, the seabed, the subsoil, the continental shelf, and its airspace. It has sovereignty over islands and features outside its archipelagic baselines pursuant to the laws of the Federal Republic, the law of nations and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines and the judgments of competent international courts or tribunals. It likewise has sovereignty over other territories belonging to the Philippines by historic right or legal title.

SECTION 2. The Philippines has sovereign rights over that maritime expanse beyond its territorial sea to the extent reserved to it by international law, as well as over its extended continental shelf, including the Philippine Rise. Its citizens shall enjoy the right to all resources within these areas.

ARTICLE II DECLARATION OF PRINCIPLES AND STATE POLICIES

PRINCIPLES

SECTION 1. The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them. The Republic shall uphold federalism, national unity, and territorial integrity.

SECTION 2. The Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as a part of the law of the land, and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations.

SECTION 3. Civilian authority is, at all times, supreme over the military. The Government is the protector of the people and the Federal Republic. The Armed Forces of the Philippines shall secure the sovereignty of the Republic and the integrity of its national territory. The Government may call upon the people to defend the Federal Republic and render personal military or civil service, under conditions provided by federal law.

SECTION 4. The recognition of fundamental freedoms, the observance of the rule of law, and the promotion of sustainable human development are essential for the enjoyment by the people of the benefits of a democratic republican federal government.

SECTION 5. The separation of the church and the State shall be inviolable. Relations between them shall be governed by benevolent neutrality.

STATE POLICIES

SECTION 6. The Federal Republic shall pursue an independent foreign policy. In establishing relations with other States, its paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

SECTION 7. The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from weapons of mass destruction in its territory.

SECTION 8. The Federal Republic shall maintain honesty, integrity, and efficiency in the public service and take positive, effective, deterrent, and punitive measures against graft and corruption.

SECTION 9. The Federal Republic hereby adopts and implements a policy of full public disclosure of all its transactions involving public interest.

SECTION 10. The Federal Republic and its instrumentalities shall, at all times, maintain the highest quality of governance, integrity, transparency, and accountability.

SECTION 11. The Federal Republic shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living befitting human dignity, and an improved quality of life for all.

SECTION 12. The Federal Republic shall promote social justice in all phases of national development.

SECTION 13. The Federal Republic values the dignity of every human person and guarantees full respect for the human person and the right of all citizens to participate in all government processes.

SECTION 14. The Federal Republic recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the government.

SECTION 15. The Federal Republic recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their constructive involvement in public and civic affairs.

SECTION 16. The Federal Republic recognizes the role of women in nation-building and in all aspects of national life, and shall ensure the fundamental equality of women and men before the law.

SECTION 17. The Federal Republic shall protect and promote the right to health of the people and instill health consciousness among them.

SECTION 18. The Federal Republic shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

SECTION 19. The Federal Republic shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human dignity, security, liberation, and development.

SECTION 20. The Federal Republic affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

SECTION 21. The Federal Republic shall develop an independent and competitive national economy actually and effectively controlled by Filipinos.

SECTION 22. The Federal Republic recognizes the indispensable role of the private sector in national development and encourages private enterprise. The State shall provide incentives to needed investments.

SECTION 23. The Federal Republic shall promote industrialization, comprehensive rural agri-industrial development, and genuine agrarian reform with effective support services.

SECTION 24. The Federal Republic recognizes, promotes, and protects the rights of indigenous peoples within the framework of national unity and development.

SECTION 25. The Federal Republic shall promote civil society participation in the development of the welfare of the nation.

SECTION 26. The Federal Republic recognizes the vital role of information communication technology in nation-building.

SECTION 27. The Federal Republic shall promote the autonomy of local government units in accord with federalism.

ARTICLE III BILL OF RIGHTS

SECTION 1. The rights under this article are demandable against the State and non-state actors and their enforcement shall be consistent with international standards.

A. CIVIL AND POLITICAL RIGHTS

SECTION 2. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws.

SECTION 3. The right of persons to privacy shall be inviolable. Without lawful court order, all interference in personal and domestic relations, correspondence and data are proscribed.

SECTION 4. Data obtained about a person shall be used and processed only for purposes authorized by law.

A person has the right to inquire from any government office or agency the information or data that has been obtained, stored, or processed about himself, and to demand, that such data and information be corrected or deleted, or in case of a private entity or person, that their use be enjoined.

SECTION 5.

(a) The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

(b) The prohibition against unreasonable searches and seizure shall extend to the conduct of unlawful unreasonable surveillance through technological, electronic, or any other means. In addition to the requirements for the issuance of a search warrant, a surveillance warrant shall particularly describe:

1. The purpose of the surveillance and the period within which the surveillance may be conducted;
2. The target individuals or entities and the type of information sought;
3. The manner by which the surveillance is to be conducted and the means to be used, which as far as practicable shall be limited to achieve the purpose of the surveillance and to acquire the type of information sought; and
4. The period within which the applicant may store recorded information, which shall be consistent with the purpose of the surveillance.

(c) No surveillance warrant shall be granted except upon a showing that there are no other reasonable means of obtaining the information or evidence sought in the application.

(d) The court shall specify the time for the service of the warrant, which may be after the conduct of the surveillance. Only information necessary to achieve the purpose of the warrant shall be admitted in evidence. All other information acquired shall be destroyed and deemed inadmissible for any purpose in any proceeding.

SECTION 6.

(a) The privacy of communication in any form shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(b) Any evidence obtained in violation of Sections 4, 5 and 6 shall be inadmissible for any purpose in any proceeding.

SECTION 7. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances. For this purpose, the local government units shall, among other things, establish appropriate freedom parks for the peaceful assembly of the people.

SECTION 8. No law shall be enacted that establishes, favors or suppresses religion or its rejection; or that prohibits the free exercise and public expression of fundamental religious belief. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

SECTION 9. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

SECTION 10. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

SECTION 11. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

SECTION 12. Private property shall not be taken for public use without just compensation.

SECTION 13. No law impairing the obligation of contracts shall be passed.

SECTION 14. The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion, rebellion, or lawless violence, when the public safety requires it. Even when the privilege of the writ of habeas corpus is suspended, the privilege of the writs of amparo and habeas data and other protective writs may still be resorted to unless prejudicial to public order.

SECTION 15. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.

Members of the Philippine Bar may be required by the Supreme Court to provide free assistance to indigents before courts and quasi-judicial bodies, and other legal services.

SECTION 16.

(a) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of a competent and independent counsel.

(b) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

(c) Any confession or admission obtained in violation of this or Section 20 hereof shall be inadmissible in evidence against him.

(d) The Congress law shall by law provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

SECTION 17.

(a) All persons accused of any crime shall be entitled to bail or to be released on recognizance. This right shall not be available in cases where the imposable penalty is reclusion perpetua or higher, and the evidence of guilt is strong as determined in summary proceedings.

(b) When an indigent person is charged with an offense that would entitle him to probation and the risk of flight is low, he may be released on recognizance.

(c) The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended.

(d) Excessive bail shall not be required.

SECTION 18.

(a) No person shall be held to answer for a criminal offense without due process of law.

(b) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused: Provided, that he has been duly notified and his failure to appear is unjustifiable.

SECTION 19. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

SECTION 20. No person shall be compelled to be a witness against himself.

SECTION 21.

(a) No person shall be detained solely by reason of his political beliefs and aspirations.

(b) No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted

SECTION 22.

(a) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to reclusion perpetua.

(b) The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions is prohibited. It shall be the duty of the Federal Government, Federated Region and their local government units to provide for humane and adequate penal facilities.

(c) Persons unjustly and wrongfully accused, convicted and imprisoned but subsequently acquitted shall be provided compensation by the State as provided by law.

SECTION 23. No person shall be imprisoned for debt or non-payment of a poll tax.

SECTION 24. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a federal law, regional law, or an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act. Provided, however, that double jeopardy shall not attach where the offended party is deprived of due process or where there is a finding of mistrial; or when the trial court acted with grave abuse of discretion amounting to lack or excess of jurisdiction.

SECTION 25. No ex post facto law or bill of attainder shall be enacted.

B. SOCIAL AND ECONOMIC RIGHTS

SECTION 26. Every person has the right:

- (a) To adequate food;
- (b) To universal and comprehensive healthcare;
- (c) To complete, quality education;
- (d) To adequate and decent housing; and
- (e) To livelihood and employment opportunity.

SECTION 27. The Federal Republic shall adopt measures to guarantee the progressive realization of these rights.

C. ENVIRONMENTAL AND ECOLOGICAL RIGHTS

SECTION 28. Every person in every generation has the right to:

- (a) A healthful environment and a balanced ecology, clean air, clean water, clean soil, and clean surroundings;
- (b) Be protected from and seek compensation for damage to environment and ecology that is brought about by illegal and unsustainable exploitation of natural resources; and
- (c) Seek immediate relief from the courts and appropriate governmental bodies through the writ of kalikasan and other protective writs against activities that threaten the environment and ecological balance. All doubts shall be resolved in favor of the right of the people to a healthful and balanced ecology.

ARTICLE IV CITIZENSHIP

SECTION 1. The following are citizens of the Philippines:

- (a) Those who are citizens of the Philippines at the time of the adoption of this Constitution;
- (b) Those whose fathers or mothers are citizens of the Philippines;
- (c) Those born before January 17, 1973, of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and (d) Those who are naturalized in accordance with law

SECTION 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (c), Section 1 hereof shall be deemed natural-born citizens.

SECTION 3. Philippine citizenship may be lost or reacquired in the manner provided by law.

SECTION 4. Citizens of the Philippines who marry aliens shall retain their citizenship, unless by their act or omission, they are deemed, under the law, to have renounced it.

SECTION 5. Dual allegiance of citizens is inimical to the national interest and shall be dealt with by law.

ARTICLE V SUFFRAGE AND POLITICAL RIGHTS

SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen (18) years of age, and domiciled in the Philippines for at least one (1) year and in the place wherein they propose to vote for at least six (6) months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

SECTION 2.

- (a) The Federal Republic shall guarantee a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad. The domicile requirements under Section 1 hereof shall not apply to Filipinos residing or working overseas who are qualified absentee voters, as may be determined by federal law.
- (b) The Federal Republic shall guarantee the public nature of elections, ensure full transparency and accessibility of the electoral process, and the verifiability and integrity of the electoral results, regardless of the mode of election.

SECTION 3. The Federal Congress shall ensure the right to vote of persons in need of assistance.

SECTION 4. The Federal Republic shall ensure the development and strengthening of political parties as mechanisms of citizen representation and democratic governance.

- (a) Every political party shall be registered with the Federal Commission on Elections which shall require that the political party submit its constitution and by-laws, platform, principles, policies and general program of government, a verified list of national officials, members of the executive board or its equivalent, and the heads of its regional, provincial, and highly urbanized city chapters.
- (b) Religious denominations and sects, and political parties which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreigner or foreign government shall not be registered.
- (c) Financial contributions from foreigners or foreign governments and their agencies, and unlawful sources, given to political parties and their affiliated organizations, political coalitions, or candidates to influence the outcome of the election, constitute interference in

national affairs, and shall be an additional ground for the cancellation of their registration with the Federal Commission on Elections, in addition to other penalties that may be prescribed by federal law.

SECTION 5. The Federal Republic shall promote the development of political parties as democratic public institutions.

- (a) Political parties shall be freely established and open to all citizens who share the same party program, adhere to the party constitution, and practice party discipline.
- (b) Political parties shall develop a democratic system of internal decision-making and allow active citizen participation.
- (c) Political parties shall observe fair, honest, and democratic processes in nominating and selecting party officials and candidates for public office.
- (d) Political parties shall pursue public education and promotion of democratic values in society.
- (e) Political parties shall provide, as far as practicable, for equal representation of women candidates in every election.
- (f) The Federal Republic shall take affirmative action so that marginalized and underrepresented sectors may organize themselves into genuine political parties with clear and detailed platforms of government and capable representatives.

Section 6. The Federal Republic shall regulate the campaign finance, both from public and private sources, of political parties and candidates in all elections.

- (a) The Federal Congress shall update laws on all election expenditures.
- (b) Financial contributions from religious organizations, foreigners and foreign governments, and illegal sources are prohibited.
- (c) There shall be a Democracy Fund, which shall serve as a repository of campaign funds. The Federal Commission on Elections shall administer the Democracy Fund and promulgate rules and regulations therefor. The Federal Commission on Audit shall have the power, authority, and duty to examine and audit all funds pertaining to the Democracy Fund.
- (d) Any citizen who contributes at least one hundred thousand pesos (PhP 100,000.00) but not exceeding five million pesos (PhP 5,000,000.00) to any registered political party or presidential candidate through the Democracy Fund shall be allowed a full credit against income tax due for the immediately preceding taxable year following the elections in which such political party or presidential candidate participated; Provided, that such amounts shall be subject to the proper adjustment promulgated by the Federal Commission on Elections.
- (e) Any corporation, partnership, or association which contributes at least five million pesos(PhP 5,000,000.00) but not exceeding ten million pesos (PhP 10,000,000.00) to any registered political party or presidential candidate through the Democracy Fund shall be allowed a full credit against income tax due for the immediately preceding taxable year following the elections in which such political party participated; Provided, that such amounts shall be subject to the proper adjustment promulgated by the Federal Commission on Elections.
- (f) A fair share of political party campaign funds drawn from the Democracy Fund shall be allocated for women candidates.
- (g) Unless ordered by the Federal Electoral Court, all information pertaining to the contributors and the amount of their contributions shall only be deemed confidential and shall be made available only to the Federal Commission on Elections, the Federal Commission on Audit, and the Internal Revenue officials for purposes of regulation, auditing, and tax credit, respectively.

Section 7. The Federal Republic shall ensure strong and cohesive political parties.

- (a) Members of any political party elected to public office are prohibited from changing political parties within their term of office.
- (b) Candidates and officials of any political party are prohibited from changing political party two (2) years after the election and two (2) years before the next election. Those who

violate the foregoing provisions shall be: (1) removed from the office to which they have been elected; (2) barred from appointment to any government position for one electoral cycle; (3) prohibited from running for public office in the next election; (4) required to return any party funds they used for the campaign. The Federal Commission on Elections shall initiate the appropriate proceedings in the proper court.

