

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session  
House Bill No. 3068



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Introduced by: Congressman **BIENVENIDO M. ABANTE, JR.**

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AN ACT  
CONSTITUTING A CONSTITUTIONAL CONVENTION TO AMEND THE  
1987 PHILIPPINE CONSTITUTION, DEFINING QUALIFICATION FOR ITS  
DELEGATES, APPROPRIATING THEREOF

EXPLANATORY NOTE

Our 1987 Constitution identified three modes through which amendments or revisions can be processed, to wit: Constitutional Assembly; Constitutional Convention, or by a People's Initiative.

The Supreme Court in the case of *Lambino v. COMELEC*, GR no. (174153, 25 Oct. 2006) explained that amendment is an addition or change within the lines of the original constitution as will effect an improvement, or better carry out the purpose for which it was framed; It is a change that adds, reduces or deletes without altering the basic principles involved; It affects only the specific provision being amended. On the other hand, Revision is a change that alters a basic principle in the constitution, like altering the principle of separation of powers or the system of checks and balances; It alters the substantial entirety of the constitution, as when the change affects substantial provisions of the constitution. Congress, as a constituent assembly or a constitutional convention, can propose both amendments and revisions.

Congress may convene itself into a Constitutional Assembly upon the vote of three-fourths of its members<sup>1</sup>. Congress may call for a Constitutional Convention with a vote of two-thirds of its members. Congress may also, by a majority vote, let the electorate decide on the mode through a referendum<sup>2</sup>.

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<sup>1</sup> Art. XVII Sec. 1, 1987 Constitution

<sup>2</sup> Art. XVII Sec. 3, 1987 Constitution

However, the People's Initiative is no longer feasible because, as early as 1997, in the case of *Defensor-Santiago v. COMELEC (GR No. 127325, 19 March 1997)*, the Supreme Court already decided that the law intended to provide the mechanism for the People's Initiative to revise the Constitution is not sufficient. A people's initiative to change the Constitution applies only to its amendment, not to its revision.

Thus, there are only two options available to revise the Constitution: Congress as a constituent assembly or a constitutional convention. Between these two options, a constitutional convention is much preferred because it requires the direct election of the delegates by the people from the different districts and sectors of society.

The members of a Constitutional Convention are directly elected by the people and do not hold any other office. This ensures that national interest will prevail over the vested interests of incumbent officials. Delegates are elected based on their knowledge and qualifications for the sole purpose of amending or revising the Constitution. They will be more focused on the job of producing a well-crafted Constitution.

It is herein proposed. Therefore, Congress calls for a Constitutional Convention by a two-thirds (2/3) vote of all its Members.

In view of the foregoing, approval of this bill is earnestly requested.



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

**SECTION 1. Short Title.** – This Act shall be known as the "Constitutional Reform Act."

**SEC 2. Declaration of Policy.** - The State shall ensure that the revision or amendment of the Constitution is made genuinely inclusive and through a participatory process. The State shall also ensure the active participation of Filipinos in every phase of the process. The State shall further provide a means for the population to experience the basics of democratic governance and learn about relevant international principles and standards, thus raising expectations for further popular engagement and transparency in governance. The State shall furthermore provide the voters not only sufficient time but ample basis for an intelligent appraisal of the nature, specific and extent of any proposed amendments or revisions as well as its relation to other parts of the Constitution with which it has to form a harmonious whole.

**SEC.3. Powers and Functions.** -The Constitutional Convention, once convened, becomes endowed with extraordinary powers generally beyond the control of any departments of the existing government. The compass of such power is co-extensive only with the purpose for which the convention was called. Whatever it may propose cannot have any as part of the Constitution until the same are duly ratified by the people. The acts of convention, its officers and members, however, are not immune from attack on constitutional grounds.

**SEC.4. Date of Election for Constitutional Convention Delegates.** – There shall be an election of delegates to a Constitutional Convention simultaneous with the holding of the next Barangay Elections. The Commission on Elections shall, within thirty (30)

days from the enactment of this Act, promulgate the rules and regulations necessary for the elections of the delegates to the Constitutional Convention.

**SEC.5. *Composition and Term of the Constitutional Convention.*** – In order to ensure greater people’s participation and representation, there shall be one. The Constitutional Convention shall be composed of one (1) delegate from every legislative district. The Commission on Elections shall, within thirty (30) days from the enactment of this Act, promulgate the rules and regulations necessary for the elections of the delegates to the Constitutional Convention.

**SEC. 6. *Funding*** – An initial appropriation of Five Hundred Million Pesos (Php 500,000,000.00) is hereby appropriated for the initial steps to facilitate the election of delegates to the Convention. Thereafter, the Department of Budget and Management (DBM) shall submit a recommendation to Congress for budgetary requirements of this Act as specified in Section 16 hereof.

