



Proposed Amendments to the 1987 Constitution of the Republic of the Philippines

The Constitution of the Federal Republic of the Philippines



**Proposed Amendments to the
1987 CONSTITUTION OF THE PHILIPPINES¹**

[Constitution of the Federal Republic of the Philippines]

PREAMBLE

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society, and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity, the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution OF THE FEDERAL REPUBLIC OF THE PHILIPPINES.

**ARTICLE I
NATIONAL TERRITORY**

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas. The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines. THE NATIONAL TERRITORY SHALL LIKEWISE INCLUDE ALL ISLANDS AND TERRITORIAL WATERS OCCUPIED OR CLAIMED BY THE PHILIPPINES OUT OF HISTORIC TITLE, BY DISCOVERY OR OTHER MEANS RECOGNIZED UNDER INTERNATIONAL LAWS AND CONVENTIONS INCLUDING ITS EXCLUSIVE ECONOMIC ZONE AS DEFINED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA².

**ARTICLE II
DECLARATION OF PRINCIPLES AND STATE POLICIES**

PRINCIPLES

Section 1. The Philippines is a democratic FEDERAL REPUBLIC³. Sovereignty resides in the people and all government authority emanates from them. AS A FEDERAL REPUBLIC,

¹ Proposed by the Federalism Study Group of the PDP Laban Federalism Institute. The Study Group was organized upon the initiative of Senate Pres. Aquilino “Koko” Pimentel, PDP Laban President. Members: Dean Dr. July Teehankee (DLSU), Vice Dean Dr. Ed Araral (Lee Kuan Yew School of Public Policy), Prof. Ed Tayao (LOGODEF), Dr. Tony Avila (LOGODEF), Dir. Novel Bangsal (CPBRD, HRep), Atty. Valery Brion (Office of the Senate President), Dir. Mon Casiple (IPER), Dr. Grace Jamon (UP Diliman), Mr. Francis Manglapus (CAPDI), Dr. Edwin Martin (ASPAP), Dir. Gen. Jun Miral (CPBRD, HRep), Mr. Raphael Montes (CLRG, UP NCPAG); Sec. Gary Olivar (FEF), Atty. Al Oxaes (O/Senate President), Atty. Salma Rasul (PCID), Atty. Vince Revil (PDP Laban), Sec. Gary Teves (FEF), Mr. RV Vicerra (CDPI), Mr. Jojo Villano, and Federalism Institute Director Jonathan Malaya.

² Sen. Nene Pimentel Model. Rationale: The purpose is to clearly state what constitutes the national territory by staking out the metes and bounds of our exclusive economic zone as mandated by the United Nations Convention on the Law of the Sea (UNCLOS)

³ Sec 1, Art II of the 1987 Philippine Constitution provides: *The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.*

REGIONAL AUTONOMY TOWARDS FEDERALISM SHALL BE RECOGNIZED WITHIN THE FRAMEWORK OF NATIONAL UNITY AND THE CONSTITUTION.

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

Section 3⁴. Civilian authority is, at all times, supreme over the military. The GOVERNMENT of the Philippines is the protector of the people and the State. The GOAL OF THE ARMED FORCES IS to secure the sovereignty of the FEDERAL REPUBLIC and the integrity of the national territory.

Section 4. The prime duty of the FEDERAL REPUBLIC is to serve and protect the people. THE FEDERAL REPUBLIC may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.

Section 5⁵. The maintenance of peace and order, the protection of life, liberty, and property, and promotion of ECONOMIC GROWTH AND EFFICIENCY, AND THE ENHANCEMENT OF THE PEOPLE'S WELL-BEING AND⁶ general welfare are essential for the enjoyment by all the people of the blessings of democracy.

Section 6. The separation of Church and State shall be inviolable.

STATE POLICIES

Section 7. The State shall pursue an independent foreign policy. In its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

Section 8. The Philippines, consistent with the national interest, adopts and pursues a policy of freedom from nuclear weapons in its territory.

Section 9. The State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.

Section 10. The State shall promote social justice in all phases of national development.

Section 11. The State values the dignity of every human person and guarantees full respect for human rights.

⁴ Sec 3, Art II of the 1987 Philippine Constitution provides: *Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.*

⁵ Sec, 5, Art II of the 1987 Philippine Constitution provides: *The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.*

⁶ Sen. Nene Pimentel Model. Rationale: What is emphasized by this revision is that restructuring or revamping of the government is not a function of the Armed Forces.

Section 12. The State recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

Section 13. The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Section 14. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Section 15. The State shall protect and promote the right to health of the people and instill health consciousness among them.

Section 16. The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.

Section 17. The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

Section 18. The State affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Section 19⁷. THE STATE SHALL PROMOTE THE DEVELOPMENT OF A DYNAMIC AND PRODUCTIVE ECONOMY WHERE OPPORTUNITIES, INCOME AND WEALTH ARE EQUITABLY DISTRIBUTED⁸.

Section 20. The State recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments.

Section 21⁹. THE STATE SHALL PROMOTE RURAL DEVELOPMENT, HIGHER AGRICULTURAL PRODUCTIVITY, AND EQUITABLE LAND OWNERSHIP ARRANGEMENTS¹⁰.

Section 22. The State recognizes and promotes the rights of indigenous PEOPLES AND¹¹ cultural communities within the framework of national unity and development.

⁷ Sec. 19, Art II of the 1987 Philippine Constitution provides: *The State shall develop a self-reliant and independent national economy effectively controlled by Filipinos.*

⁸ Foundation for Economic Freedom (FEF) proposal. Rationale: The original provision does not promote healthy competition.

⁹ Sec 21, Art II of the 1987 Philippine Constitution provides: *The State shall promote comprehensive rural development and agrarian reform.*

¹⁰ FEF proposal. Rationale: Policies on rural development and agrarian reform are better left to the Parliament.

¹¹ Abueva Model

Section 23¹². The State shall EMPOWER CIVIL SOCIETY THROUGH ITS non-governmental, community-based, or sectoral organizations AND ITS PROFESSIONAL AND CIVIC ASSOCIATIONS AND FOUNDATIONS that promote the welfare of the nation¹³.

Section 24¹⁴. The State recognizes the vital role of LEARNING AND communication in nation-building AND PROMOTES THE JOINT DEVELOPMENT OF THE NATIONAL LANGUAGE AND CULTURE AND THE REGIONAL LANGUAGES AND CULTURES, TO ENRICH AND ENLIVEN THE PEOPLE’S LIVES AND STRENGTHEN NATIONAL UNITY IN DIVERSITY¹⁵.

Section 25¹⁶. The State shall ensure the autonomy AND PROMOTE THE ECONOMIC VIABILITY OF THE REGIONS AND THEIR CONSTITUENT LOCAL GOVERNMENTS. THE PARLIAMENT SHALL PROVIDE A PROGRAM OF PARTNERSHIP AID TO THE VARIOUS¹⁷ REGIONS¹⁸ IN SUPPORT OF THEIR DEVELOPMENT PROGRAMS AND THE BASIC NEEDS OF POOR AND NEEDY CONSTITUENTS¹⁹.

Section 26. The State shall guarantee equal access to opportunities for public service and prohibit political dynasties.

Section 27. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

Section 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

ARTICLE III BILL OF RIGHTS

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 issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

¹² Sec 23, Art II of the 1987 Philippine Constitution provides: *The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.*

¹³ Abueva Model

¹⁴ Sec 24, Art II of the 1987 Philippine Constitution provides: *The State recognizes the vital role of communication and information in nation-building.*

¹⁵ Abueva Model

¹⁶ Sec 25, Art II of the 1987 Philippine Constitution provides: *The State shall ensure the autonomy of local governments.*

¹⁷ Abueva Model

¹⁸ The term “Region” is proposed by the Federalism Study Group; Abueva Model used the word “State.”

¹⁹ Abueva Model

Section 3. (1) 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.

(2) 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 the 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 the citizen, subject to such limitations as may be provided by law.

Section 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Section 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 the rehabilitation of victims of torture or similar practices, and their families.

Section 13. All persons, except those charged with offenses punishable by reclusion perpetual 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 a punishment for a crime whereof the party shall have been 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 Congress 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 IV CITIZENSHIP

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;
- [3] Those born before January 17, 1973, of Filipino mothers, who elect Philippines citizenship upon reaching the age of majority; and
- [4] Those who are naturalized in accordance with law.

Section 2. Natural-born citizens are those who are citizens of the Philippines from birth without having to perform any act to acquire or perfect their Philippine citizenship. Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.

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

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

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

ARTICLE V SUFFRAGE

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 wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage. THE RESIDENCY REQUIREMENT MENTIONED HEREIN SHALL NOT APPLY TO QUALIFIED VOTERS RESIDING OR WORKING OVERSEAS. THE RESIDENCY REQUIREMENT OF SUCH CITIZENS IS DEFINED BY LAW²⁰.

Section 2. The 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.

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

ARTICLE VI THE FEDERAL LEGISLATURE

Section 1²¹. THE LEGISLATIVE POWER SHALL BE VESTED IN THE PARLIAMENT OF THE FEDERAL REPUBLIC OF THE PHILIPPINES WHICH SHALL CONSIST OF

²⁰ Sen. Nene Pimentel Model. Rationale: The amendment explicitly excludes qualified voters residing or working abroad from the residency requirement to exercise suffrage. Qualified voters are capacitated by the revision and by applicable law to exercise the right to vote even if they have not established actual or physical residence within the country.

²¹ Sec 1, Art VI of the 1987 Philippine Constitution provides: *The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.*

TWO HOUSES: THE FEDERAL ASSEMBLY, AS THE NATIONAL LEGISLATIVE DEPARTMENT, AND THE SENATE, AS THE LEGISLATIVE BODY REPRESENTATIVE OF THE REGIONS, EXCEPT TO THE EXTENT RESERVED TO THE PEOPLE BY THE PROVISION ON INITIATIVE AND REFERENDUM.

Section 2²². (1) THE FEDERAL ASSEMBLY SHALL BE COMPOSED OF NOT MORE THAN FOUR HUNDRED (400) MEMBERS UNLESS OTHERWISE PROVIDED FOR BY LAW.

(2) SIXTY CENTUM (60%) OF THE MEMBERS OF THE FEDERAL ASSEMBLY SHALL BE ELECTED BY PLURALITY VOTES WHERE EACH SINGLE MEMBER LEGISLATIVE ELECTORAL DISTRICT SHALL HAVE ONE (1) SEAT IN THE FEDERAL ASSEMBLY.²³

(3) THE REMAINING FORTY PER CENTUM (40%) OF THE MEMBERS OF THE FEDERAL ASSEMBLY SHALL BE ELECTED BY PROPORTIONAL REPRESENTATION BY REGION WHERE THE REGISTERED VOTERS WITHIN EACH REGION SHALL BE ALLOWED TO CAST A VOTE FOR A POLITICAL PARTY WITH A CLOSED-LIST OF NOMINEES. PROPORTIONAL REPRESENTATION SHALL MEAN THAT A POLITICAL PARTY'S CLOSED LIST OF NOMINEES SHALL BE ENTITLED TO THE NUMBER OF SEATS IN THE FEDERAL ASSEMBLY EQUIVALENT TO THE PERCENTAGE OF THE NUMBER OF VOTES RECEIVED BY THE POLITICAL PARTY IN PROPORTION TO THE TOTAL NUMBER OF VOTES CAST FOR ALL POLITICAL PARTIES WITHIN A REGION. THE POLITICAL PARTY OR PARTIES THAT WON SEATS IN EACH REGION SHALL BE ALLOWED TO FILL THE SEATS WITH ITS NOMINEES AS MEMBERS OF THE FEDERAL ASSEMBLY IN ACCORDANCE WITH THE ORDER OF THE NAMES IN THE LIST.²⁴

(4) SINGLE MEMBER LEGISLATIVE DISTRICTS SHALL BE APPORTIONED AMONG THE PROVINCES, CITIES, AND THE METROPOLITAN MANILA AREA IN ACCORDANCE WITH THE NUMBER OF THEIR RESPECTIVE INHABITANTS ON

²² Sec 5, Art VI of the 1987 Philippine Constitution provides: *(1) The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, 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, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.*

(2) The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth and such other sectors as may be provided by law, except the religious sector.

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

(4) Within three years following the return of every census, the Congress shall make a reapportionment of legislative districts based on the standards provided in this section.

²³ Under this system, the Parliament will have almost the same number of District Members of Parliament as there are district Representatives in the current House of Representatives. There are currently 238 district Representatives in the 297-member HRep.

²⁴ There will be more or less 160 Members of Parliament who will be elected by proportional representation.

THE BASIS OF A UNIFORM PROGRESSIVE RATIO AS MAY BE PROVIDED BY FEDERAL LAW.

(5) EACH SINGLE MEMBER LEGISLATIVE DISTRICT SHALL COMPRISE, AS FAR AS PRACTICABLE, CONTIGUOUS, COMPACT, AND ADJACENT TERRITORY. EACH CITY WITH A POPULATION OF AT LEAST TWO HUNDRED FIFTY THOUSAND (250,000) VOTERS, OR EACH PROVINCE, SHALL HAVE AT LEAST ONE MEMBER OF THE FEDERAL ASSEMBLY.

Section 3²⁵. No person shall be a Member of the FEDERAL ASSEMBLY unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, A REGISTERED VOTER OF EITHER THE SINGLE MEMBER ELECTORAL DISTRICT UNDER SECTION 2(2) OF THIS ARTICLE OR A REGISTERED VOTER IN THE REGION UNDER SECTION 2(3) OF THIS ARTICLE, AND A RESIDENT THEREOF FOR A PERIOD OF NOT LESS THAN ONE YEAR IMMEDIATELY PRECEDING THE DAY OF THE ELECTION.

Section 4²⁶. THE MEMBERS OF THE FEDERAL ASSEMBLY shall be elected for a term of FIVE (5) YEARS which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No Member of the FEDERAL ASSEMBLY shall serve for more than TWO consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

A PERSON WHO HAS SERVED AS A MEMBER OF THE FEDERAL ASSEMBLY WITHOUT INTERRUPTION FOR PERIOD OF MORE THAN THREE (3) YEARS WITHIN THE FIVE (5) YEAR TERM SHALL BE CONSIDERED TO HAVE SERVED A TERM AS A MEMBER OF THE FEDERAL ASSEMBLY. NO PERSON WHO HAS SERVED ONE TERM AS A MEMBER OF THE FEDERAL ASSEMBLY AND WHO HAS SERVED A SECOND CONSECUTIVE TERM AS SUCH WITHOUT INTERRUPTION FOR MORE THAN THREE (3) YEARS SHALL BE QUALIFIED FOR ELECTION FOR A THIRD CONSECUTIVE TERM.

Section 5²⁷. EACH REGION SHALL HAVE THREE (3) SEATS IN THE SENATE. THE SENATORS RECEIVING THE THREE HIGHEST NUMBER OF DIRECT VOTES BY REGISTERED VOTERS IN A REGION SHALL REPRESENT THEIR REGION IN THE SENATE.²⁸

²⁵ Sec 6, Art VI of the 1987 Philippine Constitution provides: *No person shall be a Member of the House of Representatives unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, and except the party-list representatives, 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 the election.*

²⁶ Sec 7, Art VI of the 1987 Philippine Constitution provides: *The Members of the House of Representatives shall be elected for a term of three years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No Member of the House of Representatives shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.*

²⁷ Sec 2, Art VI of the 1987 Philippine Constitution provides: *The Senate shall be composed of twenty-four Senators who shall be elected at large by the qualified voters of the Philippines, as may be provided by law.*

²⁸ The purpose of this provision is to: 1) ensure regional representation in the Senate and do away with a Luzon-dominated chamber; 2) reduce the cost of elections for senators; and 3) serve as the mechanism for regions to

Section 6²⁹. No person shall be a Senator unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least thirty-five years of age, able to read and write, and A REGISTERED VOTER AND A RESIDENT OF THE REGION in which he was elected as Senator for not less than two years immediately preceding the day of the election.

Section 7. The term of office of the Senators shall be FIVE (5) YEARS³⁰ and shall commence, unless otherwise provided by law, at noon on the thirtieth day of June next following their election. No Senator shall serve for more than two consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term of which he was elected.

A PERSON WHO HAS SERVED AS A SENATOR WITHOUT INTERRUPTION FOR A PERIOD OF MORE THAN THREE (3) YEARS WITHIN THE FIVE (5) YEAR TERM SHALL BE CONSIDERED TO HAVE SERVED A TERM AS A SENATOR. NO PERSON WHO HAS SERVED ONE TERM AS A SENATOR AND WHO HAS SERVED A SECOND CONSECUTIVE TERM AS SUCH WITHOUT INTERRUPTION FOR MORE THAN THREE (3) YEARS SHALL BE QUALIFIED FOR ELECTION FOR A THIRD CONSECUTIVE TERM.

Section 8. Unless otherwise provided by law, the regular election of the MEMBERS OF THE FEDERAL ASSEMBLY and Senators and shall be held on the second Monday of May.

Section 9. In case of vacancy in the FEDERAL ASSEMBLY and the Senate, a special election may be called to fill such vacancy in the manner prescribed by law, but the MEMBER OF THE FEDERAL ASSEMBLY and the Senate thus elected shall serve only for the unexpired term.

Section 10. IN CASE OF DISSOLUTION OF THE FEDERAL ASSEMBLY, THE SENATE SHALL NOT BE DISSOLVED AND THE SENATORS SHALL CONTINUE THEIR TERMS OF OFFICE IN ACCORDANCE WITH THE CONSTITUTION AND PREVAILING LAWS.

Section 11. The salaries of Members of PARLIAMENT shall be determined by law. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of PARLIAMENT approving such increase.

Section 12. A MEMBER OF PARLIAMENT shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the PARLIAMENT is in session. No Member of the FEDERAL ASSEMBLY or Senator shall be questioned nor be held liable in any other place for any speech or debate in the Parliament or in any committee thereof.

Section 13. All MEMBERS OF PARLIAMENT shall, upon assumption of office, make a full disclosure of their financial and business interests. They shall notify the House concerned of a

be represented in national decision making (i.e. shared powers). This is the most common arrangement in the second chamber of federal countries in the world.

²⁹ Sec 3, Art VI of the 1987 Philippine Constitution provides: *No person shall be a Senator unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least thirty-five years of age, able to read and write, a registered voter, and a resident of the Philippines for not less than two years immediately preceding the day of the election.*

³⁰ Sec 4, Art VI of the 1987 Philippine Constitution provides for a SIX YEAR TERM.

potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

Section 14. No MEMBER OF PARLIAMENT may hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during his term without forfeiting his seat. Neither shall he be appointed to any office which may have been created or the emoluments thereof increased during the term for which he was elected. THIS SECTION SHALL NOT BE APPLICABLE IF THE MEMBER OF THE FEDERAL ASSEMBLY OR THE SENATE IS APPOINTED AS A MEMBER OF THE CABINET.

Section 15. No MEMBER OF PARLIAMENT may personally appear as counsel before any court of justice or before the Electoral Tribunal, or quasi-judicial and other administrative bodies. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, or its subsidiary, during his term of office. 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. A MEMBER OF PARLIAMENT IS PROHIBITED FROM PURSUING ANY PRIVATE VENTURE OR PARTICIPATING IN ANY PRIVATE BUSINESS FOR FINANCIAL GAIN DURING HIS TERM OF OFFICE AND HE SHALL DIVEST HIMSELF OF ANY BUSINESS INTEREST PRIOR TO ASSUMING OFFICE.