(c) No political party shall accept any member in violation of sub-section (a) and (b). Any violation thereof shall be a ground for the cancellation of its registration.

(d) The Federal Commission on Elections shall ensure compliance with these provisions and periodically require political parties to submit an updated list of their members, including any changes arising from violation of the above provisions.

(e) No political party shall nominate more candidates than the number of persons required to be voted for in an elective position, except for the proportional representative seats in the House of Representatives, nor shall any candidate be allowed to accept nominations from more than one registered political party, except in cases of aggrupation or coalitions thereof.

SECTION 8. The Federal Republic shall guarantee equal access to opportunities for public service and prohibit political dynasties to prevent the concentration, consolidation, or perpetuation of political power in persons related to one another.

(a) A political dynasty exists when a family whose members are related up to the second degree of consanguinity or affinity, whether such relations are legitimate, illegitimate, half, or full blood, maintains or is capable of maintaining political control by succession or by simultaneously running for or holding elective positions.

(b) No person related to an incumbent elective official within the second civil degree of consanguinity or affinity, as described above, can run for the same position in the immediately following election.

(c) Persons related within the second civil degree of consanguinity or affinity, as described above, are prohibited from running simultaneously for more than one national and one regional or local position. However, in the event that two or more members of the same family are running, the member who shall be allowed to be a candidate shall be determined by the drawing of lots.

(d) The Federal Congress may, by law, provide for additional prohibitions.

ARTICLE VI

PEOPLE'S INITIATIVE, PLEBISCITE, AND REFERENDUM

SECTION 1. The Federal Republic recognizes and promotes the mechanism of People's Initiative as the means of the sovereign people to directly propose revision of or amendment to the Constitution, or to propose, enact, amend or repeal laws, acts, ordinances, or resolutions passed by any legislative body.

SECTION 2. People's Initiative shall be commenced by filing with the Federal Commission on Elections a verified petition and the draft of the proposal which shall embrace only one subject expressed in the title thereof. The proponents may avail of the services of the Office of the Solicitor General or Integrated Bar of the Philippines in the drafting and processing of the proposal and the petition, free of any charge.

SECTION 3. A petition for people's initiative shall comply with the following signature requirements:

(a) A proposal to revise the Constitution shall be accompanied by the signature of voters representing at least thirty percent (30%) of the votes cast in the last preceding national elections, of which every Federated Region must be represented by at least ten percent (10%) of the signatures of such voters;

(b) A proposal to amend the Constitution shall be accompanied by the signature of voters representing at least twelve percent (12%) of the votes cast in the last preceding

national elections, of which every federated region must be represented by at least three percent (3%) of the signatures of such voters;

(c) A proposal to enact, amend or reject a Federal Law must be accompanied by the signature of voters representing at least ten percent (10%) of the votes cast in the last preceding national elections, of which every federated region must be represented by at least three percent (3%) of the signatures of such voters.

(d) The Federal Commission on Elections shall simultaneously verify the signatures of the voters endorsing the initiative.

SECTION 4.

(a) Upon determination that the petition to enact, amend, repeal a federal law, or revise or amend the Constitution has complied with the requirements of the preceding sections, the Federal Commission on Elections shall set the date for the conduct of the plebiscite to be held not earlier than six months (6) therefrom.

(b) The Federal Commission on Elections may, on its own refer the proposed initiative measure to the Supreme Court for advisory opinion on its constitutionality.

(c) If the Supreme Court issues a determination that the proposal does not suffer from any constitutional infirmity, the Federal Commission on Elections shall certify the measure and submit it to a plebiscite or referendum in the next succeeding national election, provided, that the schedule is not earlier than six (6) months from such certification. If no national election is scheduled within one (1) year from the certification of the proposed measure, the Federal Commission on Elections may proceed to set the schedule of a referendum.

SECTION 5. During the period for the conduct of plebiscite or referendum, the Federal Commission on Elections shall ensure the public dissemination of information on the proposed initiative measure, which shall include the following:

(a) Production and distribution, as far as practicable, to the registered voters of pamphlets containing the title of the proposed measure, its full text, and its summary;

(b) Publication of the proposed measure and its summary in three newspapers of national circulation, and any appropriate digital platform for at least three consecutive weeks prior to the plebiscite or referendum;

(c) Adequate time for airing of broadcast materials on the proposed measure in major national television networks and radio stations, all within two months prior to the conduct of the plebiscite or referendum, subject to proper adjustment by the Federal Commission on Elections;

(d) Holding of non-partisan people's assembly or public forum on the proposed measure at least once in every province and highly urbanized city.

SECTION 6. A proposal to enact, amend or repeal a federal law shall be deemed adopted if approved by a majority of the votes cast in the plebiscite or referendum; provided that majority of the Federated Regions also voted for its approval, as certified to by the Commission on Elections. It shall take effect fifteen (15) days from the issuance of such certification.

SECTION 7. Any amendment to or revision of the Constitution through People's Initiative shall be in accordance with Sections 4 and 5 of Article XXI of the Constitution.

SECTION 8. No amendment or repeal of a statute adopted through people's initiative shall be allowed within one year from its effectiveness and except upon a two-thirds (2/3) vote of all the members of the Senate and the House of Representatives voting separately.

SECTION 9. Within two (2) years from the adoption of this Constitution, every Regional Legislative Assembly shall enact the laws for the exercise of People's Initiative on matters within their respective jurisdiction, provided that no regional people's initiative shall be allowed without the signature of at least ten percent (10%) of the votes cast in the region.

SECTION 10. The Congress shall appropriate an annual budget for people's initiative, which shall be automatically released to the Federal Commission on Elections.

ARTICLE VII LEGISLATIVE DEPARTMENT

SECTION 1.

- (a) The Federal legislative power is vested in the Congress, which shall consist of a Senate and a House of Representatives.
- (b) The people, pursuant to the provisions on initiative and referendum, may directly exercise legislative power.

SECTION 2. Every Federated Region shall be represented by at least two (2) Senators elected by the qualified voters in the federated region, provided that each region shall have the same number of senators.

SECTION 3. No person shall be elected Senator unless he is a natural-born citizen of the Philippines and, on the day of the election, at least thirty-five (35) years of age, holder of a college degree or its equivalent, a registered voter, and domiciled in the Federated Region where he or she is to be elected for not less than two years immediately preceding the day of the election.

SECTION 4.

- (a) The term of office of the Senators shall be four (4) years and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June, next following their election. They shall continue in office until their successors shall have been elected, proclaimed, and qualified.
- (b) No Senator shall serve for more than two (2) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

SECTION 5.

- (a) The House of Representatives shall be composed of not more than four hundred (400) members unless otherwise provided by law.
- (b) Sixty per centum (60%) of the members of the House of Representatives shall be elected by plurality of votes where each single member legislative electoral district shall have one (1) seat in the House of Representatives. Single member legislative districts shall be apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants on the basis of a uniform and progressive ratio as may be provided by federal law.
- (c) The remaining forty percent (40%) of the Members of the House of Representative shall be voted by the system of proportional representation. Every voter shall elect a registered political party with a closed list of nominees, provided that these nominees are qualified to be members of the House of Representatives. Political parties elected in the foregoing manner that obtain at least five percent (5%) of the valid, national votes shall be considered elected, and seats shall be allocated to the winning parties in proportion to the number of votes they received.
- (d) For three consecutive terms following the ratification of this Constitution, one half of the seats set apart for party's voted under the proportional representation system shall be reserved for labor, peasant, urban poor, indigenous cultural communities and fisherfolk groups, provided that they organize themselves as parties or coalitions of parties. The other half of the total seats allocated for proportional representation shall be open to all other political parties or coalitions thereof.

(e) Each single member legislative district shall comprise, as far as practicable, contiguous, compact, and adjacent territory. Each city, including those located in islands, with a population of at least five hundred thousand (500,000), or each province regardless of population shall be entitled to at least one (1) member of the House of Representatives.

(f) Within five (5) years following the return of every national census, the Congress is mandated to pass a reapportionment law or to make reapportionment of legislative districts based on the standards provided in this section.

SECTION 6. No person shall be a Member of the House of Representatives unless he is a natural-born citizen of the Philippines, on the day of the election, is at least twenty-five (25) years of age, and holder of a college degree or its equivalent. Except for one elected through the Proportional Representation system, he must be a registered voter in the district and domiciled in the district where he is to be elected for a period of not less than one (1) year immediately preceding the day of the election.

SECTION 7.

(a) The Members of the House of Representatives shall be elected for a term of four (4) years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June, next following their election.

(b) No member of the House of Representatives shall serve for more than two (2) consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected.

SECTION 8. Unless otherwise provided by law, the regular election of the Senators and the Members of the House of Representatives shall be held on the second Monday of May.

SECTION 9.

(a) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

(b) In the case of representatives elected through the Proportional Representation system, the vacancy shall be filled based on the preferential order of names on the closed and fixed list submitted to the Federal Commission on Elections by the parties in the previous election.

SECTION 10. The salaries of Senators and Members of the House of Representatives shall be determined by law. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and the House of Representatives approving such increase.

SECTION 11. A Senator or Member of the House of Representatives shall, in all offenses punishable by not more than six (6) years imprisonment, be privileged from arrest while the Congress is in session. No Member shall be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.

SECTION 12. All Members of the Senate and the House of Representatives shall, upon assumption of office, make a full disclosure of their financial and business interests. They shall notify the House concerned of a potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

SECTION 13. No Senator or Member of the House of Representatives may hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during

his term without forfeiting his seat. Neither shall he be appointed to any office, which may have been created or the emoluments thereof increased during the term for which he was elected.

SECTION 14. No Senator or Member of the House of Representatives may personally appear as counsel before any court of justice or before any quasi-judicial and other administrative bodies, except when he is a party to the case. Neither shall he, during his term of office, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, or its subsidiary. He shall not intervene in any matter before any office of the Government for their pecuniary benefit or where he may be called upon to act on account of his office.

SECTION 15. The Congress shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The President may call a special session at any time.

SECTION 16.

- (a) The Senate shall elect its President and the House of Representatives, its Speaker, by a majority vote of all its respective Members. Each House may choose such other officers as it may deem necessary.
- (b) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide.
- (c) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior committed during his or her incumbency, and with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty (60) days. Provided that each House shall comply with final and executory orders of judicial or quasi-judicial authorities imposing disciplinary sanctions on its Members.
- (d) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal. Each House shall also keep a Record of its proceedings.
- (e) Neither House during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 17. All contests relating to the election, returns, and qualifications of Senators and Members of the House of Representatives shall be within the exclusive original jurisdiction of the Senate Electoral Tribunal, as provided in Article IX of this Constitution.

SECTION 18.

- (a) There shall be a Commission on Appointments consisting of the President of the Senate, as ex officio Chairman, twelve (12) Senators and twelve (12) Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties represented therein. The Chairman of the Commission shall not vote, except in case of a tie. The Commission shall decide by a majority vote of all the Members.
- (b) The Commission on Appointments shall perform other functions and duties as may be provided by this Constitution.
- (c) Any appointment or nomination that has been bypassed or unacted upon by the Commission on Appointments at least twice shall be deemed disapproved.

SECTION 19. The Commission on Appointments shall be constituted within thirty (30) days after the Senate and the House of Representatives shall have been organized with the election of the President and the Speaker. The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of all its Members, to discharge such powers and functions conferred upon it.

SECTION 20. The records and books of accounts of the Congress shall be preserved and be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually an itemized list of amounts paid to and expenses incurred for each Member.

SECTION 21.

- (a) The Senate or the House of Representatives, or any of its respective committees, may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.
- (b) Any witness or resource person ordered detained for contempt during inquiry may seek judicial relief when the detention is patently unlawful or when its prolonged enforcement becomes unreasonable or violates due process.

SECTION 22. The heads of departments may upon their own initiative, with the consent of the President, or upon the request of either House, as the rules of each House shall provide, appear before and be heard by such House on any matter pertaining to their departments. Written questions from the Members of Congress shall be submitted to the President of the Senate or the Speaker of the House of Representatives at least three days before their scheduled appearance. Interpellations shall not be limited to written questions, but may cover matters related thereto. When the security of the Federal Republic, or the public interest or nature of testimony or disclosure to be made so requires and the President so states in writing, the appearance shall be conducted in executive session.

SECTION 23.

- (a) The Congress, by a vote of two-thirds of both Houses in joint session assembled, voting separately, shall have the sole power to declare the existence of a state of war.
- (b) In the event Congress is unable to convene due to the existence of war or national emergency, the President, as Commander-in-Chief, shall exercise all powers necessary to cope with the situation. When Congress is able to reconvene, it may revoke such exercise of powers of the President through a resolution.
- (c) In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as Congress may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.

SECTION 24. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt and private bills shall originate exclusively in the House of Representatives, but the Senate may concur with or propose amendments.

SECTION 25.

- (a) The Congress may not increase the appropriations recommended by the President for the operation of the Federal Government as specified in the budget. The form, content, and manner of preparation of the budget shall be prescribed by law.
- (b) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

- (c) The procedure in approving appropriations for the Congress shall strictly follow the procedure for approving appropriations for other departments and agencies.
- (d) A special appropriations bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as certified by the National Treasurer, or to be raised by a corresponding revenue proposal therein.
- (e) No law shall be passed authorizing any transfer of appropriations; however, the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court and the heads of Constitutional Commissions may, by law, be authorized to augment any item in the General Appropriations Act for their respective offices from savings in other items of their respective appropriations.
- (f) Discretionary funds appropriated for particular officials shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law.
- (g) If, by the end of any fiscal year, the Congress shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the general appropriations bill is passed by the Congress.

SECTION 26.

- (a) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.
- (b) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas and nays entered in the Journal.
- (c) There shall be a Bicameral Conference Committee composed of members chosen by each House that shall reconcile conflicting provisions of the bill passed by both Houses. The reconciled version shall be subject to vote by each House in accordance with their respective rules.

