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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Draft Provincial Resolution No. 2007-07-002

Sponsored by Kristian R. Ablan

1 **A RESOLUTION REQUESTING 1st DISTRICT REPRESENTATIVE,**
2 **HON. ROQUE R. ABLAN, Jr. AND 2nd DISTRICT REPRESENTATIVE,**
3 **HON. FERDINAND R. MARCOS, Jr., TO SPONSOR A BILL IN THE**
4 **14th CONGRESS ENTITLED, "AN ACT PROVIDING FOR PEOPLE'S**
5 **INITIATIVE TO AMEND THE CONSTITUTION."**
6

7 WHEREAS, the Philippine Constitution grants the people the right to propose
8 amendments through initiative, particularly, Section 2, Article 17, which states:
9

10 "Amendments to this Constitution may likewise be directly
11 proposed by the people through initiative upon a petition of at
12 least twelve per centum of the total number of registered voters,
13 of which every legislative district must be represented by at least
14 three per centum of the registered voters therein. No
15 amendment under this section shall be authorized within five
16 years following the ratification of this constitution nor oftener
17 than once every five years thereafter.

18 The Congress shall provide for the implementation of the exercise
19 of this right."
20

21 WHEREAS, Republic Act 6735, otherwise known as "The Initiative and Referendum Act",
22 is insufficient to implement the exercise of this right and governs only people's initiative for
23 local legislation, as declared by the Supreme Court in *Defensor-Santiago v. Comelec* (270 SCRA
24 106);
25

26 WHEREAS, no amendatory law has yet been passed by Congress since *Defensor-*
27 *Santiago v. Comelec*;
28

29 WHEREAS, there is a real need to pass a law that will govern the process by which
30 constitutional amendments are introduced by the people directly through initiative;
31

32 WHEREAS, it is in the interest of the people of Ilocos Norte to be given the chance to
33 amend their constitution through initiative;
34

35 NOW, THEREFORE, Be it Resolved, as it is hereby Resolved, to request 1st District
36 Representative, Hon. Roque R. Ablan, Jr., and 2nd District Representative, Hon. Ferdinand R.
37 Marcos, Jr. to sponsor a bill in the 14th Congress entitled, "AN ACT PROVIDING FOR PEOPLE'S
38 INITIATIVE TO AMEND THE CONSTITUTION," with the following draft provisions:



House Bill No. _____

Introduced by Honorable Ferdinand R. Marcos, Jr. and Roque R. Ablan, Jr.

**AN ACT PROVIDING FOR PEOPLE'S INITIATIVE TO
AMEND THE CONSTITUTION**

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

1 SECTION 1. *Short Title.* – This act shall be known as the "People's Initiative to Amend the
2 Constitution Act of 2007."
3

4 SECTION 2. *Declaration of Policy.* – Amendments to the Constitution may be directly
5 proposed by the people through initiative upon a petition of at least twelve per centum (12%)
6 of the total number of registered voters, of which every legislative district must be presented
7 by at least three centum (3%) of the registered voters therein.
8

9 SECTION 3. *Definition of Terms.* – For purposes of this Act, the following terms shall
10 mean:
11

12 (a) "People's Initiative" is the process by which the people are empowered to
13 proposed amendments to a constitution upon compliance with constitutional
14 and legal requirements;

15 (b) "Amendments" envisages an alteration of one or a few specific provisions of
16 the Constitution, which do not affect the functioning of the other constitutional
17 provisions not so amended. The guiding original intention of an amendment is to
18 improve specific parts or to add new provisions deemed necessary to meet new
19 conditions or to suppress specific portions that may have become obsolete or
20 age judge to be dangerous.

21 The term "amendment" should be distinguished from "revision" which
22 imports an alternation of the basic constitutional structure or at least an
23 alteration, which radically affects the functioning of various parts or agencies
24 within the Constitutional structure. In revision, the guiding original intention and
25 plan contemplate a reexamination of the entire document to determine how
26 and to what extent it should be altered;

27 (c) "Proportion" is the proposed amendments to the Constitution;

28 (d) "Petition" is the written instrument containing the proposition and the
29 required number of signatories in a form determined by and submitted to the
30 Commission on Elections, hereinafter referred to as the "Commission";

31 (e) "Plebiscite" is the electoral process by which the proposition to amend the
32 Constitution shall be approved or rejected by the people.
33

34 SECTION 4. *Requirements.* – (a) Amendments to the constitution may be directly
35 proposed by the people through initiative upon a petition of at least twelve per centum (12%)
36 of the total number from the registered voters, of which every legislative districts must be
37 represented by at least three per centum (3%) of the total registered voters therein. No



1 amendment of the Constitution through a people's initiative shall be held oftener than once
2 every five years thereafter.

3 (b) The petition shall be signed before the election registrar, or other designated
4 representative, in the presence of a representative of the proponents and the oppositors in a
5 public place in the barangay of the municipality, city or legislative district. Signature stations
6 may be established in as many places as may be warranted;

7 (c) The petition on the people's initiative shall be submitted to the Commission, and
8 shall state the following:

- 9
- 10 1. The names and signatures of the petitioners or registered voters;
 - 11 2. The barangay and which the petitioners belong to;
 - 12 3. The text of the amendment of the Constitution or any part thereof
13 sought to be proposed;
 - 14 4. The reason or reasons thereof;
 - 15 5. An abstract or summary of the proposition, printed on top of each and
16 every page of the petition;
 - 17 6. Proof that public hearings and consultations were held in each of the
18 legislative districts to ensure that the people are properly informed on the
19 amendments proposed.

