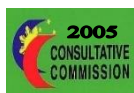


THE CENTRIST PROPOSAL FOR THE REVISION OF THE 1987 CONSTITUTION

**(THE CONSTITUTION OF THE
FEDERAL REPUBLIC OF THE
PHILIPPINES)**



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Centrist Democracy Political Institute

Ground Floor Metro Lifestyle Complex Building

F. Torres Street corner Jacinto Extension 8000 Davao City, Philippines

www.cdpi.asia

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Layout Artists: **Alvin Jay B. Merto**
Genevev R. Vitualla
Amie Joy F. Antolin

Editors: **Roderico Y. Dumaug Jr.**
Adrian M. Tamayo
Migdonio C. Clamor Jr.
Rejene T. Lakibul
Renato G. Tibon
Jordan Jay C. Antolin

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The Centrist Proposal for the Revision of the 1987 Constitution

By: Lito Monico C. Lorenzana

Presented to the Malacañan Press, Malacañan Palace on 14
September 2017

~ The Executive Summary ~

Introduction

President Rodrigo Duterte, the first Mindanawnon President rode on FEDERALISM as his campaign slogan. Although its impetus was the demand for the Mindanawnons to extricate themselves from the political and economic dominance by the center, this is also true for the Visayas, the Bicolanos and even the Tagalogs; provinces, islands and areas in the periphery of the epicenter of the political universe – in Metro-Manila.

The Muslim and Christian brothers have never been as closer today to fulfilling this decades-long dream of the abolition of the Unitary System of government, a systemic anomaly perverting the concepts of democratic good governance. After almost 100 years, from the American Commonwealth to the present, thanks to this President, we are at the cusp of achieving this change.

The popularity of a Federal-Parliamentary system rose almost singlehandedly through the sheer personality of a Mindanawnon, who in his 2-decades as a local government executive understood and suffered through the imbalances and discrepancies within the unitary system. The voters took him and these concepts on faith. But for the shift to Federal Parliamentary to succeed, the beneficiary, the people need to know what's in it for them before they buy into it.

After an aberrant unitary government practiced over a century, long embraced values of political patronage have permeated the body politic. This needs to be overhauled and new practices inculcated over time must be safeguarded by judicious laws.

We have several models of Federalism already submitted to Congress. We are presenting a model borne out of years of discernment and study. Former President Gloria Macapagal Arroyo in 2005 issued EO

453 establishing a 50-man commission to propose revisions on the 1987 Constitution. This was headed by Dr. Pepe Abueva as Chairman and myself as Secretary General. This was submitted to Congress for deliberation. This was archived by Congress.

We will not reinvent the wheel, so to speak, so we are presenting the 2005 ConCom documents adopted and updated by the Centrist Democratic Party (CDP), the Centrist Democracy Political Institute (CDPI), and the LAKAS Party – (CENTRIST proposals for short).

THE CENTRIST PROPOSALS
FOR THE REVISION OF THE 1987 CONSTITUTION
(This will be submitted to the 25-man Commission to be appointed by PDU30)

UNITARY-PRESIDENTIAL SYSTEM

What we have today

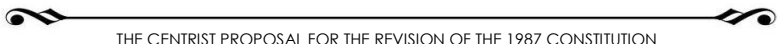
The Philippines is a sovereign state governed as a single entity. The central government is supreme and the administrative division or local government units exercise only powers that the central government has delegated to them. Central government is therefore ultimately the source of power (upon the consent of the governed) and can choose to delegate, decentralize and devolve powers but can unilaterally revoke or take them back.

We also have a presidential system where the executive branch led by a president serves as head of state and head of government and executes the laws of the land. Such laws are legislated by a bicameral body of a senate and house of representatives, and interpreted by the judiciary. In theory, although the 3 branches of government are coequal, in practice, the president is “*primus inter-pares*” and in fact dominant.

FEDERAL-PARLIAMENTARY

What we want

We want a system where power and authority are not centralized but shared between a Federal Government and States (regions, sub-states, etc.). This system allows states to develop themselves the way they see fit based on their culture and specific conditions. Some areas of public life



are under the control of the Federal government (security & defense, money & coinage, diplomacy, and foreign affairs, etc.). Some are left to the states (education, revenue generation & taxation, franchises licenses, and permits, etc.), and some are shared (raising taxes, borrowing money, criminal justice, etc.). These are all guaranteed in the constitution.

We also want a shift from a presidential to a parliamentary government. Briefly, Parliamentary system is known too as “*Party Government*”, as the political parties have ascendancy over personalities and because of the pivotal role of political parties in parliamentary elections, governance and public administrations. In our proposal, the legislative and the executive powers are fused in a unicameral parliament. The “*Head of the Government*” is the Prime Minister with his cabinet recruited from among the members of Parliament, while the President is the “*Head of State*” and Commander-in-Chief of all the armed forces. He is elected from among the members of Parliament. The Prime Minister (Head of Government) can be booted out of office through a “*vote of no confidence*”, not impeachment.

WHILE REVISING THE 1987 CONSTITUTION

We need to put in place four (4) critical conditions

First, is political party reform. We need real political parties, not the type we have today or have had in the past several decades. Political parties are primarily formed not only to contest elections and hold power in government but they must possess an ideological core, aggregating the needs and aspirations of a diverse segment of our society.

This reform can be achieved through the passing of the *Political Party Development and Financing Act* (a bill pending in Congress for several years, HB 49, 403, & 159) which will:

- Penalize “*Turncoatism*” (or the switching of political parties, “*Balimbing*”, “*Political Butterfly*”);
- Enforce transparent mechanisms providing and regulating campaign financing to eliminate, corruption and patronage and implement a system of public financing for electoral exercises removing dependence of candidates on big contributors (corporate & individual); and through

- State subsidy that will professionalize political parties by supporting their political education and campaign initiatives.

Second, is to enact a law banning Political Dynasties as mandated in Article II, Section 26 of the 1987 Philippine Constitution. This will ban the concentration of powers by the dynastic families in the barangay, local, and national positions. If Congress will not again pass an enabling law, **then what should be written in the revised constitution should be self-executory.**

The **Third** condition is the passage of a real all-encompassing Freedom of Information Bill (FOI) to enforce transparency in all transactions in government. This law will allow public access to information pertaining to official acts, transactions or decisions, and compel transparency and accountability in public service.

The **Fourth** condition is to initiate electoral reforms that would put in place a system that will not pervert the will of the populace. Any system that adheres to the democratic principles should consider clean and fair elections as imperatives. The COMELEC must be reformed to remove all quasi-judicial work and transfer electoral contests to the judiciary.

These conditions have a high probability of passage while we have a President endowed with tremendous political capital and have the political will to act decisively.

ROADMAP & TIMELINE

If Congress will seriously start deliberating today in amending the 1987 Constitution and if the same will be ratified by 2019, the country will then start the process of Federalization.

By all accounts, this is by far the most feasible timeline on the federalization of the Philippines. Federalism is a journey. It cannot be done in one step but with several critical stages. We cannot just write a constitution and the next day we are a Federal Republic. It is also not a one-time panacea to the ills of our society. It is a series of prescriptions that must be taken one after another for it to work.

The First Stage: October 2017 – Feb/May 2019

The Constitutional Assembly (ConAss) or Constitutional Convention (ConCon) will revise the 1987 Constitution targeting a February or May plebiscite 2019 in time to coincide with the Midterm Elections. Therefore, we elect all officials ***still under in the old 1987 Constitution.***

Or it can be written in the Transitory Provisions that these officials, elected under the 1987 constitution, will hold office only until the 1st Parliamentary Elections on May 2020 under the new Federal Constitution. The 12 months should be used in preparation towards the transition to a Parliamentary-Federal system.

With this schedule, the Constituent Assembly or the Constitutional Convention will have exactly 1 year and 4-7 months from today to write and submit the proposed new Constitution to the people.

The Second Stage: May of 2020-2025

The first Parliamentary Elections under the new Federal Constitution shall be conducted not later than May 2020 to organize the first Unicameral Parliament under the newly ratified constitution with a term of 5 years up to 2025.

The incumbent President DU30, now in a Parliamentary form of Government, shall continue his dual Presidential role as Head of State and Head of Government leading and presiding over the new unicameral parliament.

The Third Stage: May of 2022

By May 2022, President DU30 steps down as Head of State and a new President is elected by the Parliament to serve the remaining term of the President DU30; or ends his term by 2025 (This can be provided for in the transitory provisions of the new constitution).

The Fourth Stage: May of 2025-2030

The 2nd regular parliamentary election under the new constitution is held by 2025 with a 5-year term to 2030. We then have a new Prime Minister and a new President.

CREATION OF AUTONOMOUS TERRITORIES LEADING TOWARDS A FEDERAL REPUBLIC



The First Stage: February-May 2019

Upon the ratification of the Constitution, a body may be created to oversee the negotiations, setting the parameters for the creation of the 11 AUTONOMOUS TERRITORIES (the 12th, the BANGSAMORO, will be constituted ahead based on the Bangsamoro Basic Law, enacted by Congress previous to the plebiscite).

Parliament can enact under the new constitution the ORGANIC ACT of the BANGSAMORO and the other AUTONOMOUS TERRITORIES that are advanced in their negotiations and agreements.

The Second Stage: May of 2020-2025, 2028

During this crucial period, Parliament shall guide and allow the evolution of the Provinces and highly urbanized Cities from what it is today into **autonomous territories**. These local government units shall negotiate with one another the establishment of their Federal State based on their geographical location, population, history, language and cultural similarities, considerations of their natural resources and wealth, and the selection of the seat of the State Capital.

The result of these negotiations shall be incorporated in detail and enacted in an Organic Law by parliament within a year of a petition to be subsequently approved by the constituents of the newly formed **autonomous territory** in a referendum.

Some of the Provinces and Cities will be ahead of the pack and some will be laggards, therefore the development of a Federal Republic will not be uniform. All these need time and with guidance from Parliament.

It is our contention that if 3/5 (60%) of the provinces and highly urbanized cities become **autonomous territories** with organic acts, then the Federal Republic of the Philippines is created. By our reckoning this will happen in 2028.

Looking into the theoretical aspect of Federalism and the models of successful Federal Governments in the world, the principles of self-determination, solidarity, autonomy, subsidiarity, and cooperation between the national and the federal states and among the states themselves are essential in sustaining a Federal Republic.

It has to be emphasized that it is not Federalism when there is a central government imposing on the body politic the territories that will eventually compose a federal state.