SECTION 27.

- (a) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same he shall sign it; otherwise, he shall veto it and return the same with his objections to the House where it originated, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by yeas or nays, and the names of the Members voting for or against shall be entered in its Journal. The President shall communicate his veto of any bill to the House where it originated within thirty days after the date of receipt thereof, otherwise, it shall become a law as if he had signed it; Provided that when an advisory opinion of the Supreme Court is sought, as provided for in subparagraph (a), Section 12 of Article IX, the President shall only act on the bill within thirty (30) days from the issuance of the opinion.

- (b) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.

SECTION 28.

- (a) Taxation shall be uniform, equitable, and progressive.
- (b) The Congress may, by law, authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff rates, import and export

quotas, tonnage and wharfage dues, and other duties or imposts within the framework of the national development program of the Government.

(c) Charitable institutions, churches, temples, masajid and parsonages or convents, madaris, non-profit cemeteries, and all lands, buildings, and improvements, actually, directly, and exclusively used for religious, charitable, or educational purposes shall be exempt from taxation.

(d) No law granting any Federal tax exemption shall be passed without the concurrence of a two-thirds of all the Members of each House of Congress, voting separately.

SECTION 29.

(a) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(b) No public money or property shall be appropriated, applied, paid, or employed, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or of any priest, preacher, minister, or other religious teacher, or dignitary as such, except when such priest, preacher, minister, imam, or dignitary is assigned to the armed forces, law enforcement agencies or to any penal institution, or government orphanage or hospitals.

(c) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

ARTICLE VIII EXECUTIVE DEPARTMENT

SECTION 1. The executive power of the Federal Republic is vested in the President.

SECTION 2. No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, holder of a college degree or its equivalent and on the day of the election, at least forty (40) years of age, and domiciled in the Philippines for at least ten (10) years immediately preceding such election.

SECTION 3. (a) There shall be a Vice-President who shall have the same qualifications and term of office as the President. The Vice-President shall be appointed as a Member of the Cabinet. The appointment shall not require confirmation.

SECTION 4.

(a) The President and the Vice-President shall be elected by direct vote of the people for a term of four (4) years, which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon on the same date four (4) years thereafter. Both the President and Vice President shall be eligible for reelection to one (1) term.

(b) A person who has succeeded to the office of the President and has served as such for at least two (2) years and has been elected as President for a fresh term shall be ineligible for election to the same office at any other time.

(c) The President and the Vice-President shall be elected as a team. A vote for the presidential candidate shall be counted as a vote for his or her vice presidential candidate.

(d) The returns of every election for President and Vice-President, duly certified by the board of canvassers of each Federated Region, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of canvass, the President of the Senate shall, not later than thirty (30) days after the day of the election, open all certificates in the presence of the Senate and the House of Representatives in joint public session, and the Congress, upon determination of the authenticity and due execution thereof in the manner provided by law, canvass the votes.

(e) The person having the highest number of votes shall be proclaimed elected, but in case two or more shall have an equal and highest number of votes, one of them shall forthwith be chosen by the vote of a majority of all the Members of both Houses of the Congress, voting jointly.

(f) The Congress shall promulgate its rules for the canvassing of the certificates of votes.

(g) The Presidential Electoral Tribunal, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President and Vice-President, as provided for in Section 18, Article IX of this Constitution.

SECTION 5. Before they enter on the execution of their office, the President, the Vice-President, or the Acting President shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President (or Vice-President or Acting President) of the Federal Republic of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

SECTION 6. The President shall have an official residence. The salaries of the President and Vice-President shall be determined by law and shall not be decreased during their tenure. No increase in said compensation shall take effect until after the expiration of the term of the incumbent during which such increase was approved. They shall not receive during their tenure any other emolument from the Government or any other source.

SECTION 7.

(a) The election for President and Vice President shall, unless otherwise provided by law, be held every second Monday of May and every four years thereafter. Their term of office commences at noon of the 30th of June following their election.

(b) If the President-elect fails to qualify, the Vice President-elect shall act as President until the President-elect shall have qualified.

(c) If at the beginning of their term, the President shall have died or shall have become permanently incapacitated, the Vice-President shall become President.

(d) Where no President and Vice-President shall have been elected or shall have qualified, or where both shall have died or become permanently incapacitated, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives shall act as President until a President or a Vice-President shall have been elected and qualified.

(e) The Congress shall, by law, provide for the manner in which one who is to act as President shall be selected until a President or a Vice-President shall have qualified, in case of death, permanent incapacity, or inability of the officials mentioned in the next preceding paragraph.

SECTION 8.

(a) In case of death, permanent incapacity, removal from office, or resignation of the President, the Vice-President shall become the President to serve the unexpired term. In case of death, permanent incapacity, removal from office, or resignation of both the President and Vice-President, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, shall then act as President until the President or Vice-President shall have been elected and qualified.

(b) The Congress shall, by law, provide who shall serve as President in case of death, permanent incapacity, or resignation of the Acting President. He shall serve until the President or the Vice-President shall have been elected and qualified, and be subject to the same restrictions of powers and disqualifications as the Acting President.

SECTION 9. In case of vacancy in the Office of the Vice President, the President shall appoint a Vice President from among the Members of the Senate or House of

Representatives who belong to the same political party or coalition of political parties as that of the President. Such appointment shall need no confirmation by Congress.

SECTION 10. The Congress shall, at ten o'clock in the morning of the third day after the vacancy in the offices of the President and Vice-President occurs, convene in joint session in accordance with its rules without need of a call and within seven (7) days enact a law calling for a special election to elect a President and a Vice-President to be held not earlier than forty-five (45) days nor later than sixty (60) days from the time of such call. The bill calling such special election shall be deemed certified under paragraph (b) Section 26, Article VII of this Constitution and shall become law upon its approval on third reading by the Congress voting jointly. Appropriations for the special election shall be charged against any current appropriations and shall be exempt from the requirements of subparagraph (d) Section 25 of Article VII of this Constitution. The convening of the Congress cannot be suspended nor the special election postponed. No special election shall be called if the vacancy occurs within eighteen (18) months before the date of the next presidential election.

SECTION 11.

(a) Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

(b) Whenever a majority of all the Members of the Cabinet transmit to the President of the Senate and to the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.

(c) Thereafter, when the President transmits to the President of the Senate and to the Speaker of the House of Representatives his written declaration that no inability exists, he shall reassume the powers and duties of his office. Meanwhile, should a majority of all the Members of the Cabinet transmit within five days to the President of the Senate and to the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Congress shall decide the issue. For that purpose, the Congress shall convene, if it is not in session, within forty-eight hours, in accordance with its rules and without need of call.

(d) If the Congress, within ten days after receipt of the last written declaration, or, if not in session, within twelve days after it is required to assemble, determines by a two-thirds vote of both Houses, voting separately, that the President is unable to discharge the powers and duties of his office, the Vice-President shall act as the President; otherwise, the President shall continue exercising the powers and duties of his office.

SECTION 12. In case of serious illness of the President, the public shall be informed of the state of his health. The Members of the Cabinet in charge of national security, foreign relations, and health, the Chief of Staff of the Armed Forces of the Philippines, and the personal physician of the President shall not be denied access to the President during such illness.

SECTION 13.

(a) The President, Vice-President, the Members of the Cabinet, and their Undersecretaries or Assistant Secretaries shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office.

(b) The spouse and relatives by consanguinity or affinity, legitimate or illegitimate, within the fourth civil degree of the President shall not, during his tenure, be appointed as members of the Constitutional Commissions, the Supreme Court, or as Secretaries, Undersecretaries, Chairpersons or Heads of bureaus or offices, including government-owned or controlled corporations and their subsidiaries.

SECTION 14. Appointments extended by an Acting President shall remain effective, unless revoked by the elected President within ninety days from his assumption or re-assumption of office.

SECTION 15. Three (3) months immediately before the next presidential elections and up to the end of his term, a President or Acting President shall not make appointments in any branch of government, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

SECTION 16.

(a) The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors, other public ministers and consuls, or officers of the Armed Forces from the rank of Major General or Rear Admiral, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Federal Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint.

(b) The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards.

(c) The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until after disapproval by the Commission on Appointments or until the next adjournment of the Congress.

SECTION 17. The President shall have control of all the executive departments, bureaus, and offices under the Federal Government. He shall ensure that the laws be faithfully executed.

SECTION 18.

(a) The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion.

(b) In case of invasion, rebellion, or lawless violence, when the public safety requires it, he may, for a period not exceeding sixty (60) days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. Within forty-eight (48) hours from the proclamation of martial law or the suspension of the privilege of the writ of habeas corpus, the President shall submit a report in person or in writing to the Congress. The Congress, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.

(c) The Congress, if not in session, shall, within twenty-four (24) hours following such proclamation or suspension, convene in accordance with its rules without any need of a call.

(d) The Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ or the extension thereof, and must promulgate its decision thereon within thirty days from its filing.

(e) A state of martial law does not suspend the operation of the Constitution, nor supplant the functioning of the civil courts or legislative assemblies, nor authorize the conferment of jurisdiction on military courts and agencies over civilians where civil courts are able to function, nor automatically suspend the privilege of the writ.

(f) The suspension of the privilege of the writ shall apply only to persons judicially charged for rebellion, or offenses inherent in or directly connected with invasion or lawless violence.

(g) During the suspension of the privilege of the writ, any person arrested or detained shall be judicially charged within three (3) days, otherwise, he shall be released.

SECTION 19. Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations, and pardons, remit fines and forfeitures, after conviction by final judgment of offenses defined by federal law or other penal legislation. He shall also have the power to grant amnesty with the concurrence of a majority of the members of Congress, voting jointly.

SECTION 20.

(a) The President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board of the Bangko Sentral ng Pilipinas, and subject to such limitations as may be provided by law.

(b) The Monetary Board shall, within thirty (30) days from the end of every quarter of the calendar year, submit to the Congress a complete report of its decisions on applications for loans to be contracted or guaranteed by the Government or government-owned and controlled corporations which would have the effect of increasing the foreign debt, and containing other matters as may be provided by law.

(c) When requested by Congress, the President and the Monetary Board shall submit to the Senate or the House of Representatives, or any of its committees, all documents and papers relative to such foreign loans.

SECTION 21. No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.

SECTION 22. The President shall submit to the Congress within thirty days from the opening of every regular session, as the basis of the general appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

SECTION 23. The President shall address the Congress at the opening of its regular session. He may also appear before it at any other time.

ARTICLE IX

JUDICIAL DEPARTMENT

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

SECTION 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5 hereof.

No law shall be passed reorganizing the Judiciary when it undermines the security of tenure of its Members.

SECTION 3. The Judiciary shall enjoy fiscal autonomy. Appropriations for the Judiciary may not be reduced by the legislature below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released.

SECTION 4.

(a) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit en banc or in its discretion, in division of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.

(b) All cases involving the constitutionality of a treaty, international or executive agreement, or law, which shall be heard by the Supreme Court en banc, and all other cases which under the Rules of Court are required to be heard en banc, including those involving the constitutionality, application, or operation of presidential decrees, proclamations, orders, instructions, ordinances, and other regulations, shall be decided with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

(c) Cases or matters heard by a division shall be decided or resolved with the concurrence of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon, and in no case without the concurrence of at least three of such Members. When the required number is not obtained, the case shall be decided en banc: Provided, that no doctrine or principle of law laid down by the court in a decision rendered en banc or in division may be modified or reversed except by the court sitting en banc.

SECTION 5. The Supreme Court shall have the following powers:

(a) Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.

(b) Review, revise, reverse, modify, or affirm on appeal or certiorari, as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

1. All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.

2. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

3. All cases in which the jurisdiction of any lower court is in issue.

4. All criminal cases in which the penalty imposed is reclusion perpetua or higher.

5. All cases in which only an error or question of law is involved.

(c) Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.

(d) Order a change of venue or place of trial to avoid a miscarriage of justice.

(e) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the under-privileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.

(f) Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

SECTION 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

SECTION 7.

- (a) No person shall be appointed Member of the Supreme Court or any lower collegiate court unless he is a natural-born citizen of the Philippines. A Member of the Supreme Court must be at least forty years of age, and must have been for fifteen years or more, a judge of a lower court or engaged in the practice of law in the Philippines.
- (b) The Congress shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar.
- (c) A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.

SECTION 8.

- (a) A Judicial and Bar Council is hereby created under the supervision of the Supreme Court composed of the Chief Justice as ex officio Chairman, the Secretary of Justice, and a representative of the Congress as ex officio Members, a representative of the Integrated Bar, a professor of law, a retired Member of the Supreme Court, and a representative of the private sector.
- (b) The regular members of the Council shall be appointed by the President for a term of four years with the consent of the Commission on Appointments. Of the Members first appointed, the representative of the Integrated Bar shall serve for four years, the professor of law for three years, the retired Justice for two years, and the representative of the private sector for one year.
- (c) The Clerk of the Supreme Court shall be the Secretary ex officio of the Council and shall keep a record of its proceedings.
- (d) The regular Members of the Council shall receive such emoluments as may be determined by the Supreme Court. The Supreme Court shall provide in its annual budget the appropriations for the Council.
- (e) The Council shall have the principal function of recommending appointees to the judiciary. It may exercise such other functions and duties as the Supreme Court may assign to it.

SECTION 9. The Members of the Supreme Court and judges of lower courts shall be appointed by the President from a list of at least three nominees preferred by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation. For the lower courts, the President shall issue the appointment within ninety days from the submission of the list.

SECTION 10. The salary of the Chief Justice and of the Associate Justices of the Supreme Court, and of judges of lower courts shall be fixed by law. During the continuance in office, their salary shall not be decreased.

SECTION 11. The Members of the Supreme Court and judges of the lower court shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court en banc shall have the power to discipline judges of lower courts, or order their dismissal by a vote of majority of the Members who actually took part in the deliberations on the issues in the case and voted in thereon.

SECTION 12. The Members of the Supreme Court and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative function.

