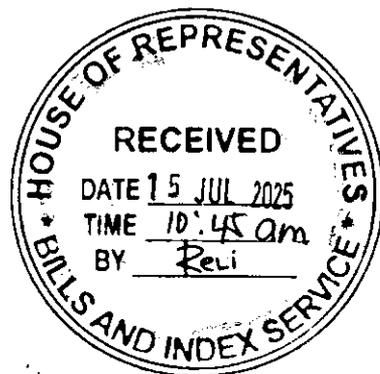




Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Twentieth Congress
First Regular Session

RESOLUTION OF BOTH HOUSES NO. 1

Introduced by Representative Alfredo A. Garbin Jr.

**A RESOLUTION OF BOTH HOUSES PROPOSING
AMENDMENTS TO ARTICLE I – NATIONAL TERRITORY, AND
CERTAIN ECONOMIC PROVISIONS, SPECIFICALLY ARTICLES
XII, XIV, AND XVI OF THE 1987 CONSTITUTION OF THE
REPUBLIC OF THE PHILIPPINES**

WHEREAS, the Constitution is the fundamental law of the land, which defines, establishes, and confers powers to the State and provides for the correlative obligation of the people to abide by it;

WHEREAS, the Constitution, as a covenant between the State and the people, vests in the government the duty to provide decent living conditions to its people;

WHEREAS, the evolving geopolitical realities and maritime disputes in the region, particularly in the South China Sea, underscore the urgent necessity for the Philippines to assert its territorial integrity and sovereign rights under international law;

WHEREAS, the United Nations Convention on the Law of the Sea (UNCLOS), to which the Philippines is a State Party, recognizes the exclusive economic zone (EEZ) and continental shelf (CS) as maritime zones over which coastal states have sovereign rights for the purpose of exploring and exploiting, conserving and managing natural resources;

WHEREAS, on July 12, 2016, the Permanent Court of Arbitration (PCA) in The Hague issued a final and binding Award in the case of *Republic of the Philippines v. People's Republic of China* (PCA Case No. 2013-19), affirming the Philippines' sovereign rights over its EEZ in the West Philippine Sea and invalidating China's expansive claims within its so-called "nine-dash line";

WHEREAS, nine years have lapsed since the Philippines secured the landmark victory, through the unanimous ruling of the Arbitral Tribunal constituted under Annex VII of the UNCLOS at the PCA, which resoundingly affirmed the Philippines' sovereign rights over its EEZ and CS in the West Philippine Sea, invalidating conflicting claims and upholding the nation's maritime entitlements under international law;

WHEREAS, it is imperative and long overdue that these hard-won sovereign rights, embodying the Filipino people's unyielding resolve to defend their patrimony, be enshrined in the 1987 Constitution of the Republic of the Philippines, to unequivocally reflect the nation's unwavering commitment to its territorial integrity, maritime heritage, and national dignity in the West Philippine Sea, in full consonance with the principles of international law and the enduring aspirations of the Filipino nation;

WHEREAS, Article I of the 1987 Constitution of the Republic of the Philippines, which defines the national territory, currently mentions only the "territorial sea" and omits express reference to the EEZ and CS, creating ambiguity in the constitutional framework for asserting maritime rights won by the Philippines under international law and through the arbitral award;

WHEREAS, it is imperative to amend Article I to clearly reflect the Philippines' sovereign rights over its EEZ and continental shelf, in line with the UNCLOS and the 2016 arbitral ruling, to constitutionally reinforce its claims in the West Philippine Sea and affirm its duty to protect its maritime entitlements for the benefit of present and future generations of Filipinos;

WHEREAS, the mandate given to current leaders who advocate for change signifies renewed trust in the government and immense optimism in its ability and commitment to bring about improvement in the quality of life of Filipinos;

WHEREAS, the trust reposed by the people upon the country's leaders has encouraged more investments and it is helping the country maintain its pace as one of the fastest growing economies in Asia, with the World Bank giving it

a future projection of 5.3 percent gross domestic product (GDP) growth in 2025 and 5.4 percent in 2026;

WHEREAS, in another 2025 economic outlook report of the Organization for Economic Cooperation and Development (OECD), the GDP percentage of the Philippines for the period of 2025 to 2026 constantly surpasses the GDP growth in other Association of Southeast Asian Nations (ASEAN) countries such as Indonesia, Malaysia, and Thailand with an economic growth of 5.6 percent and 6 percent in 2025 and 2026, respectively;

