

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 1838

HOUSE OF REPRESENTATIVES

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Introduced by **Rep. Doy C. Leachon**

EXPLANATORY NOTE

To borrow the very words of Justice Cardozo, "the inn that shelters for the night is not the journey's end; the Constitution, like the traveller, must be ready for the morrow". The eloquent Justice Isagani Cruz thought of this very words as "CHANGE".

For the Constitution, like any living law, must move with the moving society it is supposed to govern. A law that has ceased to grow has ceased to be, and this is true especially of the supreme and fundamental law. It has been observed that "the political or philosophical aphorism of one generation is doubted by the next and entirely discarded by the third." This being so, the Constitution must be able to adjust to change, conforming itself to the needs of a society that must be dynamic if it is to progress and endure. "The law must be stable," so said Dean Pound, "but it cannot stand still." (Philippine Political Law by Justice Isagani A. Cruz, 1996 edition, page 349)

Article XVII provides that the Constitution may be changed either by amendment or revision. Amendment as we know refers to isolated or piecemeal

change only, as distinguished from revision, which is a revamp or rewriting of the whole instrument.

There was mere amendment of the 1935 Constitution. But there was a revision when the Constitutional Convention of 1971 rewrote the entire instrument and produced the Constitution of 1973, which was in turn revised by the Constitutional Commission with the adoption and passage of the Present Constitution.

The 1987 Constitution provides for two steps in the amendatory process (revision) of the Constitution. The first is the proposal and the second is the ratification. The proposal is usually made either (a) directly by the Congress or (b) by a Constitutional Convention. Furthermore, it also provides that Congress may, by a vote of two-thirds of all its members, call a Constitutional Convention or by a majority vote of all its members, submit to the electorate the question of calling such a convention.

According to Justice Cruz, the last alternative is a plainly absurd procedure that permits the members of the Congress to authorize the waste of public funds by calling on their constituents to make a decision that is essentially addressed to the legislators themselves. In effect, they are allowed to "pass the buck" simply because they are unable to agree on the decision the people expect them to make.

And for the distinguished expert in the field, he suggested that, "where what is intended is a mere amendment or change of particular provisions only, the

proposal is better made by direct legislative action. This method will avoid the unnecessary expenditure of public funds and the time that the calling of a Constitutional Convention will entail. But if what is envisioned is the overhaul of the entire constitution, it is advisable to entrust the task to a Constitutional Convention, which will have more time, opportunity and presumably also the needed expertise to discharge it."

Taking the lead from an expert, what we need today in the revision of the present charter is for Congress to call for a Constitutional Convention that certainly and not just presumably, possesses the needed expertise to discharge the function of changing the fundamental law.

Hence, this Bill, of which the necessity and immediacy of approving is of highly importance.



DOY C. LEACHON

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AN ACT TO CALL FOR A CONSTITUTIONAL CONVENTION TO BE COMPOSED OF ELECTED DELEGATES FROM EACH PROVINCE AND HIGHLY URBANIZED CITIES, AND OF APPOINTED DELEGATES TO BE CHOSEN BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES UPON THE RECOMMENDATION OF AN ADVISORY COUNCIL TO PROPOSE AMENDMENTS AND/OR REVISION OF THE 1987 CONSTITUTION, AND APPROPRIATING FUNDS THEREFOR.

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

Section 1. It is hereby adopted to call a Constitutional Convention (Con-Con) to propose amendments and/or revision of the 1987 Constitution.

Section 2. The delegates in the constitutional convention shall be filed by appointment and election.

Section 2.A. There shall be 40 delegates from various sectors or field of expertise to be appointed by the President upon the recommendation of the members of the Con-Con Advisory Council.

Section 2.B. There shall be one (1) delegate for each province and highly urbanized city to be directly elected by the qualified registered voters in the said locality.

Section 3. The members of the Con-Con Advisory Council shall be composed of:

1. Chief Justice as Chairperson
2. A member of the Senate chosen by the majority of its members as member
3. A member of the House of Representatives chosen by the majority of its members as member
4. Secretary of Justice as member
5. Solicitor General as member

6. Representative of the Integrated Bar of the Philippines as member
7. Representative from the private sector to be appointed by the President as member

Section 4. The Con-Con Advisory Council is hereby authorized to formulate its own rules as to the qualifications and selection of those delegates to be endorsed for appointment, as well as the manner of holding office of the delegates during their tenure subject to the approval of the President.

Section 5. There shall be a special election of the delegates coming from the provinces and highly urbanized cities to be conducted by the Commission on Elections.

Section 6. The appointment and election of the delegates shall be done within 90 days from the effectivity of this act.

Section 7. The delegates, upon the approval of their proposed amendments and/or revision of the constitution, shall submit their proposal to the Filipino people in a plebiscite to coincide with the regular election on the 2nd Monday of May in 2019.

Section 8. The Department of Budget and Management shall provide all the necessary budgetary requirements in order to carry out the provisions intended by this act.

Section 9. Effectivity.- This act shall take effect fifteen (15) days following its publication in two (2) newspapers of general circulation.

Approved.