Section 16. The 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 17. (1) The FEDERAL ASSEMBLY shall elect its Speaker and the Senate, its President, by a majority vote of all its respective Members. The Federal Assembly and the Senate shall each choose such other officers as it may deem necessary.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide. THE MAJORITY VOTE OF THE FEDERAL ASSEMBLY OR THE SENATE SHALL MEAN THE VOTES BY THE MAJORITY OF THE MEMBERS PRESENT IN THE SESSION OF THE FEDERAL ASSEMBLY OR THE SENATE, PROVIDED THAT THERE IS A QUORUM. SUCH MAJORITY VOTE SHALL BE SUFFICIENT TO CONSTITUTE APPROVAL OR CONCURRENCE UNLESS OTHERWISE PROVIDED IN THE CONSTITUTION.

(3) Each House 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) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal. Each House shall also keep a Record of its proceedings.

Section 18³¹. PARLIAMENT shall have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of ITS Members. THE Tribunal shall be composed of ELEVEN Members: THREE MEMBERS EACH FROM THE FEDERAL ASSEMBLY AND FROM THE SENATE, who shall be chosen on the basis of proportional representation from the registered and recognized political parties, AND FIVE JUSTICES OF THE COURT OF APPEALS TO BE DESIGNATED BY THE PRESIDING JUSTICE OF THE COURT OF APPEALS. THE MOST SENIOR JUSTICE OF THE COURT APPEALS IN THE ELECTORAL TRIBUNAL SHALL BE ITS CHAIRMAN.

Section 19³². THE ELECTORAL TRIBUNAL SHALL BE CONSTITUTED WITHIN THIRTY DAYS AFTER THE FEDERAL ASSEMBLY AND THE SENATE SHALL HAVE BEEN ORGANIZED WITH THE ELECTION OF THE SPEAKER AND THE SENATE PRESIDENT.

Section 20. NO APPOINTMENT BY THE PRESIDENT OR THE PRIME MINISTER AS PROVIDED IN THE CONSTITUTION SHALL BECOME FINAL AND EFFECTIVE UNLESS THERE IS A CONCURRENCE OF THE SENATE. THE SENATE SHALL ACT ON ALL APPOINTMENTS SUBMITTED TO IT WITHIN THIRTY (30) SESSION DAYS OF THE PARLIAMENT FROM THEIR SUBMISSION. THE SENATE SHALL RULE BY A MAJORITY VOTE OF ALL THE MEMBERS SUBJECT TO SECTIONS 14 AND 26 OF ARTICLE VII OF THE CONSTITUTION.

Section 21. The records and books of accounts of the 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 for each Member.

Section 22. THE FEDERAL ASSEMBLY OR THE SENATE, within its powers vested under the Constitution, or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in, or affected by, such inquiries shall be respected.

Section 23³³. THERE SHALL BE A QUESTION HOUR AS OFTEN AS MAY BE NECESSARY AND AS THE RULES OF THE FEDERAL ASSEMBLY MAY PROVIDE,

³¹ Sec 17, Art VI of the 1987 Philippine Constitution provides: *The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each 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, and the remaining six shall be Members of the Senate or the House of Representatives, as the case may be, who shall be chosen on the basis of proportional representation from the political parties and the parties or organizations registered under the party-list system represented therein. The senior Justice in the Electoral Tribunal shall be its chairman.*

³² Sec 19, Art VI of the 1987 Philippine Constitution provides: *Sec 19, Art VI. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of the President and the Speaker. The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of all its Members, to discharge such powers and functions as are herein conferred upon it.*

³³ Sec 22, Art VI of the 1987 Philippine Constitution provides: *The heads of departments may, upon their own initiative, with the consent of the President, or upon the request of either House, as the rules of each House shall provide, appear before and be heard by such House on any matter pertaining to their departments, Written questions shall be submitted to the President of the Senate or the Speaker of the House of Representatives at least three days before their scheduled appearance. Interpellations shall not be limited to*

WHICH SHALL BE INCLUDED IN ITS AGENDA, DURING WHICH THE PRIME MINISTER AND/OR THE CABINET SHALL APPEAR AND ANSWER QUESTIONS AND INTERPELLATIONS BY MEMBERS OF THE FEDERAL ASSEMBLY. THE QUESTION HOUR MAY BE HELD AT ANY TIME WHILE THE FEDERAL ASSEMBLY IS IN SESSION.

Section 24. (1) THE PARLIAMENT, BY A VOTE OF TWO-THIRDS OF BOTH HOUSES in joint session assembled, voting separately, shall have the sole power to declare the existence of a state of war.

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

Section 25³⁴. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the Federal Assembly.

Section 26. (1) The PARLIAMENT may not increase the appropriations recommended by the PRIME MINISTER for the operation of the Federal Government as specified in the budget. The form, content, and manner of preparation of the budget shall be prescribed by law.

(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 the Parliament shall strictly follow the procedure for approving appropriations for other departments and agencies.

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

(5) No law shall be passed authorizing any transfer of appropriations; however, the President, the PRIME MINISTER, the Speaker of the FEDERAL ASSEMBLY and the President of the Senate, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.

(6) Discretionary funds appropriated for particular officials shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law.

(7) If, by the end of any fiscal year, the PARLIAMENT shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the general appropriations bill is passed by the PARLIAMENT. THIS PARAGRAPH SHALL APPLY IN CASE THE FEDERAL ASSEMBLY IS DISSOLVED.

written questions, but may cover matters related thereto. When the security of the State or the public interest so requires and the President so states in writing, the appearance shall be conducted in executive sessions.

³⁴ Sec 24, Art VI of the 1987 Philippine Constitution provides: *All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.*

Section 27. (1) THE FEDERAL ASSEMBLY SHALL BE VESTED WITH PRIMARY LEGISLATIVE POWER. EVERY BILL SHALL BE INITIATED AND PASSED BY THE FEDERAL ASSEMBLY.

(2) Every bill shall embrace only one subject which shall be expressed in the title thereof.

(3) No bill shall be passed by FEDERAL ASSEMBLY unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to the members of the FEDERAL ASSEMBLY three days before its passage, except when the President or 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. A MAJORITY VOTE IN ACCORDANCE WITH SECTION 17(2) OF THIS ARTICLE SHALL BE REQUIRED TO PASS A BILL UNLESS OTHERWISE PROVIDED IN THE CONSTITUTION.

(4) EVERY BILL PASSED BY THE FEDERAL ASSEMBLY SHALL BE SUBMITTED FOR THE CONCURRENCE OF THE SENATE UNLESS OTHERWISE PROVIDED IN THIS PARAGRAPH. THE CONCURRENCE OF THE SENATE SHALL BE BY MAJORITY VOTE IN ACCORDANCE WITH SECTION 17(2) OF THIS ARTICLE. IN CASE THERE IS NO ACTION ON THE BILL FROM THE SENATE WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF SUBMISSION, THE SENATE SHALL BE DEEMED TO HAVE GRANTED ITS CONCURRENCE TO A BILL. IN CASE THE BILL IS DISAPPROVED BY THE SENATE, THE BILL SHALL BE RETURNED WITH ITS OBJECTIONS, IF ANY, TO THE FEDERAL ASSEMBLY, WHICH SHALL PROCEED TO RECONSIDER IT. THE FEDERAL ASSEMBLY MAY AGAIN PASS AND SUBMIT SUCH BILL WITH OR WITHOUT AMENDMENTS OR REVISIONS, IF ANY, FOR THE CONCURRENCE OF THE SENATE EXCEPT WHEN THE FEDERAL ASSEMBLY PASSES THE SAID BILL WITH TWO-THIRDS (2/3) MAJORITY VOTE OF ALL ITS MEMBERS, THE CONCURRENCE OF THE SENATE SHALL NOT BE REQUIRED AND THE BILL SHALL BE PRESENTED TO THE PRESIDENT IN ACCORDANCE WITH SECTION 28 OF THIS ARTICLE.

(5) THE SENATE SHALL PRIMARILY REPRESENT THE REGIONS IN THE FEDERAL GOVERNMENT AND IN THE PARLIAMENT. THE SENATE SHALL NOT INITIATE LEGISLATION.

(6) THE SENATE SHALL HAVE THE POWER TO APPROVE INTERNATIONAL TREATIES, CONVENTIONS, AND AGREEMENTS SUBSCRIBED BY THE PRESIDENT, AS WELL AS DECISIONS TO END, SUSPEND, MODIFY AND MAKE INTERPRETATIVE DECLARATIONS RELATED TO SUCH TREATIES AND CONVENTIONS. IT SHALL ANALYZE THE FOREIGN POLICY DEVELOPED BY THE PRESIDENT BASED ON THE REPORTS SUBMITTED TO THE SENATE BY THE PRESIDENT AND THE RESPONSIBLE CABINET MEMBER.³⁵

Section 28. (1) A BILL PASSED BY THE FEDERAL ASSEMBLY WITH THE CONCURRENCE OF THE SENATE, IF REQUIRED, IN ACCORDANCE WITH THE

³⁵ This is similar to the practice of the Mexican Senate which shares foreign policy powers with the Mexican President.

PRECEDING SECTION, shall, before it becomes a law, be presented to the President. If he approves the same he shall sign it; otherwise, he shall veto it and return the same with his objections to the FEDERAL ASSEMBLY, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, A TWO-THIRDS MAJORITY³⁶ OF ALL THE MEMBERS OF THE FEDERAL ASSEMBLY shall agree to pass the bill WITH THE CONCURRENCE by A TWO-THIRDS MAJORITY³⁷ OF ALL THE MEMBERS OF THE SENATE, it shall become a law. In all such cases, the votes of each House shall be determined by yeas or nays, and the names of the Members voting for or against shall be entered in its Journal. The President shall communicate his veto of any bill to the Federal Assembly within thirty days after the date of receipt thereof, otherwise, it shall become a law as if he had signed it.

(2) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object. THE PRESIDENT CANNOT VETO BUDGET TRANSFERS TO THE REGIONS UNDER THE EQUALIZATION FUND TO BE CREATED FOR THIS PURPOSE IN ARTICLE X OF THIS CONSTITUTION³⁸.

Section 29. (1) The rule of taxation shall be uniform and equitable. The FEDERAL ASSEMBLY shall evolve a progressive system of taxation.

(2) The 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.

(3) Charitable institutions, churches and personages or convents appurtenant thereto, 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.

(4) No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the Federal Assembly and the Senate voting separately.

Section 30. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

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

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

³⁶ Sec 17(1) Art VI of the 1987 Philippine Constitution provides for TWO THIRDS vote of all the Members of the House of Representatives

³⁷ Sec 17(1) Art VI of the 1987 Philippine Constitution provides for TWO THIRDS vote of all the Members of the Senate

³⁸ Sec 27(2), Art VI of the 1987 Philippine Constitution provides: *The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.*

Section 31. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution without its advice and concurrence.

Section 32. No law granting a title of royalty or nobility shall be enacted.

Section 33. THE PARLIAMENT may enact or amend laws that 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 or law or part thereof passed by the Federal Assembly, Regional Assemblies or any local legislative body after the registration of a petition therefor signed by at least 2.5 PER CENTUM of the total number of registered voters, of which every legislative district must be represented by at least ONE per centum of the registered voters thereof.³⁹

Section 34. Members of the Federal Assembly and the Senate may be removed from office through recall as may be provided by law.

Section 35. (1) THE FEDERAL ASSEMBLY MAY EXPRESS A VOTE OF NO CONFIDENCE ON THE INCUMBENT PRIME MINISTER THROUGH A MAJORITY VOTE OF ALL ITS MEMBERS AND A MOTION REQUESTING THE PRESIDENT TO DISMISS THE PRIME MINISTER. THE PRESIDENT SHALL THEN DISMISS THE INCUMBENT PRIME MINISTER AND APPOINT A NEW PRIME MINISTER IN ACCORDANCE WITH SECTION 24 OF ARTICLE VII OF THE CONSTITUTION.⁴⁰

(2) THE PRIME MINISTER MAY ADVISE THE PRESIDENT IN WRITING TO DISSOLVE THE FEDERAL ASSEMBLY BASED ON A VOTE OF NO CONFIDENCE ON THE GOVERNMENT BY A MAJORITY OF ALL THE MEMBERS OF THE FEDERAL ASSEMBLY, IN WHICH CASE, THE PRESIDENT SHALL DISSOLVE THE FEDERAL ASSEMBLY AND CALL FOR A NEW ELECTION FOR THE POSITIONS OF THE MEMBERS OF THE FEDERAL ASSEMBLY. THE PRESIDENT SHALL DISSOLVE THE FEDERAL ASSEMBLY NOT EARLIER THAN FIVE (5) DAYS NOR LATER THAN TEN (10) DAYS FROM HIS RECEIPT OF THE ADVICE OF THE PRIME MINISTER.

(3) IN ALL CASES OF DISSOLUTION OF THE FEDERAL ASSEMBLY, THE PRESIDENT SHALL CALL FOR AN ELECTION ON A DATE WHICH SHALL NOT BE EARLIER THAN FORTY-FIVE (45) DAYS NOR LATER THAN SIXTY (60) DAYS FROM THE DATE OF SUCH DISSOLUTION.

(4) THE PRESIDENT MAY ALSO DISSOLVE THE FEDERAL ASSEMBLY FOR FAILURE OF PARLIAMENT TO PASS A BUDGET FOR TWO SUCCESSIVE PLENARY VOTES OR FOR TWO SUCCESSIVE MAJORITY VOTES OF NO CONFIDENCE ON THE PRIME MINISTER AS SET UNDER PARAGRAPH 1 OF THIS SECTION.

³⁹ The original 10% requirement is widely considered as unpracticable and unrealistic. The proposed amendment is meant to give life to this provision.

⁴⁰ The constructive vote of no confidence is a variation on the motion of no confidence which allows a Parliament to withdraw confidence from a head of government only if there is a positive majority for a prospective successor. The concept was invented in West Germany, but is today also used in other nations, such as Spain, Hungary, Lesotho, Israel, Poland, Slovenia, Albania and Belgium. This avoids instability in government.

(5) NO DISSOLUTION OF THE FEDERAL ASSEMBLY SHALL TAKE PLACE IN ANY OF THE FOLLOWING:

- (A) DURING TIMES OF WAR OR A STATE OF EMERGENCY DECLARED BY THE PRESIDENT UNLESS LIFTED BY A MAJORITY VOTE OF THE MEMBERS OF THE SENATE PRESENT IN A SESSION WHERE THERE IS A QUORUM;
- (B) WITHIN SIX (6) MONTHS IMMEDIATELY PRECEDING OR IMMEDIATELY FOLLOWING ANY ELECTION FOR MEMBERS OF THE FEDERAL ASSEMBLY;
- (C) WITHIN TWELVE (12) MONTHS IMMEDIATELY FOLLOWING A DISSOLUTION OF THE FEDERAL ASSEMBLY;
- (D) DURING THE PENDENCY OF IMPEACHMENT PROCEEDINGS AGAINST THE PRESIDENT;
- (E) SUCCESSIVE DISSOLUTION FOR THE SAME REASON

(6) IN CASE OF DISSOLUTION OF THE FEDERAL ASSEMBLY OR THE TERMINATION OF REGULAR TERM OF OFFICE OF ITS MEMBERS, EVERY SEAT FOR THE POSITION OF THE MEMBERS OF THE FEDERAL ASSEMBLY SHALL BECOME VACANT BUT THE INCUMBENT PRIME MINISTER AND THE CABINET SHALL CONTINUE TO CONDUCT THE AFFAIRS OF GOVERNMENT UNTIL THE NEW FEDERAL ASSEMBLY HAS BEEN ELECTED AND A NEW PRIME MINISTER HAS BEEN CHOSEN IN ACCORDANCE WITH THE CONSTITUTION.

ARTICLE VII THE FEDERAL EXECUTIVE DEPARTMENT⁴¹

THE PRESIDENT

Section 1⁴². THE PRESIDENT SHALL BE THE HEAD OF STATE OF THE FEDERAL REPUBLIC OF THE PHILIPPINES.

Section 2. No person may be elected President unless he is a natural-born citizen of the Philippines, a registered voter, able to read and write, at least FORTY-FIVE⁴³ (45) years of age on the day of the election, a resident of the Philippines for at least ten years immediately preceding such election, AND NOMINATED BY AT LEAST TWENTY PERCENT (20%) OF ALL THE MEMBERS OF THE FEDERAL ASSEMBLY, WHO ARE REGISTERED

⁴¹ This arrangement is referred to as Semi-Presidential or Hybrid Parliamentary Model. The logic for this division of executive powers in the context of the Philippines are as follows. First, in the transition to a more decentralized system of governance, we need a popularly elected presidency to hold and unite the country together and ensure that the transition to federalism and transfer of powers to the regions will be successful. The President can help as an arbiter of disputes between the federal and regional governments and among regional governments. Second, we need an effective president to deal with powerful countries like China and the United States, as well as to effectively compete in a globalized world economy. Third, we need a president who can decisively address the numerous national security problems and natural disasters. Fourth, a pure parliamentary system without strong political parties can be unstable. It will take time to build strong political parties. We need a president to ensure that there is no gridlock in our political system and a president who can remain decisive in cases of national crises. Finally, having a president, a prime minister, a cabinet and regional governors will help spread out the burdens of governance, avoid a single issue agenda and, most importantly, help speed up regional development by giving more powers to the regions, which is the main objective of our reform. More horses pulling the national and regional wagon together is better than one.

⁴² Sec 1, Art VII of the 1987 Philippine Constitution provides: *The executive power shall be vested in the President of the Philippines.*

⁴³ Sec 2, Art VII of the 1987 Philippine Constitution provides FORTY as the minimum age.

MEMBERS OF A REGISTERED POLITICAL PARTY OR A COALITION OF REGISTERED POLITICAL PARTIES OR NOMINATED BY THE INCUMBENT THE MEMBERS OF THE FEDERAL ASSEMBLY WHO WERE ELECTED BY AT LEAST TWENTY-FIVE PERCENT (25%) OF THE TOTAL VOTES CAST IN THE IMMEDIATELY PRECEDING ELECTION FOR ALL POSITIONS FOR THE MEMBERS OF THE FEDERAL ASSEMBLY INCLUDING VOTES OF POLITICAL PARTIES UNDER THE PROPORTIONAL REPRESENTATION SYSTEM.

Section 3⁴⁴. THE PRESIDENT SHALL BE ELECTED BY DIRECT VOTE OF THE PEOPLE FOR A TERM OF FIVE (5) YEARS WHICH SHALL BEGIN AT NOON ON THE THIRTIETH (30th) DAY OF JUNE NEXT FOLLOWING THE DAY OF THE ELECTION AND SHALL END AT NOON OF THE SAME DATE, FIVE (5) YEARS THEREAFTER⁴⁵. NO PERSON SHALL SERVE AS PRESIDENT FOR MORE THAN TWO (2) CONSECUTIVE TERMS. THE PERIOD OF SUCH SERVICE SHALL BE COUNTED FROM THE DATE HE SHALL HAVE COMMENCED TO ACT AS PRESIDENT⁴⁶.

THE PERSON, WHO HAS SERVED AS PRESIDENT FOR TWO (2) CONSECUTIVE TERMS, SHALL NOT BE ELIGIBLE TO BE A CANDIDATE IN ANY ELECTION FOR ANY ELECTIVE POSITION.

