

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



EIGHTEENTH CONGRESS
First Regular Session

05

RESOLUTION OF BOTH HOUSES No. _____

Introduced by **JOEY SARTE SALCEDA**

**RESOLUTION OF BOTH HOUSES
PROPOSING AMENDMENTS TO THE 1987 CONSTITUTION**

WHEREAS, the Constitution is the fundamental and paramount law that provides the framework of governance, which includes, among others, the establishment and limitation of the powers of government in relation to the protection and promotion of the rights and welfare of the people;

WHEREAS, the Constitution is a social contract between the State and its people, whereby the government has the duty to protect the fundamental rights of the people and to provide them with decent living conditions, while the people have the obligation to abide by the law at all times in order to ensure the common good;

WHEREAS, issues and challenges to the political, economic, and social landscape of the country in recent years have shown that the 1987 Constitution, with its 32 years of existence, is no longer responsive to the exigencies of the time;

WHEREAS, the clamor and sentiment from a broad cross-section of society seeking a review of certain provisions of the 1987 Constitution, to make it more attuned and responsive to the demands of the present conditions, have not only been sustained but affirmed with the growing number of people who support the agenda of change of President Rodrigo Roa Duterte;

WHEREAS, there has been a serious imbalance in economic growth and development across the regions of the country for decades inasmuch as there has been an overconcentration of powers and resources in the National Government to the detriment of the Local Government Units (LGUs) and their constituencies, which can altogether be resolved by amending or revising the current framework of governance under the 1987 Constitution;

WHEREAS, the Inter-Agency Task Force (IATF) on Federalism and Constitutional

Reform, through the Department of the Interior and Local Government (DILG), has submitted to Congress its proposed political and economic reforms to the 1987 Constitution;

WHEREAS, the IATF has been conducting an information and advocacy campaign for constitutional reform known as *Balangayan: The Constitutional Reform (CORE) Provincial Roadshows* all over the country;

WHEREAS, Congress joins the IATF in believing that the following proposed changes in the Constitution must be done to fully make the economy truly inclusive and the governmental structure genuinely people-centered;

NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES, by a vote of three-fourths (3/4) of all its Members, each House voting separately, and pursuant to Article XVII of the Constitution, to propose amendments to following articles, to wit:

- (1) On Section 26 of Article II (Declaration of Principles and State Policies), delete the phrase *by law* and replace the same with the phrase *in this Constitution*, to read as follows:

“Section 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined [by law] IN THIS CONSTITUTION.”

- (2) On Article V entitled “Suffrage”, add the phrase *and Political Parties* thereto, so that the title will read as: **“SUFFRAGE AND POLITICAL PARTIES”**.

- (3) On Section 7 of Article VI (Legislative Department), replace the word *three* in the first paragraph with the word *five* and replace the word *three* in the second paragraph with the word *two*, to read as follows:

“Section 7. The Members of the House of Representatives shall be elected for a term of [three] FIVE years which shall begin, unless otherwise provided by law, at noon on the thirtieth of June next following their election.

No Member of the House of Representatives shall serve for more than [three] TWO 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.”

- (4) On Article V, add another section to be numbered as “Section 3”, which will read as follows:

“SECTION 3. THE STATE 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, WHICH MAY INCLUDE THE MARGINALIZED AND UNDERREPRESENTED SECTORS.**
- (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 STATE SHALL TAKE PROACTIVE MEASURES SO THAT THE MARGINALIZED AND**

UNDERREPRESENTED SECTORS MAY ORGANIZE THEMSELVES INTO GENUINE POLITICAL PARTIES WITH CLEAR AND DETAILED PLATFORMS OF GOVERNMENT AND CAPABLE REPRESENTATIVES.”

- (5) On Article V, add another section to be numbered as “Section 4”, which will read as follows:

“SECTION 4. THE STATE SHALL REGULATE THE CAMPAIGN FINANCE, BOTH FROM PUBLIC AND PRIVATE SOURCES, OF POLITICAL PARTIES AND CANDIDATES IN ALL ELECTIONS.

- (a) CONGRESS SHALL UPDATE LAWS ON ALL ELECTION EXPENDITURES.**
- (b) FINANCIAL CONTRIBUTIONS FROM RELIGIOUS ORGANIZATIONS, FOREIGN CITIZENS, FOREIGN GOVERNMENTS, AND ILLEGAL SOURCES ARE PROHIBITED.**
- (c) THERE SHALL BE A DEMOCRACY FUND, WHICH SHALL SERVE AS A REPOSITORY OF ALL CAMPAIGN FUNDS AND CONTRIBUTIONS. ANY CITIZEN WHO CONTRIBUTES AT LEAST TEN THOUSAND PESOS (PHP 10,000.00) BUT NOT EXCEEDING ONE HUNDRED THOUSAND PESOS (PHP 100,000.00), AS ADJUSTED FOR INFLATION, TO ANY REGISTERED POLITICAL PARTY OR PRESIDENTIAL CANDIDATE, THROUGH THE DEMOCRACY FUND, SHALL BE ENTITLED TO DEDUCTIONS FROM TAXABLE INCOME DURE FOR THE TAXABLE YEAR COINCIDING WITH THE ELECTIONS IN WHICH SUCH POLITICAL PARTY OR PRESIDENTIAL CANDIDATE PARTICIPATED; PROVIDED, THAT SUCH AMOUNTS SHALL BE SUBJECT TO PROPER ADJUSTMENT UNDER THE RULES PROMULGATED BY THE COMMISSION ON ELECTIONS.**