SECTION 13. The conclusions of the Supreme Court in any case submitted to it for the decision en banc or in division shall be reached in consultation before the case the case assigned to a Member for the writing of the opinion of the Court. A certification to this effect signed by the Chief Justice shall be issued and a copy thereof attached to the record of the

case and served upon the parties. Any Member who took no part, or dissented, or abstained from a decision or resolution must state the reason therefor. The same requirements shall be observed by all lower collegiate court.

SECTION 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor.

SECTION 15.

(a) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

(b) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.

(c) Upon the expiration of the corresponding period, a certification to this effect signed by the Chief Justice or the presiding judge shall forthwith be issued and a copy thereof attached to the record of the case or matter, and served upon the parties. The certification shall state why a decision or resolution has not been rendered or issued within said period.

(d) Despite the expiration of the applicable mandatory period, the court, without prejudice to such responsibility as may have been incurred in consequence thereof, shall decide or resolve the case or matter submitted thereto for determination, without further delay.

SECTION 16. The Supreme Court shall, within thirty days from the opening of each regular session of the Congress, submit to the President and the Congress an annual report on the operations and activities of the Judiciary.

ARTICLE X

CONSTITUTIONAL COMMISSIONS

A. COMMON PROVISIONS

SECTION 1. There shall be independent Constitutional Commissions in the Federal Government.

SECTION 2. The Constitutional Commissions are the Federal Civil Service Commission, the Federal Commission on Elections, the Federal Commission on Audit, the Federal Commission on Human Rights, the Federal Ombudsman Commission, and the Federal Competition Commission.

SECTION 3 The Chairpersons and the Commissioners of the Constitutional Commissions shall be appointed by the President with the consent of the Commission on Appointments for a term of seven (7) years without reappointment.

SECTION 4. Appointment to any vacancy shall only be for the unexpired term of the predecessor. In no case shall any member be appointed or designated in a temporary or acting capacity. All vacancies shall be filled within ninety (90) days after they occur by the same appointing authority.

SECTION 5. Unless consistent with the primary functions of the office, no member of a Constitutional Commission, shall, during his tenure, hold any other office or employment. Neither shall they engage in the practice of any profession or in the active management or control of any business which in any way be affected by the functions of their office, nor shall

they be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the Government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

SECTION 6. All commissioners may be removed by impeachment.

SECTION 7. The salary of the Chairperson and the Commissioners shall be fixed by law. During their continuance in office, their salary shall not be decreased. Neither shall their retirement and other benefits be reduced.

SECTION 8. The Constitutional Commissions shall appoint their officials and employees in accordance with Federal Law.

SECTION 9. The Constitutional Commissions shall enjoy fiscal autonomy. Their appropriations may not be reduced by the legislature below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released. They shall have the power to retain and use their savings or income for any of their activities or undertakings except the grant of additional bonuses and incentives to their officials and personnel.

SECTION 10. Each Commission en banc may promulgate its own rules and regulations concerning pleadings and practice before it or before any of its offices. Such rules, however shall not diminish, increase, or modify substantive rights.

SECTION 11. In case of resignation, death, or permanent inability of the Chairperson of any Commission to discharge his or her functions, the most senior Commissioner shall serve as acting head until the appointment of a permanent one.

SECTION 12. No spouse or relative by consanguinity or affinity within the fourth civil degree of any of the Commissioners may personally appear as counsel or agent on any matter pending before the Commission concerned or transact business, directly or indirectly, therein during their incumbency and within one year from cessation of office.

B. FEDERAL CIVIL SERVICE COMMISSION

SECTION 1.

(a) There shall be a Federal Civil Service Commission that shall administer the civil service which embraces all branches, subdivisions, instrumentalities, and agencies of the Federal and Federated Regional Governments, including government-owned or controlled corporations with original charters and their subsidiaries.

(b) Appointments in the civil service shall be based solely on merit and fitness to be determined by competitive examination or other legal requirements, except to positions which are primarily confidential, policy determining and highly technical.

(c) No official or employee of the civil service shall be removed or suspended except for cause provided by law.

(d) No official or employee in the civil service shall engage, directly or indirectly, in any electioneering or partisan political campaign.

(e) The right to self-organization shall not be denied to all government employees.

(f) Temporary employees in government service shall be given such protection as may be provided by law.

SECTION 2. Only citizens of the Philippines may be appointed or hold public office. Those who hold dual citizenship shall, as a condition to the assumption of office or government employment, renounce allegiance to a foreign sovereignty. All public officers and employees shall take an oath or affirmation to uphold and defend this Constitution.

SECTION 3. No candidate who has lost in any election shall be appointed to any office in the Government or any government-owned or controlled corporations and in any of their subsidiaries within one (1) year after such election.

SECTION 4.

- (a) No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.
- (b) A person holding a public office or position, including active members of the armed forces, shall be considered ipso facto resigned from office upon filing of a certificate of candidacy.
- (c) Unless otherwise allowed by law, or by the primary functions of the position, no appointive official shall hold any other office or employment in the Federal and Federated Regional Governments or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations and their subsidiaries.

SECTION 5.

- (a) Unless specifically authorized by law, no elective or appointive public officer or employee shall receive additional, double, or indirect compensation, nor accept without the consent of the Federal Congress, any present, emolument, office, or title of any kind from any foreign government.
- (b) Pensions or gratuities shall not be considered as additional, double, or indirect compensation.

SECTION 6. No appointment in the civil service shall be made in favor of a relative within the fourth civil degree of consanguinity or affinity, of the appointing or recommending authority, or of the chief of the bureau or office or of the person exercising immediate supervision over the appointee.

SECTION 7. There shall be no discrimination against any person seeking employment in the civil service by reason of political or religious affiliations or opinions, sex, status, age, physical appearance or disability, or ethnicity.

SECTION 8.

- (a) The Federal Civil Service Commission, as the central human resource agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system; integrate all human resources development plans; enhance the capacities of all civil servants; establish standards for position classification and compensation, selection, recruitment, and placement of civil servants; and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Federal Congress an annual report on its human resource programs.
- (b) In the discharge of its duties, the Civil Service Commission shall not impair the autonomy of federated regions.
- (c) The Commission may review on appeal final orders and decisions of the Regional Civil Service Commission.

SECTION 9. The Federal Congress shall, upon consultation with the Federal Civil Service Commission, the Department of Budget and Management and the Department of Finance, provide for the minimum standards of compensation for public officials and employees, including those in government-owned or controlled corporations and their subsidiaries, taking into account the nature of the responsibilities pertaining to and the qualifications required for the positions.

SECTION 10.

(a) The Federal Civil Service Commission shall be composed of a Chairperson and two Commissioners who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) and not more than sixty-five (65) years of age, with proven capacity for public administration, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At least one Commissioner shall be a member of the Philippine Bar and has been engaged in the practice of law for at least ten (10) years.

(b) The Chairperson and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven (7) years without reappointment. Of those first appointed, the Chairperson shall hold office for seven (7) years and two members for five (5) years.

SECTION 11. The Federal Civil Service Commission shall coordinate with the Career Executive Service Board and its equivalent, in the implementation of the rules and standards in Career Executive Service (CES).

SECTION 12. The Federal Civil Service Commission shall decide by a majority vote of its members any case or matter brought before it within one year from the date of its filing. Decisions and rulings of the Commission shall be final and executory and may only be reviewed by the Federal Administrative Court on certiorari as the rules of the Federal Administrative Court may provide.

SECTION 13.

(a) There shall be a Civil Service Commission in each Federated Region which shall be guided by the minimum standards and policies set by the Federal Civil Service Commission.

(b) The Regional Assemblies may enact laws which provide for the standards, policies, qualifications, and compensation of public officials and employees under their respective jurisdictions equal to or higher than the minimum standards set by the Federal Congress, taking into account the nature of the responsibilities pertaining to the qualifications needed for the position, and the requirements in their respective regions. Such enactments shall govern the Regional Civil Service Commission.

SECTION 14. The Regional Governor shall appoint members of the Regional Civil Service Commission with the consent of the Regional Assembly. They may not be removed, except for cause as provided by law. The Regional Civil Service Commission shall have the authority to select their personnel and manage their respective offices.

FEDERAL COMMISSION ON ELECTIONS

SECTION 1.

(a) There shall be a Federal Commission on Elections composed of a Chairperson and six Commissioners, two from Luzon, two from Visayas and two from Mindanao with one representing the Bangsamoro, who shall be natural born citizens of the Philippines and, at the time of their appointments, at least thirty-five (35) years of age, holders of a college degree and must not have been candidates for any elective position in the immediately preceding elections. One should be a member of the Philippine bar and has been engaged in the practice of law for at least ten (10) years.

(b) The Chairperson and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven (7) years without reappointment. Of those first appointed, three Members shall hold office for seven (7) years, two Members for five (5) years, and the last Member for three (3) years, without reappointment.

SECTION 2. The Federal Commission on Elections shall exercise the following powers and functions:

- (a) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall;
- (b) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections;
- (c) Register political parties, organizations, or coalitions;
- (d) File petitions in court for inclusion or exclusion of voters;
- (e) Conduct investigations in cases involving election offenses for the purpose of filing criminal complaints before the appropriate prosecution offices;
- (f) Recommend to the Federal Congress effective measures to regulate election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies;
- (g) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision;
- (h) Submit to the President and the Federal Congress a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

SECTION 3. The Commission may, during the election period:

- (a) Supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities;
- (b) Supervise or regulate media of communication or information;
- (c) Supervise or regulate all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, time, and space, and the right to reply, including reasonable, equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

SECTION 4. No pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations shall be granted by the President without the favorable recommendation of the Commission.

SECTION 5. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety (90) days before the day of the election and shall end thirty (30) days after.

SECTION 6. Bona fide candidates for any public office shall be free from any form of harassment and discrimination.

SECTION 7. Funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the regular or special appropriations and, once approved, shall be released automatically upon certification by the Chairperson of the Federal Commission on Elections.

SECTION 8. The appreciation of ballots, counting of votes, and the overall conduct of any election, whether it be manual, automated or a combination of both, shall be accessible, verifiable, and open to public scrutiny at all stages.

SECTION 9. Not later than six months before any election, any registered voter or registered political party may file with the Federal Administrative Court a petition to determine

compliance with all processes, procedures and preparations relative to the conduct of the elections.

D. FEDERAL COMMISSION ON AUDIT

SECTION 1.

(a) There shall be a Federal Commission on Audit composed of a Chairperson and four (4) Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five (35) years of age, certified public accountants with not less than ten (10) years of auditing experience, or members of the Philippine Bar who have been engaged in the practice of law for at least ten (10) years, or management experts with extensive experience on quality management and quality standards, and must not have been candidates for any elective position in the election immediately preceding their appointment. At no time shall all Members of the Commission belong to the same profession.

(b) The Chairperson and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven (7) years without reappointment. Of those first appointed, the Chairperson shall hold office for seven (7) years, one (1) Commissioner for five (5) years, and the other Commissioner for three (3) years, without reappointment.

SECTION 2.

(a) The Federal Commission on Audit shall have the power, authority, and duty to examine, audit, and settle all accounts pertaining to the revenues and receipts of, and expenditures or uses of funds and properties, owned or held in trust by, or pertaining to, the Federal and Federated Regional Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations, and on a post-audit basis:

- (1) constitutional bodies, commissions and offices that have been granted fiscal autonomy under this Constitution;
- (2) autonomous state colleges and universities;
- (3) other government-owned or controlled corporations and their subsidiaries; and
- (4) such non-governmental entities receiving subsidy or equity, directly or indirectly, from or through the Government, which are required by law or the granting institution to submit to such audit as a condition of subsidy or equity.

(b) However, where the internal control system of the audited agencies is inadequate, the Commission may adopt such measures, including temporary or special pre-audit, as are necessary and appropriate to correct the deficiencies. It shall keep the general accounts of the Government and, for such period as may be provided by law, preserve the vouchers and other supporting papers pertaining thereto.

(c) The Commission shall have exclusive authority, subject to the limitations in this Article, to define the scope of its audit and examination, establish the techniques and methods required therefor, and promulgate accounting and auditing rules and regulations, including those for the prevention and disallowance of irregular, unnecessary, excessive, extravagant, or unconscionable expenditures, or uses of government funds and properties.

SECTION 3. No law shall be passed exempting any entity of the Federal or Federated Regional Government or its subsidiary in any guise whatever, or any investment of public funds, from the jurisdiction of the Federal Commission on Audit.

SECTION 4. The Commission shall submit to the President and the Congress, within the time fixed by law, an annual report covering the financial condition, operation, and performance of the Federal and Federated Regional Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and non-governmental entities subject to its audit, and recommend measures necessary to improve

their effectiveness and efficiency. It shall submit such other reports as may be required by law.

SECTION 5. The Congress shall enact a Federal Auditing Code that will include the manner and limits of audit scope on the Federal and Federated Regions and their instrumentalities, or any of their subdivision, agency or instrumentality, as well as government owned and controlled corporations with original charters or their subsidiaries, and the guidelines on the requirements for pre-audit. The Federal Commission on Audit shall promulgate auditing rules in conformity with the Federal Auditing Code. Subject to its rules and regulations, the Federal Commission on Audit shall conduct a pre-audit within a reasonable period on transactions or contracts and projects of paramount importance to economic development upon the request of the head of agency

E. FEDERAL COMMISSION ON HUMAN RIGHTS

SECTION 1.

- (a) There shall be a Federal Commission on Human Rights composed of a Chairperson and four (4) Commissioners who must be natural-born citizens of the Philippines and at the time of their appointment, at least thirty-five (35) years of age, holders of a college degree or its equivalent, and must not have been candidates for any elective position in the immediately preceding election.
- (b) The Chairperson and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven (7) years without reappointment. Of those first appointed, the Chairperson and two (2) Commissioners shall hold office for seven (7) years and two (2) Commissioners shall hold office for five (5) years.