A PERSON WHO HAS SERVED AS PRESIDENT WITHOUT INTERRUPTION FOR PERIOD OF MORE THAN THREE (3) YEARS WITHIN THE FIVE (5) YEAR TERM SHALL BE CONSIDERED TO HAVE SERVED A TERM OF OFFICE OF THE PRESIDENT. NO PERSON WHO HAS SERVED ONE TERM AS PRESIDENT AND FOR A SECOND TERM SERVED AS SUCH WITHOUT INTERRUPTION FOR MORE THAN THREE (3) YEARS SHALL BE QUALIFIED FOR ELECTION TO THE SAME OFFICE AT ANY TIME.

VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AS AN INTERRUPTION IN THE CONTINUITY OF THE SERVICE OF THE INCUMBENT FOR THE FULL TERM FOR WHICH A PRESIDENT WAS ELECTED.

UNLESS OTHERWISE PROVIDED BY LAW, THE REGULAR ELECTION FOR PRESIDENT SHALL BE HELD ON THE SECOND MONDAY OF MAY, PROVIDED THAT THE ELECTION FOR THE POSITION OF PRESIDENT SHALL NOT BE HELD ON THE DAY OF THE ELECTION OF OTHER ELECTIVE POSITIONS IN FEDERAL, REGIONAL AND LOCAL ELECTIONS⁴⁷.

⁴⁴ Sec 3, Art VII of the 1987 Philippine Constitution provided for the position of a VICE PRESIDENT.

⁴⁵ Sec 4, Art VII of the 1987 Philippine Constitution provides: *The President and the Vice-President shall be elected by direct vote of the people for a term of six years which shall begin at noon on the thirtieth day of June next following the day of the election and shall end at noon of the same date, six years thereafter. The President shall not be eligible for any re-election. No person who has succeeded as President and has served as such for more than four years shall be qualified for election to the same office at any time.*

⁴⁶ Sec 4, Art VII of the 1987 Philippine Constitution provides: *No Vice President shall serve for more than two successive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service for the full term for which he was elected.*

⁴⁷ Sec 4, Art VII of the 1987 Philippine Constitution provides: *Unless otherwise provided by law, the regular election for a President and Vice-President shall be held on the second Monday of May.*

The returns of every election for President duly certified by the board of canvassers of each province or city, shall be transmitted to the PARLIAMENT, directed to the President of the Senate. Upon receipt of the certificates of canvass, the SENATE PRESIDENT shall, not later than thirty days after the day of the election, open all the certificates in the presence of the FEDERAL ASSEMBLY AND THE SENATE in joint public session, and the Parliament, upon determination of the authenticity and due execution thereof in the manner provided by law, canvass the votes.

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

PARLIAMENT shall promulgate its rules for the canvassing of the certificates.⁴⁸

Section 4. Before they enter on the execution of their office, the President, the Acting President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President (Acting President) of the FEDERAL REPUBLIC OF THE PHILIPPINES, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, last sentence will be omitted.)

Section 5. The President shall have an official residence. The salaries of the President shall be determined by law and shall not be decreased during their tenure. No increase in said compensation shall take effect until after the expiration of the term of the incumbent during which such increase was approved. They shall not receive during their tenure any other emolument from the Government or any other source.

Section 6. The President-elect shall assume office at the beginning of their terms. If the President-elect fails to qualify, THE SENATE PRESIDENT⁴⁹ shall act as President until the President-elect shall have qualified.

If a President shall not have been chosen, the SENATE PRESIDENT shall act as President until a President shall have been chosen and qualified.

If at the beginning of the term of the President, the President-elect shall have died or shall have become permanently disabled, the SENATE PRESIDENT shall act as President until a President shall have been chosen and qualified.

IN CASE OF THE INABILITY OF THE SENATE PRESIDENT TO ACT AS PRESIDENT UNDER THE PRECEDING PARAGRAPHS, THE SPEAKER OF THE FEDERAL

⁴⁸ The provision "The Supreme Court, sitting en banc, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President and may promulgate its rules for the purpose" has been deleted because it is argued that the high court should be unburdened with the responsibility of recounting the votes in cases of electoral protests. The role of the Supreme Court should be to adjudicate questions of law.

⁴⁹ Sec 7, Art VII of the 1987 Philippine Constitution provides that the VICE-PRESIDENT assumes office.

ASSEMBLY, shall act as President until a President shall have been chosen and qualified⁵⁰. THE PARLIAMENT MAY ENACT OR AMEND LAWS THAT PROVIDE for the manner in which one who is to act as President shall be selected until a President shall have qualified, in case of death, permanent disability, or inability of the officials mentioned in the next preceding paragraph.

Section 7⁵¹. In case of death, permanent disability, removal from office, or resignation of the President, THE PRESIDENT OF THE SENATE, OR IN CASE OF HIS INABILITY, THE SPEAKER OF THE FEDERAL ASSEMBLY SHALL THEN ACT AS PRESIDENT UNTIL THE PRESIDENT SHALL HAVE BEEN ELECTED AND QUALIFIED.

THE PARLIAMENT MAY ENACT OR AMEND LAWS TO PROVIDE who shall serve as President in case of death, permanent disability, or resignation of the Acting President. He shall serve until the President shall have been elected and qualified, and be subject to the same restrictions of powers and disqualifications as the Acting President.

Section 8. The FEDERAL ASSEMBLY shall, at ten o'clock in the morning of the third day after the vacancy in the offices of the President convene in accordance with its rules without need of a call and within seven days, enact a law calling for a special election to elect a President to be held not earlier than forty-five days nor later than sixty days from the time of such call. The bill calling such special election shall be deemed certified under Section 27(3), Article VI of this Constitution and shall become law upon its approval on third reading by the FEDERAL ASSEMBLY AND CONCURRENCE BY THE SENATE. Appropriations for the special election shall be charged against any current appropriations and shall be exempt from the requirements of paragraph 26 Article VI of this Constitution. The convening of the FEDERAL ASSEMBLY cannot be suspended nor the special election postponed. No special election shall be called if the vacancy occurs within eighteen months before the date of the next presidential election.

Section 9. Whenever the President transmits to the PRIME MINISTER⁵² his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to the Prime Minister a written declaration to the contrary, such powers and duties shall be discharged by the SENATE PRESIDENT as Acting President.

Whenever a majority of all the Members of the Cabinet transmit to the Prime Minister their written declaration that the President is unable to discharge the powers and duties of his office, the SENATE PRESIDENT shall immediately assume the powers and duties of the office as Acting President.

⁵⁰ Sec 7, Art VII of the 1987 Philippine Constitution provides: *Where no President and Vice-President shall have been chosen or shall have qualified, or where both shall have died or become permanently disabled, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, shall act as President until a President or a Vice-President shall have been chosen and qualified.*

⁵¹ Sec 8, Art VII of the 1987 Philippine Constitution provides: *In case of death, permanent disability, removal from office, or resignation of the President, the Vice-President shall become the President to serve the unexpired term. In case of death, permanent disability, removal from office, or resignation of both the President and Vice-President, the President of the Senate or, in case of his inability, the Speaker of the House of Representatives, shall then act as President until the President or Vice-President shall have been elected and qualified.*

⁵² Sec 11, Art VII of the 1987 Philippine Constitution provides that the President transmits to the President of the Senate and the Speaker of the House of Representatives

Thereafter, when the President transmits to the PRIME MINISTER his written declaration that no inability exists, he shall reassume the powers and duties of his office. Meanwhile, should a majority of all the Members of the Cabinet transmit within five days to the SPEAKER OF THE FEDERAL ASSEMBLY AND THE PRESIDENT OF THE SENATE, their written declaration that the President is unable to discharge the powers and duties of his office, the PARLIAMENT, in joint session, shall decide the issue. For that purpose, THE PARLIAMENT shall, convene, if it is not in session, within forty-eight hours, in accordance with its rules and without need of call.

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

Section 10. In case of serious illness of the President, the public shall be informed of the state of his health. The members of the Cabinet in charge of national security and foreign relations and the Chief of Staff of the Armed Forces of the Philippines, shall not be denied access to the President during such illness.

Section 11. The President, PRIME MINISTER, the Members of the Cabinet, and their deputies or assistants shall not, unless otherwise provided in this Constitution, hold any other office or employment during their tenure, EXCEPT FOR THE PRIME MINISTER AND MEMBERS OF THE CABINET WHO MAY SERVE AS MEMBERS OF THE FEDERAL ASSEMBLY OR THE SENATE. They shall not, during said tenure, directly or indirectly, practice any other profession, participate in any business, or be financially interested in any contract with, or in any franchise, or special privilege granted by the Government or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries. They shall strictly avoid conflict of interest in the conduct of their office.

The spouse and relatives by consanguinity or affinity within the fourth civil degree of the President AND THE PRIME MINISTER shall not, during THEIR tenure, be appointed as Members of the Constitutional Commissions, or the Office of the Ombudsman, or as Secretaries, Undersecretaries, chairmen or heads of bureaus or offices, including government-owned or controlled corporations and their subsidiaries.

Section 12. Appointments extended by an Acting President shall remain effective, unless revoked by the elected President, within ninety days from his assumption or reassumption of office.

Section 13. Two months immediately before the next presidential elections and up to the end of his term, a President or Acting President shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

Section 14⁵³. The President shall nominate and APPOINT, WITH THE CONCURRENCE OF THE SENATE, HEADS OF THE EXECUTIVE DEPARTMENTS IN FOREIGN AFFAIRS

⁵³ Sec 16, Art VII of the 1987 Philippine Constitution provides: *The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads of the executive departments, ambassadors,*

AND NATIONAL DEFENSE, ambassadors, consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. NO CONCURRENCE OF THE SENATE SHALL BE REQUIRED IF THE APPOINTEE IS MEMBER OF THE FEDERAL ASSEMBLY OR THE SENATE.

IN THE AREAS OF FOREIGN AFFAIRS AND NATIONAL DEFENSE, he shall also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. FOR FOREIGN AFFAIRS AND NATIONAL DEFENSE, the power of appointment of other officers lower in rank vested in the President alone by law shall remain with him.

EXCEPT FOR THE APPOINTIVE POWERS VESTED IN THIS CONSTITUTION, ALL OTHER APPOINTIVE POWERS EXERCISED BY THE PRESIDENT IN THE 1987 CONSTITUTION AND EXISTING LAWS ARE DEEMED AMENDED AND VESTED ON THE PRIME MINISTER.

Section 15⁵⁴. The President shall have direct and primary control of the executive departments, bureaus, and offices INVOLVING FOREIGN AFFAIRS AND NATIONAL DEFENSE⁵⁵ AND HE SHALL ATTEND CABINET MEETINGS TO PRESIDE AND PARTICIPATE IN SETTING POLICY FOR THE SAID AREAS OF CONCERN WHEN THOSE MATTERS ARE IN THE AGENDA. HE HAS AUTHORITY OVER THE PRIME MINISTER AND THE CABINET WITH REGARD TO THE AREAS WHERE HE HAS BEEN VESTED PRIMARY CONTROL BY THE CONSTITUTION.

Section 16. The President shall be the Commander-in-Chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion or rebellion, 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 privilege of the writ of habeas corpus, the President shall submit a report in person or in writing to PARLIAMENT. The PARLIAMENT, voting jointly, by a vote of at least a majority of all its Members in regular or special session, may revoke such proclamation or suspension, which revocation shall not be set aside by the President. Upon the initiative of the President, the PARLIAMENT may, in the same manner, extend such proclamation or suspension for a period to be determined by the PARLIAMENT, if the invasion or rebellion shall persist and public safety requires it.

other public ministers and consuls, or officers of the armed forces from the rank of colonel or naval captain, and other officers whose appointments are vested in him in this Constitution. He shall also appoint all other officers of the Government whose appointments are not otherwise provided by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards. The President shall have the power to make appointments during the recess of the Congress, whether voluntary or compulsory, but such appointments shall be effective only until disapproved by the Commission on Appointments or until the next adjournment of the Congress.

⁵⁴ Sec 17, Art VII of the 1987 Philippine Constitution provides: *The President shall have control of all the executive departments, bureaus, and offices. He shall ensure that the laws be faithfully executed.*

⁵⁵ The national police force as a civilian agency responsible for domestic law enforcement and public safety is under the Prime Minister but the President during times of national emergency, rebellion, lawless violence and war may exercise control and supervision over the police to assist the Federal Government maintain national security. This is provided in Section 6, Article XVI.

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

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

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

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

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

Section 17. Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction by final judgment.

He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the PARLIAMENT.

Section 18⁵⁶⁵⁷. THE PRESIDENT HAS THE POWER TO NEGOTIATE AND SIGN TREATIES IN CONSULTATION WITH THE PRIME MINISTER provided that no treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.

Section 19. The President shall address the PARLIAMENT at the opening of its regular session. He may also appear before it at any other time.

Section 20. THE PRESIDENT SHALL HAVE THE POWER TO APPOINT MEMBERS OF THE SUPREME COURT, CONSTITUTIONAL COMMISSIONS, COURT OF APPEALS, SANDIGANBAYAN, OMBUDSMAN AND OTHER MEMBERS OF THE JUDICIARY.

Section 21. The President AND PRIME MINISTER shall be immune from suit during his tenure.

⁵⁶ DELETED PROVISION: Section 20, Article VII of the 1987 Philippine Constitution which states that:
The President 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 the Congress a complete report of its decision on application for loans to be contracted or guaranteed by the Government or government-owned and controlled corporations which would have the effect of increasing the foreign debt, and containing other matters as may be provided by law.

⁵⁷ Sec 21, Art VII of the 1987 Philippine Constitution provides: *No treaty or international agreement shall be valid and effective unless concurred in by at least two-thirds of all the Members of the Senate.*

THE PRIME MINISTER AND THE CABINET

Section 22. THE EXECUTIVE POWER SHALL BE EXERCISED BY THE PRIME MINISTER WITH THE ASSISTANCE OF THE CABINET EXCEPT WHERE THE PRESIDENT SHALL EXERCISE PRIMARY EXECUTIVE POWERS INVOLVING FOREIGN AFFAIRS AND NATIONAL DEFENSE. THE CABINET, HEADED BY THE PRIME MINISTER, SHALL CONSIST OF THE HEADS OF MINISTRIES AS PROVIDED BY LAW. THE PRIME MINISTER SHALL BE THE HEAD OF THE GOVERNMENT.⁵⁸

Section 23. THE PRIME MINISTER AND THE CABINET SHALL BE RESPONSIBLE TO THE FEDERAL ASSEMBLY FOR THE PROGRAM OF GOVERNMENT AND SHALL DETERMINE THE GUIDELINES OF NATIONAL POLICY.

Section 24. 1) UPON EVERY ELECTION FOR ALL THE MEMBERS OF THE FEDERAL ASSEMBLY OR UPON THE DISMISSAL, DEATH, RESIGNATION, INABILITY OR DISQUALIFICATION OF THE PRIME MINISTER, THE PRESIDENT SHALL WITHOUT DELAY NOMINATE AN INCUMBENT MEMBER OF THE FEDERAL ASSEMBLY FOR THE POSITION OF PRIME MINISTER, WHO SHALL BE MEMBER OF THE POLITICAL PARTY OR COALITION OF POLITICAL PARTIES REPRESENTING MAJORITY OF ALL THE MEMBERS OF THE FEDERAL ASSEMBLY. UPON THE APPROVAL BY MAJORITY VOTE OF ALL THE MEMBERS OF THE FEDERAL ASSEMBLY, THE PRESIDENT SHALL APPOINT THE NOMINEE AS PRIME MINISTER. IN THE ABSENCE OF SUCH APPROVAL BY FEDERAL ASSEMBLY, THE PRESIDENT SHALL CONTINUE TO NOMINATE ANOTHER MEMBER OF THE FEDERAL ASSEMBLY IN ACCORDANCE WITH THIS SECTION UNTIL THERE IS THE REQUIRED APPROVAL FROM THE FEDERAL ASSEMBLY.

2) UPON APPOINTMENT OF THE PRIME MINISTER, HE SHALL SERVE AS SUCH UNLESS DISMISSED BY THE PRESIDENT IN ACCORDANCE WITH THE CONSTITUTION. THE INCUMBENT PRIME MINISTER SHALL VACATE THE POSITION UPON THE APPOINTMENT OF A NEW PRIME MINISTER BY THE PRESIDENT EXCEPT IN CASE OF DEATH, RESIGNATION, INABILITY OR DISQUALIFICATION OF THE PRIME MINISTER, IN WHICH CASE, SECTION 26 OF THIS ARTICLE SHALL APPLY.

3) THE SUPREME COURT SHALL HAVE EXCLUSIVE JURISDICTION OVER PETITIONS FOR THE DISQUALIFICATION OF THE PRIME MINISTER.

4) WHENEVER AN INCUMBENT PRIME MINISTER OR ACTING PRIME MINISTER SHALL CEASE TO BE A MEMBER OF THE FEDERAL ASSEMBLY DUE TO THE END OF HIS TERM, HE SHALL CONTINUE TO PERFORM THE FUNCTIONS OF A PRIME MINISTER UNTIL A NEW PRIME MINISTER IS APPOINTED BY THE PRESIDENT.

Section 25. THE PRIME MINISTER SHALL APPOINT, WITH THE CONCURRENCE OF SENATE, THE MEMBERS OF THE CABINET WHO SHALL BE THE HEADS OF MINISTRIES AT LEAST A MAJORITY OF WHOM SHALL COME FROM THE FEDERAL ASSEMBLY, PROVIDED, THAT THE HEADS OF MINISTRIES INVOLVING FOREIGN AFFAIRS AND NATIONAL DEFENSE SHALL BE APPOINTED BY THE

PRESIDENT. MEMBERS OF THE CABINET MAY BE REMOVED AT THE DISCRETION OF THE PRIME MINISTER EXCEPT THOSE APPOINTED BY THE PRESIDENT WHO SHALL SERVE AT HIS DISCRETION. NO CONCURRENCE OF THE SENATE SHALL BE REQUIRED IF THE APPOINTED CABINET MEMBER IS ALSO A MEMBER OF THE FEDERAL ASSEMBLY OR THE SENATE.

Section 26. THE PRIME MINISTER SHALL APPOINT THE DEPUTY PRIME MINISTER FROM AMONG THE MEMBERS OF THE FEDERAL ASSEMBLY WHO SHALL LIKEWISE BE APPOINTED AS A MEMBER OF THE CABINET. THE DEPUTY PRIME MINISTER SHALL PERFORM SUCH FUNCTIONS AS MAY BE ASSIGNED TO HIM BY THE PRIME MINISTER. IN CASE THE PRIME MINISTER SHALL BE UNABLE TO PERFORM HIS FUNCTIONS DUE TO DEATH, RESIGNATION, INABILITY OR DISQUALIFICATION, THE DEPUTY PRIME MINISTER SHALL PERFORM THE FUNCTIONS OF THE PRIME MINISTER UNTIL A NEW PRIME MINISTER IS APPOINTED.

Section 27. THE PRIME MINISTER, THE DEPUTY PRIME MINISTER, AND THE MEMBERS OF THE CABINET, ON ASSUMING OFFICE, 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 FEDERAL REPUBLIC OF THE PHILIPPINES, PRESERVE AND DEFEND ITS CONSTITUTION, EXECUTE ITS LAWS, DO JUSTICE TO EVERY MAN AND CONSECRATE MYSELF TO THE SERVICE OF THE NATION. SO HELP ME GOD.” (IN CASE OF AFFIRMATION, THE LAST SENTENCE WILL BE OMITTED).