It is a kind of Federalism we aspire for when the people from cities and regions shall negotiate among themselves and arrive at a decision to set up their own federal state.

Conclusion

Federalism is indeed a complex process and may take several years before the country can fully implement it. However, if we do not educate and involve ourselves in the debate now, then we will never learn and be able to help build our beloved nation as immediately as possible. We need most specially to engage the millennials for they have the energy to manifest the positive changes we wish to take place in our society.

And lastly, we need an alert and knowledgeable citizenry that can compel this nation's movement towards this common goal. And in this end, we need massive political education throughout the country and this can only be achieved when all like-minded political parties and individuals will turn their backs on differences and march forward in a single rhythm, firm in resolution and clear on principles.

This roadmap to federalism is thus designed to mitigate the shock to the body politic arising from the purging of traditional political practices through the immediate passage of reform laws, now pending in Congress. Furthermore, the critical process of transition to a Parliamentary-Federal Republic has to be in place in the revised constitution so the assurance of its continuity is safeguarded by the constitution itself even beyond the term of the current President. To reiterate, the CENTRIST roadmap simply adapts to the exigencies of real change or *"tunay na pagbabago"*, the rallying slogan of the Deegong, *accelerating change where feasible without unnecessarily upsetting institutions and government services.*

**THE PROPOSED REVISION OF THE 1987 CONSTITUTION
(THE CONSTITUTION OF THE FEDERAL REPUBLIC OF THE
PHILIPPINES)**

PREAMBLE

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our nation, and secure to ourselves and our posterity the blessings of democracy, under a regime of justice, peace, liberty, and equality, do ordain and promulgate this Constitution of the Federal Republic of the¹ Philippines².

ARTICLE I.

The National Territory³

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all the other territories belonging to the Philippines by historic right or legal title, including the territorial sea, air space, subsoil, sea-bed, insular shelves, and submarine areas over which the Philippines has sovereignty or jurisdiction. The waters around, between, and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

¹ CMFP/ABUEVA

² 1987: Preamble

³ 1987: Article 1

ARTICLE II.

The Federal Republic of the Philippines⁴

Section 1. The Philippines is a Democratic and a Federal Republic⁵ of States.

Section 2. The States of the Federation are the Regions composed of Provinces, Cities, and Municipalities that have decided among themselves to bind together as Autonomous Territories based on geographic contiguity and proximity, their ethnic, linguistic and cultural aspects, and on their socio-economic potential and viability.

Section 3. A new State to be admitted or established in the Federation requires the approval of the Parliament.

Section 4. The altering of boundaries of States to accommodate the creation and admission of a new State requires the consent of the affected areas.

Section 5. When 3/5 (60%) of the provinces, component cities and municipalities have become Autonomous Territories, the Federal Republic of the Philippines is created.

Section 6. The Federal Government shall have the following exclusive powers:

- a.** National Defense and National Security;
- b.** Foreign affairs and treaties with other countries;
- c.** Currency, coinage and central banking; and

⁴ CMFP/ABUEVA: Article 2 Title

⁵ 1987: Article 2, Section 1

- d. Customs, tariffs and international trade.

ARTICLE III.

Declaration of Fundamental Principles⁶

Section 1. The Philippines adopts the Democratic, Republican⁷, Federal, Representative and Parliamentary government.

Section 2. Sovereignty resides in the people and all government authority emanates from them.⁸

Section 3. The electoral system shall guarantee the equal eligibility of every citizen for any public office according to qualifications and professional achievements.

Section 4. Political dynasty shall be prohibited.⁹ Any person related within the 3rd degree by affinity or consanguinity to any incumbent public official elected in the immediately preceding election shall not be allowed to run for any local, state or national position.

Section 5. All generally accepted principles of international laws shall be part of the laws of the¹⁰ Philippines.

Section 6. Civilian authority is, at all times, supreme over the military.¹¹

⁶ 1987: Article 2, Declaration of Principles and State Policies

⁷ 1987: Article 2, Section 1

⁸ 1987: Article 2, Section 1

⁹ 1987: Article 2, Section 26.

¹⁰ 1987: Article 2, Section 2.

¹¹ 1987: Article 2, Section 3, first sentence.

Section 7. The Armed Forces of the Philippines¹² shall protect the people, defend the sovereignty and territorial integrity of the Federal Republic from external aggression.

Section 8. Every male who will be turning 18 years of age after the enactment of this constitution shall render compulsory service in the Armed Forces, National Police or in any civil defense organization for at least two years.

Those who will refuse compulsory military service on grounds of conscience shall perform an alternative civilian community service for the same period.

Section 9. A social market economy anchored on free competition with social responsibilities and a State providing supportive framework and “economic safety nets” shall be the economic order of the Federal Republic of the Philippines.

Section 10. Education in the Philippines shall be at all times a right and not a privilege.

Primary and secondary education in the Philippines shall be free and obligatory.

Laws shall be passed ensuring the responsibilities of parents to provide primary education to their children.

Parliament shall enact a law subsidizing private educational institutions or such other mechanisms for free and universal education in the country.

Section 11. Academic freedom¹³ is guaranteed in the Philippines.

¹² 1987: Article 2, Section 3

¹³ 1987: Article 14, Section 5 (2)

Section 12. Universities in the country are autonomous in crafting their own charters with the concurrence of the Parliament with due regard on quality education and in the democratization and modernization of the educational system of the country.

They shall enjoy scientific, pedagogical, administrative and financial autonomy.

Section 13. Teachers and students are guaranteed democratic participation in the management of their schools.

Section 14. Philippines is a secular state respecting the inviolability of the separation of Church and State.¹⁴

Section 15. The State shall protect the environment and advance the right of the people to a balanced and healthful ecology¹⁵ in accord with the conservation of nature particularly in its capacity for renewal and to the benefit of the present and future generations.

Section 16. The State shall pass laws ensuring social justice and poverty eradication.

Section 17. The State shall defend the rights and interests of the indigenous peoples¹⁶, respect their identity and their right to bilingual and cultural education and protect their property that they traditionally¹⁷ occupied.

Section 18. All public institutions shall ensure the freedom of the people to procure and receive information from all public offices.

¹⁴ 1987:Article 2, Section 6 (modified)

¹⁵ 1987: Article 2, Section 16

¹⁶ 1987: Article 2, Section 22

¹⁷ CMFP/ABUEVA: Article 2

Section 19. The Federal Republic shall empower civil society through its non- governmental, ¹⁸ community-based, people or sectoral organizations, and its professional and civic associations and foundations that promote the welfare of the nation.

Section 20. The family is a basic social autonomous¹⁹ and fundamental structure of the society which is entitled support by the State by protecting human life especially that of the unborn and of the mother ²⁰, the dignity of the children and the primary responsibility of the parents.

ARTICLE IV.

Bill of Rights²¹

Section 1. 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 2. 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 be issued 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

¹⁸ 1987: Article 2, Section 23

¹⁹ 1987: Article 2, Section 12

²⁰ 1987: Article 2, Section 12

²¹ 1987: Article 3. No Changes

²² 1987: Article 2, Section 12

describing the place to be searched and the persons or things to be seized.

Section 3. The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Section 4. 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.

Section 5. No law shall be made respecting an establishment of religion, or prohibiting its free exercise thereof. 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 6. 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 7. 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 to the citizen, subject to such limitations as may be provided by law.

Section 8. The right of the people to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Section 9. Private property shall not be taken for public use without just compensation.

Section 10. No law impairing the obligation of contracts shall be passed.

Section 11. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.

Section 12. (1) 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 counsel.

(2) 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.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall 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 13. All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of habeas corpus is suspended. Excessive bail shall not be required.

Section 14. (1) No person shall be held to answer for a criminal offense without due process of law.

(2) 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 15. The privilege of the writ of habeas corpus shall not be suspended except in cases of invasion or rebellion when the public safety requires it.

Section 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

Section 17. No person shall be compelled to be a witness against himself.

Section 18. (1) No person shall be detained solely by reason of his political beliefs and aspirations.

(2) No involuntary servitude in any form shall exist except as punishment for a crime whereof the party shall be duly convicted.

Section 19. (1) 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 Parliament hereafter provides for it. Any death penalty already imposed shall be reduced to *reclusion perpetua*.

(2) 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 shall be dealt with by law.

Section 20. No person shall be imprisoned for debt or non-payment of a poll tax.

Section 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Section 22. No ex post facto law or bill of attainder shall be enacted.

ARTICLE V

Bill of Duties

Section 1. It shall be the duty of every citizen to be loyal to the Republic of the Philippines, honor the Philippine Flag,

defend the State, contribute to its development and welfare, uphold the Constitution and obey the laws, pay taxes, and cooperate with the duly constituted authorities in the attainment and maintenance of the rule of law and of a peaceful, just, humane and orderly society.

Section 2. The rights of the individual to impose upon him the correlative duty to exercise them responsibly and with due regard for the rights of others.

Section 3. Citizens and the State shall at all times respect the life and dignity of every human person and uphold human rights.

Section 4. Citizens shall participate actively in public and civic affairs, and contribute to good governance, honesty and integrity in the public service and the vitality and viability of democracy.

ARTICLE VI

Citizenship²²

Section 1. The following are citizens of the Philippines:

(1) Those who are citizens of the Philippines at the time of the adoption of this Constitution;

(2) Those whose fathers or mothers are citizens of the Philippines; and

(3) Those who are naturalized in accordance with law.

Section 2. Natural-born citizens are those who are citizens of the Philippines from birth or those who, in accordance

²² 1987: Article 4.

with law, reacquire such citizenship. Those born of Filipino mothers who elect Filipino citizenship 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 citizenship may be allowed under conditions set by law.

ARTICLE VII

Suffrage²²

Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place where they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirements shall be imposed on the exercise of suffrage.²³

Section 2. Parliament shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad. It shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote

²³ 1987: Article 5

under existing laws and such rules as the Commissions on Elections may promulgate to protect the secrecy of the ballot.

ARTICLE VIII

POLITICAL PARTIES²⁴

Section 1. The institutionalization and the strengthening of the political parties are vital pillars of the country's democratic system.

Section 2. Responsible, democratic and accountable political parties are indispensable to the effective functioning of representative democracy and a parliamentary government.

Section 3. The Parliament, as a party government, shall by law promote the development of a free and open party system.

Section 4. Functional political parties are freely organized to contribute to the exercise of suffrage, organization of government and conduct of political education.