SECTION 2. The Federal Commission on Human Rights shall have the following powers and duties:

- (a) Investigate, on its own or on complaint by any party, all forms of human rights violations involving, but not limited to, civil, political, socioeconomic, cultural and environmental rights, committed by state and non-state actors;
- (b) Recommend the prosecution of state and non-state actors to the proper authority for violation of human rights;
- (c) Exercise the power to cite in contempt in accordance with the Rules of Court;
- (d) Provide preventive measures and legal assistance to all victims whose human rights have been violated or need protection and in appropriate cases, conduct case build-up for prosecution of criminal offenses;
- (e) Exercise visitorial powers over jails, prisons, or analogous detention facilities. Provided, that in case of detention facilities inside military camps, the visitorial power can be exercised only upon the issuance of a court order allowing such;
- (f) Establish a continuing program on research, education, and information to enhance respect for the primacy of human rights in government and society;
- (g) Recommend to Congress legal and effective measures for the protection and promotion of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and to provide for remedies to victims of violations of human rights and their families;
- (h) Monitor the compliance by the Federal and Federated Regional Governments with treaty obligations on human rights;
- (i) Grant immunity and establish a witness protection program for persons whose testimony or whose possession of documents or other evidence is necessary to determine the truth in any investigation conducted by it or under its authority;
- (j) Coordinate with any department, bureau, office, or agency in the performance of its functions;
- (k) Coordinate with and render capacity-building assistance to all human rights agencies.

SECTION 3. A human rights violation is any violation of the rights guaranteed by this Constitution and by international human rights covenants and treaties to which the Philippines is a party, perpetrated by the state or by non-state actors.

F. FEDERAL OMBUDSMAN COMMISSION

SECTION 1. There shall be an Independent Federal Ombudsman Commission, composed of the Chief Ombudsman as Chairperson, and Four Associate Ombudsman representing Luzon, Visayas, Mindanao and the Federal Capital. In addition, an overall Deputy Ombudsman shall be appointed to assist the Ombudsman in general administration matters, a Deputy Ombudsman for the military establishment and the uniformed law enforcement offices, and at least one Deputy Ombudsman for each of the Federated Regions.

SECTION 2. The Chief Ombudsman, the Associate Ombudsman, the Deputies and the Special Prosecutor shall be natural-born citizens of the Philippines, and at the time of their appointment, at least forty-five (45) years old, of recognized probity and independence, and members of the Philippine Bar, and must not have been candidates for any elective office in the immediately preceding election. The Chief Ombudsman, the Associate Ombudsman and the Special Prosecutor must have been a judge or engaged in the active practice of law in the Philippines for at least 15 years.

SECTION 3. The existing Office of the Special Prosecutor shall continue to function and exercise its powers as now or hereafter may be provided by law, and shall be under the control and supervision of the Federal Ombudsman Commission.

SECTION 4. The Federal Chief Ombudsman, the Associate Ombudsman, the Deputies and the Special Prosecutor shall serve for a term of seven (7) years without reappointment. Of the Associate Ombudsman first appointed, two shall hold office for seven (7) years and two for five (5) years, without reappointment. They shall not be qualified to run for any office in the election immediately succeeding their cessation from office. Neither are they allowed to appear nor to practice before the Federal Ombudsman Commission within two (2) years following their cessation from office. Of those first appointed, the Chief Ombudsman and two (2) Associates shall hold office for seven (7) years and two (2)Associates for five (5) years, without reappointment.

SECTION 5. The Federal Chief Ombudsman and his Deputies, including the Special Prosecutor, shall not during their tenure, hold any other office or employment. They shall not, during said tenure, directly or indirectly practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporation or their subsidiaries.

SECTION 6. The Federal Ombudsman Commission, as an Anti-Corruption Commission and protector of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Governments, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations with original charters, and shall, in appropriate cases, notify the complainants of the action taken and the its result.

SECTION 7. The Federal Ombudsman Commission shall be the only authorized body to prosecute graft and corruption at the federal and regional levels of government and other offenses committed in relation to their office. The Office of the Special Prosecutor shall be responsible for the prosecution of all graft and corruption cases as herein provided.

SECTION 8. The Federal Ombudsman Commission shall decide, by a majority vote of all its members, any case or matter brought before it within one hundred twenty (120) days from the date of its filing. Unless otherwise provided by the Constitution or by law, any decision, order, or ruling of the Commission may be brought to the Federal Administrative Court by appeal or certiorari by the aggrieved party within thirty (30) days from its receipt.

SECTION 9. The Federal Ombudsman Commission shall have the following powers, functions and duties:

- (a) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient;
- (b) Exercise disciplinary authority over all elective and appointive officials of the Government and its subdivisions, instrumentalities and agencies, including members of the cabinet, local government, government-owned or controlled corporations and their subsidiaries, in accordance with paragraph (a), Section 9 hereof, except over officials who may be removed by impeachment; provided that when the penalty imposed is removal from the service, the evidence required shall be clear and convincing;
- (c) Direct, upon complaint or at its own instance, any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, as well as any government-owned or controlled corporations with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties;
- (d) Take appropriate action against a public officer or employee at fault or who neglect to perform an act or discharge a duty required by law, and order his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith;
- (e) Direct the officer concerned, in any appropriate case, and subject to such limitations as it may provide in its rules of procedure, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action;
- (f) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents;
- (g) Publicize matters covered by its investigation when circumstances so warrant and with due prudence;
- (h) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government, and make recommendations for their elimination and the observance of high standards of ethics and efficiency;
- (i) Punish for contempt in accordance with the Rules of Court and under the same procedure and with the same penalties provided; and
- (j) Promulgate its rules of procedure and exercise such other powers or perform such other functions or duties at the law may provide. The Federal Ombudsman Commission shall give priority to complaints filed against high ranking government officials such as presidential appointees and/or those occupying supervisory positions, complaints involving grave offenses, as well as complaints involving large sums of money and/or properties.

SECTION 10.

- (a) The Federal Ombudsman Commission may preventively suspend any officer or employee under his authority pending an investigation if in his judgment the evidence of guilt is strong and (1) the charge against such officer involves dishonesty, oppression or gross misconduct or neglect in the performance of duty; (2) the charges would warrant removal from the service; or (3) the respondent's continued stay in office may prejudice the case filed against him.
- (b) The preventive suspension shall continue until the investigation is terminated by the Federal Ombudsman Commission but in no case shall it exceed six (6) months, except when

the delay in the disposition of the case is due to the fault, negligence or upon the petition of the respondent, in which case the period of such delay shall not be counted in computing the period of preventive suspension herein provided.

SECTION 11.

- (a) No writ of injunction shall be issued by any court to delay an investigation being conducted by the Federal Ombudsman Commission, unless there is a *prima facie* evidence that the subject matter of the investigation is outside the jurisdiction of the Office of the Federal Ombudsman Commission.
- (b) The Federal Administrative Court shall hear through appeal or certiorari any appeal or application for remedy against the decision or findings of the Federal Ombudsman Commission.

SECTION 12.

- (a) In accordance with the law and the Rules of Court, the Federal Ombudsman Commission may grant immunity from criminal prosecution to any person whose possession and production of documents or other evidence may be necessary to determine the truth in any of its hearing, inquiry or proceeding.
- (b) The immunity granted shall not exempt the witness from criminal prosecution for perjury or false testimony, nor shall he be exempt from demotion or removal from office.

G. FEDERAL COMPETITION COMMISSION

SECTION 1. There shall be an independent Federal Competition Commission.

SECTION 2.

- (a) The Commission shall be composed of a Chairperson and four Commissioners who must be natural born citizens of the Philippines, and at the time of their appointment at least thirty-five (35) years of age, of good moral character, of recognized probity and independence, and must have distinguished themselves professionally in public, civic or academic service in any of the following fields: economics, law, finance, commerce or engineering. They must have been in the active practice of their professions for at least ten (10) years, and must not have been candidates for any elective national or local office in the immediately preceding elections, whether regular or special. However, at least one shall be a member of the Philippine Bar with at least ten (10) years of experience in the active practice of law, and at least one shall be an economist.
- (b) The Chairperson and the Commissioners, who shall be appointed with the consent of the Commission on Appointments, shall be appointed by the President for a term of seven (7) years without reappointment. Of the first set of appointees, the Chairperson shall hold office for seven (7) years, and of the first four Commissioners, two shall hold office for a term of seven (7) years and two for a term of five (5) years.

SECTION 3. The Chairperson and the Commissioners shall avoid conflict of interest in the conduct of their office. They shall not be allowed to personally appear or practice as counsel or agent on any matter pending before the Commission for two (2) years following their cessation from office.

SECTION 4. The Commission shall enforce and implement of all laws and regulations on competition. It shall exercise the following powers and duties:

- (a) Conduct inquiry, investigate, hear and decide cases involving any violation of competition laws upon receipt of a verified complaint or at their instance or upon referral by the concerned regulatory agency, and institute the appropriate civil or criminal proceedings;
- (b) Review proposed mergers and acquisitions, joint ventures, and other business combinations that substantially lessen competition in the relevant market;

- (c) Monitor and undertake consultation with stakeholders and affected agencies for the purpose of understanding market behavior;
- (d) After notice and hearing and upon finding based on substantial evidence that an entity has entered into an anti-competitive agreement or has abused its dominant position, stop or redress the same by applying remedies such as, but not limited to, issuance of injunctions, requirement of divestment, and disgorgement of excess profits;
- (e) Conduct administrative proceedings, impose sanctions, fines or penalties for any noncompliance with or breach of competition laws and regulations, and punish for contempt as provided by law;
- (f) Issue subpoena duces tecum and subpoena ad testificandum, require the production of books, records, or other documents or data which relate to any matter relevant to the investigation and personal appearance before the Commission, summon witnesses, administer oaths, and issue interim orders, such as show cause orders and cease and desist orders after due notice and hearing as provided by law;
- (g) Upon order of the court, undertake inspections of business premises and other offices, land and vehicles, as used by the entity, where it reasonably suspects that relevant books, tax records, or other documents which relate to any matter relevant to the investigation are kept in order to prevent the removal, concealment, tampering with, or destruction of the books, records, or other documents;
- (h) Issue adjustment or divestiture orders including orders for corporate reorganization or divestment in the manner and under such terms and conditions as provided by law;
- (i) Deputize any and all enforcement agencies of the government or seek the aid and support of any private institution, corporation, entity or association, in the implementation of its orders and directives;
- (j) Monitor compliance by the person or entities concerned with the cease and desist order or consent judgment;
- (k) Issue advisory opinions and guidelines on competition matters for the effective enforcement of competition laws and submit annual and special reports to Congress, including proposed legislation for the regulation of commerce, trade, or industry;
- (l) Monitor and analyze the practice of competition in markets that affect the Philippine economy; implement and oversee measures to promote transparency and accountability; and ensure that prohibitions and requirements of competition laws are adhered to;
- (m) Conduct, publish, and disseminate studies and reports on anti-competitive conduct and agreements to inform and guide the industry and consumers;
- (n) Act as the official representative of the Philippine government in international competition matters, and promote capacity building and the sharing of best practices with other competition-related bodies;
- (o) Advocate pro-competitive policies of the government by: (1) reviewing economic and administrative regulations, on its own or upon request, as to whether or not they adversely affect relevant market competition, and advising the concerned agencies against such regulations; and (2) advising the Executive Department on the competitive implications of government actions, policies and programs; and
- (p) Perform such other functions as may be provided by law.

SECTION 5. Any three members of the Commission shall constitute a quorum and the affirmative vote of three members shall be necessary for the adoption of any rule, ruling, order, resolution, decision, or other acts of the Commission. Cases before the Commission shall be decided within one hundred twenty (120) days from filing and its decisions may be elevated to the Federal Administrative Court by appeal or certiorari. The appeal shall not stay the order, ruling or decision sought to be reviewed, unless the Federal Administrative Court directs otherwise.

ARTICLE XI

FEDERATED REGIONS AND THE AUTONOMOUS FEDERATED REGIONS OF BANGSAMORO AND THE CORDILLERAS

SECTION 1. The Federal Republic shall consist of nine (9) Federated Regions, the Bangsamoro and the Federated Cordillera Region. Their apportioned component units are in the appended Ordinance I of this Constitution. Congress may, by law, create, abolish, merge and divide the Regions and determine their constituent political subdivisions, subject to the ratification by the people in a referendum held for the purpose in the political subdivisions affected. The proposed nine (9) Federated Regions, four (4) of which are located in Luzon, three (3) in Visayas and two (2) in Mindanao shall be composed of the following:

- (a) National Capital Region
- (b) Northern Luzon Region
- (c) Southern Luzon Region
- (d) Bicol Region
- (e) Western Visayas Region
- (f) Central Visayas Region
- (g) Eastern Visayas Region
- (h) Northern Mindanao Region
- (i) Southern Mindanao Region

SECTION 2. All Federated Regions are permanent and indissoluble parts of the Federal Republic of the Philippines. It is prohibited for anyone to advocate, demand for, or support the secession of any Federated Region from the Federal Republic.

SECTION 3. The government of the Federated Region shall consist of the Regional Legislative, the Regional Executive, and the Regional Judiciary.

A. THE FEDERATED REGIONAL LEGISLATURE

SECTION 4. Except for the Federated Region of the Bangsamoro and the Federated Region of the Cordilleras, the Legislature of each Federated Region shall be known as the Regional Assembly on which the legislative power is vested.

SECTION 5. The Regional Assembly shall be composed of duly elected assembly members, half representing each province, highly urbanized city, and independent chartered city, and half representing political parties through proportional representation.

- (a) (a) Each province, highly urbanized city, and independent chartered city shall have one representative to be elected by their respective voters.
- (b) The representatives from the political parties shall be elected by the voters of the region. The four (4) political parties that obtained the highest number of votes shall be entitled to seats in the Assembly in proportion to the votes cast in their favor following their closed list.

SECTION 6. Political parties shall advocate clear principles and programs of regional governance. They shall ensure fair representation of the constituent units of the Federated Regions and promote the interests of the marginalized and underrepresented sectors. Their elected members in the assembly shall advance their party principles and programs. Failure to fulfill these requirements may be ground for the disqualification of the party from participating in elections and discipline of the erring member.