Section 28. THE SALARIES AND EMOLUMENTS OF THE PRIME MINISTER AND THE MEMBERS OF THE CABINET SHALL BE FIXED BY LAW WHICH SHALL NOT BE INCREASED OR DECREASED DURING THEIR TENURE OF OFFICE. UNTIL OTHERWISE PROVIDED BY LAW, THE PRIME MINISTER SHALL RECEIVE THE SAME SALARY AS THAT OF THE PRESIDENT.

Section 29. THE PRIME MINISTER AND THE MEMBERS OF THE CABINET SHALL BE SUBJECT TO THE SECTION 14 AND 15 OF ARTICLE VI OF THE CONSTITUTION AND MAY NOT APPEAR AS COUNSEL BEFORE ANY COURT OR ADMINISTRATIVE BODY, OR PARTICIPATE IN THE MANAGEMENT OF ANY BUSINESS, OR PRACTICE ANY PROFESSION.

Section 30. THE PRIME MINISTER OR ANY MEMBER OF THE CABINET MAY RESIGN FOR ANY CAUSE WITHOUT VACATING HIS SEAT IN THE FEDERAL ASSEMBLY. IN CASE OF ANY INABILITY OF THE PRIME MINISTER TO PERFORM HIS FUNCTIONS AS PRIME MINISTER, THE PRESIDENT SHALL NOMINATE AND APPOINT A NEW PRIME MINISTER IN ACCORDANCE WITH SECTION 24 OF THIS ARTICLE.

Section 31. THE PRIME MINISTER SHALL, AT THE BEGINNING OF EACH REGULAR SESSION OF THE FEDERAL ASSEMBLY, AND FROM TIME TO TIME THEREAFTER, PRESENT THE PROGRAM OF GOVERNMENT AND RECOMMEND FOR THE

CONSIDERATION OF THE FEDERAL ASSEMBLY SUCH MEASURES AS HE MAY DEEM NECESSARY AND PROPER.

Section 32. THE PRIME MINISTER SHALL SET THE DOMESTIC AGENDA AND SHALL BE RESPONSIBLE FOR THE DAY TO DAY OPERATIONS OF THE GOVERNMENT. HE SHALL HAVE CONTROL OF ALL MINISTRIES EXCEPT IN FOREIGN AFFAIRS AND NATIONAL DEFENSE WHERE THE PRESIDENT SHALL EXERCISE PRIMARY CONTROL. HE SHALL PRESIDE OVER ALL MEETINGS OF THE CABINET EXCEPT AS PROVIDED IN SECTION 15 OF THIS ARTICLE.⁵⁹

Section 33. THE PRIME MINISTER⁶⁰ SHALL SUBMIT TO THE PARLIAMENT, within thirty days from the opening of every regular session as the basis of the general appropriations bill, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

Section 34. THE PRIME MINISTER SHALL APPOINT THE HEADS OF BUREAUS AND OFFICES, AND ALL OTHER OFFICERS OF THE GOVERNMENT WHOSE APPOINTMENTS ARE NOT HEREIN OTHERWISE PROVIDED FOR, AND THOSE WHOM HE MAY BE AUTHORIZED BY LAW TO APPOINT EXCEPT IN FOREIGN AFFAIRS AND NATIONAL DEFENSE. OTHER OFFICERS SHALL BE APPOINTED UNDER THE PROVISIONS OF EXISTING LAWS.

Section 35. 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 THE PARLIAMENT A COMPLETE REPORT OF ITS DECISION ON APPLICATIONS FOR LOANS TO BE CONTRACTED OR GUARANTEED BY THE GOVERNMENT OR GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS WHICH WOULD HAVE THE EFFECT OF INCREASING THE FOREIGN DEBT, AND CONTAINING OTHER MATTERS AS MAY BE PROVIDED BY LAW.

Section 36. ALL POWERS, FUNCTIONS AND LIMITATIONS OF THE PRESIDENT OF THE PHILIPPINES UNDER NINETEEN EIGHTY-SEVEN (1987) CONSTITUTION AND THE LAWS OF THE LAND WHICH ARE NOT HEREIN PROVIDED FOR OR CONFERRED UPON BY ANY OFFICIAL SHALL BE DEEMED, AND HEREBY, VESTED IN THE PRIME MINISTER, UNLESS OTHERWISE PROVIDED BY THE CONSTITUTION.

⁵⁹ The main advantage of this model is that it spreads the burden of governance – several horses pulling the wagon – with the president focusing on foreign policy and national security while the PM and Cabinet and regional governments can focus on domestic policy. It allows the political parties to make credible promises to electorates and be removed from office for failure to do so. A second option is for the president to set both the domestic and foreign policy agenda while the PM and the cabinet implements the agenda. This is problematic because the president and PM/Cabinet may oppose each other resulting in gridlock; this also burdens the president with both domestic and foreign policy and slows down decision making. The third option is for the president to become a figure head and arbiter of constitutional issues. This would burden the PM and Cabinet with both foreign and domestic policy.

⁶⁰ Sec 22, Art VII of the 1987 Philippine Constitution provides that the PRESIDENT submits to the CONGRESS

ARTICLE VIII THE FEDERAL JUDICIARY

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

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

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

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

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

Section 4. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices. It may sit *en banc* or in its discretion, in division of three, five, or seven Members. Any vacancy shall be filled within ninety days from the occurrence thereof.

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

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

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

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

(2) 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:

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

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

- (c) All cases in which the jurisdiction of any lower court is in issue.
 - (d) All criminal cases in which the penalty imposed is *reclusion perpetua* or higher.
 - (e) All cases in which only an error or question of law is involved.
- (3) Assign temporarily judges of lower courts to other stations as public interest may require. Such temporary assignment shall not exceed six months without the consent of the judge concerned.
- (4) Order a change of venue or place of trial to avoid a miscarriage of justice.
- (5) Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the integrated bar, and legal assistance to the under-privileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court.
- (6) Appoint all officials and employees of the Judiciary in accordance with the Civil Service Law.

Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof. THE SUPREME COURT SHALL ASSIGN A DIVISION OF THE COURT OF APPEALS TO HOLD OFFICE PERMANENTLY IN EVERY REGION. THE DIVISIONS OF THE INTERMEDIATE APPELLATE COURT SHALL ONLY TAKE COGNIZANCE OF THE CASES ARISING FROM WITHIN THE TERRITORIAL BOUNDARIES OF THE REGION TO WHICH THESE ARE ASSIGNED. THE DIVISIONS OR INDIVIDUAL MEMBERS OF THE COURT OF APPEALS MAY BE DIRECTED BY THE SUPREME COURT TO HANDLE OR ASSIST IN THE DISPOSITION OF CASES AS THE NEED ARISES⁶¹.

Section 7. (1) No person shall be appointed Member of the Supreme Court or any lower collegiate court unless he is a natural-born citizen of the Philippines. A Member of the Supreme Court must be at least forty years of age, and must have been for fifteen years or more, a judge of a lower court or engaged in the practice of law in the Philippines.

(2) The PARLIAMENT shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge thereof unless he is a citizen of the Philippines and a member of the Philippine Bar.

(3) A Member of the Judiciary must be a person of proven competence, integrity, probity, and independence.

Section 8⁶². The Members of the Supreme Court and judges of the lower courts shall be

⁶¹ Sen. Nene Pimentel's Model. Rationale: The purpose is to enable litigants to have easier access to the Court of Appeals. In addition, the Appellate Court wherever assigned would now have jurisdiction over cases properly cognizable by it but only if the matter arose within the Region to which the court is assigned.

⁶² Sen. Nene Pimentel Model: provides the DELETING Section 8, Article VIII of the 1987 Philippine Constitution which provides: (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 Secretary of Justice, and a representative of the Congress as ex officio Members, a representative of the Integrated Bar, a professor of law, a retired Member of the Supreme Court, and a representative of the private sector.*

(2) *The regular members of the Council shall be appointed by the President for a term of four years with the consent of the Commission on Appointments. Of the members first appointed, the representatives of the Integrated Bar shall serve for four years, the professor of law for three years, the retired Justice for two years, and the representative of the private sector for one year.*

appointed by the President from a list of at least three nominees prepared AFTER APPROPRIATE PUBLIC HEARINGS BY THE INTEGRATED BAR OF THE PHILIPPINES AND APPROVED BY THE SENATE PURSUANT TO ITS RULES⁶³. Such appointments need no confirmation.

For the lower courts, the President shall issue the appointments within ninety days from the submission of the list.

Section 9. The salary of the Chief Justice and of the Associate Justices of the Supreme Court, THE JUSTICES OF THE COURT OF APPEALS and of judges of lower courts, shall be fixed by law. THEIR SALARIES SHALL NOT BE SUBJECT TO INCOME TAX OR OTHERWISE DECREASED⁶⁴.

Section 10. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

Section 11. The Members of the Supreme Court and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.

Section 12. 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 Chief Justice 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 therefor. The same requirements shall be observed by all lower collegiate courts.

Section 13. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based. No petition for review or motion for reconsideration of a decision of the court shall be refused due course or denied without stating the legal basis therefor.

Section 14. (1) All cases or matters filed after the effectivity of this Constitution must be

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

(4) *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.*

(5) *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.*

Rationale: The creation of the Judicial and Bar Council had good intentions, however, experience has shown that politicking in the choice and appointment of judicial officials has now become the norm. It is submitted that the better way of selecting and choosing judicial officials is to do so openly where the merits and demerits of the judicial nominees are discussed in a public manner.

⁶³ Sen. Nene Pimentel Model.

⁶⁴ Ibid. Rationale: If the reason why the salaries of the Justices of the Supreme Court are exempted from taxation under the 1987 Philippine Constitution is to free them from legislative (and executive) pressure, then it follows that the salaries of all persons occupying judicial positions should likewise be exempted. In reality, judges of the lower courts are more prone to pressure than the highest magistrates of the land.

decided or resolved within TWELVE (12)⁶⁵ months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, EIGHT (8)⁶⁶ months for all lower collegiate courts, and three months for all other lower courts.

(2) 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.

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

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

Section 15. The Supreme Court shall, within thirty days from the opening of each regular session of the PARLIAMENT, submit to the President and the PARLIAMENT an annual report on the operations and activities of the Judiciary.

ARTICLE IX FEDERAL CONSTITUTIONAL COMMISSIONS

A. COMMON PROVISIONS

Section 1. The Constitutional Commissions, which shall be independent, are the FEDERAL⁶⁷ Civil Service Commission, the FEDERAL Commission on Elections, and the FEDERAL 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 profession or in the active management or control of any business which, in any way, may be affected by the functions of his office, nor shall he be financially interested, directly or indirectly, in any contract with, or in any franchise or privilege granted by the Government, any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations or their subsidiaries.

Section. 3. The salary of the Chairman and the Commissioners shall be fixed by law and shall not be decreased during their tenure.

Section 4. The Constitutional Commissions shall appoint their officials and employees in accordance with law.

Section 5. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released.

Section 6. 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.

⁶⁵ Sen. Nene Pimentel Model. Sec 15, Art VIII of the 1987 Philippine Constitution provided for TWENTY-FOUR (24) months

⁶⁶ Ibid. Sec 15, Art VIII of the 1987 Philippine Constitution provided for TWELVE (12) months

⁶⁷ Ibid

Section 7. 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. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.

Section 8. Each Commission shall perform such other functions as may be provided by law.

B. THE FEDERAL CIVIL SERVICE COMMISSION

Section 1. (1) The civil service shall be administered by the FEDERAL Civil Service Commission composed of a Chairman and EIGHT⁶⁸ Commissioners who shall be natural-born citizens of the Philippines 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.

(2) The Chairman and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. THE FEDERAL CIVIL SERVICE COMMISSION SHALL BE DIVIDED INTO THREE DIVISIONS WITH THREE MEMBERS EACH⁶⁹. 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.

Section 2. (1) The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

(2) Appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy- determining, primarily confidential, or highly technical, by competitive examination.

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

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

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

(6) Temporary employees of the Government shall be given such protection as may be provided by law.

Section 3. The FEDERAL Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and PARLIAMENT an annual report on its personnel programs.

⁶⁸ Sen. Nene Pimentel Model. Sec 1(1), Art IX of the 1987 Philippine Constitution provides for TWO Commissioners

⁶⁹ Ibid. Rationale: The three divisions will represent Regions from Luzon, Visayas and Mindanao. The reason for dispersed assignments of the divisions is to de-concentrate their offices from Metro Manila and bring them closer to the people they are supposed to serve.

Section 4. All public officers and employees shall take an oath or affirmation to uphold and defend this Constitution.

Section 5. The PARLIAMENT shall provide for the standardization of compensation of government officials and employees, including those in government-owned or controlled corporations with original charters, taking into account the nature of the responsibilities pertaining to, and the qualifications required for, their positions.

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 or in any of their subsidiaries.

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

Unless otherwise allowed by law or by the primary functions of his position, no appointive official shall hold any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including Government-owned or controlled corporations or their subsidiaries.

Section 8. No elective or appointive public officer or employee shall receive additional, double, or indirect compensation, unless specifically authorized by law, nor accept without the consent of the PARLIAMENT, any present, emolument, office, or title of any kind from any foreign government.

Pensions or gratuities shall not be considered as additional, double, or indirect compensation.

C. THE FEDERAL COMMISSION ON ELECTIONS

Section 1. (1) There shall be a FEDERAL Commission on Elections composed of a Chairman and six 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 positions in the immediately preceding elections. However, a majority thereof, including the Chairman, shall be members of the Philippine Bar who have been engaged in the practice of law for at least ten years.

IN ADDITION TO THE QUALIFICATIONS PROVIDED ABOVE, THREE (3) COMMISSIONERS OF THE FEDERAL COMMISSION ON ELECTIONS SHALL BE RESIDENTS OF LUZON, TWO (2) OF THE VISAYAS AND TWO (2) OF MINDANAO⁷⁰.

(2) The Chairman and the Commissioners shall be appointed by the President with the CONCURRENCE OF THE SENATE for a term of seven years without reappointment. Of those first appointed, three Members shall hold office for seven years, two Members for five years, and the last Members 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.

⁷⁰ Sen. Nene Pimentel Model. Rationale: The Revision is meant to ensure that appointments to membership of this important body will include consideration of the geographical origins of the commissioners.

Section 2⁷¹. 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.

(2) Exercise exclusive original jurisdiction over all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials, and appellate jurisdiction over all contests involving elective municipal officials decided by trial courts of general jurisdiction, or involving elective barangay officials decided by trial courts of limited jurisdiction.

Decisions, final orders, or rulings of the Commission on election contests involving elective municipal and barangay offices shall be final, executory, and not appealable.

(3) 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.

(4) Deputize, with the concurrence of the President, law enforcement agencies and instrumentalities of the Government, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.

(5)⁷² 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.

(6) Recommend to the Congress 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 candidacies.

(7) Recommend to the President the removal of any officer or employee it has deputized, or the imposition of any other disciplinary action, for violation or disregard of, or disobedience to, its directive, order, or decision.

(8) Submit to the President and the Congress, a comprehensive report on the conduct of each election, plebiscite, initiative, referendum, or recall.

Section 3. The Commission on Elections may sit en banc or in two divisions, and shall promulgate its rules of procedure in order to expedite disposition of election cases, including pre- proclamation controversies. All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission en banc.

⁷¹ It is proposed that this section be revised. Since most elections are done regionally or locally, it is proposed that only policies and guidelines remain with the Commission on Elections, with implementation (including canvassing) at the regional level. But it will still be the Federal Assembly that will canvass the presidential election results.

⁷² Sec 2, Art IX (COMELEC) originally includes the provision: (5) *Register, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government; and accredit citizens' arms of the Commission on Elections. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused registration.*

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

This provision has been transferred to the Section on Political Parties.

Section 4. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all 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 subsidiary. Such supervision or regulation shall aim to ensure equal opportunity, and equal rates therefor, for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

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

Section 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 thereafter. THE CAMPAIGN PERIOD FOR REGIONAL AND LOCAL ELECTIONS SHALL BE LIMITED TO A MAXIMUM OF 30 DAYS WHILE THOSE FOR THE PRESIDENT SHALL BE FOR A MAXIMUM OF 90 DAYS.⁷³

Section 7. Bona fide candidates for any public office shall be free from any form of harassment and discrimination.

Section 8. 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.

Section 9. THE COMMISSION SHALL ESTABLISH REGIONAL BUREAUS TO ASSIST THE COMMISSION WHICH SHALL PERFORM THE SAME FUNCTIONS AS THE COMMISSION AT THE REGIONAL AND LOCAL LEVELS, SUBJECT TO THE AUTHORITY OF THE FEDERAL COMMISSION ON ELECTIONS.

Section 10. THE FEDERAL COMMISSION ON ELECTIONS SHALL ESTABLISH CORRESPONDING CANVASSING BOARDS TO CANVASS ELECTION RESULTS AND PROCLAIM WINNERS IN THE REGIONAL AND LOCAL ELECTIONS.

POLITICAL PARTIES

Section 11. THE STATE SHALL ENSURE THE DEVELOPMENT OF POLITICAL PARTIES AS MECHANISMS OF REPRESENTATION AND DEMOCRATIC GOVERNANCE.⁷⁴ EVERY POLITICAL PARTY SHALL BE REGISTERED WITH THE FEDERAL COMMISSION ON ELECTIONS WHICH SHALL ENSURE THAT THE POLITICAL PARTY HAS DULY ADOPTED ITS PROGRAM AND PLATFORM OF GOVERNMENT. Religious denominations and sects shall not be registered. Those which seek to achieve their goals through violence or unlawful means, or refuse to uphold and adhere to this Constitution, or which are supported by any foreign government shall likewise be refused

⁷³ The purpose of this provision is to reduce the costs of campaigning and hence the need for campaign contributions.

⁷⁴ The lack of strong and cohesive political parties is one of the major problems facing our political system. It is one of the major reasons why we have weak institutions.

registration.

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

Section 12. (1) THE PARLIAMENT SHALL BY LAW PROMOTE THE DEVELOPMENT OF POLITICAL PARTIES AS PUBLIC INSTITUTIONS THAT SERVES AS A MECHANISM OF COMMUNICATION AND COOPERATION BETWEEN THE CITIZENS AND THE STATE, FACILITATING POLITICAL ORGANIZATION AND REPRESENTATION, CONTINUOUSLY FORMING, FORMULATING AND ULTIMATELY DEVELOPING INFORMED PUBLIC OPINION.

(2) AS A DEMOCRATIC PUBLIC INSTITUTION, POLITICAL PARTIES SHALL DEVELOP A SYSTEM OF ADMINISTRATION THAT IS AIMED AT DEVELOPING THE PARTY'S PROFESSIONAL BUREAUCRACY AND MEMBERSHIP. THEY SHALL OBSERVE FAIR, HONEST, AND DEMOCRATIC PROCESSES IN NOMINATING AND SELECTING PARTY OFFICIALS AND CANDIDATES FOR PUBLIC OFFICE. THEY SHALL ENSURE THE INTEGRITY, LOYALTY, AND DISCIPLINE OF THEIR MEMBERS.