Elected officials shall be prohibited in transferring from one party to another during their term of office.

Political parties receiving subsidies from the government shall open their financial transactions to the public.

Before the holding of the first parliamentary elections under this constitution, laws shall be passed guaranteeing the meaningful participation of political parties.

²⁴ CMFP/ABUEVA: Article 9

Section 5. Government employees are allowed to join political parties or association. Laws shall be passed prohibiting the use of any government resources for partisan activities.

ARTICLE IX

THE FEDERAL STATES

Section 1. The territorial and political subdivisions of the Federal Republic of the Philippines are the Federal States, cities, municipalities and barangays. There shall be Autonomous Territories in the country as provided in Article XV of this Constitution.

Section 2. Each Federal State shall have its own organic act defining their organization, structures, powers and functions, elections and qualifications of its officers, its member territorial and political subdivisions comprising the cities and municipalities and such others as may be provided in this Constitution.

The passage of the organic act of a State by the Parliament must be with the consent of its people.

Section 3. The exercise of State powers and the discharge of State functions is a matter for the Federal State.

Section 4. The Governor is the Head of the Federal State and appoints the State Ministers who are elected members of the Federal Parliament.

Section 5. The State Governor elected directly by the people of the State shall serve for five years with no term limits.

The Governor may be impeached as initiated by the State Parliament and may be removed from office by a vote of two-

thirds of the members of the State Parliament as may be provided for by their organic act.

Section 6. Members of the State Parliament are elected directly by the people representing the legislative districts.

Section 7. International agreements entered into by the States with other countries or international organization on matters pertaining to trade, arts and culture, loans, grants, aids, science and technology, education, agriculture and sports may be concluded with the consent of the Federal Government.

Section 8. All Federal and State authorities shall render legal and administrative assistance to one another.

Section 9. The Federal Government shall provide financial assistance to the Federal States to avert a disturbance of the overall economic equilibrium, equalize differing economic capacities within the federal territory, to promote economic growth or in times of natural disaster or exceptional emergency.

Section 10. Federal Parliament shall pass an equalization law with due regard to the financial capacities of the Federal States in providing grants to weaker States.

ARTICLE X

THE PARLIAMENT²⁵

Section 1. The legislative and executive powers shall be vested in a unicameral Parliament to the extent as otherwise provided in this Constitution.

²⁵ CMFP/ABUEVA: Article 12

Section 2. (1) Parliament shall be composed of as many members as may be provided by law, who shall be elected from Parliamentary districts apportioned among the cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who shall be chosen on the basis of proportional representation by the political parties according to the votes each party obtained in the preceding elections.

(2) The members chosen by the political parties shall constitute thirty *per centum* of the total number of members including those elected by Parliament. In the choice of such members, the political parties shall ensure that the labor, peasant, urban poor, veterans, indigenous peoples, women, youth, differently-abled, and such other sectors as may be provided by law, except the religious sector, are properly represented.

(3) Each Parliamentary district shall comprise, as far as practicable, contiguous, compact and adjacent territory. Each Parliamentary district and each city with a population of at least two hundred fifty thousand, and each province, shall have at least one representative.

(4) Within three years following the return of every census, Parliament shall pass a law to reapportion the Parliamentary districts based on the standards provided in this section.

Section 3. No person shall be a member of Parliament unless he is a natural-born citizen of the Philippines and, on the day of election, is at least twenty-five years of age, a college graduate, and, except the members chosen by the political parties, a registered voter in the district in which he shall

be elected, and a resident thereof for a period of not less than one year immediately preceding the day of election.

Section 4. (1) The Members of Parliament shall be elected for a term of five years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

(2) Unless otherwise provided by law, the regular election of the members of Parliament shall be held on the second Monday of May and every five years thereafter.

(3) In case Parliament is dissolved, the President shall call a special election on the date set by the Prime Minister to be held not earlier than forty-five days nor later than sixty days from the date of the dissolution of Parliament. In the new Parliament, the Members shall serve for a term of five years beginning from the time the Prime Minister convokes Parliament, which shall not be later than twenty days immediately following the elections.

(4) In case any vacancy arises in Parliament, a special election may be called to fill such vacancy in the manner prescribed by law, but the Member of Parliament thus elected shall serve only for the unexpired term.

Section 5. Parliament 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 Prime Minister may call a special session at any time.

Section 6. (1) Parliament shall elect its Speaker by a majority vote of all its members. It shall choose such other officers as it may deem necessary. The elections of the President and the Prime Minister shall precede all other business following the election of the Speaker.

(2) At least one-third of the Members of Parliament 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 a manner, and under such penalties, as Parliament may provide. Provided, however, that at least a majority of members of Parliament shall constitute a quorum for voting.

(3) Parliament may determine the rules of its proceedings, punish its Members for disorderly behavior, 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 days.

(4) Parliament shall keep and publish a Journal of its proceedings, 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.

Section 7. The salaries of the Speaker and each Member of Parliament shall be determined by law. No increase in compensation shall take effect until after the expiration of the full term of all Members of Parliament approving such increase.

Section 8. All Members of Parliament shall, upon assumption of office, make full disclosure of their financial and



business interests. They shall strictly avoid conflict of interest in the conduct of their office. They shall notify Parliament of a potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

Section 9. The records and books of accounts of Parliament 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 10. No Member of Parliament shall hold any other office or employment in the Government, or any of its subdivision, agency, or instrumentality, including government-owned or –controlled corporations or their subsidiaries, during his term without forfeiting his seat except that of Prime Minister or Member of the Cabinet. Neither shall a Member be appointed to any office which may have been created nor the emoluments thereof increased during the term for which he was elected.

Section 11. No Member of the Parliament shall, during his tenure, directly or indirectly practice any other profession, participate in any business, or be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency or instrumentality, including any government-owned or controlled corporations, or their subsidiaries. He shall not intervene in any matter before any office of the Government for his pecuniary benefit or where he may be called upon to act on account of his office.

Section 12. A Member of Parliament shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while Parliament is in session. No Member

shall be questioned nor be held liable in any other place for any speech or debate in Parliament or in any of its committee.

Section 13. No money shall be paid out of the treasury except in pursuance of an appropriation made by law.

Section 14. (1) The Prime Minister shall submit to Parliament within thirty days from the opening of each regular session, as the basis of the general appropriations bill, a budget of receipts based on existing and proposed revenue measures, and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) 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.

(3) The procedure in approving appropriations for Parliament shall strictly follow the procedure for approving appropriations for other ministries and agencies.

(4) If by the end of the fiscal year, Parliament shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriation law for the preceding fiscal year shall remain in force until the general appropriations bill shall have been passed by Parliament.

Section 15. A special appropriation bill shall (a) specify the purpose for which it is intended, and (b) be supported by funds, actually available as certified by the National Treasurer, or to be raised by a corresponding revenue proposal.

Section 16. (1) No law shall be passed authorizing any transfer of appropriations. However, the President, the Prime Minister, the Speaker of Parliament, 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 or special appropriations law for their respective offices, from savings in other items of their respective appropriations.

(2) Discretionary funds appropriated for particular officials shall be disbursed only for the public purposes to be supported by appropriate vouchers, and subject to each guideline as may be prescribed by law.

(3) 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 and sectarian institution, or any system of religion, or of any priest, preacher, minister, other religious teacher, or dignitary as such except when such priest, preacher, minister, or dignitary is assigned to the Armed Forces of the Philippines, or to any penal institution, government orphanage or leprosarium.

Section 17. The rule of taxation shall be uniform and equitable. Parliament shall evolve a progressive system of taxation.

Section 18. Parliament may, by law, authorize the Prime Minister 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.



Section 19. 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, any balance shall be transferred to the general funds of the Government.

Section 20. (1) No law granting any tax exemption shall be passed without the concurrence of a majority of all Members of Parliament.

(2) Charitable institutions, churches and parsonages or convents, mosques, 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.

Section 21. No treaty or international agreement shall be valid and effective unless concurred in by a majority of all the members of Parliament.

Section 22. (1) Parliament, by a vote of two-thirds of all its members, shall have the sole power to declare the existence of a state of war.

(2) In times of war or other national emergency, Parliament may by law authorize the Prime Minister, for a limited period and subject to such restrictions as the law may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of Parliament, such powers shall cease upon its next adjournment.

Section 23. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution, without its advice and concurrence.

Section 24. No law granting a title of royalty or nobility shall be enacted.

Section 25. (1) No bill except those of local application shall be calendared without the prior recommendation of the Cabinet.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies in its final form have been distributed to its members three days before its passage, except when the Prime Minister 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.

(3) Every bill passed by Parliament shall embrace only one subject matter, which shall be expressed in its title.

(4) Every bill passed by Parliament shall, before it becomes a law, be presented to the Prime Minister for his signature. The Prime Minister shall act on every bill passed by Parliament within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

Section 26. Parliament or any of its 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 27. There shall be a question hour as often as its rules may provide during which the Prime Minister or any minister, upon their own initiative or as may be required by Parliament, can appear before and be heard to answer questions and

interpellations by members of Parliament on any matter pertaining to the Government or its ministries. Written questions shall be submitted to the Speaker at least three days before their scheduled appearance. Interpellations shall not be limited to written questions, but may cover related matters. The agenda shall specify the subjects of the question hour. When the security of the state or the public interest so requires, and the Prime Minister so states in writing, the appearance shall be conducted in executive session.

Section 28. (1) Parliament may withdraw its confidence from the Prime Minister only by electing a successor by a majority vote of all its members. No motion for the election of such successor shall be debated and voted upon until after the lapse of three days from the submittal of such motion.

(2) The Prime Minister or any Member of Parliament may request for a popular vote of confidence from Parliament on fundamental issue or a general declaration of program or policy which must be voted upon after seventy-two hours have elapse from its submission. If the vote of confidence is not carried by the majority of all the Members of Parliament, the President upon written advice of the Prime Minister shall dissolve Parliament not earlier than three days nor later than ten days from receipt of the advice, and call for an election.

However, no dissolution of Parliament or vote of confidence shall take place within one year immediately preceding or following a general election.

Section 29. In case of dissolution of Parliament or the termination of its regular term, the incumbent Prime Minister and the Cabinet shall continue to conduct the affairs of Government

until the new Parliament is convoked by the Prime Minister and a new Prime Minister is elected and qualified.