SECTION 7. No person may be a member of the Regional Assembly unless he is a natural-born citizen, a registered voter, able to read and write, at least twenty-five (25) years of age on the day of the election, and domiciled in the Federated Region for at least five (5) years immediately preceding the election.

SECTION 8. They shall serve for a term of four (4) years. Their term shall commence at noon of the 30th of June following their election, unless otherwise provided by regional law.

No assembly member shall serve for more than two (2) terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term of which he was elected.

SECTION 9. The Regional Assembly shall elect, on their first session and by a majority vote from all its members the President Pro-Tempore and the other officers of the Assembly. The Regional Assembly shall adopt its own rules which shall provide for its officers, quorum, conduct of sessions, process of legislation, voting, discipline, privileges and immunities of its members, journal of proceedings, vacancies and matters related to the exercise of the legislative power within the framework of this Constitution.

SECTION 10. No bill shall become a Regional Law unless it is passed in accordance with the Assembly rules and signed by the Regional Governor. If the Regional Governor chooses to veto the bill, he shall return it to the Assembly stating the reasons for the veto. The Regional Assembly may override the veto of the Governor by a vote of two-thirds (2/3) of all its members. When the Regional Governor fails to act on a bill within a period of fifteen (15) calendar days, the bill shall be considered in effect as law after the fifteenth day.

SECTION 11. Members of the Regional Assembly shall, upon their assumption to office, make full disclosure of their financial and business interests, including those of their spouses and children. They shall notify the Regional Assembly of any potential conflict of interest that may arise from the filing of bills or resolutions of which they are authors. Non-compliance shall be subject to disciplinary action by the Regional Assembly in accordance with its Rules and without prejudice to other liabilities as provided by law.

SECTION 12. No member of the Regional Assembly shall during their term, engage directly or indirectly, in any business or commercial enterprise where there is conflict of interest with the functions of their office.

SECTION 13. The Regional Assembly, or any of its respective committees, may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

SECTION 14. The Regional Assembly may not increase the appropriations recommended by the Regional Governor for the operation of the Regional Government as specified in the budget. The form, content and manner of preparation of the budget shall be prescribed by law.

Section 15. The records and books of accounts of the Regional Assembly shall be preserved and open to the public in accordance with regional law, and such books shall be audited by the regional audit commission which shall publish annually an itemized list of amounts paid to and expenses incurred for each member.

B. THE REGIONAL EXECUTIVE

SECTION 16. The Regional Executive Power shall be vested in the Regional Governor. There shall be a Deputy Regional Governor who will be the Presiding Officer of the Regional Assembly. The Governor and the Deputy Regional Governor shall be elected as a team.

SECTION 17.

(a) The Regional Governor and the Deputy Regional Governor shall be elected by majority of the Regional Assembly from among its members.

(b) The Regional Governor and the Deputy Regional Governor shall have a term of four (4) years, subject to one re-election.

(c) The Regional Assembly shall enact a law which shall provide for the accountabilities, compensation, discipline, removal, vacancy and succession of the Regional Governor and Deputy Regional Governor.

SECTION 18. The Regional Governor shall have the following powers and duties:

- (a) To head the government of the Federated Region and exercise general supervision over its component local governments;
- (b) To faithfully execute all federal laws applicable in the region consistent with the Constitution;
- (c) To faithfully execute all regional laws;
- (d) To appoint heads of executive departments, agencies, bureaus and offices of the Federated Region or other officers of the regional government owned and controlled corporations or entities with original charters;
- (e) To appoint other officers and employees in the Regional Government, as may be provided by the Assembly;
- (f) To formulate the Regional Expenditure Program of government;
- (g) To enter into contracts and agreements for the benefit of the region in accordance with regional laws and this Constitution; and
- (h) To exercise other powers and duties as may be provided by regional law.

SECTION 19. The Regional Governor and Deputy Regional Governor shall not during their term, engage directly or indirectly, in any business or commercial enterprise where there is conflict of interest with the functions of their office.

SECTION 20. In case of calamities or when public order and safety require, the Regional Governor may declare a state of emergency within the Federated Region.

SECTION 21. The Regional Governor shall exercise the power to pardon or to commute sentences as well as to remit fines and forfeitures for crimes in violation of regional laws.

C. THE REGIONAL JUDICIARY

SECTION 22. The Regional Assembly shall provide for a Regional Supreme Court, Regional Courts of Appeal, Regional Trial Courts in component provinces, cities and municipalities and such Lower Courts and Special Courts, and define their jurisdiction in accordance with the Constitution.

D. BANGSAMORO AND CORDILLERA

SECTION 23. There is hereby created a Federated Cordillera Region and an Autonomous Region of the Bangsamoro which shall recognize the ethnicity, culture, religion, customs, traditions, language and distinct identities of their people. The Federal Constitution acknowledges the asymmetrical character of the Bangsamoro and the Federated Region of the Cordilleras.

SECTION 24. The creation of the Bangsamoro is in recognition of the justness and legitimacy of the cause of the Bangsamoro people and aspirations to chart their political future through a democratic process that will secure their identity and posterity, and allow for meaningful self-governance within the framework of the Constitution, and the national sovereignty and territorial integrity of the Federal Republic of the Philippines.

SECTION 25. The Bangsamoro Organic Act, signed by the president and duly ratified by plebiscite, is appended as Ordinance II of the Federal Constitution.

SECTION 26. Within the framework of the Federal Constitution, the Bangsamoro Parliament may enact necessary and appropriate legislation to complement and implement their Organic Act.

SECTION 27. The Federated Cordillera Region shall be composed of the provinces of Abra, Apayao, Benguet, Ifugao, Kalinga, Mountain Province, the City of Baguio, and the component city of Tabuk.

SECTION 28. The Federated Region of the Cordilleras shall enjoy all powers, duties and privileges of a Federated Region, and such other powers, duties, and privileges, including ancestral domains, ancestral lands, land classification, and matters affecting customary laws and traditions. The Federated Region of the Cordilleras shall be entitled to seventy-five (75%) percent share of all net revenues in the exploration, development and utilization of natural resources in the region

Section 29. There shall be an Organic Act of the Federated Region of Cordilleras which shall be consistent with this Constitution and which shall provide, among others, for the political territory, structure of its government, powers of its constituent units, accountability of its officials, and mechanisms to ensure fair representation of the interests of all its people. The creation, abolition, division or merger of its constituent units shall also be provided in the Organic Act.

SECTION 30. The structure of the Cordillera Regional Government shall be as follows:

- (a) The executive power shall be vested in the Regional Governor who shall be elected at large by direct vote of the registered voters in the Cordilleras.
- (b) The legislative power shall be vested in the Regional Assembly, without prejudice to the people of the Cordilleras directly exercising legislative power pursuant to the provisions of initiative and referendum. The Deputy Regional Governor shall be elected at large by direct vote of the registered voters in the Cordilleras and shall be the Presiding Officer of the Regional Assembly.
- (c) Each province and city shall elect by direct vote of the registered voters in the constituent unit their representatives to the Regional Assembly. Every chartered city in the Federated Region is entitled to two (2) representatives to the Regional Assembly. Every component city is entitled to one (1) representative. Every province shall be entitled to two (2) representatives. In case there are two (2) legislative districts in the province, each district shall be entitled to one (1) representative.

Section 31. The Organic Act of the Cordilleras' Regional Assembly must be ratified by a majority of the votes cast in all provinces, highly-urbanized cities, and independent component cities, in a plebiscite called for that purpose.

ARTICLE XII

DISTRIBUTION OF POWERS OF THE GOVERNMENT

SECTION 1. The Federal Government shall have exclusive power over:

- (a) Defense, security of land, sea, and air territory;
- (b) Foreign affairs;
- (c) International trade;
- (d) Customs and tariffs;
- (e) Citizenship, immigration and naturalization;
- (f) National socio-economic planning;
- (g) Monetary policy and federal fiscal policy, banking, currency;
- (h) Competition and competition regulation bodies;

- (i) Inter-regional infrastructure and public utilities, including telecommunications and broadband networks;
- (j) Postal service;
- (k) Time regulation, standards of weights and measures;
- (l) Promotion and protection of human rights;
- (m) Basic education;
- (n) Science and technology;
- (o) Regulation and licensing of professions;
- (p) Social security benefits;
- (q) Federal crimes and justice system;
- (r) Law and order;
- (s) Civil, family, property, and commercial laws, except as may be otherwise provided for in the Constitution;
- (t) Prosecution of graft and corruption cases;
- (u) Intellectual property; and
- (v) Elections.

SECTION 2. Within their regional territory, the Federated Region shall have exclusive power over:

- (a) Socio-economic development planning;
- (b) Creation of sources of revenue;
- (c) Financial administration and management;
- (d) Tourism, investment, and trade development;
- (e) Infrastructure, public utilities and public works;
- (f) Economic zones;
- (g) Land use and housing;
- (h) Justice system;
- (i) Local government units;
- (j) Business permits and licenses;
- (k) Municipal waters;
- (l) Indigenous peoples' rights and welfare;
- (m) Culture and language development;
- (n) Sports development; and
- (o) Parks and recreation.

SECTION 3. Powers which are given to the exclusion of other political authorities are exclusive powers. Exclusive powers are given to the Federal Government and the Federated Regions.

SECTION 4. Powers not exclusively given to either the Federal Government or to the Federated Regions are shared powers. They fall within the relative competencies of the Federal Government and the Regional Government and can be exercised jointly or separately. In case of dispute or conflict in their exercise, the federal power shall prevail.

SECTION 5. Powers which are not exclusively given to the Federal Government or to the Federated Regions nor shared by them and not prohibited by the Constitution are reserved powers. Reserved powers shall be vested in the Federal Government

ARTICLE XIII FISCAL POWERS AND FINANCIAL ADMINISTRATION

SECTION 1. The Federal Government shall have the power to levy and collect all taxes, duties, fees, charges, and other impositions except the power to tax granted to the Federated Regions.

SECTION 2. The Federated Regions shall have the power to levy and collect the following taxes, licenses and fees:

- (a) Real Property Tax;
- (b) Estate Tax;
- (c) Donor's Tax;
- (d) Documentary Stamp Tax;
- (e) Professional Tax;
- (f) Franchise Tax;
- (g) Games and Amusement Tax;
- (h) Environmental Tax, Pollution Tax, and similar taxes;
- (i) Road Users Tax;
- (j) Vehicle Registration Fees;
- (k) Transport Franchise Fees; and
- (l) Local taxes and other taxes which may be granted by federal law

SECTION 3. The Federal Government and the Federated Regions shall ensure that taxation shall be uniform, equitable and progressive. No double taxation shall be allowed.

SECTION 4. The Federated Regions shall be given a share of not less than fifty percent (50%) of all the collected taxes on income, excise, VAT, and customs duties, which shall be equally divided among them and automatically released.

SECTION 5. There shall be an Equalization Fund which shall not be less than three percent (3%) of the annual General Appropriations Act. The Fund shall be distributed based on the needs of each region, with priority to those that require support to achieve financial viability and economic sustainability as determined by the Federal Intergovernmental Commission.

SECTION 6. The Federal Congress, through the annual General Appropriations Act, may provide additional finances for the regions to effectively and efficiently deliver government services to their constituents.

SECTION 7. The Federated Regions shall be entitled to fifty percent (50%) of all net revenues derived from the exploration, development, and utilization of all natural resources within their territory.

FEDERAL INTERGOVERNMENTAL COMMISSION

SECTION 8. A Federal Intergovernmental Commission is hereby created composed of the Chairman and fifteen (15) members. The Chairman and two (2) members shall be appointed by the President, two (2) members from the House of Representatives, two (2) members from the Senate, four (4) members, appointed by the Council of Regional Governors, one (1) from the Bangsamoro to be appointed by their Regional Assembly, one (1) from the Federated Region of the Cordilleras to be appointed by their Regional Assembly, and the Secretaries of the Department of Budget and Management and Department of Finance. The four (4) regular members to be appointed by the Council of Regional Governors should be experts in law, economy, governance, and public finance.

SECTION 9. The Federal Intergovernmental Commission shall have the following powers and duties:

- (a) To administer the equalization fund and assist the Federated Regions in need in order to attain economic viability and sustainability;
- (b) To formulate programs and policies in regard to grants-in-aid and fund transfers that will address the specific economic needs of the regions;
- (c) To ascertain the effectiveness and efficiency of the fiscal administration and management of the regional governments;

- (d) To assess the sufficiency of the regional governments in raising revenues to determine and reduce causes of financial imbalance;
- (e) To promote friendly and cooperative relationship among the regions through the use of conciliation and mediation practices in the resolution of their disputes;
- (f) To provide for a system of equitable allocation of resources that will enable the people to achieve the goals of establishing a Federal Republic in accordance with the Constitution;
- (g) To recommend to Congress the passage of laws to support the foregoing powers; and
- (h) To promulgate its own rules.

SECTION 10. There shall be a Council of Regional Governors composed of all the elected Regional Governors, including the Regional Governor of the Federated Region of the Cordilleras and the Bangsamoro. The Council shall promulgate its rules and elect its officers.

SECTION 11. The Council of Regional Governors shall have the following powers and duties:

- (a) To appoint their representatives to the Federal Intergovernmental Commission;
- (b) To ensure that their regional development plan is aligned with the federal policies and programs;
- (c) To conciliate and mediate interregional disputes; and
- (d) To recommend the enactment of laws to the Federal Congress for the economic development and fiscal sustainability of the regions.

ARTICLE XIV ACCOUNTABILITY OF PUBLIC OFFICERS

SECTION 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

SECTION 2. The President, the Vice-President, the Members of the Federal Supreme Court, Federal Constitutional Court, Federal Administrative Court, Federal Electoral Court, and the Members of the Constitutional Commissions, may be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law but not by impeachment.

SECTION 3. There shall be a Joint Impeachment Committee to be created by Congress.