Section 13. (1) TO ENSURE STRONG AND COHESIVE POLITICAL PARTIES, PARTY SWITCHING SHALL BE BANNED ONE YEAR AFTER THE ADOPTION OF THE CONSTITUTION. THEREAFTER, NO ELECTIVE PUBLIC OFFICIAL MAY CHANGE HIS POLITICAL PARTY AFFILIATION DURING HIS TERM OF OFFICE AND NO CANDIDATE FOR ANY ELECTIVE PUBLIC OFFICE MAY CHANGE HIS POLITICAL PARTY AFFILIATION WITHIN ONE YEAR IMMEDIATELY PRECEDING OR FOLLOWING AN ELECTION: PROVIDED, THAT HE MAY RESIGN AT ANY TIME SO LONG AS HE DOES NOT JOIN ANY OTHER POLITICAL PARTY WITHIN ONE YEAR IMMEDIATELY PRECEDING OR FOLLOWING AN ELECTION. ANY ELECTED OFFICIAL WHO VIOLATES THIS PROVISION SHALL LOSE HIS SEAT, BARRED FROM BEING APPOINTED TO A PUBLIC OFFICE, AND PROHIBITED FROM RUNNING IN THE NEXT ELECTION.

(2) POLITICAL PARTIES SHALL HAVE PARTY WHIPS TO ENFORCE PARTY DISCIPLINE. OPPOSITION PARTIES ARE REQUIRED TO FORM A SHADOW GOVERNMENT IN PARLIAMENT TO ENSURE THAT THEY ARE READY TO TAKE OVER IN THE EVENT OF A CHANGE OF GOVERNMENT.

Section 14. THE PARLIAMENT SHALL BY LAW PROVIDE STATE SUBSIDY TO REGISTERED POLITICAL PARTIES ON THE BASIS OF THEIR ELECTORAL PERFORMANCE IN THE PREVIOUS ELECTION: PROVIDED, THAT ALL FUNDS RELEASED SHALL BE SUBJECT TO AUDIT BY THE FEDERAL COMMISSION ON AUDIT. POLITICAL PARTIES SHALL PUBLICLY ACCOUNT FOR THE SOURCES AND USE OF THEIR FUNDS AND ASSETS.

Section 15. POLITICAL DYNASTIES SHALL BE PROHIBITED AS FOLLOWS:

(1) FOR FEDERAL GOVERNMENT POSITIONS: WHENEVER A CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY IN AN ELECTION FOR THE POSITION OF PRESIDENT, MEMBER OF THE FEDERAL ASSEMBLY, OR MEMBER OF THE SENATE, THE RELATIVES WITHIN THE SECOND DEGREE OF CONSANGUINITY

OR AFFINITY INCLUDING THE SPOUSE OF SUCH CANDIDATE SHALL BE PROHIBITED FROM BEING A CANDIDATE IN ANY OF THE SAID POSITIONS IN THE SAME ELECTION.

THE PROHIBITION IN THE PRECEDING SENTENCE SHALL APPLY TO THE RELATIVES OF NOMINEES OF POLITICAL PARTIES UNDER THE PROPORTIONAL REPRESENTATION SYSTEM OF ELECTION IN SECTION 2(3) OF ARTICLE VI OF THE CONSTITUTION.

THE SAME KIND OF RELATIVES OF A CANDIDATE WHO HAS FILED A CERTIFICATE OF CANDIDACY FOR THE POSITION OF MEMBER OF THE FEDERAL ASSEMBLY INCLUDING SUCH RELATIVES OF THE NOMINEES OF POLITICAL PARTIES UNDER THE SAID PROPORTIONAL REPRESENTATION SYSTEM SHALL BE PROHIBITED FROM BEING A CANDIDATE FOR ANY ELECTIVE LOCAL GOVERNMENT POSITION IN WHERE SUCH CANDIDATE OR NOMINEE IS RUNNING, WHICH SHALL BE WITHIN THE ELECTORAL DISTRICT FOR A SINGLE MEMBER DISTRICT CANDIDATE OR WITHIN THE REGION FOR THE NOMINEES OF POLITICAL PARTIES FOR THE PROPORTIONAL REPRESENTATION SYSTEM.

(2) FOR REGIONAL GOVERNMENT POSITIONS: WHENEVER A CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE EXECUTIVE, LEGISLATIVE OR ANY OTHER ELECTIVE POSITION WITHIN THE REGIONAL GOVERNMENT, THE RELATIVES WITHIN THE SECOND DEGREE OF CONSANGUINITY OR AFFINITY INCLUDING SPOUSE OF SUCH CANDIDATE SHALL BE PROHIBITED FROM BEING A CANDIDATE IN THE SAME ELECTION IN ANY OF THE REGIONAL OR LOCAL GOVERNMENT POSITION WITHIN THE REGION.

(3) FOR LOCAL GOVERNMENT POSITIONS: WHENEVER A CANDIDATE HAS FILED A CERTIFICATE OF CANDIDACY FOR ANY ELECTIVE EXECUTIVE AND LEGISLATIVE POSITION IN THE LOCAL GOVERNMENT UNITS, THE RELATIVES WITHIN THE SECOND DEGREE OF CONSANGUINITY OR AFFINITY INCLUDING THE SPOUSE OF SUCH CANDIDATE SHALL BE PROHIBITED FROM BEING A CANDIDATE IN THE SAME ELECTION FOR ANY ELECTIVE LOCAL GOVERNMENT POSITION WHERE SUCH CANDIDATE IS RUNNING FOR A LOCAL GOVERNMENT POSITION, WHICH SHALL BE WITHIN THE PROVINCE, FOR PROVINCIAL GOVERNMENT CANDIDATE; WITHIN THE CITY, FOR A CITY GOVERNMENT CANDIDATE; WITHIN A MUNICIPALITY, FOR MUNICIPAL GOVERNMENT CANDIDATE; OR WITHIN THE BARANGAY, FOR BARANGAY GOVERNMENT CANDIDATE.

(4) DISPUTE SETTLEMENT: IN CASE THERE IS A DISPUTE BETWEEN A CANDIDATE AND HIS RELATIVES WITHIN THE SECOND DEGREE OF CONSANGUINITY OR AFFINITY INCLUDING THE SPOUSE WHO ARE LIKEWISE CANDIDATES IN AN ELECTION AS TO WHO WILL BE PROHIBITED FROM BEING A CANDIDATE IN AN ELECTION IN THE ACCORDANCE WITH THE THIS SECTION, THE CANDIDATES SHALL AMICABLY SETTLE THE MATTER, OTHERWISE, THE DISPUTE SHALL BE SETTLED BY RAFFLE OR DRAWING OF LOTS CONDUCTED BY THE COMMISSION ON ELECTIONS.

D. THE FEDERAL COMMISSION ON AUDIT

Section 1. (1) There shall be a FEDERAL 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 elections 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 with the consent of the Commission on Appointments 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.

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

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

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

Section 4. The Commission shall submit to the President and the 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 subject to its audit, and recommend measures necessary to improve their effectiveness and efficiency. It shall submit such other reports as may be required by law.

ARTICLE X REGIONAL AND LOCAL GOVERNMENTS

Section 1⁷⁵. The territorial and political subdivisions of the Republic of the Philippines are the FOLLOWING:

- (1) REGIONS⁷⁶
- (2) AUTONOMOUS REGIONS CREATED BY ORGANIC ACT AND RATIFIED UNDER A PLEBISCITE BY VIRTUE OF THE 1987 CONSTITUTION.
- (3) Provinces
- (4) Cities
- (5) Municipalities
- (6) Barangays

Section 2. The territorial and political subdivisions shall enjoy REGIONAL AND local autonomy.

Section 3⁷⁷⁸. REGIONAL and local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, including sharing the same with the inhabitants by way of direct benefits.

Section 4⁷⁹. No REGION province, city, municipality, or barangay may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected.

REGIONAL GOVERNMENT

A. REGIONAL AUTONOMY

Section 5. THE STATE SHALL ESTABLISH REGIONAL AUTONOMY TOWARDS FEDERALISM BASED ON THE FOLLOWING PRINCIPLES:

- (1) AUTONOMY: THE STATE SHALL ALLOW THE PEOPLE OF THE REGIONS TO DETERMINE WHAT IS BEST FOR THEIR WELFARE AND DEVELOPMENT.;

⁷⁵ Sec 1, Art X of the 1987 Philippine Constitution provides: *The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.*

⁷⁶ Rather than use the term “Federal State” which connotes the sharing of sovereignty with the Federal Government, the Study Group proposes the use of “regions” in referring to the subnational units of the Federal Republic. Since ours is a “holding together” type of federalism, the principle of shared sovereignty does not apply. In our case, sovereignty resides only in the Federal Republic and not on its constituent units.

⁷⁷ DELETED PROVISION: Sec 3, Art X of the 1987 Philippine Constitution which states that:

The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.

⁷⁸ Originally Sec 7, Art X of the 1987 Philippine Constitution

⁷⁹ Originally Sec 10, Art X of the 1987 Philippine Constitution

- (2) SUBSIDIARITY: GOVERNMENT SERVICES ARE RENDERED MORE EFFICIENTLY BY THE GOVERNMENT INSTRUMENTALITY NEAREST TO THE PEOPLE BEING SERVED.;
- (3) SOLIDARITY: THE REGIONS SHALL ACT WITH COOPERATION AND INTERDEPENDENCE WITH THE FEDERAL GOVERNMENT AND OTHER REGIONS FOR THE UNITY, GOOD AND WELFARE OF THE ENTIRE FEDERAL REPUBLIC.;
- (4) DECENTRALIZATION AND DEVOLUTION: THE STATE SHALL GRANT AND TRANSFER POWERS, AUTONOMY AND FUNCTIONS TO THE REGIONS IN ACCORDANCE WITH THE REGION'S COMPETENCE, CAPACITY, AND RESOURCES.;
- (5) DEMOCRATIC: THE STRUCTURE AND SYSTEM OF REGIONAL AUTONOMY SHALL BE BASED ON DEMOCRACY IN A FEDERAL AND REPUBLICAN STATE.;
- (6) ACCOUNTABILITY: REGIONS SHALL BE GOVERNED IN ACCORDANCE WITH THE CONSTITUTION AND THE LAW AND BE HELD ACCOUNTABLE FOR THE EFFICIENT AND HONEST GOVERNANCE OF THE PROVINCES, CITIES, MUNICIPALITIES, AND BARANGAYS WITHIN ITS TERRITORY AND BOUNDARIES.
- (7) DEVELOPMENT OF REGIONAL CULTURE AND CIVIC VIRTUES: THE STATE SHALL FOSTER THE PRESERVATION AND DEVELOPMENT OF REGIONAL CULTURE AND CIVIC VIRTUES FOR GREATER UNDERSTANDING, TOLERANCE, AND UNITY TOWARDS NATION BUILDING.

Section 6. (1) THERE SHALL BE CREATED REGIONS OF THE FEDERAL REPUBLIC EACH CONSISTING OF PROVINCES, CITIES, MUNICIPALITIES, AND BARANGAYS AND GEOGRAPHICAL AREAS WITH SUFFICIENT TERRITORIES, INHABITANTS, AND RESOURCES NECESSARY TO SUSTAIN AND PROMOTE A STABLE AND EFFICIENT REGIONAL GOVERNMENT, SHARING COMMON AND DISTINCTIVE HISTORICAL AND CULTURAL HERITAGE, ECONOMIC AND SOCIAL STRUCTURES, OR OTHER RELEVANT CHARACTERISTICS WITHIN THE FRAMEWORK OF THIS CONSTITUTION, NATIONAL SOVEREIGNTY, AS WELL AS TERRITORIAL INTEGRITY OF THE FEDERAL REPUBLIC. THE BANGSAMORO AND CORDILLERA SHALL IMMEDIATELY QUALIFY AS REGIONS.

(2) THE TERRITORIES AND BOUNDARIES OF THE REGIONS SHALL BE AS LISTED AND DESCRIBED IN AN ORDINANCE WHICH SHALL BE AN INTEGRAL PART OF THE CONSTITUTION.

(3) SUBJECT TO THE OTHER CONDITIONS PROVIDED IN THE CONSTITUTION, THE PROCESS OF ESTABLISHING REGIONAL AUTONOMY TOWARDS FEDERALISM SHALL BE OUTLINED AS FOLLOWS:

(A) THERE SHALL BE A PLEBISCITE FOR THE APPROVAL OF REGIONAL UNITS AND TERRITORIES SIMULTANEOUS WITH THE PLEBISCITE RATIFYING THE PROPOSED AMENDMENTS TO THE CONSTITUTION.

(B) PARLIAMENT SHALL ENACT A REGIONAL AND LOCAL GOVERNMENT CODE APPLICABLE SYMMETRICALLY TO ALL REGIONS EXCEPT FOR

AUTONOMOUS REGIONS ESTABLISHED UNDER THE 1987 CONSTITUTION. THE REGIONAL LOCAL GOVERNMENT CODE SHALL ESTABLISH A REGIONAL COMMISSION WHICH SHALL ACT AS THE INTERIM REGIONAL GOVERNMENT.

(C)THE FEDERAL GOVERNMENT SHALL GRADUALLY DEVOLVE AND DECENTRALIZE FUNDING, FUNCTIONS, AND RESPONSIBILITIES IN ACCORDANCE WITH THE FINANCIAL AND ORGANIZATIONAL CAPACITY OF THE REGIONS.

(D) AFTER FIVE YEARS AFTER THE CREATION OF THE REGION, EACH REGION MAY OPT FOR AN ORGANIC ACT TO BE ENACTED BY PARLIAMENT IN ORDER TO FORM THE REGIONAL GOVERNMENT WITH ELECTIVE LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

Section 7. THE CREATION OF THE REGIONS SHALL NOT SIGNIFY THE ESTABLISHMENT OF A DISTINCT SOVEREIGNTY AND THE REGIONS SHALL REMAIN INTEGRAL AND INSEPARABLE PARTS OF THE TERRITORY OF THE FEDERAL REPUBLIC. THE PEOPLE OF THE REGIONS SHALL UPHOLD THE CONSTITUTION AS THE FUNDAMENTAL LAW OF THE LAND AND UNEQUIVOCALLY OWE ALLEGIANCE AND FIDELITY TO THE FEDERAL REPUBLIC.

Section 8. REGIONS OR ANY OF ITS COMPONENT LOCAL GOVERNMENT UNITS OR ANY OF ITS TERRITORY SHALL NOT SECEDE FROM THE FEDERAL REPUBLIC AND ANY ACT OF SECESSION SHALL BE DEALT WITH UNDER FEDERAL LAWS. THE FEDERAL GOVERNMENT SHALL EXERCISE THE NECESSARY POWERS TO ENSURE THAT THE FEDERAL REPUBLIC OF THE PHILIPPINES SHALL REMAIN INSEPARABLE AND INDIVISIBLE.

Section 9. THE REGIONS AND REGIONAL AUTONOMY IN ACCORDANCE WITH THIS ARTICLE SHALL BE DEEMED CREATED AND EFFECTIVE WHEN APPROVED BY MAJORITY OF THE VOTES CAST BY REGISTERED VOTERS IN A REGION IN A PLEBISCITE CALLED FOR THE PURPOSE: PROVIDED, THAT ONLY REGIONS VOTING FAVORABLY IN SUCH PLEBISCITE SHALL BE GRANTED REGIONAL AUTOMONY IN ACCORDANCE WITH THIS ARTICLE AND THE FEDERAL GOVERNMENT SHALL CONTINUE TO EXERCISE ITS POWERS AND FUNCTIONS OVER REGIONS THAT DID NOT VOTE FAVORABLY IN SUCH PLEBISCITE. IN CASE THE VOTERS OF A PROPOSED REGION DID NOT VOTE FAVORABLY TO THE CREATION OF A REGION, UPON THE PETITION OF FIVE PERCENT (5%) OF THE REGISTERED VOTERS IN A REGION, ANOTHER PLEBISCITE SHALL BE CALLED AND CONDUCTED FOR THE PURPOSE OF THIS SECTION.

Section 10. EXCEPT AS PROVIDED IN THIS SECTION, LOCAL GOVERNMENT UNITS SHALL NOT FORM A NEW AND SEPARATE REGION UNLESS THE CONSTITUTION IS AMENDED OR REVISED. ANY PROVINCE, HIGHLY URBANIZED CITY, OR INDEPENDENT COMPONENT CITIES MAY TRANSFER OR MERGE WITH THE REGION CONTIGUOUSLY LOCATED TO THE TERRITORIAL BOUNDARIES OF SUCH AFFECTED PROVINCE OR HIGHLY URBANIZED CITY, SUBJECT TO THE APPROVAL BY A MAJORITY OF THE VOTES CAST IN A PLEBISCITE IN THE

PROVINCE OR HIGHLY URBANIZED CITY DIRECTLY AFFECTED AND IN A PLEBISCITE IN THE REGION WHERE THE SAID PROVINCE OR HIGHLY URBANIZED CITY MAY BE MERGING.

Section 11. THE POWERS AND FUNCTIONS OF AUTONOMOUS REGIONS CREATED, ESTABLISHED AND ENACTED UNDER AN ORGANIC ACT UNDER THE 1987 CONSTITUTION SHALL BE RECOGNIZED AND NOT DIMINISHED UNLESS THE ORGANIC ACTS THAT CREATED SUCH AUTONOMOUS REGIONS ARE REVISED OR AMENDED BY PARLIAMENT AND APPROVED BY MAJORITY OF VOTES CAST IN THE CONSTITUENT PROVINCES AND CITIES IN A PLEBISCITE CALLED FOR THE PURPOSE.

Section 12⁸⁰⁸¹. (1) THE REGIONAL GOVERNMENT SHALL HAVE A JUST SHARE, AS DETERMINED BY FEDERAL LAW, IN THE NATIONAL FEDERAL TAXES AND REVENUES WHICH SHALL BE AUTOMATICALLY RELEASED TO THEM PROVIDED THAT THE SHARE OF REGIONAL GOVERNMENTS SHALL NOT BE LESS THAN _____ PERCENT (____%) OF ALL NATIONAL TAXES AND REVENUES.

(2) IN ADDITION, SPECIFIC NATIONAL TAXES COLLECTED WITHIN THE TERRITORIAL JURISDICTION OF EACH REGION SHALL BE RETAINED BY AND SHALL ACCRUE EXCLUSIVELY TO THE REGIONAL GOVERNMENT

(3) AS DETERMINED BY LAW. THE PARLIAMENT SHALL, BY LAW, INSTITUTE A FAIR AND EQUITABLE SYSTEM OF SHARING AND EQUALIZATION BETWEEN THE REGIONS, PROVIDED THAT THE SHARE OF REGIONAL GOVERNMENTS SHALL BE ADJUSTED IN ACCORDANCE WITH THE NEEDS AND CAPACITY OF A REGION.