Section 30. Within thirty days after Parliament shall have been organized with the election of the Speaker, the Commission on Appointments shall be constituted consisting of the Speaker, as ex-officio Chairman, and not more than thirty-six members elected by Parliament on the basis of proportional representation from the political parties represented therein. No Minister shall be elected in the Commission.

The Commission on Appointments shall meet only when Parliament is in session. The Chairman of the Commission shall act on all appointments submitted to it within thirty session days of Parliament. The Commission shall rule by a majority vote of all its members. The Chairman of the Commission shall not vote, except in case of a tie. The rules of the Commission shall be approved by Parliament.

Section 31. Within thirty-days after Parliament shall have been organized with the election of the Speaker, the Electoral Tribunal shall be constituted which shall be the sole judge of all contests relating to the election, returns and qualifications of their respective member. The Electoral Tribunal shall be composed of nine members, three of whom shall be justices of the Supreme Court to be designated by the Chief Justice, three to be chosen by the majority party, and three to be chosen by the minority party from their respective Members of Parliament. The senior Justice of the Supreme Court shall be its Chairman. The Electoral Tribunal shall promulgate its own rules of procedures. The decision of the Electoral Tribunal is final and not subject to any appeal in or review by the Supreme Court.

Section 32. Parliament shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act of law or part thereof passed by Parliament or a local legislative body after the registration of a petition signed by at least ten *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of the registered voters thereof.

Section 33. Within thirty-days after Parliament shall have been organized, there shall be a created Federalization Commission that shall enact guidelines for the conversion of Regions to Autonomous Territories through the principles under Section 2 of Article II and Section 11 of Article XV.

ARTICLE XI

THE PRIME MINISTER AND THE CABINET

Section 1. The executive power shall be exercised by the Prime Minister with the assistance of the Cabinet.

Section 2. The Prime Minister shall be elected by a majority of all the Members of Parliament from among themselves.

Section 3. The Prime Minister shall appoint the Deputy Prime Minister who shall head a ministry, and the Members of the Cabinet who shall be the heads of the ministries, at least three-fourths of whom shall come from Parliament. They may be removed at the discretion of the Prime Minister.

The Prime Minister shall also appoint the career Senior Deputy Minister for each ministry who shall be a member of the



career civil service and shall be the chief administrator of the ministry.

Section 4. Before they enter on the execution of their office, the Prime Minister, Deputy Prime Minister, and the Members of the Cabinet shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Republic of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every person, and consecrate myself to the service of the nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

Section 5. The Prime Minister shall have an official residence. The salaries and emoluments of the Prime Minister and the Members of the Cabinet shall be determined by law and shall not be increased nor decreased during their tenure. The Prime Minister shall receive an annual salary as that of the President.

Section 6. The Prime Minister and the Members of the Cabinet shall be subject to the provisions of sections 10 and 11 of Article X of this Constitution.

Section 7. The Prime Minister or any member of the Cabinet may resign for any cause without vacating his seat in Parliament.

Section 8. The Prime Minister and the Cabinet shall be responsible to Parliament for the program of government and shall determine the guidelines of national policy. The Prime Minister shall, at the beginning of each regular session of Parliament and from time to time thereafter, present the program of government

and recommend for the consideration of Parliament such measures as he may deem necessary and proper.

Section 9. The Prime Minister shall have control of all ministers, bureaus, and offices. He shall have supervision and administration over autonomous territories, local governments, and all of the Armed Forces of the Philippines. He shall ensure that the laws be faithfully executed.

Section 10. Two months immediately before the next regular elections and up to the end of his term, the Prime Minister shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

Section 11. The Prime Minister shall nominate and, with the consent of the Commission on Appointments, appoint the Chief Justice and Members of the Supreme Court and lower collegiate courts, the Ombudsman and his deputies, the Chairmen and Members of the constitutional commissions, Ambassadors, Chiefs of Mission and Consuls-General, the Chief of Staff, the Vice Chief of Staff, and the commanders of the major services of the Armed Forces of the Philippines and the officers of the Philippine National Police of equivalent rank and grade, and all other officers of the Government whose appointments may be subject for confirmation as provided in this Constitution or by law. He shall also appoint the heads of the bureaus and offices, other public ministers and consuls, the officers of the armed forces from the rank of colonel or naval captain, the officers of the Philippine National Police from the rank of senior superintendent, and all other officers by law, and those whom he may be authorized by law to appoint. Parliament may, by law, vest the appointment of other officers

lower in rank in the heads of ministers, courts agencies, commissions, or boards.

The Prime Minister shall have the power to make appointments during the recess of Parliament, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of Parliament.

Section 12. The Prime Minister may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law. The Monetary Board shall, within thirty days from the end of every quarter of the calendar year, submit to Parliament a complete report of its decisions on applications for loans to be contracted or guaranteed by the Government or government-owned or – controlled corporations which would have the effect of increasing the foreign debt and containing other matters provided by law.

ARTICLE XII

THE PRESIDENT²⁶

Section 1. The President shall be the Head of the State and the Commander-in-Chief of all the Armed Forces of the Philippines.

Section 2. The President shall be elected from among the Members of Parliament by a majority of all its Members, and must at least be forty years of age on the day of his election and a

²⁶ 1987: Article 7, Executive Department

resident of the Philippines for at least ten years immediately preceding his election. However, if no Member of Parliament is qualified or none of those qualified is a candidate for President, any Member thereof may be elected President.

Section 3. The President shall serve for a term of five years which shall commence from the date he takes his oath of office within three days after his proclamation by Parliament, and shall end at twelve noon on the day his successor shall take the same oath. Upon taking his oath, the President shall cease to be a Member of Parliament and of any political party. Unless otherwise provided in this Constitution, he shall be ineligible to hold any other office during his term.

Section 4. On assuming office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Republic of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every person, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

Section 5. The President shall have an official residence. The salaries and emoluments of the President shall be determined by law and shall not be increased nor decreased during his tenure.

Section 6. The Office of the President shall enjoy fiscal independence. Appropriations of the said office shall be periodically increased by as much as the projected rate of inflation for the current fiscal year and shall not, under any situation, be



decreased below the amount appropriated for the previous year. After approval of the budget by Parliament, the amounts so appropriated shall be automatically and regularly released.

Section 7. The President shall be subject to the provisions of Sections 10 and 11 of Article X on Parliament, and Section 6 of Article XI on the Prime Minister and the Cabinet of this Constitution.

Section 8. The President, upon the advice of the Prime Minister and whenever it becomes necessary, may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion, rebellion or imminent danger thereof, upon the advice of the Prime Minister and when the public safety requires it, he may, for a period not exceeding sixty days, suspend the privilege of the writ of habeas corpus or place the Philippines or any part thereof under martial law. Within forty-eight hours from the proclamation of martial law or the suspension of the writ of habeas corpus, the Prime Minister shall submit a report in person or in writing to Parliament. Parliament, 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 and the Prime Minister. Upon the initiative of the Prime Minister and approved by the President, Parliament may, in the same manner, extend such proclamation or suspension for a period to be determined by Parliament, if the invasion, rebellion or imminent danger thereof shall persist and public safety requires it.

Parliament, if not in session, shall, within twenty-four hours following such proclamation or suspension, convene in accordance with its rules without need of call.

Section 9. Except in cases of impeachment, or as otherwise provided in this Constitution, the President, upon the recommendation of the Prime Minister, may grant pardon, and, after conviction by final judgment, grant reprieves, commutations, and remit fines and forfeitures.

He shall, upon the recommendation of the Prime Minister, have the power to grant amnesty with the concurrence of a majority of all the Members of the Parliament.

Section 10. The President shall address Parliament at the opening of its regular session. He may also appear before it any other time.

Section 11. The President shall appoint all officers and employees in his office in accordance with the Civil Service Law. He may perform such other duties and functions of state as may be provided by law.

Section 12. The President and the Prime Minister shall be immune from suit during their respective tenures.

ARTICLE XIII

The Judiciary²⁷

Section 1. Judicial power is vested in the Supreme Court of the Philippines, the Constitutional Court and other Federal courts, and in the courts of the States²⁸.

Section 2. Judicial power includes the duty of the courts of justice to settle actual controversies involving rights and

²⁷ 1987: Article 8, Judicial Department

²⁸ CMFP/ABUEVA: Article 12, Section 1

on the part of the Constitutional Court²⁹ to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Federation or the States.

Section 3. The Parliament shall have the power to define, prescribe, and apportion the jurisdiction of the various Federal courts with the advice of the Supreme Court and the Constitutional Court at all times.

Section 4. The Supreme Court, the Constitutional Court, the Federal Court of Appeals, the *Sandiganbayan*, and the Court of Tax Appeals are under the jurisdiction of the Federation. The Supreme Court shall have administrative supervision over all Federal courts, except the Constitutional Court.

Section 5. The State High Court, Regional Trial Courts, the Municipal Trial Courts, the Municipal Circuit Trial Courts, Municipal Trial Courts in the Cities, the Sharia Circuit Trial Courts and other inferior courts are under the jurisdiction of the States. All State courts shall be under the administrative supervision of the State High Court which shall be located in the capital city of the State.

Section 6. The Judiciary shall enjoy fiscal autonomy. Appropriations for the Judiciary may not be reduced by the Parliament or the State Parliament below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released.³⁰

Section 7. The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit *en banc*

²⁹ CMFP/ABUEVA: Article 17

³⁰ 1987: Article 8, Section 3.

or in its discretion, in divisions of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.³¹

Section 8. 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*;³²
- b. Assign temporarily judges of lower Federal courts to other stations as public interest may require.
- c. Order a change of venue or place of trial to avoid a miscarriage of justice³³;
- d. 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 underprivileged. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Federal Supreme Court;³⁴
- e. Appoint all officials and employees of the Federal Judiciary in accordance with the Civil Service Law³⁵;

³¹ 1987: Article 8, Section 4.

³² 1987: Article 8, Section 5

³³ 1987: Article 8, Section 5 (4)

³⁴ 1987: Article 8, Section 5 (5)

³⁵ 1987: Article 8, Section 5 (6)

f. 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:³⁶

1. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
2. All cases in which the jurisdiction of any lower court is in issue.
3. All criminal cases in which the penalty imposed is *reclusion perpetua* or higher.
4. All cases in which only an error or question of law is involved.
5. Any others conferred on it by the Parliament.