- (a) Upon its convening, the Congress shall constitute a Joint impeachment Committee to be composed of the President of the Senate and twelve Members from each house. The Senate President shall act as its Presiding Officer and shall not vote except to break a tie.
- (b) The Members of the Committee shall be elected by each house on the basis of proportional representation of the political parties in each house.
- (c) The Committee shall be organized in accordance with the rules promulgated by each House. The Committee shall promulgate its own rules and procedures.
- (d) Any impeachment complaint shall be filed directly with the Committee, which shall determine whether the complaint is sufficient in form and substance.
- (e) Upon finding that the complaint is sufficient in form and substance, the Committee shall determine the existence of probable cause.
- (f) If by majority vote, the Committee finds probable cause, it shall issue an indictment resolution together with the Articles of Impeachment and file it before the Federal Constitutional Court or the Federal Administrative Court, as the case may be.

SECTION 4. The right of the Federal Republic to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches, or estoppel.

SECTION 5. No loan, guaranty, or other form of financial accommodation for any business purpose may be granted, directly or indirectly, by any government-owned or controlled bank or financial institution to the President, the Vice-President, the Members of the Cabinet, the Congress, the Federal Supreme Court, Federal Constitutional Court, Federal Administrative Court, Federal Electoral Court, and the Constitutional Commissions, or to any firm or entity in which they have controlling interest during their tenure.

SECTION 6. A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Federal Supreme Court, Federal Constitutional Court, Federal Administrative Court, Federal Electoral Court, the Constitutional Commissions and other Constitutional Offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law.

SECTION 7. Public officers and employees owe the State and this Constitution perpetual allegiance, and any public officer or employee who seeks to change his citizenship or acquire the status of an immigrant of another country during his tenure shall be dealt with by law.

ARTICLE XV **NATIONAL ECONOMY AND PATRIMONY**

SECTION 1.

(a) (a) The Philippine Economic System seeks an equitable distribution of opportunities, income, and wealth through sound and efficient use of human and natural resources. It is directed at a sustainable increase in the amount of goods and services produced by the State for the benefit of all sectors of society, especially the underprivileged.

(b) The Federal Republic shall promote a comprehensive strategy for full employment, through industrialization and sound development of agriculture and service sectors, which are competitive in both domestic and foreign markets. The State shall at all times protect Filipino enterprises against unfair foreign competition and trade practices.

(c) In the pursuit of these goals, all sectors of the economy and all regions of the country shall be given optimum opportunity to develop. Private enterprises, including corporations, cooperatives, and similar collective organizations, shall be encouraged to broaden the base of their ownership.

SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State and shall not be alienated except lands of public domain provided herein as alienable.

SECTION 3.

(a) Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks; Provided that reclaimed lands shall be classified as agricultural lands. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted as residential, commercial, or industrial.

(b) Filipino citizens and private corporations or associations whose shares of stocks are owned or controlled at least sixty percent (60%) by Filipino citizens, may lease not more than one thousand hectares of alienable lands of the public domain for a period not exceeding twenty-five years, renewable for another twenty-five years.

(c) Citizens of the Philippines may lease not more than five hundred hectares of alienable lands of the public domain or acquire not more than twelve hectares thereof by purchase, homestead, or grant.

(d) Congress may, by law, change the requirements for lease of alienable lands under this section, considering the general welfare of the people and the necessities of conservation, ecology, development, and agrarian reform.

SECTION 4.

(a) The exploration, development, and utilization of natural resources shall be a shared power of the Federal and Federated Regions. Within their respective competencies, they may determine the manner and extent of their exploration, development, and utilization. They may directly undertake such activities, or they may enter into co-production, joint venture, or productionsharing agreements with Filipino citizens, or entities at least sixty percent (60%) of whose voting capital is owned by Filipino citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for another twenty-five years.

(b) They may also enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils. They shall notify their respective legislatures of every contract entered into within thirty days from its execution.

(c) The small-scale utilization of natural resources by Filipinos, especially the marginalized, shall be allowed and protected.

(d) Congress may, by law, change the voting capital requirement under this section considering the federal and regional interest of the people.

SECTION 5. The marine wealth of the nation which lies in its archipelagic waters, territorial sea, and exclusive economic zone is reserved exclusively to Filipino citizens. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of waterpower, beneficial use may be the measure and limit of the grant. Cooperative fish farming, with priority to subsistence fishermen and fish workers in rivers, lakes, bays, and lagoons, shall be allowed and protected.

SECTION 6. Save in cases as provided by federal law or in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

SECTION 7. Notwithstanding the provisions of Section 6 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law.

SECTION 8. Congress shall enact a comprehensive federal land use policy that shall provide the minimum standards for the Federated Regions in the rational, holistic, and just approach for the allocation, utilization, development and management of the country's land and water resources. It shall include the regulation of activities that bear impact on said resources. Regional Assemblies may legislate other standards in the pursuit of its activities, provided that they are not below the minimum standards set forth in the policy.

SECTION 9. The Federal Republic shall, subject to the provisions of the Constitution and national development policies and programs, respect the primacy of customary laws of indigenous peoples to their ancestral domains and lands, and all resources found therein to ensure their economic, social, and cultural well-being. Ancestral domains which are communal properties cannot be alienated.

SECTION 10. The Federal Government, in consultation with the Federated Regions, shall continue to undertake an agrarian reform program. It shall promulgate policies and guidelines for:

(a) Selection, acquisition, and distribution of lands for agrarian reform, which considers not only the total area of the lands, but also their contiguity and potential for productivity;

- (b) Identification of beneficiaries, which considers not only individuals, but whole families and communities and similar entities;
- (c) Provision of complete system of technical and financial support for beneficiaries and small land owners; and
- (d) Creation of a system of incentives to landowners for the voluntary offer of land for agrarian reform and the investment of its proceeds to promote industrialization, employment, and agriculture development.

SECTION 11. The Federal and Regional governments shall regulate and prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

SECTION 12.

- (a) The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens.
- (b) Only Filipino citizens or corporations or associations at least seventy percent (70%) of whose voting capital is owned by such citizens, shall be allowed to engage in the advertising industry.
- (c) Congress may, by law, change the voting capital requirement under this section considering public welfare and national security, and for this purpose, such entities shall be managed by citizens of the Philippines.

SECTION 13. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines, at least sixty percent (60%) of whose voting capital stocks are owned by such citizens; nor shall such franchise, certificate, or authorization be exclusive in character for a period longer than twenty-five years, renewable for another twenty-five years. Neither shall any such franchise or right be granted except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the common good so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited and proportionate to their voting capital. Congress may, by law, change the voting capital requirement and period of the franchise under this section considering public welfare and national security, and for this purpose, such entities shall be composed by citizens of the Philippines.

SECTION 14. The practice of all professions in the Philippines shall be limited to Filipino citizens save in cases provided by federal law and international agreements providing for reciprocity.

SECTION 15.

- (a) Educational institutions, other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations at least sixty percent (60%) of the capital of which is owned by such citizens.
- (b) Congress may, by law, change the voting capital requirement under this section considering public welfare and national security, and for this purpose, such entities shall be managed by citizens of the Philippines.
- (c) No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this subsection shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

SECTION 16. The use of property bears a social function, and all economic agents shall contribute to the common good. Qualified individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

SECTION 17. The Federal Republic shall regulate and exercise authority over foreign investments in accordance with its national goals and priorities and the general welfare of the people. In the grant of rights, privileges, and concessions covering the national economy and patrimony, preference shall be given to qualified Filipinos.

SECTION 18. In times of national emergency or when the public interest or national security so requires, the State may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest.

SECTION 19. The Congress shall promote and protect the viability and growth of cooperatives as instruments for social justice and economic development.

SECTION 20. The State shall promote the preferential use of Filipino labor, domestic materials, and locally produced goods, and adopt measures that help make them competitive.

SECTION 21. The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity.

SECTION 22. The sustained development of a reservoir of national talents consisting of Filipino scientists, entrepreneurs, artists, professionals, managers, high-level technical manpower, skilled workers and craftsmen in all fields shall be promoted by the State. The State shall encourage appropriate technology and regulate its transfer for the national benefit.

SECTION 23. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations. Government-owned or controlled corporations may be created or established by special charters in the interest of the common good and subject to the tests of economic viability.

SECTION 24. The State may, in the interest of national welfare or defense, establish and operate vital industries and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

SECTION 25. An independent economic and planning agency headed by the President shall, after consultations with the appropriate public agencies, the private sector, and the Federated Regions, recommend to Congress and implement continuing integrated and coordinated programs and policies for national development. The National Economic Development Authority, operating under existing laws, shall function as the independent planning agency of the Federal Government, unless otherwise provided by federal law.

SECTION 26.

(a) An independent central monetary authority shall provide policy direction in the areas of money, banking, and credit. It shall have supervision over the operations of banks and exercise such regulatory powers as may be provided by law over the operations of finance companies and other institutions performing similar functions.

(b) The members of its governing board must be natural-born Filipino citizens, of known probity, integrity, and patriotism, the majority of whom shall come from the private sector.

They shall also be subject to such other qualifications and disqualifications as may be prescribed by law.

(c) The BangkoSentral ng Pilipinas, operating under existing laws, shall function as the central monetary authority, unless otherwise provided by federal law.

SECTION 27. Foreign and domestic loans by the Federal and Regional governments may only be incurred in accordance with federal law and with the prior concurrence of the Monetary Board of the BangkoSentral ng Pilipinas; Provided that for domestic loans of the Federated Regions, prior consultation with the Monetary Board to determine compliance with generally accepted standards of creditworthiness and fiscal stability, shall be sufficient. Information on these loans obtained or guaranteed by the Government shall be made available to the public.

ARTICLE XVI

SOCIAL JUSTICE

SECTION 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

SECTION 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

LABOR

SECTION 3.

(a) The Federal Republic shall protect the rights of labor, particularly the right to just and living wages, security of employment, organization, and redress of grievances.

(b) No person shall be denied employment by reason of age, gender, political or religious belief, ethnicity, status, physical appearance or disability, and other conditions that amount to discrimination.

(c) In all enterprises, industries and work opportunities, citizens of the Philippines shall be given employment preference when they possess the necessary qualifications.

(d) Citizens of the Philippines working overseas shall be protected by the Federal Republic against inhumane treatment by their employers. Those under investigation, or trial for commission of a crime shall be provided legal representation to ensure the protection of their rights.

(e) The Federal Republic shall promote employment opportunities, and pursue the economic goal of full employment. Persons with disability shall be provided opportunities for gainful employment and the private sector shall be given incentives to employ them.

AGRARIAN AND NATURAL RESOURCES REFORM

SECTION 4.

(a) The Federal Republic shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or, in the case of other farmworkers, to receive a just share of the fruits thereof. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

- (b) All farmers and fisher folks have the right to a just share in the fruits of their labor, to be provided comprehensive financial and technical support, including technology and research, and to the preferential use and access to the natural resources of the Philippines.
- (c) The State encourages the establishment of cooperative farm and fishing communities and shall supply, as far as practicable, the necessary support and empowerment to such entities.

SECTION 5. The Federal Republic shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services.

SECTION 6. The Federal Republic shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous peoples to their ancestral lands. The Federal Republic may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.

SECTION 7. The Federal Republic shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of local marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, and marketing assistance, and other services. The Federal Republic shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fish workers shall receive a just share from their labor in the utilization of marine and fishing resources.

SECTION 8. The Federal Republic shall provide incentives to landowners to invest the proceeds of the agrarian reform program to promote industrialization, employment creation, and privatization of public sector enterprises. Financial instruments used as payment for their lands shall be honored as equity in enterprises of their choice.

URBAN LAND REFORM AND HOUSING

SECTION 9. The Federal Republic shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing which will make available at affordable cost decent housing and basic services to underprivileged and homeless citizens in urban centers and resettlements areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program, it shall respect the rights of small property owners.

SECTION 10. Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

HEALTH

SECTION 11. The Federal Republic shall adopt an integrated and comprehensive approach to health development and make universal health care available. Priority shall be given to the needs of the underprivileged, sick, elderly, disabled, women, and children. The Federal Republic and its Federated Regions shall endeavor to provide free medical care to paupers.

SECTION 12. The Federal Republic shall establish and maintain an effective food and drug regulatory system, and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

SECTION 13. The Federal Republic shall maintain a special agency for disabled persons for rehabilitation, self-development and self-reliance, and their integration into the mainstream of society.

WOMEN

SECTION 14. The Federal Republic shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

SECTION 15.

(a) The Federal Republic shall respect the role of independent people's organizations to enable the people to exercise their right to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

(b) The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The Federal Republic shall, by law, facilitate the establishment of adequate consultation mechanisms.

(c) People's organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

ARTICLE XVII **EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE, AND SPORTS** **EDUCATION**

SECTION 1. The Federal Republic shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.

SECTION 2. The Federal Republic shall:

(a) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(b) Establish and maintain a system of free public education in the kindergarten, elementary, secondary, and tertiary levels. Without limiting the natural right of parents to rear their children, kindergarten, elementary, and secondary education are compulsory for all;

(c) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;

(d) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs, particularly those that respond to community needs; and

(e) Provide adult citizens, persons with disability, and out-of-school youth with training in civics, vocational efficiency, and other skills.

SECTION 3.

- (a) All educational institutions shall include the study of the Federal Constitution, and Philippine History and Culture as part of the curricula.
- (b) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.
- (c) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the Government.

SECTION 4.

- (a) The Federal Republic recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.
- (b) The control and administration of educational institutions shall be vested in citizens of the Philippines.
- (c) All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties. Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law.
- (d) Proprietary educational institutions, including those cooperatively owned, may likewise be entitled to such exemptions subject to the limitations provided by law including restrictions on dividends and provisions for reinvestment.
- (e) Subject to conditions prescribed by law, all grants, endowments, donations, or contributions used actually, directly, and exclusively for educational purposes shall be exempt from tax.
- (f) Accreditation may be pursued as a means to continually improve the institutions of education. Educational institutions on an autonomous status shall be given incentives.

SECTION 5.