Section 13⁸²⁸³. WITHIN A PERIOD OF EIGHTEEN (18) MONTHS FROM THE RATIFICATION OF THE CONSTITUTION UNLESS EXTENDED BY THE PRESIDENT WITH THE CONCURRENCE OF THE PARLIAMENT VOTING SEPARATELY, THE PARLIAMENT SHALL ENACT A COMPREHENSIVE REGIONAL AND LOCAL GOVERNMENT CODE WHICH SHALL, AMONG OTHERS, DEFINE THE POWERS, STRUCTURE, FUNCTIONS, AND RESPONSIBILITIES OF THE REGIONAL GOVERNMENT AS WELL AS ITS ACCOUNTABILITIES IN RELATION TO THE FEDERAL GOVERNMENT INCLUDING DEVOLUTION MECHANISMS AND

⁸⁰ Sec 6, Art X of the 1987 Philippine Constitution provides: *Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them.*

⁸¹ Sec 7, Art X of the 1987 Philippine Constitution provides: *Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, including sharing the same with the inhabitants by way of direct benefits.*

⁸² Sec 19, Art X of the 1987 Philippine Constitution provides: *The first Congress elected under this Constitution shall, within eighteen months from the time of organization of both Houses, pass the organic acts for the autonomous regions in Muslim Mindanao and the Cordilleras.*

⁸³ Sec 18, Art X of the 1987 Philippine Constitution provides: *The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The organic acts shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws.*

FUNDING SUPPORT. THE CODE SHALL CONTINUE TO STRENGTHEN A MORE RESPONSIVE AND ACCOUNTABLE LOCAL GOVERNMENT STRUCTURE FOR AN EFFECTIVE LOCAL AUTONOMY. THE CODE SHALL PROVIDE FOR THE ORGANIZATIONAL STRUCTURE AND OPERATIONS OF THE REGIONAL COMMISSION CREATED UNDER PART C OF THIS ARTICLE AS WELL AS THE TRANSITORY MECHANISMS TO AN ELECTED REGIONAL GOVERNMENT UNDER THE ORGANIC ACT. THE CODE SHALL ADHERE TO THE PRINCIPLES OF EXTERNALITIES, COOPERATIVE AND EVOLUTIONARY FEDERALISM, FISCAL EQUIVALENCE AND GOOD GOVERNANCE.

Section 14⁸⁴. THE TERMS OF OFFICE OF ELECTIVE REGIONAL AND LOCAL OFFICIALS, EXCEPT BARANGAY OFFICIALS, WHICH SHALL BE PROVIDED BY LAW, SHALL BE FIVE (5) YEARS AND NO SUCH OFFICIAL SHALL SERVE FOR MORE THAN TWO (2) CONSECUTIVE TERMS. VOLUNTARY RENUNCIATION OF THE OFFICE FOR ANY LENGTH OF TIME SHALL NOT BE CONSIDERED AN INTERRUPTION IN THE CONTINUITY OF HIS SERVICE FOR THE FULL TERM FOR WHICH HE WAS ELECTED.

THE REGIONAL AND LOCAL GOVERNMENT CODE SHALL PROVIDE FOR AN EQUALIZATION FUND⁸⁵ AND THE CREATION OF A NATIONAL FINANCE COMMISSION. THE FUND SHALL COMPRISE OF AN UNCONDITIONAL, GENERAL PURPOSE BLOCK GRANT AS WELL AS A CONDITIONAL AND MATCHING GRANTS AS AN INCENTIVE FOR REGIONAL GOVERNMENTS TO PURSUE FEDERAL PRIORITIES.⁸⁶

THE FINANCE COMMISSION SHALL BE COMPOSED OF A CHAIRPERSON AND FOUR MEMBERS WHO SHALL BE RECOGNIZED EXPERTS IN FINANCE, BUDGET, AND PUBLIC ADMINISTRATION. THEY SHALL BE APPOINTED BY THE PRESIDENT FOR A TERM OF THREE (3) YEARS. THE COMMISSION SHALL, AFTER CONSULTATION WITH THE REGIONS, SUBMIT A REPORT AND RECOMMENDATION TO PARLIAMENT ON HOW THE EQUALIZATION FUND SHALL BE ALLOCATED.

Section 15. IN ADDITION TO THE EQUALIZATION GRANT, REGIONAL GOVERNMENTS SHALL BE ENTITLED TO AT LEAST FIFTY PERCENT (50%) SHARE IN THE PROCEEDS OF THE UTILIZATION AND DEVELOPMENT OF THE NATIONAL WEALTH SUCH AS MINING, HYDRO AND GEOTHERMAL, FORESTRY, FISHERIES, PASTURE LEASES WITHIN THEIR RESPECTIVE AREAS, IN THE MANNER

⁸⁴ Sec 8, Art X of the 1987 Philippine Constitution provides: *The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected*

⁸⁵ The Equalization Fund shall serve as the main mechanism to ensure that the principle of fiscal equivalence, meaningful autonomy and good governance will be realized. This will replace the IRA.

⁸⁶ Only three regions (Metro Manila, Regions 3 and 4A) are more or less self-sufficient in terms of budgets. Even if the revenue generation, borrowing powers of other regions or their share from national wealth are increased, it will not be enough to cover their basic needs. The federal government as a sovereign power has a much bigger fiscal space through borrowing from donors and international bond markets. Therefore, the main mechanism for financing the regional governments will be via the equalization fund and for city governments mainly from property taxes. Examples of federal priorities are poverty alleviation, food security, social safety nets, and the like.

PROVIDED BY LAW, INCLUDING SHARING THE SAME WITH THE INHABITANTS BY WAY OF DIRECT BENEFITS. THE ALLOCATION OF THESE REVENUES AMONG DIFFERENT CONSTITUENT UNITS OF THE REGIONAL GOVERNMENT SHALL BE DETERMINED UNDER THE REGIONAL AND LOCAL GOVERNMENT CODE AS HEREIN PROVIDED.⁸⁷

B. FEDERAL GOVERNMENT

Section 16. THE FEDERAL GOVERNMENT SHALL EXERCISE AUTHORITY AND RESPONSIBILITY OVER NATIONAL POWERS AND FUNCTIONS IN THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES AS DESCRIBED AND PROVIDED IN THE CONSTITUTION AND ALL NATIONAL AND FEDERAL GOVERNMENT AGENCIES AND INSTRUMENTALITIES UNLESS OTHERWISE DEVOLVED OR TRANSFERRED TO THE REGIONAL AND LOCAL GOVERNMENTS.

Section 17. ALL POWERS, FUNCTIONS, AND RESPONSIBILITIES OF THE NATIONAL GOVERNMENT IN THE PREVIOUS CONSTITUTIONS OF THE REPUBLIC OF THE PHILIPPINES SHALL BE VESTED IN THE FEDERAL GOVERNMENT UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION AND THE LAW.

Section 18. ALL LAWS OF NATIONAL APPLICATION SHALL BE CONSIDERED AS FEDERAL LAWS APPLICABLE TO THE ENTIRE FEDERAL REPUBLIC UNLESS LIMITED BY REGIONAL LEGISLATION ENACTED IN THE EXERCISE OF THE EXCLUSIVE LEGISLATIVE POWERS GRANTED TO THE REGIONS UNDER THIS CONSTITUTION.

Section 19⁸⁸. ALL POWERS, FUNCTIONS, AND RESPONSIBILITIES NOT GRANTED BY THIS CONSTITUTION OR BY LAW TO THE REGIONS SHALL REMAIN WITH THE FEDERAL GOVERNMENT.

Section 20. UNLESS OTHERWISE PROVIDED IN THE CONSTITUTION, THE FEDERAL GOVERNMENT SHALL HAVE EXCLUSIVE LEGISLATIVE POWERS OVER THE FOLLOWING:

- (1) NATIONAL DEFENSE
- (2) POLICE AND NATIONAL SECURITY
- (3) FOREIGN AFFAIRS
- (4) CURRENCY AND MONETARY POLICY
- (5) CUSTOMS AND TARIFF
- (6) INTERNATIONAL TRADE
- (7) INTER-REGIONAL COMMERCE
- (8) POSTAL SERVICE
- (9) QUARANTINE
- (10) CITIZENSHIP, NATURALIZATION, IMMIGRATION AND DEPORTATION

⁸⁷ This increase follows the principle that the local communities who would bear the environmental burden from these extractive industries would have to be compensated adequately. The remaining 50% share of the national government reflects the fact that this is a national wealth that should also be distributed to the rest of the country who do not have the same resource endowment as others.

⁸⁸ Sec 17, Art X of the 1987 Philippine Constitution provides: *All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.*

- (11) GENERAL AUDITING
- (12) NATIONAL ELECTIONS
- (13) MARITIME, LAND AND AIR TRANSPORTATION, AND COMMUNICATION
- (14) PATENTS, TRADEMARKS, TRADE NAMES, AND COPYRIGHTS
- (15) ENERGY
- (16) JUDICIARY AND THE ADMINISTRATION OF JUSTICE

Section 21⁸⁹. THE FEDERAL GOVERNMENT, THROUGH THE PRIME MINISTER, SHALL EXERCISE GENERAL SUPERVISION OVER THE REGIONAL GOVERNMENTS TO ENSURE THAT THE LAWS ARE FAITHFULLY EXECUTED.

Section 22⁹⁰. THE PRESERVATION OF PEACE AND ORDER WITHIN THE REGIONS AND THE LOCAL GOVERNMENT UNITS SHALL BE THE RESPONSIBILITY OF POLICE AGENCIES WHICH SHALL BE ORGANIZED, MAINTAINED, SUPERVISED, AND UTILIZED IN ACCORDANCE WITH APPLICABLE LAWS. THE DEFENSE AND SECURITY OF THE REGIONS AND LOCAL GOVERNMENT UNITS SHALL BE THE RESPONSIBILITY OF THE FEDERAL GOVERNMENT.

REGIONAL GOVERNMENT POWERS AND FUNCTIONS

Section 23. THE REGIONAL GOVERNMENT SHALL EXERCISE POWERS AND FUNCTIONS AS MANDATED BY THE CONSTITUTION AND THE LAW NECESSARY FOR THE PROPER GOVERNANCE AND DEVELOPMENT OF ALL PROVINCES, CITIES, MUNICIPALITIES, AND BARANGAYS WITHIN THE REGIONS CONSISTENT WITH THE DECLARED CONSTITUTIONAL POLICY ON REGIONAL AUTONOMY TOWARDS FEDERALISM.

Section 24. POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT SHALL BE DEVOLVED AND TRANSFERRED TO REGIONAL GOVERNMENTS DEPENDING ON THE COMPETENCE, CAPACITY AND RESOURCES OF THE REGIONS. THE PRIME MINISTER AND CABINET MINISTERS IN COORDINATION WITH THE SENATE AND THE REGIONAL GOVERNMENTS, SHALL DETERMINE THE POWERS AND FUNCTIONS THAT MAY BE FURTHER DEVOLVED AND TRANSFERRED TO THE REGIONAL GOVERNMENTS. NO POWER OR FUNCTION OF THE FEDERAL GOVERNMENT SHALL BE DEVOLVED AND TRANSFERRED TO THE REGIONAL GOVERNMENT UNLESS THERE IS ADEQUATE FINANCIAL AND ORGANIZATIONAL CAPACITY: PROVIDED, THAT IT SHALL BE MANDATORY FOR REGIONAL GOVERNMENTS WITH SUFFICIENT FINANCIAL AND ORGANIZATIONAL CAPACITY TO ACCEPT THE DEVOLUTION AND TRANSFER OF POWERS AND FUNCTIONS FROM THE FEDERAL GOVERNMENT.

⁸⁹ Sec 4, Art X of the 1987 Philippine Constitution provides: *The President of the Philippines shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays, shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.*

⁹⁰ Sec 21, Art X of the 1987 Philippine Constitution provides: *The preservation of peace and order within the regions shall be the responsibility of the local police agencies which shall be organized, maintained, supervised, and utilized in accordance with applicable laws. The defense and security of the regions shall be the responsibility of the National Government.*

Section 25. THE REGIONAL GOVERNMENT MAY EXERCISE THE POWER OF EMINENT DOMAIN, PROVIDED THAT THE REGIONAL GOVERNMENT SHALL COORDINATE WITH THE FEDERAL GOVERNMENT AND IN CASE OF CONFLICT, THE LATTER SHALL PREVAIL.

Section 26⁹¹. EACH REGION SHALL HAVE EXCLUSIVE LEGISLATIVE POWERS APPLICABLE WITHIN THE TERRITORIAL JURISDICTION OF THE REGION OVER THE FOLLOWING:⁹²

- (1) CREATE ITS OWN SOURCES OF REGIONAL REVENUES AND TO LEVY TAXES, FEES AND CHARGES SUBJECT TO THE LIMITS OF THIS CONSTITUTION AND CONSISTENT WITH THE BASIC POLICY OF REGIONAL AUTONOMY. SUCH TAXES, FEES, AND CHARGES SHALL ACCRUE EXCLUSIVELY TO THE REGION, PROVIDED THAT REGIONAL LEGISLATION SHALL NOT DIMINISH THE FEDERAL REVENUE COLLECTION AND THE REVENUE MEASURE SHALL BE UNIFORM, EQUITABLE, AND PROGRESSIVE⁹³;
- (2) SOCIAL WELFARE AND DEVELOPMENT;
- (3) TOURISM;
- (4) IRRIGATION, WATER, AND SEWERAGE;
- (5) WASTE MANAGEMENT;
- (6) FIRE PROTECTION;
- (7) REGIONAL DEVELOPMENT PLANNING;
- (8) FRANCHISES, LICENSES AND PERMITS TO LAND, SEA AND AIR TRANSPORTATION PLYING ROUTES IN THE PROVINCES OR CITIES WITHIN THE REGION, AND COMMUNICATIONS FACILITIES WHOSE FREQUENCIES ARE CONFINED TO AND WHOSE MAIN OFFICES ARE LOCATED WITHIN THE REGION.;
- (9) LEGISLATION TO ALLOCATE AND PROVIDE FUNDS AND RESOURCES FROM THE REGIONAL GOVERNMENT TO THE COMPETENT LOCAL GOVERNMENTS WITHIN EACH REGION.

REGIONAL GOVERNMENTS SHALL NOT EXERCISE THE EXCLUSIVE LEGISLATIVE POWERS UNLESS THEIR RESPECTIVE REGIONAL GOVERNMENTS

⁹¹ Sec 20, Art X of the 1987 Philippine Constitution provides: *Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over: (1) Administrative organization; (2) Creation of sources of revenues; (3) Ancestral domain and natural resources; (4) Personal, family, and property relations; (5) Regional urban and rural planning development; (6) Economic, social, and tourism development; (7) Educational policies; (8) Preservation and development of the cultural heritage; and (9) Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.*

⁹² This list of exclusive regional powers means that the region has exclusive legislative powers over these areas and the Federal Government cannot pass laws that impinge on the region's exclusive jurisdiction. This does not mean that the region has no function or responsibility in areas not mentioned. Far from that, it means that those functions are shared with the Federal Government and under federalism, the regions will take over the execution and implementation of programs and projects while the Federal Government will determine policy and standards. Hence, how a service is delivered on the ground will now be the purview of the region and local governments.

⁹³ Sec 5, Art X of the 1987 Philippine Constitution provides: *Each local government unit 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 the Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local governments.*

HAVE THE FINANCIAL AND ORGANIZATIONAL CAPACITY TO IMPLEMENT AND ADMINISTER THE LEGISLATION AND THE FEDERAL GOVERNMENT HAS DEVOLVED THE RELATED FUNCTIONS AND POWERS TO THE REGIONAL GOVERNMENT IN ACCORDANCE WITH THE CONSTITUTION AND THE LAW.

Section 27. WITHIN ITS TERRITORIAL JURISDICTION AND SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND FEDERAL LAWS, THE REGIONAL GOVERNMENTS SHALL HAVE CONCURRENT OR SHARED LEGISLATIVE POWERS WITHIN THE FEDERAL GOVERNMENT IN THE ENACTMENT OF LEGISLATION NOT COVERED IN SECTION 20 AND SECTION 26 OF THIS ARTICLE EXCEPT WHEN THE PARLIAMENT HAS ENACTED LEGISLATION IN THE EXERCISES OF SUCH CONCURRENT POWERS. FEDERAL LAW SHALL TAKE PRECEDENCE AND PREVAIL OVER REGIONAL LEGISLATION ON ITEMS COVERED BY CONCURRENT LEGISLATIVE POWERS. THE CONCURRENT LEGISLATIVE POWERS MAY BE DELEGATED AS EXCLUSIVE LEGISLATIVE POWERS OF THE REGIONAL GOVERNMENT AS MAY BE PROVIDED IN THE ORGANIC ACT FOR THE REGION ENACTED IN ACCORDANCE WITH SECTION 27 TO 31 OF THIS ARTICLE. FEDERAL AND REGIONAL GOVERNMENTS SHALL COOPERATE AND COORDINATE IN THE EXERCISE OF CONCURRENT POWERS THROUGH MECHANISMS OF INTERGOVERNMENTAL RELATIONS TO BE DEFINED UNDER THE REGIONAL AND LOCAL GOVERNMENT CODE.

C. REGIONAL COMMISSION

Section 28. UPON CREATION OF A REGION AND ENACTMENT OF A REGIONAL AND LOCAL GOVERNMENT CODE, A REGIONAL COMMISSION (“COMMISSION”) FOR EACH REGION SHALL BE ORGANIZED AND BE COMPOSED OF THE INCUMBENT GOVERNORS OF PROVINCES AND MAYORS OF HIGHLY URBANIZED CITIES AND INDEPENDENT COMPONENT CITIES WITHIN THE REGION. UNTIL THE ENACTMENT OF AN ORGANIC ACT FOR EACH REGION IN ACCORDANCE WITH SECTIONS 24 TO 28 OF THIS ARTICLE, THE REGIONAL COMMISSION SHALL BE THE INTERIM REGIONAL GOVERNMENT, ACTING AS A COLLEGIAL BODY, WITH EXECUTIVE AND LEGISLATIVE POWERS SUBJECT TO FOLLOWING:

- (A) CHAIRMANSHIP OF THE COMMISSION SHALL BE BY SUCCESSION AND ROTATION AMONG ITS MEMBERS WHERE EACH MEMBER OF THE COMMISSION FROM EACH PROVINCE, HIGHLY URBANIZED CITY, AND INDEPENDENT COMPONENT CITIES SHALL BE GIVEN A TERM OF ONE YEAR TO SERVE AS CHAIRPERSON;
- (B) THE COMMISSION SHALL EXERCISE THE EXECUTIVE POWERS OF THE REGION AS A COLLEGIAL BODY. THE COMMISSION SHALL ELECT A REGIONAL CHIEF ADMINISTRATOR WHO SHALL BE A PROFESSIONAL MANAGER TO EXERCISE THE EXECUTIVE FUNCTIONS OF THE COMMISSION AND ACT AS THE CHIEF EXECUTIVE OFFICIAL OF THE REGION. THE REGIONAL CHIEF ADMINISTRATOR SHALL SERVE AT THE PLEASURE OF THE COMMISSION AND MAY BE REPLACED BY THE COMMISSION AT ANY TIME. INCUMBENT MEMBERS OF THE COMMISSION ARE PROHIBITED FROM ACTING AS THE REGIONAL CHIEF ADMINISTRATOR. THE CHAIRMAN OF THE COMMISSION SHALL ACT AS

THE CHIEF EXECUTIVE OFFICIAL UNTIL A REGIONAL CHIEF ADMINISTRATOR IS QUALIFIED AND APPOINTED.;

- (C) THE POWER OF APPOINTMENT OF REGIONAL GOVERNMENT POSITIONS SHALL BE VESTED ON THE COMMISSION SUBJECT TO THE POWERS AND FUNCTIONS DEVOLVED TO THE REGION IN ACCORDANCE WITH THE CONSTITUTION, REGIONAL AND LOCAL GOVERNMENT CODE, FEDERAL CIVIL SERVICE LAWS, AND OTHER EXISTING LAWS ON GOVERNMENT APPOINTMENTS AND EMPLOYMENT.;
- (D) THE COMMISSION SHALL CREATE AND ORGANIZE THE GOVERNMENT OFFICES AND BUREAUCRACY NECESSARY FOR THE EFFECTIVE AND EFFICIENT FUNCTIONING OF THE REGIONAL GOVERNMENT;
- (E) THE COMMISSION SHALL EXERCISE THE LEGISLATIVE POWERS GRANTED BY THE CONSTITUTION TO REGIONAL GOVERNMENTS. THE COMMISSION SHALL INITIATE AND ENACT LEGISLATION. THE COMMISSION SHALL BE ASSISTED BY A REGIONAL CONSULTATIVE ASSEMBLY COMPOSED OF THREE (3) REPRESENTATIVES FROM EACH OF THE LEGISLATIVE ASSEMBLIES OF EACH PROVINCE, HIGHLY URBANIZED CITY AND INDEPENDENT COMPONENT CITIES. THE COMMISSION SHALL PROVIDE FOR REGIONAL COUNCILS COMPOSED OF THE REPRESENTATIVES OF REGIONAL DEPARTMENTS OF THE FEDERAL GOVERNMENT AND OTHER GOVERNMENT OFFICES, AND REPRESENTATIVES FROM DIFFERENT SECTORS AND NON-GOVERNMENTAL ORGANIZATIONS FOR THE PURPOSE OF ADVISING THE COMMISSION AND REGIONAL CONSULTATIVE ASSEMBLY. THE REGIONAL CONSULTATIVE ASSEMBLIES MAY PROPOSE REGIONAL LEGISLATION, PROVIDED: THAT THE COMMISSION SHALL INDEPENDENTLY DELIBERATE AND VOTE ON THE PROPOSED LEGISLATION.;
- (F) THE COMMISSION SHALL EXERCISE POWERS AND FUNCTIONS AS MAY BE PROVIDED BY FEDERAL LAW.

