

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. 312

HOUSE OF REPRESENTATIVES

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INTRODUCED BY: HON. GWENDOLYN F. GARCIA

EXPLANATORY NOTE

The Preamble of the 1987 Constitution, reads:

“We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society, and establish a Government that shall embody our 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.”.

The language of the Preamble is lofty, beautiful and inspiring. It gives our people much hope that they would be living in a society that offers a better quality of life and under a democratic Government that guarantees a rule of law and, among others, a regime of “justice”, “truth”, and “peace”.

Alas, after more than a quarter of a century since the adoption of the 1987 Constitution and after the administrations of five (5) Presidents, our people are, in a manner of speaking, still “wandering in the desert” in their journey towards the “promised land”. Our people are still confused, bothered and bewildered, as they

look around them and see the things and events occurring in the country, which are in stark contrast to the dreamland country envisioned by its Preamble.

THE PREAMBLE, AMONG OTHERS, TELLS US:

1. Of building in our country “a just and humane society”

(a) And yet, how can this be, when the sad reality is that 26 million of our people (or 26% of the population) are living below the poverty line, with 12 million of them going hungry every day.

(b) How can this be, when hundreds of our hungry farmers in Kidapawan, North Cotabato, were being massacred by the National Police, just because they were demonstrating and asking the Government for rice with which to feed their families?

(c) How can this be, when the sad reality is that thousands of the victims of the super-typhoon Yolanda, were left to suffer of hunger, even while hundreds of tons of food items donated by domestic and foreign donors were rotting in the bodegas of DSWD?

2. A Government that adheres “to the Rule of Law”

(a) And yet how can this be, when the sad reality is that there is so much graft and corruption reported in such Government agencies: as the DOTC, BOC, BIR, DPWH, DA, DBM and in several others?

(b) How can this be, when the sad reality is that hundreds of millions of the funds of DAP have been used, according to one Senator, to

bribe some Senators and Congressmen, in connection with an impeachment case?

- (c) In the last elections, a national candidate ran on the issue of fighting graft and corruption by following the “straight path” or the “Daang Matuwid”. But apparently, the people did not believe him, because, with all the graft and corruption around them, the “Daang Matuwid” has turned out to be the “boulevard of broken dreams”.

3. Of a Government that guarantees a “regime of justice”

And yet, the people ask: How can this be, when the forces of the Administration are being used to harass and prosecute the “political enemies” of the Administration, while at the same time, to defend and protect its “political friends and allies”, in such a manner as to give rise to a phenomenon that is now popularly known as “selective” instead of equal justice?

4. Of a “regime of truth”

- (a) How can this be, when the Government is not telling the people the truth of what really happened to our 44 SAF Personnel who were brutally slaughtered in the Mamasapano Massacre?
- (b) How can this be, when the sad truth is that, after the super-typhoon Yolanda, the Government did not want to tell the people the truth about the actual number of victims who died in that tragedy? So much so, that a Police Commander, who told the media that there were about 10,000 people who lost their lives,

was relieved from his post because the Government wanted to limit the number of casualties to less than half the actual number?

5. Of a “regime of peace”

(a) How can this can be, when the sad truth is that there is so much crime and violence in all parts of the country today?

(b) How can this be, when the sad truth is that insurgency is a problem in many parts of the country, especially in Mindanao. In fact, the Philippines has the distinction of being the country having the longest-running insurgency (the NPA) in the world?

THE REAL SCORE AND WHAT CAN BE DONE

No matter what some people think or say, the truth of the matter is that the overwhelming majority of our people, are unhappy and dissatisfied with the things and events that are happening in our country today. They cry out for CHANGE: “Enough is enough! Sobra Na, Tama Na! Palitan Na!”

In whatever way one may look at it, this message was demonstrated, loud and clear, in the last Presidential election. The people voted overwhelmingly for the candidate who committed himself to bring about CHANGE- real and meaningful change, soonest- “in three to six months” or, at the latest, in one year. The rest is history.

And if our people would want this real and meaningful change *to last and endure*, it should begin with the Constitution. A government, such as ours, is a “government of laws and not of men”. And so, it should be noted that the

Constitution is the fundamental law of the land, to which all other laws must conform.

The things and the conditions that our people would like to be changed occurred in our country *in spite or probably because of* the 1987 Constitution. It is, therefore, important, if not imperative, that our people should be given a chance to take a second look at the 1987 Constitution. They can amend or revise this document so as to make it more relevant, more adequate and more responsive to meet the new challenges that may come to us in our changing times. For this purpose, our people need to hold a Constitutional Convention.

Hence, early approval of this Bill is earnestly and respectfully requested.



GWENDOLYN F. GARCIA

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INTRODUCED BY: HON. GWENDOLYN F. GARCIA

**“AN ACT PROVIDING FOR THE HOLDING OF A CONSTITUTIONAL
CONVENTION AND APPROPRIATING FUNDS FOR THE ELECTION
OF ITS DELEGATES AND FOR THE BUDGET OF ITS OPERATION”**

Section 1. Short title.- This Act shall be known as “The Constitutional Convention Act of 2016”.

Section 2. The Need for a Constitutional Convention.- In order that the people can adopt a Constitution which establishes a government that is truly reflective of their ideals and aspirations and which guarantees a regime of law, justice, truth, freedom, equality and peace, it is hereby directed that a Constitutional Convention be held, as hereinafter provided.