- (a) The Federal Republic shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.
- (b) Academic freedom shall be enjoyed in all institutions of higher learning.
- (c) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.
- (d) The Federal Republic shall enhance the right of teachers to professional advancement and protect non-teaching academic and non-academic personnel.
- (e) The Federal Republic shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.

LANGUAGE

SECTION 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages. Subject to provisions of law, the Federal Government shall take steps to initiate and sustain the use of Filipino and English as a medium of official communication, and as language of instruction in the educational system.

SECTION 7.

- (a) For purposes of communication and instruction, the official languages of the Philippines are Filipino, and until otherwise provided by law, English.
- (b) The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein. (c) Spanish and Arabic shall be promoted on a voluntary and optional basis.

SECTION 8. This Constitution shall be promulgated in Filipino and English and shall be translated into major languages of the different Federated Regions.

SECTION 9. The Congress shall establish a national language commission composed of representatives from each Federated Region which shall undertake, coordinate, and promote researches for the development, propagation, protection, and preservation of the Filipino language. The Federal Republic shall protect and preserve regional languages and dialects as part of the cultural treasures and heritage of the nation.

SCIENCE AND TECHNOLOGY

SECTION 10. Science and technology are essential for development and progress. The Federal Republic shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training, and services. It shall support indigenous, appropriate, and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life. The Federal Government and the Federated Regions shall provide the necessary funding, education, training and support services to further develop the Filipino skill and talent, including knowledge transfers from other jurisdictions.

SECTION 11. The Congress may provide for incentives, including tax deductions, to encourage private participation in programs of basic and applied scientific research. Scholarships, grants-in-aid, or other forms of incentives shall be provided to deserving science students, researchers, scientists, inventors, technologists, and specially gifted citizens.

SECTION 12. The Federal Republic shall regulate the transfer and promote the adaptation of technology from all sources for the benefit of the people. It shall encourage the widest participation of private groups, local governments, and community-based organizations in the generation and utilization of science and technology.

SECTION 13. The Federal Republic shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, for such period as may be provided by law.

ARTS AND CULTURE

SECTION 14. The Federal Republic and its Federated Regions shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. The Federal Republic shall protect the historical and cultural heritage resources of the Filipino people in respect of the right of future generations to enjoy the same.

SECTION 15. Arts and letters shall enjoy the patronage of the Federal Republic. It shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

SECTION 16. All the artistic and historic wealth of the nation constitutes the cultural treasure of the people and shall be under the protection of the Federal Republic which may regulate its disposition in accordance with the Constitution.

SECTION 17. The Federal Republic shall recognize, respect, and protect the rights of indigenous peoples to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of federal and regional plans and policies.

SECTION 18. The Federal Republic shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues. The Federal Republic shall encourage and support researches and studies on the arts and culture.

SPORTS

SECTION 19. The Federal Republic and its Federated Regions shall promote physical education, and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry. All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors.

ARTICLE XVIII THE FAMILY

SECTION 1. The Federal Republic recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development.

SECTION 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the Federal Republic.

SECTION 3. The Federal Republic shall defend:

- (a) The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;
- (b) The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;
- (c) The right of the family to a family living wage and income; and
- (d) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

SECTION 4. The family has the duty to care for its elderly or vulnerable members, but the Federal Republic may also do so through just programs of social security.

ARTICLE XIX NATIONAL SECURITY AND PUBLIC ORDER

SECTION 1. The Armed Forces of the Philippines shall be composed of a citizen armed force which shall undergo military training and serve, as mandated by the Constitution and as may be provided by law. It shall keep a regular force necessary for the security of the Federal Republic. It shall be the duty of the Armed Forces of the Philippines to protect and secure the sovereignty of the Federal Republic and its territory including its land, air, sea, space and cyberspace, preserve national peace, and support social and economic development.

SECTION 2.

- (a) All members of the Armed Forces shall take an oath or affirmation to uphold and defend the Constitution.
- (b) The Armed Forces shall respect and uphold the rights of the people.
- (c) Professionalism in the Armed Forces and adequate remuneration and benefits of its members shall be a prime concern of the Federal Republic.
- (d) The Armed Forces shall be insulated from partisan politics. No member of the Armed Forces shall engage directly or indirectly in any partisan political activity, except to vote.
- (e) No member of the Armed Forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the government, including government-owned or controlled corporations or any of their subsidiaries.
- (f) Laws on retirement of officers of the Armed Forces of the Philippines and other armed services shall not allow extension of service except during times of war or other national emergency as may be declared by Congress or the President, as the case may be.
- (g) The officers and personnel of the regular force of the armed forces shall be recruited proportionately from all Federated Regions as far as practicable.
- (h) The tour of duty of the Chief of Staff of the Armed Forces of the Philippines, the Chief of the Philippine Federal Police, and the Commandant of the Philippine Coast Guard, shall not be less than two (2) years and not more than three (3) years from the time of appointment, unless sooner removed by the President for loss of trust and confidence. They shall not be extended beyond compulsory retirement age, except in times of war or other national emergency, as declared by Congress or the President, as the case may be.

SECTION 3. The Federal Republic shall maintain one police force which shall be federal in scope and civilian in character to be administered and controlled by a Federal Public Safety and Police Commission.

SECTION 4. The Federal Republic shall establish and maintain a Philippine Coast Guard as an armed and uniformed service responsible for maritime search and rescue, maritime law enforcement, maritime safety, maritime environmental protection, maritime security, and other function as may be provided by law.

SECTION 5. The Federal Republic shall provide immediate and adequate healthcare, benefits, and other forms of assistance including preferential rights to housing and employment, to war veterans and veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided therefor and due consideration shall be given them in the disposition of agricultural lands of the public domain and, in appropriate cases, in the utilization of natural resources.

SECTION 6.

- (a) The Federal Republic shall establish and continuously develop an effective information and cyber security infrastructure to protect itself and the people from unauthorized domestic or foreign intrusion such as cyber-attacks and cyber warfare on its public utilities, cyber installations, and private entities.
- (b) In the event of a cyber-attack on any public utility, or private entity, or cyber installation, the magnitude and speed of which, clearly endangers the security of the Federal Republic, the President as Commander-in-Chief shall take all necessary actions to repel and quell the attack.
- (c) As soon as the cyber-attack has been quelled, the President shall report to Congress the nature of the attack and the actions taken to repel it. Congress shall take appropriate action on the report.
- (d) The Federal Supreme Court may review, in an appropriate proceeding filed by any citizen, the sufficiency of the factual basis of the cyber-attack and determine whether the action of the President is reasonable and proportionate to repel and quell the attack. The

Federal Supreme Court must promulgate its decision within thirty (30) days from the time of filing.

SECTION 7. The Federal Republic shall have criminal jurisdiction over all those who violate its national and cyber security laws wherever the crime is committed.

SECTION 8. The Federal Republic shall develop an effective emergency preparedness, risk reduction, and response system for natural and manmade disasters and calamities. It shall train and maintain a federal disaster response and relief corps under the Department of National Defense. The Federated Regions shall each establish their own regional disaster response and relief office which shall streamline and resolve hazards and risks in urban planning which contribute to disaster vulnerability.

SECTION 9. During times of natural or man-made disasters and calamities, the Federated Region shall primarily respond through its local government units, officials, and agencies. The President through the Executive Departments shall provide relief and rehabilitative assistance to the affected region.

SECTION 10. The President and Congress, within six (6) months from assumption of office, shall update the National Security Policy in accordance with their assessment of current evolving and future threats as well as a national policy on the modernization of the armed forces and the federal police so that they can effectively and fully perform their constitutional mandate. In the exercise of executive function, the investigation and prosecution of crimes is hereby vested in the Department of Justice.

ARTICLE XX GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun and three stars, as consecrated and honored by the people and recognized by law.

SECTION 2. The Federal Congress may, by law, adopt a new name for the country, a national anthem, or a national seal, which shall all be truly reflective and symbolic of the ideals, history, and traditions of the people. Such law shall take effect upon its ratification by majority of the votes cast in every region in a national referendum.

SECTION 3. The Federal Republic may not be sued without its consent.

SECTION 4. In case any region fails to comply with its obligation, as provided for in the Constitution, which seriously undermines the sovereignty, territorial integrity, economy, or the unity of the Federal Republic, the President may intervene and take all measures necessary and proper to address the failure. Within thirty (30) days from the intervention, the President shall report to Congress the actions taken. Congress may take appropriate action on the report by a majority vote of its members voting jointly. If necessary, Congress may authorize the President to take further actions until the crisis is resolved.

SECTION 5. Congress may, by law, provide for the inclusion and governance of other territories which, by the freely adopted decision of a majority of its inhabitants, come to be part of the Federal Republic.

SECTION 6. The Federal Republic shall protect consumers from trade malpractices and from substandard or hazardous products.

SECTION 7. The Federal Republic shall regularly review and adjust, as may be justified by the circumstances, the pensions, and other benefits due to retirees of both the government and the private sectors.

SECTION 8. The Federal Republic shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press.

SECTION 9. The Congress may create a consultative body to advise the President on policies affecting indigenous peoples, the majority of the members of which shall come from such communities.

ARTICLE XXI AMENDMENTS OR REVISION

SECTION 1. Any amendment to, or revision of, the Constitution may be proposed by:

- (a) People's initiative;
- (b) The Federal Congress, upon a vote of three fourths (3/4) of all its members voting separately; or
- (c) A constitutional convention.

SECTION 2. The exercise of people's initiative shall be provided for by Article VI of the Constitution.

SECTION 3. The Congress may, by a vote of two-thirds (2/3) of all its members voting separately, call a constitutional convention, or by a majority votes of all its Members, submit to the electorate the question of calling such a convention.

SECTION 4. The democratic and republican character of the government, its federal structure, its indissolubility and permanence shall not be subject to amendments or revisions.

SECTION 5. Any amendment to, or revision of, the Constitution shall be valid when ratified by a majority of votes cast in each Federated Region, including the Federated Region of the Cordilleras and the Bangsamoro, in a plebiscite called for the purpose.

SECTION 6. No amendment or revision shall be allowed within five (5) years from the ratification of the Constitution. Thereafter, no amendment or revision shall be allowed within five (5) years from the conduct of a plebiscite to amend or revise the Constitution.

ARTICLE XXII TRANSITORY PROVISIONS

SECTION 1.

(a) For an orderly transition to the new system of government as provided for in the Constitution, there shall be created a Federal Transition Commission, composed of the following members: 1) The President, who shall be the Federal Transition Commission Chairman; and 2) Ten (10) members who are natural-born citizens of the Philippines, at least forty (40) years of age, and with proven probity, integrity, independence, and expertise in the fields of economy, law, fiscal management, governance, or development.

(b) There shall be a search committee to be headed by the Chairperson of the Federal Civil Service Commission, and four (4) other members representing the academe, business, marginalized sectors, and women. The President shall appoint the members of the

committee. The committee shall search, screen, and recommend to the President members of the Federal Transition Commission within thirty (30) days. The President shall appoint the members of the Federal Transition Commission.

(c) The Federal Transition Commission shall convene within five (5) days from their constitution and promulgate its own rules of procedure.

(d) The Federal Transition Commission shall have the power to establish its office, appoint and hire its own officials and employees, as may be necessary.

(e) The initial budget of the Federal Transition Commission shall be taken from the contingent fund of the Office of the President and from the savings of the Executive Department. Its budget for the succeeding years shall be included in the budget of the Office of the President.

(f) All the living past Presidents may be consulted by the Transition Commission.

(g) The Federal Transition Commission shall complete its mandate by June 30, 2022.

SECTION 2. The Federal Transition Commission shall have the following powers and duties:

(a) To formulate and adopt a transition plan for the orderly shift to the new system of government as provided for in the Constitution. The transition plan shall be published in the Official Gazette and in at least two (2) newspapers of general circulation, and any digital platform chosen by the Transition Commission;

(b) For the proper execution of the transition plan, it shall promulgate the necessary rules, regulations, orders, decrees, proclamations, and other issuances, do all acts to implement the same, and resolve all issues and disputes that may arise therefrom;

(c) To organize, reorganize, and fully establish the Federal Government and the governments of the Federated Regions, in accordance with the Constitution; and

(d) To exercise all powers necessary and proper to ensure a smooth, speedy, and successful transition.

SECTION 3. The transition plan shall include the following:

(a) The respective transition plans for the different branches of the Federal Government, the independent Constitutional Bodies, the Federated Regions, and other component units;

(b) The fiscal management and administration plan including, but not limited to, generation of revenue and resources and their appropriation, allocation, and expenditure; and

(c) The establishment of mechanisms for people's participation in the transition

SECTION 4. The Federal Transition Commission shall ensure people's participation by involving faith-based, civil society, indigenous peoples, sectoral, non-government, and other community based organizations in the transition, especially in the selection and screening of appointees to the new government.

SECTION 5. The first national, regional and local elections under the Constitution to elect the President, Vice President, Regional Senators, District Representative, Proportional Party Representative, regional and local officials shall be on the 2nd Monday of May 2022. They shall assume office at noon on June 30, 2022.

SECTION 6. The term of the President and Vice President, which shall end on June 30, 2022, shall not be extended.

SECTION 7. All laws, decrees, executive orders, proclamations, rules, regulations, letters of instructions, and other executive and judicial issuances not inconsistent with the Constitution shall remain valid until amended or repealed.

SECTION 8. All officials of the government under the 1987 Constitution shall continue to hold their office and exercise their respective powers and duties under such terms and conditions as may be provided in the transition plan.

SECTION 9. Permanent employees of the government separated from service as a result of the reorganization of government shall be entitled to separation pay, early retirement pay, or retirement pay, or other appropriate benefits accruing to them under existing laws. In lieu thereof, at the option of the employees, they may be considered for employment in the Federal Government, the Regional Government, or in any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations and their subsidiaries in accordance with the existing civil service laws, the corporate charters of these corporations, and other relevant statutes.

SECTION 10. All properties, records, equipment, buildings, facilities, and other assets of any office or body abolished or reorganized under the Constitution shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.

Adopted,



RUFUS B. RODRIGUEZ