D. ORGANIC ACT

Section 29. AFTER A MINIMUM PERIOD OF FIVE YEARS AFTER THE ORGANIZATION OF THE REGIONAL COMMISSION,⁹⁴ AND UPON TWO-THIRD (2/3) MAJORITY VOTE BY THE COMMISSION AND THE REGIONAL CONSULTATIVE ASSEMBLY, VOTING SEPARATELY, OR BY REGIONAL PEOPLE'S INITIATIVE AS DETERMINED BY LAW WITHIN A SPECIFIC REGION, THE REGIONAL COMMISSION MAY SUBMIT TO PARLIAMENT AN ORGANIC ACT MORE RESPONSIVE TO THE SPECIFIC NEEDS, CULTURE, AND ASPIRATIONS OF THE PEOPLE WITHIN THE REGION. THE PARLIAMENT SHALL DELIBERATE AND ENACT THE ORGANIC ACT BASED ON THE PROPOSAL OF THE REGIONAL COMMISSION SUBJECT TO THE COMPETENCE, CAPACITY, AND RESOURCES OF THE REGION AND CONSISTENT WITH THE CONSTITUTION.

⁹⁴ During the minimum 10-year period, the Regional Government will be in the form of a Regional Commission. After which, if it so desires, the Region can petition Parliament for an Organic Act to meet its special needs and circumstances. This period will also give Parliament the time to amend all laws and enact complementing legislation to fully implement the provisions of the Constitution shifting to a federal system of government.

Section 30. THE ORGANIC ACT SHALL DEFINE THE BASIC STRUCTURE OF GOVERNMENT FOR THE REGION CONSISTING OF THE EXECUTIVE AND LEGISLATIVE DEPARTMENTS, BOTH OF WHICH SHALL BE ELECTIVE AND REPRESENTATIVE OF THE CONSTITUENT POLITICAL UNITS: PROVIDED, THAT THE POWERS AND FUNCTIONS OF THE REGIONAL COMMISSION SHALL BE TRANSFERRED TO AND ASSUMED BY THE REGIONAL GOVERNMENT AS DEFINED AND CREATED UNDER THE ORGANIC ACT. THE ORGANIC ACT MAY INCREASE THE EXCLUSIVE POWERS AND FUNCTION OF THE REGIONAL GOVERNMENT AS PROVIDED IN THE CONSTITUTION AND THE LAW. THE ORGANIC ACT MAY LIKEWISE PROVIDE FOR SPECIAL COURTS CONSISTENT WITH THE PROVISIONS OF THIS CONSTITUTION AND FEDERAL LAWS.

Section 31. THE ORGANIC ACT SHALL INCLUDE THE ESTABLISHMENT OF A REGIONAL ASSEMBLY AS THE REGIONAL LEGISLATIVE DEPARTMENT WHICH SHALL BE COMPOSED OF TWO REPRESENTATIVES DIRECTLY ELECTED FROM EACH PROVINCE AND ONE REPRESENTATIVE DIRECTLY ELECTED FROM EACH HIGHLY URBANIZED OR INDEPENDENT CITIES. THE REGIONAL ASSEMBLY SHALL EXERCISE THE LEGISLATIVE POWER OF THE REGIONAL GOVERNMENT AS PROVIDED BY THE CONSTITUTION, THE ORGANIC LAW, AND THE LAW.

Section 32. THE ORGANIC ACT SHALL INCLUDE THE ESTABLISHMENT OF THE REGIONAL EXECUTIVE DEPARTMENT FOR THE REGION, EXECUTIVE POWER SHALL BE EXERCISED BY A CHIEF MINISTER ELECTED BY THE MAJORITY OF ALL THE MEMBERS OF THE REGIONAL ASSEMBLY AS PROVIDED IN THE PRECEDING PARAGRAPH. THE CHIEF MINISTER SHALL HAVE THE POWER TO APPOINT REGIONAL CABINET MEMBERS AND OTHER REGIONAL GOVERNMENT POSITIONS AS MAY BE PROVIDED IN THE ORGANIC ACT.

Section 33. THE ORGANIC ACT OR ANY AMENDMENT OR REVISIONS THEREOF SHALL ONLY BECOME EFFECTIVE WHEN APPROVED BY MAJORITY OF THE VOTES CAST IN A REGION IN A PLEBISCITE CALLED FOR THE PURPOSE.

Section 34. REGIONAL GOVERNMENTS SHALL BE HELD ACCOUNTABLE BY, AMONG OTHERS, THE FEDERAL COMMISSION ON AUDIT, OMBUDSMAN, FEDERAL CIVIL SERVICE COMMISSION, AND THE COURTS. THE COMMISSION ON AUDIT SHALL SEE TO IT THAT THE REGIONS HAVE ADEQUATE MECHANISMS TO ENSURE CREDIBLE FISCAL CONTROLS SUCH AS BUDGETARY BALANCE, TAXATION AND SPENDING, AND CREDIBLE PENALTIES FOR ENFORCEMENT AS WELL AS EFFECTIVE FISCAL COORDINATION MECHANISMS. THE FEDERAL GOVERNMENT SHALL STRENGTHEN THESE BODIES AT THE REGIONAL LEVEL TO SERVE AS EFFECTIVE MECHANISMS OF ACCOUNTABILITY.

LOCAL GOVERNMENTS

Section 35. LOCAL GOVERNMENTS SHALL ENJOY ADMINISTRATIVE AUTONOMY IN RELATION TO THE REGIONAL GOVERNMENTS SUBJECT TO SECTION 19 OF THIS ARTICLE.

Section 36. UNTIL A REGIONAL AND LOCAL GOVERNMENT CODE IS ENACTED IN ACCORDANCE WITH THE CONSTITUTION, POWERS, FUNCTIONS, RIGHTS, AND OBLIGATIONS UNDER THE LOCAL GOVERNMENT CODE OF 1991 SHALL REMAIN APPLICABLE TO LOCAL GOVERNMENTS UNLESS THE CONTRARY IS PROVIDED IN THE CONSTITUTION.

Section 37. THE REGIONAL GOVERNMENT SHALL EXERCISE GENERAL SUPERVISION OVER LOCAL GOVERNMENT UNITS TO ENSURE THAT ITS ACTS ARE WITHIN THE SCOPE OF ITS POWERS AND FUNCTIONS AND THE LAWS ARE FAITHFULLY EXECUTED. THE REGION SHALL EXERCISE SUPERVISORY AUTHORITY DIRECTLY OVER PROVINCES, HIGHLY URBANIZED CITIES, AND INDEPENDENT COMPONENT CITIES; THROUGH THE PROVINCE WITH RESPECT TO COMPONENT CITIES AND MUNICIPALITIES; AND THROUGH THE CITY AND MUNICIPALITY WITH RESPECT TO BARANGAYS. IN THE EVENT THAT THE REGIONAL GOVERNMENTS FAIL OR REFUSE TO EXERCISE GENERAL SUPERVISION OVER LOCAL GOVERNMENTS IN ACCORDANCE WITH THIS SECTION, THE FEDERAL GOVERNMENT MAY EXERCISE SUCH GENERAL SUPERVISION TO PROTECT THE INTEREST AND WELFARE OF THE PEOPLE WITHOUT PREJUDICE TO REGIONAL AND LOCAL AUTONOMY.

Section 38. THE LOCAL GOVERNMENTS SHALL HAVE JUST SHARE, AS DETERMINED BY FEDERAL LAW, IN THE FEDERAL TAXES AND REVENUES WHICH SHALL BE AUTOMATICALLY RELEASED TO THEM PROVIDED THAT THE SHARE OF LOCAL GOVERNMENTS SHALL BE NOT LESS THAN _____ PERCENT (____%) OF ALL NATIONAL TAXES AND REVENUES. THE SHARE OF THE LOCAL GOVERNMENTS SHALL BE SEPARATE FROM THE SHARE OF THE REGIONAL GOVERNMENTS IN SECTION 12 OF THIS ARTICLE. THE PARLIAMENT SHALL, BY LAW, INSTITUTE A FAIR AND EQUITABLE SYSTEM OF SHARING AND EQUALIZATION BETWEEN THE LOCAL GOVERNMENTS, PROVIDED THAT THE SHARE OF LOCAL GOVERNMENTS SHALL BE ADJUSTED IN ACCORDANCE WITH THE NEEDS AND CAPACITY OF LOCAL GOVERNMENTS.

Section 39⁹⁵. Cities that are highly urbanized, as determined by law, and component cities whose charters prohibit their voters from voting for provincial elective officials, shall be

⁹⁵ Sec 12, Art X of the 1987 Philippine Constitution provides: *Cities that are highly urbanized, as determined by law, and component cities whose charters prohibit their voters from voting for provincial elective officials, shall be independent of the province. The voters of component cities within a province, whose charters contain no such prohibition, shall not be deprived of their right to vote for elective provincial officials.*

DELETED PROVISIONS in Article X of the 1987 Philippine Constitution:

Sec 9. Legislative bodies of local governments shall have sectoral representation as may be prescribed by law.

Sec 11. The Congress may, by law, create special metropolitan political subdivisions, subject to a plebiscite as set forth in Section 10 hereof. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executive and legislative assemblies. The jurisdiction of the metropolitan authority that will thereby be created shall be limited to basic services requiring coordination.

Sec 13. Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law.

Sec 14. The President shall provide for regional development councils or other similar bodies composed of local government officials, regional heads of departments and other government offices, and representatives from non-governmental organizations within the regions for purposes of administrative decentralization to strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region.

independent of the province, PROVIDED THAT VOTERS IN SUCH CITIES SHALL HAVE THE RIGHT TO VOTE FOR ELECTIVE REGIONAL OFFICIALS. The voters of component cities within a province, whose charters contain no such prohibition, shall not be deprived of their right to vote for elective provincial AND REGIONAL officials.

Section 40. THE LOCAL GOVERNMENTS MAY EXERCISE THE POWER OF EMINENT DOMAIN, PROVIDED THERE SHALL BE COORDINATION WITH THE FEDERAL GOVERNMENT AND THE REGIONAL GOVERNMENT AND IN CASE OF CONFLICT, THE FEDERAL GOVERNMENT AND REGIONAL GOVERNMENT SHALL TAKE PRECEDENCE SUBJECT TO SECTION 24 OF THIS ARTICLE.

ARTICLE XI ACCOUNTABILITY OF PUBLIC OFFICERS

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

Section 2⁹⁶. 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, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.

Section 3. (1) The FEDERAL ASSEMBLY shall have the exclusive power to initiate all cases of impeachment.

(2)⁹⁷ A verified complaint for impeachment may be filed by any Member of the FEDERAL ASSEMBLY or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within SEVEN (7) session days, and referred to the proper Committee within three session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the FEDERAL ASSEMBLY within THIRTY (30) session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the FEDERAL ASSEMBLY within FIVE (5) session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the FEDERAL ASSEMBLY shall be necessary either to affirm a favorable resolution with the Articles of Impeachment of the Committee, or override its contrary resolution. The vote of each Member shall be recorded.

DELETED PROVISIONS on Autonomous Regions:

Sec 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.

Sec 16. The President shall exercise general supervision over autonomous regions to ensure that laws are faithfully executed.

The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite called for the purpose, provided that only provinces, cities, and geographic areas voting favorably in such plebiscite shall be included in the autonomous region.

⁹⁶ Vice President was removed

⁹⁷ Sec 2, Art XI of the 1987 Philippine Constitution provides for 10 session days, 60 session days and 10 session days respectively. The proposed changes of Sen. Nene Pimentel intends to speed up the process and not delay it.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the FEDERAL ASSEMBLY, the same shall constitute the Articles of Impeachment, and trial by the Senate shall forthwith proceed.

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

(6) The Senate shall have the sole power to try and decide all cases of impeachment. When sitting for that purpose, the Senators shall be on oath or affirmation. 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-thirds of all the Members of the Senate.

(7) Judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold any office under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, according to law.

(8) The PARLIAMENT shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

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 law.

Section 5. There is hereby created the independent Office of the Ombudsman, composed of the Ombudsman to be known as Tanodbayan, one overall Deputy and at least one Deputy each for Luzon, Visayas, and Mindanao. A separate Deputy for the military establishment may likewise be appointed.

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 Law.

Section 7. The existing Tanodbayan shall hereafter be known as the Office of the Special Prosecutor. It shall continue to function and exercise its powers as now or hereafter may be provided by law, except those conferred on the Office of the Ombudsman created under this Constitution.

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 Philippines.

During their tenure, they shall be subject to the same disqualifications and prohibitions as provided for in Section 2 of Article 1X-A of this Constitution.

Section 9. The Ombudsman and his Deputies shall be appointed by the President from a list of at least six nominees prepared by the Judicial and Bar Council, and from a list of three nominees for every vacancy thereafter. Such appointments shall require no confirmation. All vacancies shall be filled within three months after they occur.

Section 10. The Ombudsman and his Deputies shall have the rank of Chairman and Members, respectively, of the Constitutional Commissions, and they shall receive the same salary which shall not be decreased during their term of office.

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 office.

Section 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.

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, when such act or omission appears to be illegal, unjust, improper, or inefficient.
- (2) 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.
- (3) 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 therewith.
- (4) 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.
- (5) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.
- (6) Publicize matters covered by its investigation when circumstances so warrant and with due prudence.
- (7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.
- (8) Promulgate 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 released.

Section 15. 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.

Section 16⁹⁸. No loan, guaranty, or other form of financial accommodation for any business purpose may be granted, directly or indirectly, by any government-owned or controlled bank or financial institution to the President, the Members of the Cabinet, the PARLIAMENT, the

⁹⁸ Vice President was removed

Supreme Court, and the Constitutional Commissions, the Ombudsman, or to any firm or entity in which they have controlling interest, during their tenure.

Section 17⁹⁹. A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Members of the PARLIAMENT, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law.

Section 18. Public officers and employees owe the State and this Constitution allegiance at all times and any public officer or employee who seeks to change his citizenship or acquire the status of an immigrant of another country during his tenure shall be dealt with by law.

ARTICLE XII NATIONAL ECONOMY AND PATRIMONY¹⁰⁰

Section 1¹⁰¹. THE GOALS OF THE NATIONAL ECONOMY ARE A SUSTAINED INCREASE IN THE AMOUNT OF GOODS AND SERVICES PRODUCED BY THE NATION FOR THE BENEFIT OF THE PEOPLE; AN EXPANDING PRODUCTIVITY AS THE KEY TO RAISING THE QUALITY OF LIFE FOR ALL, ESPECIALLY THE UNDERPRIVILEGED AND A MORE EQUITABLE DISTRIBUTION OF OPPORTUNITIES, INCOME AND WEALTH¹⁰².

Section 2¹⁰³. 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,

⁹⁹ Vice President was removed

¹⁰⁰ The amendments to the economic provisions are guided by the following objectives: (1) To ensure free competition and reduce dependence on a few large companies and monopolies in the country; (2) To promote market efficiency based on the competency of producers and the enhancement of consumer welfare and (3) To enhance international competitiveness by meeting trade agreement obligations and increasing foreign direct investments.

¹⁰¹ Sec 1, Art XII of the 1987 Philippine Constitution provides: *The goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the under-privileged.*

The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries that make full and efficient use of human and natural resources, and which are competitive in both domestic and foreign markets. However, the State shall protect Filipino enterprises against unfair foreign competition and trade practices.

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

¹⁰² FEF Proposal

¹⁰³ Sec 2, Art XII of the 1987 Philippine Constitution provides: *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 shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In*

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 CONSERVATION, PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements UNDER SUCH TERMS AND CONDITIONS AS MAY BE PROVIDED BY LAW¹⁰⁴.

The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, SEABED and exclusive economic zone.

THE STATE SHALL REGULATE THE DEVELOPMENT OF THE NATION'S NATURAL RESOURCES TOWARDS THE EFFICIENT USE OF THESE RESOURCES CONSISTENT WITH SOUND ENVIRONMENTAL POLICIES.

Section 3¹⁰⁵ Lands of the public domain are classified into agricultural LANDS, RECLAIMED LANDS, forest or timber LANDS, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted¹⁰⁶.

cases of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.

The State shall protect the nation's marine wealth in its archipelagic waters, territorial sea, and exclusive economic zone, and reserve its use and enjoyment exclusively to Filipino citizens.

The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish-workers in rivers, lakes, bays, and lagoons.

The President may enter into agreements with foreign-owned corporations involving either technical or financial assistance for large-scale exploration, development, and utilization of minerals, petroleum, and other mineral oils according to the general terms and conditions provided by law, based on real contributions to the economic growth and general welfare of the country. In such agreements, the State shall promote the development and use of local scientific and technical resources.

The President shall notify the Congress of every contract entered into in accordance with this provision, within thirty days from its execution.

¹⁰⁴ FEF Proposal. Rationale: Land ownership, the use of natural resources and operation of a public utility are better left to ordinary legislation.

¹⁰⁵ Sec 3, Art XII of the 1987 Philippine Constitution provides: *Lands of the public domain are classified into agricultural, forest or timber, mineral lands and national parks. Agricultural lands of the public domain may be further classified by law according to the uses to which they may be devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof, by purchase, homestead, or grant.*

Taking into account the requirements of conservation, ecology, and development, and subject to the requirements of agrarian reform, the Congress shall determine, by law, the size of lands of the public domain which may be acquired, developed, held, or leased and the conditions therefor.

¹⁰⁶ FEF Proposal

Section 4¹⁰⁷. THE STATE SHALL PROTECT THE RIGHTS OF INDIGENOUS CULTURAL PEOPLES TO THEIR ANCESTRAL DOMAINS TO ENSURE THEIR ECONOMIC, SOCIAL, AND CULTURAL WELL-BEING¹⁰⁸.