Section 3. Composition, Qualifications and Apportionment.- The Constitutional Convention, hereinafter referred to as the Convention, shall be composed of one hundred five (105) Delegates, whose individual qualifications shall be the same as those of a Member of the House of Representatives,. The

Delegates shall be elected by the qualified voters of the Administrative Regions of the country and the Autonomous Region in Muslim Mindanao or the ARMM and they are hereby apportioned among the Administrative Regions and the ARMM, as follows:

National Capital Region

(Caloocan, Las Piñas, Makati, Malabon, Mandaluyong, Manila, Marikina, Muntiblupa, Navotas, Parañaque, Pasay, Pasig, Pateros, Quezon City, San Juan, Taguig and Valenzuela) - **Thirteen (13)**

Ilocos Region

(Dagupan, Ilocos Norte, Ilocos Sur, La Union, Pangasinan, - **Five (5)**

Cordillera Administrative Region

(Abra, Apayao, Baguio, Benguet, Ifugao, Kalinga, Mountain Province) - **Two (2)**

Cagayan Valley

(Batanes, Cagayan, Isabela, Nueva Viscaya, Quirino, Santiago) - **Four (4)**

Central Luzon

(Angeles, Aurora, Bata-an, Bulacan, Neuva Ecija, Olongapo, Pampanga, Tarlac, Zambales) - **Eleven (11)**

Calabarzon

(Batangas, Cavite, Laguna, Lucena, Quezon, Rizal)- **Fourteen (14)**

Memaropa

(Marinduque, Occidental Mindoro, Oriental Mindoro Palawan, Puerto Princesa, Romblon) - **Three (3)**

Bicol Region

(Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, Naga, Sorsogon) - **Six (6)**

Western Visayas

(Aklan, Antique, Capiz, Guimaras, Iloilo, Iloilo City) – **Five (5)**

Negros Island

(Bacolod, Negros Occidental, Negros Oriental) – **Five (5)**

Central Visayas

(Bohol, Cebu, Cebu City, Lapu-lapu, Mandaue, Siquijor) – **Six (6)**

Eastern Visayas

(Biliran, Eastern Samar, Leyte, Northern Samar, Ormoc, Samar, Southern Leyte, Tacloban) – **Five (5)**

Zamboanga Peninsula

(Isabela City, Zamboanga City, Zamboanga del Norte, Zambaonga del Sur, Zamboanga Sibugay) – **Four (4)**

Northern Mindanao

(Bukidnon, Cagayan de Oro, Camiguin, Iligan, Lanao del Norte, Misamis Occidental, Misamis Oriental) – **Five (5)**

Davao Region

(Compostela Valley, Davao City, Davao del Norte, Davao del Sur, Davao Oriental, Davao Occidental) – **Five (5)**

Soccksargen

(Cotabato, Cotabato City, General Santos, Sarangani, South Cotabato, Sultan Kudarat) – **Five (5)**

Caraga

(Agusan del Norte, Agusan del Sur, Butuan, Dinagat Island, Surigao del Norte, Surigao del Sur) – **Five (5)**

Autonomous Region in Muslim Mindanao – ARMM

(Basilan excluding Isabela City, Lanao del Sur, Maguindanao, Sulu, Tawi-tawi) – **Four (4)**

Section 4. Election of Delegates.- The election of Delegates shall be held on the second Monday of January, Two Thousand and Seventeen (2017).

Section 5. Conduct of Election, Rules and Regulations.- The election of Delegates to the Convention shall be conducted under the Manual System (not the automated) and shall be governed by the provisions of Batas Pambansa Blg. 881 or the Omnibus Election Code, as amended, and as hereafter, provided:

(a) The Commission on Elections (COMELEC) shall establish, for the purpose of this Act, a Regional Canvassing Board in strategically located city or municipality, within each Administrative Region, as well as in the ARMM. These Regional Boards of Canvassers shall canvass the Certificates

of Canvass coming from the Provincial, City or Municipal Board of Canvassers in each Region, as well as in the ARMM, and, thereafter, proclaim the winning Delegates for each Region, as well as in the ARMM;

(b) the COMELEC shall promulgate the Rules and Regulations to carry out the provisions of this Act

Section 6. The Opening Session and Election of President of the Convention.-

The Constitutional Convention shall be convened for its Opening Session on the First Monday of March, Two Thousand Seventeen (2017) at ten o'clock in the morning, at the Session Hall of the House of Representatives. The President of the Senate and the Speaker of the House shall jointly preside at the Opening Session and shall proceed to the election of the President of the Convention. After the President of the Convention is duly elected and qualified, by the taking of his Oath, he shall take over as the Presiding Officer at the Opening Session and subsequent Sessions of the Convention.

Section 7. Organization of the Convention, the Rules of Procedure and the Budget.- The Convention shall be organized by the election of its other Officers and the formation of its Committees. The Convention shall promulgate its own Rules of Procedure and shall prepare the Budget for its operation.

Section 8. Parliamentary Immunity.- The provisions of the Constitution and the laws relative to the parliamentary immunity of the Members of Congress shall be applicable to the Delegates to the Convention.

Section 9. Appropriation.- There is hereby appropriated out of any funds in the National Treasury not otherwise appropriated, the sum of Php300 million for the

holding of the election of Delegates to the Convention and another sum of Php500 million for the Budget necessary for the operation of the Convention.

Section 10. Separability Clause.- If for any reason, any provision of this Act is declared invalid or unconstitutional, the reminder thereof shall not be affected by such declaration.

Section 11. Repealing Clause.- All laws, rules, regulations or parts thereof, which are inconsistent with this Act are hereby repealed, amended or modified accordingly.

Section 12. Effectivity.- This Act takes effect upon its approval.

Approved,