Section 9. There shall be a Constitutional Court headed by its Chair, which shall have the following powers:

a. To resolve the conflicts between the Federation and the States, between and among the States, between a citizen or citizens of a State and another State and between government instrumentalities;

b. To decide in all impeachment proceedings, and all other cases involving public law;

c. To declare the total or partial nullity of national laws and other acts of the Parliament that conflict with this Constitution;

d. To declare the total or partial nullity of State laws, municipal ordinances, and other acts of the State

³⁶ 1987: Article 8, Section 5 (2)

Assemblies and other deliberative bodies of the States and their constituent local governments that conflict with this Constitution;

e. To declare the nullity of regulations and other acts of the President, the Prime Minister and other Federal legislators and Federal executives when they act in violation of this Constitution;

f. To declare the nullity of regulations and other acts of State Governors, Vice Governors, and other State executives when they violate this Constitution;

g. To settle any conflicts that may exist between different legal provisions and declare which of them is to prevail;

h. To hear cases in cessation; and

i. Any other matters conferred on it by the Parliament³⁷.

Section 10. All cases involving the constitutionality of a treaty, international or executive agreement, or a Federal or State law, which shall be heard by the Constitutional 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.

³⁷ CMFP/ABUEVA: Article 12, Section 9

Section 11. (1) No person shall be appointed Member of the Supreme Court, the Constitutional Court, or any other Federal or State courts unless he or she is a natural-born citizen of the Philippines.

(2) A Member of the Supreme Court and the Constitutional 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.³⁸

Section 12. The Parliament shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he or she is a citizen of the Philippines and a member of the Philippine Bar.³⁹

Section 13. A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.⁴⁰

Section 14. (1) 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 Minister of Justice, and a representative of the Parliament 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.

(2) The regular Members of the Council shall be appointed by the President for a term of four years. Of the Members first appointed, the representative of the Integrated Bar shall serve for

³⁸ 1987: Article 8, Section 7

³⁹ 1987: Article 8, Section 7 (2)

⁴⁰ 1987: Article 8, Section 7 (3)

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. The Clerk of the Supreme Court shall be the Secretary ex officio of the Council and shall keep a record of its proceedings. 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.

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.⁴¹

Section 15. The Members of the Supreme Court and the Constitutional Court and the judges of lower Federal courts shall be appointed by the President from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation. For the lower Federal courts, the President shall issue the appointments within ninety days from the submission of the list.

Section 16. The Chairman and Members of the State High Court and the judges of other State courts shall be appointed by the State Governor from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation. The Governor shall issue the appointments within ninety days from the submission of the list.

Section 17. The salary of the Chief Justice and of the Associate Justices of the Supreme Court, of the Chair and

⁴¹ 1987: Article 8, Section 8 (5)

Associate Justices of the Constitutional Court, and of judges of lower Federal courts and State courts shall be fixed by law. During their continuance in office, their salary shall not be decreased.⁴²

Section 18. The Members of the Supreme Court and the Constitutional Court and the judges of lower Federal courts and States courts shall hold office during good behavior until they reach the age of seventy years⁴³ or become incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the power to discipline judges of lower Federal courts and State courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon. The Constitutional Court shall have the power to discipline its members.

Section 19. The Members of the Supreme Court, Constitutional Court, and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.⁴⁴

Section 20. The conclusions of the Supreme Court in any case submitted to it for decision *en banc* or in division shall be reached in consultation before the case is assigned to a Member for the writing of the opinion of the Court. A certification to this effect signed by the Prime Minister shall be issued and a copy thereof attached to the record of the case and served upon the parties. Any Members who took no part, or dissented, or abstained from a decision or resolution must state the reason thereof. The

⁴² 1987: Article 8, Section 10

⁴³ 1987: Article 8, Section 11

⁴⁴ 1987: Article 8, Section 12

same requirements shall be observed by all lower collegiate courts.⁴⁵

Section 21. 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 thereof.⁴⁶

Section 22. 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 Constitutional Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower Federal and State courts.

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.

Upon the expiration of the corresponding period, a certification to this effect signed by the Prime Minister 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.

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

⁴⁵ 1987: Article 8, Section 13

⁴⁶ 1987: Article 8, Section 14

case or matter submitted thereto for determination, without further delay. ⁴⁷

Section 23. The Supreme Court, the Constitutional Court, and the State Supreme Court in every State shall, within thirty days from the opening of each regular session of the Parliament, submit to the President and the Prime Minister⁴⁸ an annual report on the operations and activities of the Judiciary under their administrative supervision. ⁴⁹

Section 24. Within five years from the promulgation of this Constitution, the Supreme Court shall supervise the full decentralization of the Federal Court of Appeals to the capital cities of the States and the complete transfer of jurisdiction of the various lower courts from the Supreme Court to the High Courts in the States.

ARTICLE XIV

Federal Constitutional Commissions⁵⁰

A. Common Provisions

Section 1. The Constitutional Commissions, which shall be independent, are the Civil Service Commission, the Commission on Elections, and the Commission on Audit.

Section 2. No Member of a Constitutional Commission shall, during his tenure, hold any other office or employment. Neither shall he engage in the practice of any

⁴⁷ 1987: Article 8, Section 15 (4)

⁴⁸ CMFP/ABUEVA: Article 12, Section 20

⁴⁹ 1987: Article 8, Section 16

⁵⁰ 1987: Article 9, Constitutional Commissions

profession or in the active management or control of any business. The salary of the Chairman and the Commissioners shall be fixed by law and shall not be decreased during their tenure.

Section 3. The Constitutional Commissions shall appoint their officials and employees in accordance with law.

Section 4. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

Section 5. Each Commission *en banc* may promulgate its own rules concerning pleadings and practice before it or before any of its offices. Such rules, however, shall not diminish, increase, or modify substantive rights.

Section 6. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Court of Appeals on certiorari by the aggrieved party within thirty days from receipt of a copy⁵¹.

Section 7. Each Commission shall perform such other functions as may be provided by law⁵².

B. The Federal Civil Service Commission

Section 1. (1) The Civil Service shall be administered by the Civil Service Commission composed of a Chairman and two Commissioners who shall be natural-born citizens of the Philippines

⁵¹ CMFP/ABUEVA: Article 11, Section 7

⁵² 1987: Article 9, Section 8

and, at the time of their appointment, at least thirty-five 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.⁵³

(2) The Chairman and the Commissioners shall be appointed by the Prime Minister for a term of seven years without reappointment. Of those first appointed, the Chairman shall hold office for seven years, a Commissioner for five years, and another Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case shall any member be appointed or designated in a temporary or acting capacity.⁵⁴

Section 2. (1) The civil service commission is the central personnel agency of the government, establish a career service and adopt measures to promote efficiency, integrity, and morale in the civil service. It shall strengthen the merit and rewards system for all levels and ranks.

(2) The civil service shall embrace all branches, subdivisions, instrumentalities and agencies of the government, including government-owned or controlled corporations.⁵⁵

Section 3. All public officers and employees and members of the armed forces of the Philippines shall take an oath or affirmation to uphold and defend this constitution⁵⁶.

⁵³ 1987: Article 9, Section 1 (B)

⁵⁴ 1987: Article 9, Section 1 (B) 2

⁵⁵ 1987: Article 9, Section 2 (B)

⁵⁶ 1987: Article 9, Section 4 (B)

Section 4. (1) Appointments in the civil service shall be made only according to merit and fitness to be determined by competitive examinations⁵⁷

(2) Civil Servants shall enjoy performance-based security of tenure

(3) No officer or employee in the civil service shall engage but may join political parties or association ensuring the free exercise of his political rights but shall not, directly or indirectly, be involved in any electioneering or partisan political campaign⁵⁸.

Section 5. Parliament shall ensure that measures are provided to abolish corruption and red tape and simplify rules and regulations in government.

Section 6. No candidate who has lost in any election shall, within one year after such election, be appointed to any office in the government or any government-owned or controlled corporations and their subsidiaries⁵⁹.

Section 7. (1) No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

(2) Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment on the government or any of its subdivision, agency or instrumentality thereof, including government-owned or controlled corporations and their subsidiaries⁶⁰.

⁵⁷ 1987: Article 9, Section 2 (2) (B)

⁵⁸ 1987: Article 9, Section 2 (4) (B)

⁵⁹ 1987: Article 9, Section 6 (B)

⁶⁰ 1987: Article 9, Section 7 (B)

Section 8. No elective or appointive public officer or employees shall receive additional, double, or indirect compensation, unless specifically authorized by law, present, emolument, office, or title of any kind from any foreign government⁶¹.

Section 9. Parliament shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations, and their subsidiaries⁶².

C. The Federal Commission on Elections

Section 1. (1) There shall be a Commission on Elections composed of a Chairman and four Commissioners who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, holders of a college degree, and must not have been candidates for any elective position in the immediately preceding elections. However, a majority of the commissioners, including the Chairman, shall be Members of the Philippine Bar who have been engaged in the practice of law for at least ten years.

(2) The Chairman and the Commissioners shall be appointed by the Prime Minister with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, three Members shall hold office for seven years and two Members for five years, and the last Members for three years, without reappointment. Appointment to

⁶¹ 1987: Article 9, Section 8 (B)

⁶² 1987: Article 9, Section 5 (B)

a vacancy shall be only for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.⁶³

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

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall except all contests⁶⁴ relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials which shall be within the original jurisdiction of the regional trial courts.

(2) Decide, except those involving the right to vote, all questions affecting elections, including determination of the number and location of polling places, appointment of election officials and inspectors, and registration of voters.⁶⁵

(3) Deputize, with the concurrence of the Prime Minister, 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.⁶⁶

(4) Accredited, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of

⁶³ 1987: Article 9, B Section 1 (2)

⁶⁴ 1987: Article 9, C Section (2) 1

⁶⁵ 1987: Article 9, C Section (2) 3

⁶⁶ 1987: Article 9, C Section (2) 5

government; and accredit citizen's arms of the Commission on Elections.⁶⁷

(5) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.⁶⁸

(6) Recommend to the Parliament effective measures to minimize 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 candidates.⁶⁹

(7) Recommend to the Prime Minister the removal of any officer or employer it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to its directive, order, or decision⁷⁰.

(8) Submit to the Prime Minister and the Parliament a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall⁷¹.

Section 3. The Commission on Elections may promulgate its rules of procedure in order to expedite disposition of election cases, including pre-proclamation controversies.

Section 4. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all

⁶⁷ 1987: Article 9, C Section (2) 6

⁶⁸ 1987: Article 9, C Section (2) 7

⁶⁹ 1987: Article 9, C Section (2) 7

⁷⁰ 1987: Article 9, C Section (2) 8

⁷¹ 1987: Article 9, C Section (2) 9

franchises or permits for the operation of transportation and other public utilities, media of communication or information, 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 subsidiary⁷².