20 (d) The Commission, through its office in the local government unit concerned, shall
21 certify as to whether or not the required number of signatures has been obtained. Failure to
22 obtain the required number of signatures is a defeat of the proposition;

23 (e) After the Commission finds that the petition has complied with above requirements,
24 it shall then proceed with the verification and authentication of the signatures of the registered
25 voters contained therein. Accredited watchers from both the proponents and oppositors shall
26 be present and be allowed to observe the process of verification and authentication;

27 (f) After the signatures shall have been verified by the Commission the same shall be
28 posted in the barangay hall of each of the legislative district for at least sixty (60) days to allow
29 interested parties to examine the same and allow the filing of the necessary protest or to
30 challenge to the authentication within the same period. Any challenge or protest shall be ruled
31 upon within sixty (60) days from the date of filing of such protest or challenge.

32 (g) The Commission shall issue a certification on the sufficiency of the petition upon the
33 resolution of all protest and challenges filed.

34
35 SECTION 5. *Appeal.* – The decision of the Commission regarding the sufficiency or
36 insufficiency of the petition may be appealed to the Supreme Court within thirty (30) days from
37 the notice thereof, provided, that this provision shall be effective only upon the advice and
38 concurrence of the Supreme Court in accordance with the Constitution, Article 6, Section 30.

39
40 SECTION 6. *Special Registration.* – There shall be special registration of voters at least
41 forty five (45) days before the schedule plebiscite for those who will attain fifteen (15) to
42 eighteen (18) years of age on the date of the scheduled plebiscite. Two separate lists of those
43 age ranges from fifteen (15) to seventeen (17). The second list consists of those who would
44 have attained eighteen (18) years of age on the day of plebiscite.

45
46 SECTION 7. *Verification of Signatures.* – The Election Registrar shall verify the signatures
47 on the basis of the registry list of voters, voter's affidavit and voter's identification cards used in
48 the immediately preceding election.

49
50 SECTION 8. *Conduct and Date of Initiative or Referendum.* – The Commission shall call
51 and supervise the conduct of the plebiscite on the people's initiative within a period of thirty
52 (30) days from the certification of the sufficiency of the petition, the Commission shall publish
53 the same in Filipino and English at least three (3) times in a newspaper of general and local
54 circulation and set the date of the plebiscite on the initiative, which shall be held not earlier

1 than sixty (60) days nor later than ninety (90) days after the certification of the sufficiency of
2 the petition.

3
4 SECTION 9. *Authority of the Courts.* – Nothing in this act shall prevent or preclude the
5 proper courts from declaring null and void any proposition approve pursuant to this Act for
6 violation of the Constitution.

7
8 SECTION 10. *Effectivity of the Constitutional Amendments.* – Any amendment proposed
9 by people's initiative shall be valid and effective when ratified by a majority of the votes cast in
10 a plebiscite which will be held not earlier than sixty (60) days nor later than ninety (90) days
11 after the certification by the Commission on Elections of the Sufficiency of the Petition.

12
13 SECTION 11. *Applicability of the Omnibus Election Code.* – The Omnibus Election Code
14 and other election laws not inconsistent with provisions of this act shall be applicable.

15
16 SECTION 12. *Rules and Regulations.* – The Commission on Elections is hereby
17 empowered to promulgate such rules and regulations as may be necessary to carry out the
18 purposes of this Act.

19
20 SECTION 13. *Appropriations.* – The amount necessary to defray the cost of the people's
21 initiative as prescribed in this Act shall be charged against the Contingent Fund in the General
22 Appropriations Act of the year when the initiative is to be conducted. Thereafter, the sums
23 necessary for the implementation of this Act shall be included in the Annual General
24 Appropriations Act.

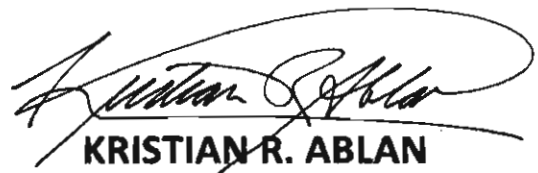
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26 SECTION 14. – *Separability Clause.* – If any provision and part thereof, is held invalid or
27 unconstitutional, the reminder of the law of the provision not otherwise affected shall remain
28 valid and subsisting.

29
30 SECTION 15. *Repealing Clause.* – Any law, presidential decree or issuance, executive
31 order, letter of instruction, administrative order, rule and regulation contrary to, or inconsistent
32 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

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34 SECTION 16. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
35 publication in at least two (2) newspapers of general circulation.

36
37 Approved,"

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39 RESOLVED FURTHER, transmit a copy of this Resolution to Representatives Ablan and
40 Marcos and other offices concerned, particularly the Union of Local Authorities of the
41 Philippines (ULAP) and the Philippine Board Members League (PBML), for their appropriate
42 action and consideration.

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KRISTIAN R. ABLAN