(d) CONGRESS SHALL ALSO PROVIDE FOR A PARTY DEVELOPMENT FUND TO QUALIFIED AND REGISTERED POLITICAL PARTIES FOR POLITICAL PARTY STRENGTHENING AND CAMPAIGN.

(e) ALL EXPENDITURES AND CONTRIBUTIONS RELATED TO ELECTION CAMPAIGNS SHALL BE REGULATED BY THE COMMISSION ON ELECTIONS.

(f) THE COMMISSION ON AUDIT SHALL HAVE THE POWER, AUTHORITY, AND DUTY TO EXAMINE AND AUDIT ALL FUNDS PERTAINING TO THE DEMOCRACY FUND AND THE PARTY DEVELOPMENT FUND.”

- (6) On Article V, add another section to be numbered as “Section 5”, which will read as follows:

“SECTION 5. THE STATE 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 ONE (1) YEAR AFTER THE ELECTION AND ONE (1) YEAR 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; AND (4)

REQUIRED TO RETURN ANY PARTY FUNDS THEY USED FOR THE CAMPAIGN. THE 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) HEREOF. ANY VIOLATION SHALL BE A GROUND FOR THE CANCELLATION OF ITS REGISTRATION.**
- (d) **THE 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.”**

- (7) On Article V, add another section to be numbered as “Section 6”, which will read as follows:

“SECTION 6. THE STATE SHALL PROHIBIT POLITICAL DYNASTIES IN ORDER 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, INCLUDING THE SPOUSE, ARE RELATED UP TO THE SECOND CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, WHETHER SUCH RELATIONS ARE LEGITIMATE, ILLEGITIMATE, HALF, OR FULL BLOOD, MAINTAINS OR IS CAPABLE OF MAINTAINING POLITICAL CONTROL.**
- (b) **THE SPOUSE OF OR ANY PERSON RELATED TO AN INCUMBENT ELECTIVE OFFICIAL WITHIN THE SECOND CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, AS DESCRIBED ABOVE, CANNOT RUN FOR THE SAME POSITION IN THE IMMEDIATELY FOLLOWING ELECTION.**

(c) THE SPOUSE OF OR ANY PERSON RELATED TO AN INCUMBENT ELECTIVE OFFICIAL WITHIN THE SECOND CIVIL DEGREE OF CONSANGUINITY OR AFFINITY, AS DESCRIBED ABOVE, CANNOT RUN SIMULTANEOUSLY FOR GOVERNOR AND VICE-GOVERNOR, AND FOR MAYOR AND VICE-MAYOR.

(d) CONGRESS MAY, BY LAW, PROVIDE FOR ADDITIONAL PROHIBITIONS.

- (8) On Section 7 of Article VI (Legislative Department), replace the word *three* in the first paragraph with the word *five* and replace the word *three* in the second paragraph with the word *two*, to read as follows:

“Section 7. The Members of the House of Representatives shall be elected for a term of [three] FIVE years which shall begin, unless otherwise provided by law, at noon on the thirtieth of June next following their election.

No Member of the House of Representatives shall serve for more than [three] TWO 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.”

- (9) On Section 2 of Article VII (Executive Department), include the paragraph referring to Tandem Voting for the President and Vice-President, to read as follows:

“THE PRESIDENT AND THE VICE-PRESIDENT SHALL BE ELECTED IN TANDEM. A VOTE FOR THE PRESIDENTIAL CANDIDATE SHALL BE COUNTED AS A VOTE FOR HIS VICE-PRESIDENTIAL CANDIDATE.”

- (10) On Section 6 of Article X (Local Government), insert the phrase *on the basis of population, land area, equal sharing, financial needs, organizational capacities, and resources* after the phrase *as determined by law*, then replace the word *the* with

the adjective *all* in the phrase *in the national taxes based on the second year preceding the current fiscal year*, to read as follows:

"Section 6. Local government units shall have a just share, as determined by law **ON THE BASIS OF POPULATION, LAND AREA, EQUAL SHARING, FINANCIAL NEEDS, ORGANIZATIONAL CAPACITIES, AND RESOURCES**, in [the] **ALL** national taxes based on the second year preceding the current fiscal year and which shall be automatically released to them."