**SEC. 7. *Qualifications.*** – No person shall be elected a delegate of the Constitutional Convention unless he is a natural born citizen of the Philippines and, on the day of the election, is at least thirty-five (35) years of age, a qualified voter, of recognized probity, nationalism, and patriotism

**SEC. 8. *Disqualifications.*** – The following are disqualified from being candidates for the election of delegates to the Constitution:

All incumbent elected officials of the government, including but not limited to the President, Vice-President, Members of Congress, and local government officials. Any person who has been declared by competent authority as insane or incompetent, or has been sentenced by final judgment for subversion, insurrection, rebellion or for any offense for which he has been sentenced to a penalty of more that eighteen (18) months or for a crime involving moral turpitude, shall be disqualified to be a candidate for the Constitutional Convention, unless he has been given plenary pardon or granted amnesty.

**SEC. 9. *Future disqualifications*** – Any person elected as a delegate of the Constitutional Convention shall not be eligible to run for any public office or position in the first national and first local elections to be held after the ratification of the new Constitution. Further, no elected delegate of the Constitutional Convention shall be appointed to any public office or position while the Constitutional Convention is in session.

**SEC. 10. *Oath of the delegates*** – Delegates of the Constitutional Convention shall qualify and assume office by taking the following oath or affirmation:

“I, (name of delegate), do solemnly swear and affirm that I shall faithfully and conscientiously fulfill my duties as Delegate of the Constitutional Convention by drafting a fundamental law truly reflective of the ideas and aspirations of the Filipino

people. I shall endeavor to complete the work of the Constitutional Convention within the period provided by law. I undertake not to run for any office in the first local and national elections to be held after the ratification of the Constitution that the Constitutional Convention will propose. And I swear to preserve and defend the duly ratified Constitution of the Republic of the Philippines. So help me God.”

**SEC. 11. *Administrative Support and Technical Assistance*** - All government entities, agencies, and instrumentalities, including the Senate and House of Representatives, shall place at the disposal of the Convention such personnel, premises, and furniture thereof as can, in their judgment, be spared without detriment to the public services, without cost, refund or additional pay.

**SEC. 12. *No Restraining Order or Preliminary Injunction*** - Except for the Supreme Court, no court of the Philippines shall have jurisdiction to issue any restraining order or writ of preliminary injunction against the Constitutional Convention in any case or dispute arising from or necessary to the application and enforcement of the provision of this Act.

**SEC. 13. *Who May Convene*** - (1) The Chairman of the Commission of Elections, assisted by the Secretaries General of the Senate and the House of Representative, shall take charge of all arrangements for the convening of the Constitutional Convention; (2) The President of the Senate and the Speaker of the House of Representatives shall jointly preside at its opening session until a presiding officer is elected by the Convention from the delegates. The election of a chairman and presiding officer from among the delegates shall be the first order of business. The Convention shall be deemed organized upon the election and qualification of a Chairman and presiding officer. The Convention shall choose such other officers as it may deem necessary.

**SEC. 14. *Rules and Quorum*** -

- (1) A majority of all delegates shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent delegates in such a manner and under such penalties as the Convention may provide.
- (2) The Convention may determine the rules for the effective and efficient conduct of its purpose and proceedings, punish delegates for disorderly behavior, and, with the concurrence of two-thirds (2/3) of all delegates, suspend or expel a delegate. A penalty of suspension shall not exceed thirty (30) days.
- (3) The plenary sessions of the Convention, including the meetings of its committee, shall be public and duly recorded. It may hold its session in any place in the Philippines.

- (4) The Convention shall conduct public hearings, in groups or committees, to ensure that the Filipino people will have adequate and sustained participation in the formulation of proposed amendments to the Constitution.
- (5) The Convention shall keep a journal of its proceedings and from time to time publish the same. The public shall have full access to the records of proceedings of the Convention. The rules of the Constitutional Convention must be completed by the delegates of the Constitutional Convention within a period of thirty (30) days from the time the delegates take their oath. The rules shall be approved by a majority vote of all elected delegates.

**SEC. 15. *Parliamentary Immunities*** - A delegate of the Constitutional Convention shall, in all offenses punishable by not more than six (6) years imprisonment, be privileged from arrest during attendance of its session, and in going to and returning from the same. Further, a delegate of the Constitutional Convention shall not be questioned nor held to any other place for any speech or debate in the Constitutional Convention, in any committee thereof, or in any public hearing conducted by the Constitutional Convention or any committee thereof, whenever held.

**SEC. 16. *Appropriations***. - For the implementation of this Act, the amount of Two Billion Pesos (Php 2,000,000,000.00) shall be appropriated to the Constitutional Convention. This whole amount shall be made available to the Constitutional Convention in a timely manner. Each delegate of the Constitutional Convention shall receive a per diem of not less than Five Thousand Pesos (Php.. 5,000.00) for every day of attendance in the Constitutional Convention or of any of its committees, and, to necessary traveling expenses to and from his residence when attending the sessions of the Constitutional Convention or of any of its committees. Every delegate to the Constitutional Convention shall be allowed to hire the necessary technical and administrative staff or personnel to serve during the duration of the Constitutional Convention unless sooner terminated at the discretion of the delegate.

**SEC. 17. *Ratification*** - The amendments to or revision of, the Constitution proposed by the Constitutional Convention shall be valid when ratified by a majority of the votes cast in a plebiscite which may be held simultaneous with the national and local election or not earlier than sixty (60) days nor later than ninety (90) days after the approval of such amendments or revision, whichever comes first.

**SEC. 18. *Effectivity Clause*** - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

*Approved,*