Section 5. No pardon, amnesty, parole, or suspension of sentence for violation of election laws, rules, and regulations shall be granted without a favorable recommendation of the Commission⁷³.

Section 6. Unless otherwise fixed by the commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter⁷⁴.

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 chairman of the Commission.⁷⁵

Section 8. Parliament shall by law (1) Promote the development of a party system in which various interests and sectors in society shall be represented, including women, labor, the poor, peasants, indigenous peoples, persons with disability, and the youth. (2) Encourage the development of two major political parties to ensure that a majority can assume responsibility and

⁷² 1987: Article 9, C Section 4

⁷³ 1987: Article 9, C Section 5

⁷⁴ 1987: Article 9, C Section 9

⁷⁵ 1987: Article 9, C Section 11

accountability in governance and (3) provide financial assistance to the political parties in the previous parliamentary elections.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections shall constitute interference in national affairs, and, when accepted, shall be an additional ground for the cancelation of their registration with the commission, in addition to other penalties that may be prescribed by law.

Section 9. Political Parties shall observe fair, honest, and democratic processes in the selection of their candidates.

Section 10. The two dominant political parties shall be represented in the voters' registration boards of election inspectors, boards of canvassers, and similar bodies. Other Political Parties shall be entitled to appoint poll watchers in accordance with law.

Section 11. Any elective official who leaves his political party before the end of the term shall forfeit his seat.

D. The Federal Commission on Audit

Section 1. (1) There shall be a Commission on Audit composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, certified public accountants with not less than ten years of auditing experience, or members of the Philippine Bar who have been engaged in the practice of law for at least ten years, 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.

(2) The Chairman and the Commissioners shall be appointed by the President for a term of seven years without reappointment. Of those first appointed, the Chairman shall hold office for seven years, one Commissioner for five years, and the other Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.⁷⁶

Section 2. (1) The Commission on Audit shall have the power, authority and duty to examine, audit, and settle all accounts pertaining to the revenue and receipts of, and expenditures or uses of funds and property, owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned and controlled corporations with original charters, and on a post-audit basis:

(a) constitutional bodies, commissions and offices that have been granted fiscal autonomy under this Constitution;

(b) autonomous state colleges and universities;

(c) other government-owned or controlled corporations and their subsidiaries; and

(d) such non-governmental entities receiving subsidy or equity, directly or indirectly, from or through the government,

⁷⁶ 1987: Article 9, D Section 1 (2)

which are required by law of the granting institution to submit to such audit as a condition of subsidy or equity.

(2) The Commission shall have exclusive authority 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, inexpensive, extravagant, or unconscionable expenditures, or uses of government funds and properties.⁷⁷

Section 3. No law shall be passed exempting any entity of the Government or its subsidiaries in any guise whatever, or any investment of public funds, from the jurisdiction of the Commission on Audit⁷⁸.

Section 4. The Commission shall submit to Prime Minister and Parliament, within the time fixed by law, an annual report covering the financial condition and operation of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and non-governmental entities.⁷⁹

⁷⁷ 1987: Article 9, D Section 2 (2)

⁷⁸ 1987: Article 9, D Section 3

⁷⁹ 1987: Article 9, D Section 4

Article XV

LOCAL GOVERNMENTS AND AUTONOMOUS TERRITORIES ⁸⁰

A. General Provisions

Section 1. Each Federal State (FS)/Autonomous Territory (AT) in the Philippines is composed of cities, municipalities, and barangays⁸¹ as provided in their organic act.

Section 2. The State shall ensure that the territorial and political subdivisions of every Federal will enjoy local autonomy⁸².

Section 3. The Prime Minister shall exercise general supervision over local governments⁸³.

Section 4. Each local government and autonomous territory shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as Parliament may provide. Such taxes, fees, and charges shall accrue to the concerned local governments or autonomous territories.

Section 5. State Parliament is mandated to provide the local government units their just share, as determined by law, in the national taxes which shall be automatically released to them.⁸⁴

Section 6. The States and its component local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth

⁸⁰ 1987: Article 10, Local Government

⁸¹ 1987: Article 10, Section 1

⁸² 1987: Article 10, Section 2

⁸³ 1987: Article 10, Section 4

⁸⁴ 1987: Article 10, Section 6

within their respective areas, including but not limited to offshore sites beyond municipal waters, in the manner provided by law, which shall be automatically released to them, including sharing the same with the inhabitants by way of direct benefits⁸⁵.

Section 7. States shall have the power to enact laws on the collection, sharing, and distribution of the proceeds of the utilization and development of the national wealth located within their jurisdiction to the national government and to their component local government.

Section 8. The term of office of elective local officials shall be⁸⁶ five years except barangay officials, which shall be determined by their respective Federal State's organic act.

Section 9. No city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the State organic act or any act of the Parliament and subject to approval by a majority of the votes cast in a plebiscite in the political units affected.⁸⁷

Section 10. The Parliament, by law, may create special metropolitan political subdivisions, subject to approval by majority of the votes cast in the areas affected. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executives and legislative bodies.⁸⁸

⁸⁵ 1987: Article 10, Section 7

⁸⁶ 1987: Article 10, Section 8

⁸⁷ 1987: Article 10, Section 10

⁸⁸ 1987: Article 10, Section 11

B. AUTONOMOUS TERRITORIES

Section 11. The creation of Autonomous Territories is guided by the following principles of:

1. Autonomy, the right of the people for self-government within a federation;
2. Subsidiarity, the decision-making process and government services are best brought to the lowest political unit;
3. Self- determination, the right of the people within their regions to freely constitute their territorial unit and decide for themselves on matters related to political, economic, cultural and social development and general welfare of the people within that territorial unit.
4. Solidarity, the sense of unity, interdependence and cooperation that bind people within the territorial unit and with those of the other territorial units and the entire Federal Republic; and
5. Integrity, that all created territorial units remain within the territorial integrity of the Federal Republic of the Philippines.

Section 12. An autonomous territory may be created in any part of the country upon a petition addressed to Parliament by a majority of contiguous, compact and adjacent provinces, highly urbanized and component cities, and cities and municipalities in metropolitan areas through a resolution of their respective legislative bodies.

In exceptional cases, a province may be established as an autonomous territory based on area, population, necessity,



geographical distance, environmental, economic and fiscal viability and other special attributes.

Section 13. Within one year from the filing of the bill based upon the petitions and initiatives, Parliament shall pass an organic act which shall define the structure of government for the autonomous territory, consisting of a unicameral territorial assembly whose members shall be elective and representative of the constituted political units. The organic acts shall provide for courts consistent with the provisions of their constitution and national laws.

The creation of the autonomous territories shall be effective when ratified by a majority of the votes cast by their proposed constituent units in a plebiscite called for the purpose.

Section 14. The autonomous territories shall support the Federal Government in maintaining the integrity and independence of the Republic and shall comply with and enforce this Constitution and all national laws.

Section 15. When a law of an autonomous territory or a local government is inconsistent with a federal law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Section 16. Within its territorial jurisdiction and subject to the provisions of this Constitution and the federal laws, the organic act of the autonomous territories shall provide for primary legislative powers of their assemblies over the following:

1. Administrative organization, planning, budget, and management;
2. Creation of sources of revenues and finance;

3. Agriculture and fisheries;
 4. Natural resources, energy, environment, indigenous appropriate technologies and inventions;
 5. Trade, industry, and tourism;
 6. Labor and employment;
 7. Public works, transportation, except railways, shipping and aviation;
 8. Health and social welfare;
 9. Education and the development of language, culture and the arts as part of the cultural heritage;
 10. Ancestral domain and natural resources;
 11. Housing, land use and development;
 12. Urban and rural planning and development;
- and
13. Such other matters as may be authorized by law for the promotion of the general welfare of the people of the autonomous territory.

Article XVI

Accountability of Public Officers⁸⁹

Section 1. (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.⁹⁰

⁸⁹ 1987: Article 11

⁹⁰ 1987: Article 11, Section 1

(2) Directors and trustees who represent the interests of the State in government-owned or controlled corporations as well as persons appointed to official positions in said entities, are public officers.

Section 2. The President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption.⁹¹

Section 3. Parliament has the sole power to initiate and try all cases of impeachment⁹².

1. A verified complaint may be filed by any Member of the Parliament or by any citizen upon a resolution of endorsement by any of its Member.⁹³

2. A vote of at least one-third of all the Members of the Parliament shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution.⁹⁴

3. In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the Parliament, the same shall constitute the Articles of Impeachment, and trial shall proceed.⁹⁵

⁹¹ 1987: Article 11, Section 2

⁹² 1987: Article 11, Section 3 (1)

⁹³ 1987: Article 11, Section 3(2)

⁹⁴ 1987: Article 11, Section 3(3)

⁹⁵ 1987: Article 11, Section 3(4)

4. No impeachment proceedings shall be initiated against the same official more than once within a period of one year.⁹⁶

5. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside, but shall not vote. No person shall be convicted without the concurrence of two-thirds⁹⁷ of all the Members of the Parliament.

6. Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines⁹⁸.

7. Parliament shall promulgate its rules on impeachment to effectively carry out the purpose of this section.⁹⁹

Section 4. The present anti-graft court known as the *Sandiganbayan* shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law¹⁰⁰.

Section 5. The office of the Ombudsman shall be composed of the ombudsman, one overall deputy and at least one deputy each for Luzon, Visayas, and Mindanao. A separate deputy for the military establishment may likewise be appointed¹⁰¹.

Section 6. The officials and employees of the Office of the Ombudsman, other than the Deputies, shall be appointed by the Ombudsman according to the Civil Service Law¹⁰².

⁹⁶ 1987: Article 11, Section 3(5)

⁹⁷ 1987: Article 11, Section 3 (6)

⁹⁸ 1987: Article 11, Section 3 (7)

⁹⁹ 1987: Article 11, Section 3 (8)

¹⁰⁰ 1987: Article 11, Section 4

¹⁰¹ 1987: Article 11, Section 5

¹⁰² 1987: Article 11, Section 6

Section 7. The office of the special prosecutor shall continue to function and exercise its powers provided by law, except those conferred on the office of the Ombudsman.

Section 8. The Ombudsman and his Deputies shall be natural-born citizens of the Philippines, and at the time of their appointment, at least forty 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 Ombudsman must have for ten years or more been a judge or engaged in the practice of law in the Philippines¹⁰³.