WHEREAS, the burgeoning global interest in Asia continues to position the Philippines as a prime destination for foreign investments, bolstered by its robust economic growth, projected by the Asian Development Bank to reach 6.0% in 2025 and 6.1% in 2026, driven by strong domestic demand, rising employment, and steady remittances; yet, despite this economic momentum, significant challenges persist, as highlighted by recent data indicating that poverty remains a critical issue in Southeast Asia, with the Philippines and Indonesia together accounting for a substantial portion of the region's population living below the international poverty line, underscoring the urgent need to maximize economic opportunities through constitutional reforms to ensure inclusive and sustainable growth for all Filipinos;

WHEREAS, in order to preserve the territorial integrity of the Philippines and fully transform its economic growth into inclusive and solidary progress among Filipinos, the ambiguous definition of "national territory" must be clarified to reinforce our sovereign rights in the West Philippine Sea, and the restrictive economic provisions in the Philippine Constitution, which hamper the flow of foreign capital investments must be lifted: Now, therefore, be it

Resolved by the Senate and the House of Representatives, by a vote of three-fourths (3/4) of all its Members, and pursuant to Article XVII of the Constitution, propose to amend Articles I, XII, XIV, and XVI of the 1987 Constitution of the Republic of the Philippines, with the following proposals:

1. On Article I (National Territory) amend the provision by adding explicit references to the Exclusive Economic Zone, the Continental Shelf, and the West Philippine Sea, and by clarifying the Philippines' sovereign rights over these maritime zones in accordance with the United Nations Convention on the Law of the Sea and other applicable international laws, to read as follows:

"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 Philippines exercises sovereign rights over its Exclusive Economic Zone extending two hundred (200) nautical miles from the baselines from which the breadth of the territorial sea is measured, and its Continental Shelf as defined under the United Nations Convention on the Law of the Sea, including the West Philippine Sea, in accordance with international law.”

2. On paragraph I, Section 2 of Article XII (National Economy and Patrimony), make the 4th, 5th, and 6th sentences into another paragraph, insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** after the first sentence of the new paragraph and add a comma before the phrase, to read as follows:

“SECTION 2. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources 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, **UNLESS OTHERWISE PROVIDED BY LAW**. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply, fisheries, or industrial uses other than the development of waterpower, beneficial use may be the measure and limit of the grant.”

3. On paragraph 1, Section 3 of Article XII (National Economy and Patrimony), insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** after the fourth sentence and add a comma before the phrase, to read as follows:

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

4. On Section 10 of Article XII (National Economy and Patrimony), amend the first paragraph to read as follows:

“SECTION 10. The Congress shall, upon recommendation of the economic and planning agency, and when the national interest dictates, reserve CERTAIN AREAS OF INVESTMENT to citizens of the Philippines or, UNLESS OTHERWISE PROVIDED BY LAW, 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.”

5. On Section 11 of Article XII (National Economy and Patrimony), insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** between the word “citizens” and the symbol “;” in the first sentence and add a comma before the said phrase; also, insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** before the last sentence thereof, to read as follows:

“SECTION 11. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or associations organized under the laws of the Philippines at least sixty per centum of whose capital is owned by such citizens, UNLESS OTHERWISE PROVIDED BY LAW; nor shall such franchise, certificate, or authorization be exclusive in character 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. **UNLESS OTHERWISE PROVIDED BY LAW**, [T]he participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the executive and managing officers of such corporation or association must be citizens of the Philippines.”

6. On paragraph 1, No. 2, Section 4 of Article XIV (Education, Science and Technology, Arts, Culture, and Sports), insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** at the end of the first sentence and insert a comma before the phrase. On paragraph 2, No. 2, add the phrase **UNLESS OTHERWISE PROVIDED BY LAW** at the end of the sentence thereof and inset a comma before the phrase, to read as follows:

“SECTION 4. x x x

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

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

7. On paragraph 1, No. 1, Section 11 of Article XVI (General Provisions), add the phrase **UNLESS OTHERWISE PROVIDED BY LAW** after the sentence and insert a comma before the phrase. The same with paragraph 2 of No. 2, add the phrase **UNLESS OTHERWISE PROVIDED BY LAW** after the sentence with a comma before the phrase. Thereafter, insert the phrase **UNLESS OTHERWISE PROVIDED BY LAW** before the last sentence thereof. Section 1.1 shall read as follows:

“SECTION 11 (1) The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, wholly-owned and managed by such citizens, **UNLESS OTHERWISE PROVIDED BY LAW**.”

“x x x

“(2) x x x

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

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

Adopted.

A handwritten signature in black ink, consisting of several overlapping loops and a long vertical stroke extending downwards.

ALFREDO A. GARBIN JR.
Representative
Ako Bicol Partylist