Section 5¹⁰⁹. THE STATE SHALL REGULATE AND EXERCISE AUTHORITY OVER FOREIGN INVESTMENTS WITHIN ITS NATIONAL JURISDICTION AND IN ACCORDANCE WITH ITS NATIONAL GOALS AND PRIORITIES.

Section 6¹¹⁰. THE STATE SHALL PURSUE A TRADE POLICY THAT ENHANCES FILIPINO COMPETITIVENESS AND SERVES THE PUBLIC INTEREST, WITH DUE REGARD FOR EQUITY AND RECIPROCITY¹¹¹.

Section 7¹¹². THE STATE SHALL PROMOTE THE sustained development of a reservoir of national talents consisting of Filipino scientists, INVENTORS, entrepreneurs, professionals, managers, high-level technical HUMAN RESOURCES, skilled workers and CRAFTSPEOPLE in all fields. The State shall encourage appropriate technology and regulate its transfer for the national benefit.¹¹³

Section 8¹¹⁴. The PARLIAMENT SHALL STRENGTHEN¹¹⁵ the viability of cooperatives as instruments for social justice and economic development.

¹⁰⁷ Sec 5, Art XII of the 1987 Philippine Constitution provides: *The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being. The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.*

¹⁰⁸ FEF Proposal. Rationale: Some sections have to be deleted because they have already been provided by law (BSP, NEDA, IPRA). Cooperative codes have already been created by their respective laws.

¹⁰⁹ Sec 10, Art XII of the 1987 Philippine Constitution provides: *The Congress shall, upon recommendation of the economic and planning agency, when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations at least sixty per centum of whose capital is owned by such citizens, or such higher percentage as Congress may prescribe, certain areas of investments. The Congress shall enact measures that will encourage the formation and operation of enterprises whose capital is wholly owned by Filipinos.*

In the grant of rights, privileges, and concessions covering the national economy and patrimony, the State shall give preference to qualified Filipinos.

The State shall regulate and exercise authority over foreign investments within its national jurisdiction and in accordance with its national goals and priorities.

¹¹⁰ Sec 13, Art XII of the 1987 Philippine Constitution provides: *The State shall pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity.*

¹¹¹ FEF Proposal

¹¹² Sec 14, Art XII of the 1987 Philippine Constitution provides: *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 fields shall be promoted by the State. The State shall encourage appropriate technology and regulate its transfer for the national benefit. The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.*

¹¹³ FEF Proposal

¹¹⁴ Sec 15, Art XII of the 1987 Philippine Constitution provides: *The Congress shall create an agency to promote the viability and growth of cooperatives as instruments for social justice and economic development.*

¹¹⁵ FEF Proposal

Section 9¹¹⁶. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations. Government-owned or controlled corporations may be created or established by special charters in the interest of the common good and subject to the test of economic viability. PARLIAMENT SHALL PERIODICALLY REVIEW THE SOCIAL AND ECONOMIC VIABILITY OF SUCH CORPORATIONS AS OFTEN AS MAY BE DEEMED NECESSARY, BUT AT LEAST ONCE EVERY FIVE YEARS¹¹⁷.

Section 10. In times of national emergency, THE STATE MAY, 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 business¹¹⁸.

Section 11. The State may, in the interest of national welfare or defense, establish and operate vital industries, FACILITIES AND ASSETS¹¹⁹ and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Section 12. PURSUANT TO SECTION 1 HEREOF, THE STATE SHALL ENHANCE ECONOMIC EFFICIENCY AND PROMOTE FREE COMPETITION IN TRADE, INDUSTRY, AND COMMERCIAL ACTIVITIES. NO ANTI-COMPETITIVE AGREEMENT OR ABUSE OF DOMINANT POSITION SHALL BE ALLOWED¹²⁰.

Section 13¹²¹. UNLESS PARLIAMENT OTHERWISE PROVIDES, THE BANGKO SENTRAL NG PILIPINAS, OPERATING UNDER EXISTING LAWS, SHALL FUNCTION AS THE CENTRAL MONETARY AUTHORITY¹²².

Section 14. Foreign loans may only be incurred in accordance with law. Information on foreign loans obtained or guaranteed by the Government shall be made available to the public.

Section 15¹²³. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the national interest and subject to criminal and civil sanctions, as may be provided by law.

¹¹⁶ Sec 16, Art XII of the 1987 Philippine Constitution provides: *The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations. Government-owned or controlled corporations may be created or established by special charters in the interest of the common good and subject to the test of economic viability.*

¹¹⁷ FEF Proposal

¹¹⁸ FEF Proposal rearranged the provisions in Section 17, Article XII of the 1987 Philippine Constitution

¹¹⁹ FEF Proposal

¹²⁰ Ibid

¹²¹ Sec 20, Art XII of the 1987 Philippine Constitution provides: *The Congress shall establish an independent central monetary authority, the members of whose governing board must be natural-born Filipino citizens, of known probity, integrity, and patriotism, the majority of whom shall come from the private sector. They shall also be subject to such other qualifications and disabilities as may be prescribed by law. The authority shall provide policy direction in the areas of money, banking, and credit. It shall have supervision over the operations of banks and exercise such regulatory powers as may be provided by law over the operations of finance companies and other institutions performing similar functions.*

Until the Congress otherwise provides, the Central Bank of the Philippines operating under existing laws, shall function as the central monetary authority.

¹²² FEF Proposal

¹²³ DELETED PROVISIONS from Article XII of the 1987 Philippine Constitution:

ARTICLE XIII SOCIAL JUSTICE AND HUMAN RIGHTS

Section 1. The 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.

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

LABOR

Section 3¹²⁴. THE STATE SHALL PROTECT THE RIGHTS OF LABOR, PROMOTE EMPLOYMENT OPPORTUNITIES, AND PURSUE THE ECONOMIC GOAL OF FULL

Sec 4. The Congress shall, as soon as possible, determine, by law, the specific limits of forest lands and national parks, marking clearly their boundaries on the ground. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. The Congress shall provide for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas.

Sec 6. The use of property bears a social function, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own, establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.

Sec 7. Save in cases of hereditary succession, no private lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain.

Sec 8. Notwithstanding the provisions of Section 7 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law.

Sec 9. The Congress may establish an independent economic and planning agency headed by the President, which shall, after consultations with the appropriate public agencies, various private sectors, and local government units, recommend to Congress, and implement continuing integrated and coordinated programs and policies for national development.

Until the Congress provides otherwise, the National Economic and Development Authority shall function as the independent planning agency of the government.

Sec 11. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines, at least sixty *per centum* of whose capital is owned by such citizens; nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years.

Neither shall any such franchise or right be granted except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the common good so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the executive and managing officers of such corporation or association must be citizens of the Philippines.

Sec 12. The State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive.

¹²⁴ Section 3, Art XIII of the 1987 Philippine Constitution provides: *The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.*

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to

EMPLOYMENT. WELL-ESTABLISHED RIGHTS INCLUDE THE RIGHT OF WORKERS TO SELF-ORGANIZATION, COLLECTIVE BARGAINING AND NEGOTIATION, AND PEACEFUL CONCERTED ACTIVITIES, INCLUDING THE RIGHT TO STRIKE IN ACCORDANCE WITH LAW. WORKERS SHALL ENJOY EQUITABLE TREATMENT AND FREEDOM FROM DISCRIMINATION ON MATTERS OF EMPLOYMENT TENURE, WORKING CONDITIONS, AND WAGE LEVELS. THE STATE SHALL REGULATE WORKER-EMPLOYER RELATIONS WITH THE OBJECTIVES OF PROMOTING SHARED RESPONSIBILITY BETWEEN WORKERS AND EMPLOYERS; THE PREFERENTIAL USE OF VOLUNTARY MODES OF SETTLING DISPUTES TO PRESERVE INDUSTRIAL PEACE; AND ACHIEVING ECONOMIC EXPANSION TOWARDS EMPLOYMENT GROWTH¹²⁵.

AGRARIAN AND NATURAL RESOURCES

Section 4¹²⁶. THE STATE SHALL PROMOTE ECONOMIC EXPANSION, HIGHER PRODUCTIVITY, AND EQUITABLE DISTRIBUTION OF THE FRUITS OF GROWTH

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 to investments, and to expansion and growth.

¹²⁵ FEF Proposal. Rationale: Sections on labor are better left to Parliament.

¹²⁶ DELETED Provisions on AGRARIAN AND NATURAL RESOURCES REFORM from Art XIII of the 1987 Philippine Constitution include:

Sec 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. To this end, the State shall encourage and undertake the just distribution of all agricultural lands, subject to such priorities and reasonable retention limits as the Congress may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

Sec 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 services.

Sec 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 communities to their ancestral lands.

The State may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.

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

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

IN THE AGRICULTURAL SECTOR, INCLUDING THE REFORM OF LAND OWNERSHIP ARRANGEMENTS TO CORRECT HISTORICAL INJUSTICES AND REMOVE IMPEDIMENTS TO GROWTH¹²⁷.

URBAN LAND REFORM AND HOUSING

Section 5¹²⁸. THE STATE SHALL PROMOTE THE CONSTRUCTION OF AFFORDABLE HOUSING AND THE PROVISION OF BASIC SOCIAL SERVICES TO HOMELESS CITIZENS IN URBAN AREAS AND RESETTLEMENT AREAS. INFORMAL SETTLERS SHALL NEITHER BE EVICTED NOR RESETTLED EXCEPT IN ACCORDANCE WITH LAW AND UPON PRIOR CONSULTATION WITH THEM AND WITH THE COMMUNITIES WHERE THEY WILL BE RESETTLED¹²⁹.

HEALTH

Section 6¹³⁰. The FEDERAL AND REGIONAL GOVERNMENTS shall adopt an integrated and A UNIVERSAL HEALTH CARE PROGRAM AND A comprehensive approach to health development AND MAKE FOOD, BASIC COMMODITIES, MEDICINES, DRUGS, health and other social services available to all the people at affordable cost. There shall be priority ASSISTANCE TO under-privileged, sick, elderly, disabled, women, and children. The FEDERAL AND REGIONAL GOVERNMENTS SHALL PROVIDE FREE MEDICAL CARE TO INDIGENTS AND THOSE LIVING BELOW THE POVERTY LINE AS DEFINED BY LAW¹³¹.

Section 7. The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health, manpower development, and research, responsive to the country's health needs and problems.

Section 8. The State shall establish a special agency for disabled person for their rehabilitation, self-development, and self-reliance, and their integration into the mainstream of society.

¹²⁷ FEF Proposal. Rationale: sections on agrarian reform and natural resources are better left to the Parliament

¹²⁸ DELETED Provisions on URBAN LAND REFORM AND HOUSING from Art XIII of the 1987 Philippine Constitution include:

Sec 9. The State shall, by law, and for the common good, undertake, in cooperation with the private sector, a continuing program of urban land reform and housing which will make available at affordable cost, decent housing and basic services to under- privileged and homeless citizens in urban centers and resettlement areas. It shall also promote adequate employment opportunities to such citizens. In the implementation of such program the State shall respect the rights of small property owners.

Sec 10. Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner.

No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

¹²⁹ FEF Proposal. Rationale: sections on urban land reform and housing are better left to Parliament

¹³⁰ Sec 11, Art XIII of the 1987 Philippine Constitution provides: *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 the people at affordable cost. There shall be priority for the needs of the under-privileged, sick, elderly, disabled, women, and children. The State shall endeavor to provide free medical care to paupers.*

¹³¹ Sen. Nene Pimentel Model

WOMEN

Section 9. The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation.

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

Section 10. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

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

Section 11. The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

HUMAN RIGHTS

Section 12. (1) There is hereby created an independent office called the Commission on Human Rights.

(2) The Commission shall be composed of a Chairman and four Members who must be natural-born citizens of the Philippines and 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.

(3) Until this Commission is constituted, the existing Presidential Committee on Human Rights shall continue to exercise its present functions and powers.

(4) The approved annual appropriations of the Commission shall be automatically and regularly released.

Section 13. 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 **REGARDLESS OF WHETHER SUCH VIOLATION WAS PERFORMED BY A GOVERNMENT OR NON-GOVERNMENT PARTY.**

(2) Adopt its operational guidelines and rules of procedure, and cite for contempt for 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 under-privileged whose human rights have been violated or need protection;

(4) Exercise visitorial 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.

Section 14. The PARLIAMENT may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

ARTICLE XIV

EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE AND SPORTS

EDUCATION

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

Section 2. The State shall:

- (1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;
- (2) Establish and maintain, a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age;
- (3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the under-privileged;
- (4) Encourage non-formal, informal, and indigenous learning systems, as well as self- learning, independent, and out-of-school study programs particularly those that respond to community needs; and
- (5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

Section 3. (1) All educational institutions shall include the study of the Constitution as part of the curricula.

(2) They shall inculcate patriotism and nationalism, foster love of humanity, respect for human rights, appreciation of the role of national heroes in the historical development of the country, teach the rights and duties of citizenship, strengthen ethical and spiritual values, develop moral character and personal discipline, encourage critical and creative thinking, broaden scientific and technological knowledge, and promote vocational efficiency.

(3) At the option expressed in writing by the parents or guardians, religion shall be allowed to be taught to their children or wards in public elementary and high schools within the regular class hours by instructors designated or approved by the religious authorities of the religion to which the children or wards belong, without additional cost to the Government.

Section 4¹³². 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.

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.

(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 and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.

LANGUAGE

Section 6. The national language of the Philippines is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages.

Subject to provisions of law 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 system.

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

The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein.

Spanish and Arabic shall be promoted on a voluntary and optional basis.

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

¹³² As proposed by FEF, Paragraphs 2 – 4 of Section 4 Article XIV of the 1987 Philippine Constitution be DELETED. Said provisions are as follows:

(2) Educational institutions, other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations at least sixty *per centum* of the capital of which is owned by such citizens. The Congress may, however, require increased Filipino equity participation in all educational institutions.

The control and administration of educational institutions shall be vested in citizens of the Philippines.

No educational institution shall be established exclusively for aliens and no group of aliens shall comprise more than one-third of the enrollment in any school. The provisions of this subsection shall not apply to schools established for foreign diplomatic personnel and their dependents and, unless otherwise provided by law, for other foreign temporary residents.

(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. Upon the dissolution or cessation of the corporate existence of such institutions, their assets shall be disposed of in the manner provided by law.

Proprietary educational institutions, including those cooperatively owned, may likewise be entitled to such exemptions, subject to the limitations provided by law, including restrictions on dividends and provisions for reinvestment.

(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.

Section 9. The PARLIAMENT shall establish a national language commission composed of representatives of various regions and disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and other languages.

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 life.

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 citizens.

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

Section 13. The State shall protect and secure the exclusive rights of scientists, inventors, artists, and other gifted citizens to their intellectual property and creations, particularly when beneficial to the people, for such period as may be provided by law.

ARTS AND CULTURE

Section 14. The State shall foster the preservation, enrichment, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

Section 15. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Section 16. All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the State which may regulate its disposition.

Section 17. The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.

Section 18. (1) The State shall ensure equal access to cultural opportunities through the educational system, public or private cultural entities, scholarships, grants and other incentives, and community cultural centers, and other public venues.

(2) The State shall encourage and support researches and studies on the arts and culture.

SPORTS

Section 19. (1) The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

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

ARTICLE XV THE FAMILY

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

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

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 income; and

(4) The right of families or family associations to participate in the planning and implementation of policies and programs that affect them.

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

ARTICLE XVI GENERAL PROVISIONS

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

Section 2. The PARLIAMENT may, by law, adopt a new name for the country, a national anthem, or a national seal, which shall all be truly reflective and symbolic of the ideals, history, and traditions of the people. Such law shall take effect only upon its ratification by the people in a national referendum.

Section 3. The State may not be sued without its consent.

Section 4. The Armed Forces of the Philippines shall be composed of a citizen 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.

Section 5. (1) All members of the armed forces shall take an oath or affirmation to uphold and defend this Constitution.

- (2) The State shall strengthen the patriotic spirit and nationalist consciousness of the military, and respect for people's rights in the performance of their duty.
- (3) Professionalism in the armed forces and adequate remuneration and benefits of its members shall be a prime concern of the State. The armed forces shall be insulated from partisan politics. No member of the military shall engage, directly or indirectly, in any partisan political activity, except to vote.
- (4) 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.
- (5) Laws on retirement of military officers shall not allow extension of their service.
- (6) The officers and men of the regular force of the armed forces shall be recruited proportionately from all provinces and cities as far as practicable.
- (7) The tour of duty of the Chief of Staff of the armed forces shall not exceed three years. However, in times of war or other national emergency declared by the PARLIAMENT, the President may extend such tour of duty.

Section 6. 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, WHICH SHALL BE UNDER THE PRIME MINISTER AND THE PROPER CABINET MEMBER PROVIDED THAT IN TIMES OF NATIONAL EMERGENCY, REBELLION, LAWLESS VIOLENCE, AND WAR, THE PRESIDENT MAY EXERCISE CONTROL AND SUPERVISION OVER THE POLICE TO ASSIST THE FEDERAL GOVERNMENT AND THE ARMED FORCES FOR THE PROTECTION OF THE NATIONAL SECURITY. The authority of local executives over the police units in their jurisdiction shall be provided by law.

Section 7. 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 resources.

Section 8. The State shall, from time to time, review to increase the pensions and other benefits due to retirees of both the government and the private sectors.

Section 9. The State shall protect consumers from trade malpractices and from substandard or hazardous products.

Section 10. The State shall provide the policy environment for the full development of Filipino capability and the emergence of communication structures suitable to the needs and aspirations of the nation and the balanced flow of information into, out of, and across the country, in accordance with a policy that respects the freedom of speech and of the press.

Section 11¹³³. (1) The PARLIAMENT shall regulate or prohibit monopolies in commercial mass media when the public interest so requires. No combinations in restraint of trade or unfair competition therein shall be allowed.

¹³³ Sec 11, Art XVI of the 1987 Philippine Constitution provides: (1) *The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens.*

(2) The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare.¹³⁴

Section 12. The PARLIAMENT may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

ARTICLE XVII AMENDMENTS OR REVISIONS

Section 1. Any amendment to, or revision of, this Constitution may be proposed by: (1) The PARLIAMENT, upon a vote of three-fourths of all its Members, VOTING SEPARATELY; or
(2) A constitutional convention.

Section 2. Amendments to this Constitution may likewise 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 the registered voters therein. No amendment under this section shall be authorized within five years following the ratification of this Constitution nor oftener than once every five years thereafter.

The PARLIAMENT shall provide for the implementation of the exercise of this right.

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.

Section 4. Any amendment to, or revision of, this Constitution under Section 1 hereof 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 hereof 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 petition.

ARTICLE XVIII TRANSITORY PROVISIONS¹³⁵

The PARLIAMENT shall regulate or prohibit monopolies in commercial mass media when the public interest so requires. No combinations in restraint of trade or unfair competition therein shall be allowed.

(2) The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare.

Only Filipino citizens or corporations or associations at least seventy per centum of the capital of which is owned by such citizens shall be allowed to engage in the advertising industry.

The participation of foreign investors in the governing body of entities in such industry shall be limited to their proportionate share in the capital thereof, and all the executive and managing officers of such entities must be citizens of the Philippines.

¹³⁴ FEF Proposal. Rationale: The original provision is inconsistent with the longstanding realities of globalization and locally, to the ASEAN Economic Integration which include free cross-border movement of investment, labor, commodities and services, technology and ideas.

¹³⁵ Under study