- (11) On Section 8 of Article X (Local Government), replace the word *three* in the phrase *shall be three years* with the word *five*, then replace the other word *three* in the phrase *three consecutive terms* with the word *two*, to read as follows:

"Section 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be [three] **FIVE** years and no such official shall serve for more than [three] **TWO** 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."

- (12) Section 14, Article X (Local Government) shall read as follows:

"Section 14. The President shall [provide] **CREATE** [for regional development councils or other similar bodies] **REGIONAL DEVELOPMENT COUNCILS** composed of **LOCAL GOVERNMENT OFFICIALS**, regional heads of departments and other government offices, and **REPRESENTATIVES FROM NON-GOVERNMENTAL ORGANIZATIONS** within the regions for purposes of administrative decentralization to strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region. Toward this end, the **COUNCIL** shall formulate, implement, and monitor plans and programs for the development of the region. **AS SUCH, THE LOCAL GOVERNMENT UNITS WITHIN THE REGION SHALL ALLOCATE FIVE PERCENT (5%) OF THEIR JUST SHARE IN THE NATIONAL TAXES TO THE COUNCIL.** Congress shall **LIKEWISE** allocate funds as may be necessary for this purpose."

- (13) Section 2 of Article XII (National Economy and Patrimony) shall read as follows:

"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. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources **TOWARDS SUSTAINABLE DEVELOPMENT, INCLUDING THE CONSERVATION AND PROTECTION OF THE ENVIRONMENT**, shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements [with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and] under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant."

- (14) On Section 3 of Article XII (National Economy and Patrimony), insert a comma followed by the phrase *unless otherwise provided by law* at the end of the fourth sentence thereof, to read as follows:

"Section 3. Lands of the public domain are classified into agricultural, forest or timber, mineral lands, and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area, **UNLESS OTHERWISE PROVIDED BY LAW.** Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant."

- (15) On Section 7 of Article XII (National Economy and Patrimony), replace the word *hereditary* with the word *intestate*, to read as follows:

"Section 7. Save in cases of [hereditary] **INTESTATE** 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."

- (16) On the first sentence of paragraph 1, Section 10 of Article XIII (National Economy and Patrimony), insert a comma followed by the phrase *unless otherwise provided by law* at the end of the sentence, to read as follows:

"Section 10. The Congress shall, upon recommendation of the economic and planning agency, when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations at least sixty per centum of whose capital is owned by such citizens, or such higher percentage as Congress may prescribe, certain areas of investments, **UNLESS OTHERWISE PROVIDED BY LAW.** The Congress shall enact measures that will encourage the formation and operation of enterprises whose capital is wholly owned by Filipinos.²²

- (17) Section 11 of Article XII (National Economy and Patrimony) shall read as follows:

"Section 11. 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 per centum of whose capital is owned by such citizens~~], **UNLESS OTHERWISE PROVIDED BY LAW**, nor shall such franchise, certificate, or authorization be exclusive in character for a longer period than fifty 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. **UNLESS OTHERWISE PROVIDED BY LAW**, [T]he participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the executive and managing officers of such corporation or association must be citizens of the Philippines."

- (18) Paragraphs 1 and 2, Section 4(2) of Article XIV (Education, Science and Technology, Arts, Culture, and Sports) shall read as follows:

"Section 4. XXX XXX XXX XXX XXX

(2) 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 per centum of the capital of which is] owned by such citizens, **UNLESS OTHERWISE PROVIDED BY LAW.** [The Congress may, however, require increased Filipino equity participation in all educational institutions.]

The control and administration of educational institutions shall be vested in the citizens of the Philippines, **UNLESS OTHERWISE PROVIDED BY LAW.**"

- (19) On paragraph 1 of Section 11(1) of Article XVI (General Provisions), insert a comma followed by the phrase *unless otherwise provided by law* at the end of the paragraph, to read as follows:

"Section 11. (1) 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, **UNLESS OTHERWISE PROVIDED BY LAW.**"

- (20) Paragraphs 2 and 3, Section 11(2) of Article XVI (General Provisions) shall read as follows:

"Section 11. (2) XXX XXX XXX XXX XXX

Only Filipino citizens or corporations or associations [at least seventy per centum of the capital of which is] owned by such citizens shall be allowed to engage in the advertising industry, **UNLESS OTHERWISE PROVIDED BY LAW.**

UNLESS OTHERWISE PROVIDED BY LAW, [+]the participation of foreign investors in the governing body of two entities in such industry shall be limited to their proportionate share in the capital thereof, and all the executive and managing officers of such entities must be citizens of the Philippines."

Adopted,



JOEY SARTE SALCEDA