Section 9. The Ombudsman and his Deputies shall be appointed¹⁰⁴ by the Parliament.

Section 10. The Ombudsman and his Deputies shall have the rank of Chairman and Members, respectively, of the Constitutional Commissions¹⁰⁵.

Section 11. The Ombudsman and his Deputies shall serve for a term of seven years without reappointment. They shall not be qualified to run for any office in the election immediately succeeding their cessation from office¹⁰⁶.

Section 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on verified complaints filed against public officials or employees of the Government, or any agency, subdivision or instrumentality thereof, including government-owned or controlled corporations, and shall, in

¹⁰³ 1987: Article 11, Section 8

¹⁰⁴ 1987: Article 11, Section 9

¹⁰⁵ 1987: Article 11, Section 10

¹⁰⁶ 1987: Article 11, Section 11

appropriate cases, notify the complainants of the actions taken and its result.¹⁰⁷

Section 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

1. Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency.¹⁰⁸

2. Arrest any person accused of violating the anti-graft and corrupt laws of the country.

3. Inspect any books or enter any bank to inspect the books of any person accused of violating the anti-graft laws.

4. Obtain information from any person, office or corporation in the course of investigating or prosecuting offenses in violation of the antigraft and corrupt laws of the country.

5. Search and seize any document, article or property related to the commission of acts in violation to the anti-graft and corrupt laws.

6. Direct, upon complaint or at its own instance, any public official or employee of the Government, or any subdivision, agency or instrumentality thereof, as well as of any government-owned or controlled corporation 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.¹⁰⁹

¹⁰⁷ 1987: Article 11, Section 12

¹⁰⁸ 1987: Article 11, Section 13 (1)

¹⁰⁹ 1987: Article 11, Section 13 (2)

7. Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance with such action.¹¹⁰

8. Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, 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.¹¹¹

9. Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.¹¹²

10. ¹¹³Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

Section 14. The Office of the Ombudsman shall enjoy fiscal autonomy. Its approved annual appropriations shall be automatically and regularly released¹¹⁴.

Section 15. A public officer or employee shall, upon assumption of office and as often as may be required by law, submit a declaration under oath of his assets, liabilities, net worth,

¹¹⁰ 1987: Article 11, Section 13 (3)

¹¹¹ 1987: Article 11, Section 13 (4)

¹¹² 1987: Article 11, Section 13 (5)

¹¹³ 1987: Article 11, Section 13 (8)

¹¹⁴ 1987: Article 11, Section 14

and annual income including the sources and application of funds¹¹⁵.

Section 16. The right of the state 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.¹¹⁶

ARTICLE XVII

National Economy¹¹⁷

Section 1. The goals of the national economy are a more equitable distribution of opportunities, income, and wealth; and an expanding productivity as the key for raising the quality of life for all, especially the underprivileged¹¹⁸.

Section 2. The Parliament may establish an independent economic and planning agency¹¹⁹.

Section 3. The Parliament shall, upon recommendation of the economic and planning agency, provide for limitations on foreign ownership in certain areas of investments when the national or public interest dictates.

The Parliament shall enact measures that will encourage the formation and operation of enterprises which capital is wholly owned by Filipinos.

The state shall regulate and exercise authority over foreign investments within its national goals and priorities.

¹¹⁵ 1987: Article 11, Section 17

¹¹⁶ 1987: Article 11, Section 15

¹¹⁷ 1987: Article 12

¹¹⁸ 1987: Article 12, Section 1

¹¹⁹ 1987: Article 12, Section 9

Section 4. The State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help them competitive¹²⁰.

Section 5. The State shall promote the sustained development of a reservoir of national talents consisting of Filipino scientists, entrepreneurs, professionals, managers, high-level technical manpower and skilled workers and craftsmen in all.¹²¹

The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.¹²²

Section 6. Parliament 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 test of economic viability¹²³.

Section 7. In times of national emergency, when the public interest so requires and under reasonable terms prescribed by it, temporarily direct or take over the operation of any privately owned public utility or business which affect public interest¹²⁴.

Section 8. 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 Government¹²⁵.

¹²⁰ 1987: Article 12, Section 12

¹²¹ 1987: Article 12, Section 14

¹²² 1987: Article 12, Section 14

¹²³ 1987: Article 12, Section 16

¹²⁴ 1987: Article 12, Section 17

¹²⁵ 1987: Article 12, Section 18

Section 9. The State shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed¹²⁶.

Section 10. Parliament shall establish an independent central monetary authority, the members of whose governing board must be natural-born Filipino citizens, of known integrity, and patriotism, the majority of whom shall come from the private sector¹²⁷.

Until Parliament provides otherwise, the *Bangko Sentral ng Pilipinas*, operating under existing laws, shall function as the central monetary authority.

Section 11. Foreign loans may only be incurred in accordance with law and the regulation of the monetary authority. Information on foreign loans obtained or guaranteed by the Government shall be made available to the public¹²⁸.

NATIONAL PATRIMONY

Section 1. 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 toward sustainable development, including

¹²⁶ 1987: Article 12, Section 19

¹²⁷ 1987: Article 12, Section 20

¹²⁸ 1987: Article 12, Section 21

conservation, protection and enhancement of the environment shall be under the full control and supervision of the State¹²⁹.

Section 2. 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 which they may be devoted.

Alienable lands of the public domain shall be limited to agricultural and reclaimed lands. Private corporations or associations may hold such alienable lands of the public domain by lease¹³⁰.

Section 3. The Prime Minister shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their respective ground boundaries¹³¹.

Section 4. The State shall protect the rights of indigenous people to their ancestral lands to ensure their economic, social, and cultural well-being.¹³²

Section 5. 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 authority of the State to promote distributive justice and to intervene when the common good so demands.

Section 6. Save in cases of hereditary succession, no private agricultural lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or

¹²⁹ 1987: Article 12, Section 2

¹³⁰ 1987: Article 12, Section 3

¹³¹ 1987: Article 12, Section 4

¹³² 1987: Article 12, Section 5

hold lands of the public domain. Lands classified in accordance with law as industrial, commercial or residential may be transferred or conveyed to foreign individuals or corporations with foreign ownership. Parliament shall define the conditions for ownership of allowable lands by foreign individuals and by corporations with foreign ownership¹³³.

ARTICLE XVIII

SOCIAL JUSTICE AND HUMAN RIGHTS¹³⁴

Section 1. Parliament 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.¹³⁵

Section 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance¹³⁶.

LABOR

Section 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all¹³⁷.

¹³³ 1987: Article 12, Section 7

¹³⁴ 1987: Article 13

¹³⁵ 1987: Article 13, Section 1

¹³⁶ 1987: Article 13, Section 2

¹³⁷ 1987: Article 13, Section 3

It shall guarantee the rights of all workers to self-organizations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth¹³⁸.

AGRARIAN AND NATURAL RESOURCES REFORM

Section 4. The State 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. The State shall encourage the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as Parliament may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just

¹³⁸ 1987: Article 13, Section 3

compensation. In determining retention limits, the State shall respect the rights of small landowners. The State shall further provide incentives for voluntary land-sharing¹³⁹.

Section 5. The State 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 services¹⁴⁰.

Section 6. The State 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 State may resettle landless farmers and farm workers in its own agricultural estates which shall be distributed to them in the manner provided by law¹⁴¹.

Section 7. The State shall protect the rights of subsistence fishermen, 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, marketing, and other support

¹³⁹ 1987: Article 13, Section 4

¹⁴⁰ 1987: Article 13, Section 5

¹⁴¹ 1987: Article 13, Section 6

services. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion¹⁴².

Section 8. The State shall provide incentives to landowners to invest the proceeds of the agrarian reform program to promote industrialization, create employment, and privatize public sector enterprises.¹⁴³

URBAN LAND REFORM AND HOUSING

Section 9. The State shall, by law, and for the common good, undertake, in cooperation with the public sector, a continuing program of urban land reform and housing.¹⁴⁴

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 and rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated¹⁴⁵.

HEALTH

Section 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all people at affordable cost. The needs of the underprivileged sick, elderly, disabled, women, and children shall

¹⁴² 1987: Article 13, Section 7

¹⁴³ 1987: Article 13, Section 8

¹⁴⁴ 1987: Article 13, Section 9

¹⁴⁵ 1987: Article 13, Section 10

be prioritized. The State shall endeavor to provide free medical care to paupers.¹⁴⁶

Section 12. The State shall establish and maintain an effective food and drug regulatory system responsive to the country's health needs and problems¹⁴⁷.

Section 13. The State shall establish a special agency for disabled persons for rehabilitation, self-development, and self-reliance¹⁴⁸.

WOMEN

Section 14. The State shall protect working women by providing safe and healthful working conditions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation¹⁴⁹.

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

Section 15. The State shall respect the role of independent people's organizations as bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.¹⁵⁰

Section 16. The right of the people and their organizations to effective and reasonable participation at all levels

¹⁴⁶ 1987: Article 13, Section 11

¹⁴⁷ 1987: Article 13, Section 12

¹⁴⁸ 1987: Article 13, Section 13

¹⁴⁹ 1987: Article 13, Section 14

¹⁵⁰ 1987: Article 13, Section 15

of social, political, and economic decision-making shall not be abridged¹⁵¹.

HUMAN RIGHTS

Section 17. (1) There is hereby created an independent office called Commission on Human Rights.¹⁵²

(2) The Commission shall be composed of a Chairman and four Members who must be natural-born citizens of the Philippines and a majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.¹⁵³

Section 18. The Commission on Human Rights shall have the following powers and functions:

1. Investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;

2. Adopt its operational guidelines and rules of procedure, and cite for contempt violations thereof in accordance with the Rules of Court;

3. Provide appropriate legal measures for the protection of human rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection;

¹⁵¹ 1987: Article 13, Section 16

¹⁵² 1987: Article 13, Section 17 (1)

¹⁵³ 1987: Article 13, Section 17 (2)

4. Exercise visitatorial powers over jails, prisons, or detention facilities;

5. Establish a continuing program of research, education, and information to enhance respect for the primacy of human rights;

6. Recommend to Parliament effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;

7. Monitor the Philippine Government's compliance with international treaty obligations on human rights;

8. Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;

9. Request the assistance of any department, bureau, office, or agency in the performance of its functions;

10. Appoint its officers and employees in accordance with law; and

11. Perform such other duties and functions as may be provided by law.¹⁵⁴

¹⁵⁴ 1987: Article 13, Section 18

Article XIX

Education, Science and Technology, Arts, Culture, and Sports

Education¹⁵⁵

Section 1. The State shall protect and promote the right of all citizens to quality education¹⁵⁶.

Section 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system.

(2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is obligatory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives.

(4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs, and

(5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.¹⁵⁷

Section 3. All educational institutions shall include the study of the Constitution and Human Rights Education as part of the curricula¹⁵⁸.

¹⁵⁵ 1987: Article 14

¹⁵⁶ 1987: Article 14, Section 1

¹⁵⁷ 1987: Article 14, Section 2

¹⁵⁸ 1987: Article 14, Section 3

Section 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation of all educational institutions.

(2) Educational institutions at the pre-schools, elementary and high school levels, 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. The Parliament may, however, require increased Filipino equity participation in all educational institutions.

(3) 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.

(4) 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.¹⁵⁹

Section 5. (1) The State shall take into account regional and sectoral needs and conditions and shall encourage local planning in the development of educational policies and programs.

(2) Academic freedom shall be enjoyed in all institutions of higher learning.

¹⁵⁹ 1987: Article 14, Section 4

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education.¹⁶⁰

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 and as the Parliament may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system¹⁶¹.

Section 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English¹⁶².

Section 8. This Constitution shall be promulgated in Filipino and English and shall be translated into major regional languages, Arabic, and Spanish¹⁶³.

¹⁶⁰ 1987: Article 14, Section 5

¹⁶¹ 1987: Article 14, Section 6

¹⁶² 1987: Article 14, Section 7

¹⁶³ 1987: Article 14, Section 8

Section 9. The Parliament shall establish a national language commission for the development, propagation, and preservation of Filipino and other languages¹⁶⁴.

Science and Technology

Section 10. Science and technology are essential for national development and progress. The State 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 life¹⁶⁵.

Section 11. The Parliament 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 citizens¹⁶⁶.

Section 12. The State shall regulate the transfer and promote the adaptation of technology from all sources for the national benefit. ¹⁶⁷

Section 13. The State shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted

¹⁶⁴ 1987: Article 14, Section 9

¹⁶⁵ 1987: Article 14, Section 10

¹⁶⁶ 1987: Article 14, Section 11

¹⁶⁷ 1987: Article 14, Section 12

citizens to their intellectual property and creations, for such period as may be provided by law.¹⁶⁸

Arts and Culture

Section 14. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture.¹⁶⁹

Section 15. The State shall protect, conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations as treasures of the nation, and the State may regulate their disposition.

Section 16. The State shall recognize, respect, and protect the rights of indigenous peoples to preserve and develop their cultures, traditions, and institutions.

Sports

Section 17. (1) The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions.

(2) All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors.¹⁷⁰

¹⁶⁸ 1987: Article 14, Section 13

¹⁶⁹ 1987: Article 14, Section 14

¹⁷⁰ 1987: Article 14, Section 19

Article XX

The Family¹⁷¹

Section 1. The State recognizes the Filipino family as the foundation of the nation¹⁷².

Section 2. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State¹⁷³.

Section 3. The State shall defend:

1. The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;

2. 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;

3. The right of the family to a family living wage and income¹⁷⁴.

Section 4. The family has the duty to care for its elderly members but the State may also do so through just programs of social security.

¹⁷¹ 1987: Article 15

¹⁷² 1987: Article 15, Section 1

¹⁷³ 1987: Article 15, Section 2

¹⁷⁴ 1987: Article 15, Section 3 removing paragraph 4

Article XXI

General Provisions¹⁷⁵

Section 1. The flag of the Federal Republic of the Philippines shall be red, white, and blue, with a sun and three stars.

¹⁷⁶

Section 2. The State may not be sued without its consent.¹⁷⁷

Section 3. The Armed Forces of the Philippines shall secure the sovereignty of the state and the integrity of the national territory. It shall be composed of a citizens' armed force which shall undergo military training and serve, as may be provided by law. It shall keep a regular force necessary for the security of the State.¹⁷⁸

Section 4. (1) The armed forces of the Philippines shall be insulated from partisan politics. No member of the military shall engage directly or indirectly in any partisan political activity, except to vote.¹⁷⁹

(2) 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.¹⁸⁰

(3) Laws on retirement of military officers shall not allow extension of their service¹⁸¹.

¹⁷⁵ 1987: Article 16

¹⁷⁶ 1987: Article 16, Section 1

¹⁷⁷ 1987: Article 16, Section 3

¹⁷⁸ 1987: Article 16, Section 4

¹⁷⁹ 1987: Article 16, Section 5 (1)

¹⁸⁰ 1987: Article 16, Section 5 (4)

¹⁸¹ 1987: Article 16, Section 5 (5)

(4) Notwithstanding the previous paragraph, the tour of duty of the Chief of Staff of the Armed Forces shall be a fixed term of office of three years. However, in times of war or other national emergency declared by the Parliament, the President may extend such tour of duty¹⁸².

Section 5. The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.¹⁸³

Section 6. The State shall provide immediate and adequate care, benefits, and other forms of assistance 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 resources¹⁸⁴.

Section 7. The State shall, from time to time, review to upgrade the pensions and other benefits due to veterans and retirees of both the government and the private sectors¹⁸⁵.

Section 8. The State shall protect consumers from trade malpractices and from substandard or hazardous products¹⁸⁶.

Section 9. The State shall provide the policy environment for the full development of Filipino capability and the

¹⁸² 1987: Article 16, Section 5 (7)

¹⁸³ 1987: Article 16, Section 6

¹⁸⁴ 1987: Article 16, Section 7

¹⁸⁵ 1987: Article 16, Section 8

¹⁸⁶ 1987: Article 16, Section 9

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 press¹⁸⁷.

Article XXII

Amendments or Revisions¹⁸⁸

Section 1. Any amendment to, or revision of, this Constitution may be proposed by:

- (1) Parliament, upon a vote of three-fourths of all its Members; or
- (2) A constitutional convention¹⁸⁹.

Section 2. Amendments to this Constitution may be directly proposed by the people through initiative upon a petition of at least twelve per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of its registered voters. No amendment under this section shall be authorized within ten years following the ratification of this Constitution nor more than once every five years thereafter¹⁹⁰.

Parliament shall provide for the implementation of the exercise of this right¹⁹¹.

¹⁸⁷ 1987: Article 16, Section 10

¹⁸⁸ 1987: Article 17

¹⁸⁹ 1987: Article 17, Section 1

¹⁹⁰ 1987: Article 17, Section 2

¹⁹¹ 1987: Article 17, Section 2

Section 3. The Parliament 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.¹⁹²

Section 4. Any amendment to, or revision of, this Constitution under Section 1 of this article shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty days nor later than ninety days after the approval of such amendment or revision.

Any amendment under Section 2 shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty days nor later than ninety days after the certification by the Commission on Elections of the sufficiency of the petition¹⁹³.

Article XXIII

TRANSITORY PROVISIONS

Section 1. There will be a Midterm Elections on May 2019 and all officials elected will hold office for a period of one year only under the 1987 Constitution until the 1st Parliamentary Elections on May 2020 under the new Federal Constitution.

The 12-month period will be used in preparation towards the transition to a Federal-Parliamentary system of government.

Section 2. The first Parliamentary Elections under the Federal constitution shall be on May 2020. The incumbent president

¹⁹² 1987: Article 17, Section 3

¹⁹³ 1987: Article 17, Section 4

plays a dual role as head of state and head of government presiding over the new unicameral parliament.

Section 3. The incumbent President and Vice-President shall not be allowed to run either as President or Prime Minister once their term of office ended.

Section 4. Any initiative or proposal to amend or revise any portion of this Constitution shall be made only ten years after its enactment.

Section 5. In case of death, resignation, permanently incapacitated or removed by way of impeachment on the part of the incumbent President acting as Head of State and as Head of Government before June 30, 2022, the incumbent Vice-President shall succeed for the remaining term of office.

Section 6. Once the incumbent President acting as Head of State dies, resigns, permanently incapacitated or removed by impeachment, the Parliament shall elect a new Federal President for the remaining term of office.

Section 7. The next local elections shall be determined by the respective Organic Acts of the organized Federal States.

For those local government units not yet organized as States, their elections and term of office shall be determined by the Local Government Code of 1991 and its amendments.

Section 8. The Parliament, before the first regular Parliamentary elections are held on May 2020, shall pass organic acts for the organization of at least one Federal State (FS)/Autonomous Territory (AT) each from Luzon, Visayas and Mindanao.



Section 9. All employees of the national government detailed or stationed in the provinces, cities or municipalities which decided to become a Federal State shall be assumed or absorbed by the concerned Federal State without prejudice to the security of their tenure of employment, the continuation of their length of service and the non-diminution of their salaries and privileges as expressly reflected in the Organic Act.

Section 10. All existing laws, decrees, executive orders, proclamations, letters of instructions, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

Section 11. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the approval of the Parliament.

Section 12. The legal effect of the lapse, before the ratification of this Constitution, of the applicable period for the decision or resolution of the cases or matters submitted for adjudication by the courts, shall be determined by the Supreme Court as soon as practicable.

Section 13. The incumbent Members of the Civil Service Commission, the Commission on Elections, and the Commission on Audit shall continue in office for one year after the ratification of this Constitution, unless they are sooner removed for cause or become incapacitated to discharge the duties of their office or appointed to a new term thereunder. In no case shall any Member serve longer than seven years including service before the ratification of this Constitution.

Section 14. Career civil service employees separated from the service not for cause but as a result of the reorganization pursuant to the enactment of this Constitution shall be entitled to appropriate separation pay and to retirement and other benefits accruing to them under the laws of general application in force at the time of their separation. In lieu thereof, at the option of the employees, they may be considered for employment in the Government or in any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations and their subsidiaries. This provision also applies to career officers whose resignation, tendered in line with the existing policy, had been accepted.

Section 15. All properties, records, equipment, buildings, facilities, and other assets of any office or bodies reorganized under this Constitution shall be transferred to the Federal States as provided for in their Organic Acts.

Section 16. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose and shall supersede all previous Constitutions.

Acknowledgments



The 2005 Consultative Commission

<i>Jose V. Abueva</i>	-	<i>Chairman</i>
<i>Lito Monico C. Lorenzana</i>	-	<i>Secretary - General</i>
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