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HOUSE OF REPRESENTATIVES
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Seventeenth Congress
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RESOLUTION OF BOTH HOUSES NO. 08

Introduced by The Honorable AURELIO "DONG" D. GONZALES, JR.
and The Honorable EUGENE MICHAEL B. DE VERA

**RESOLUTION OF BOTH HOUSES
CONSTITUTING THE SENATE AND THE HOUSE OF REPRESENTATIVES,
SEVENTEENTH CONGRESS, INTO A CONSTITUENT ASSEMBLY TO
PROPOSE REVISIONS OF THE 1987 CONSTITUTION BY ADOPTING A
FEDERAL FORM OF GOVERNMENT AND FOR OTHER PURPOSES**

WHEREAS, federalism¹ has long been espoused by national heroes Emilio Aguinaldo and Apolinario Mabini who were the first to suggest dividing the Philippine islands into three (3) federal states of Luzon, Visayas and Mindanao;

WHEREAS, the overwhelming vote for the first Mindanaoan President, "Mayor" Rodrigo R. Duterte, who has been pushing for federalism since the election campaign, clearly indicates the present-day desire of the Filipino people to change the existing unitary government;²

WHEREAS, in an archipelago of over 7,000 islands, with more than 102 million inhabitants, 30 dominant ethnic groups and 15 ethno linguistic groups spread in political units consisting of 42,036 barangays, 1,489 municipalities, 145 cities, 81 provinces and 18 regions,³ federalism now appears as the best solution to address challenges posed by geography, diversity and inequality;

WHEREAS, the adoption of federalism will certainly empower regional governments⁴ to retain more of their income and spend the funds on programs and

¹Federalism is a form of government that divides sovereign power among the national government (central government) and regional governments (state governments) so that each government has some independent authority, as compared to a unitary government, where the national, centralized government holds ultimate authority.

²A unitary government or unitary state is a system of political organization with a central supreme government which holds the authority over and makes the decisions for subordinate local governments.

³Including the National Capital Region (NCR), Cordillera Administrative Region (CAR), Autonomous Region in Muslim Mindanao (ARMM), and Negros Island Region (NIR).

⁴Or "state governments."

plans they see fit without waiting the approval of the national government based in Metro Manila, create solutions to their own regional problems, focus on economic development using their own core competencies and competitive capabilities, work independently of the national government for most of their regional concerns, bring government closer to the people by making regional leaders more accountable to their constituents, especially, in creating more jobs and opportunities to attract more people from the overcrowded Metro Manila, and many other things that an independent regional government may be constitutionally authorized;

WHEREAS, the adoption of federalism, as envisioned by President "Mayor" Rodrigo R. Duterte, will also establish the independent region of Bangsamoro that shall administer the Bangsamoro Basic Law for a lasting peace in Mindanao;

WHEREAS, it is through the Constitution that the fundamental powers of government are established, defined, limited, and distributed among political units so that, consistent with the prayers of the sovereign Filipino people for a more perfect society under a federal form of Government that shall embody their most cherished ideals and aspirations, it can permanently promote the common good, conserve and develop their patrimony, and secure to themselves and their posterity the blessing of independence and democracy;

WHEREAS, there is an urgent need to propose revisions of the 1987 Constitution in order to render it adequate to exigencies of government and bring unity to various sentiments and interests of the 102 million Filipinos from across the 18 regions of the country;

WHEREAS, it is the constitutional duty of both Houses of the Congress of the Philippines to exercise its constituent power to propose revisions of the Constitution;

WHEREAS, under Article XVII of the 1987 Constitution, revisions of the Constitution may be proposed by, *first*, the Congress, upon a vote of three-fourths (3/4) of all its Members, or *second*, a constitutional convention called by Congress by a vote of two-thirds (2/3) of all its Members or approved by the electorate voting on the question of calling such a convention upon its submission by Congress by a majority vote all its Members;⁵

WHEREAS, revisions of the Constitution by the Congress, constituting itself into a Constituent Assembly, is the default mode envisioned by the framers of the 1987 Constitution as this mode is simpler yet more difficult and exacting, requiring the votes of at least 18 Senators and at least 223 Representatives, based on the present composition of the Seventeenth Congress;⁶

WHEREAS, it is in keeping with the spirit of representative democracy to propose revisions of the 1987 Constitution through a Constituent Assembly,

⁵The people's initiative applies only to "amendments" to the Constitution. According to the deliberations of the Constitutional Commission of 1986, "revisions" may involve rewriting of the whole Constitution while "amendments" envisage a change of specific provisions only.

⁶Calling a constitutional convention requires only the votes of 16 Senators and 168 Representatives.

considering that the 24 Senators and 297 Representatives⁷ of the Seventeenth Congress truly represent the voices of the sovereign Filipino people having been respectively elected at large and by legislative districts or party-list affiliations in popular votes cast during the recently concluded 9 May 2016 elections;

WHEREAS, it is more expeditious and less costly to revise the 1987 Constitution through a Constituent Assembly inasmuch as a constitutional convention will necessitate the election of delegates who will later propose and deliberate on the revisions and entail the appropriation of PhP 8 Billion, more or less, when the Seventeenth Congress can readily constitute itself into a Constituent Assembly using the funds normally allocated to the Legislative Branch;

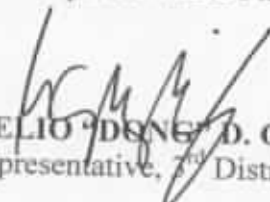
WHEREAS, the men and women comprising the Members of the Seventeenth Congress are very much capable of undertaking the revisions of the 1987 Constitution;⁸


WHEREAS, to preclude insinuations that Members of Congress will only be motivated by self-interests, the authors of this Resolution of Both Houses have taken the liberty of preparing a working draft of the "Proposed Constitution of the Federal Republic of the Philippines," specifying and limiting the areas of revisions to the adoption of federalism as a form of government and certain economic provisions that shall propel the country to have enduring political stability and greater economic growth;

WHEREAS, the very strong presence of mass and social media in Philippine politics and policy-making are strong deterrents against such self-interests on the part of the Members of Congress constituting the Constituent Assembly;

WHEREAS, regardless of the mode of revising the Constitution, it is ultimately the sovereign Filipino who shall decide whether to adopt the proposed revisions in a plebiscite, which shall be held not earlier than sixty (60) days nor later than ninety (90) days after the approval of such revision;

WHEREFORE, Be it **RESOLVED** by the House of Representatives, with the concurrence of the Senate of the Philippines, to constitute the Senate and the House of Representatives, Seventeenth Congress, into a Constituent Assembly and, by a vote of three-fourths (3/4) of all the Members of both Houses, voting separately, propose revisions of the 1987 Constitution by adopting a federal form of government and for other purposes using the attached working draft of the "Proposed Constitution of the Federal Republic of the Philippines."


AURELIO "DONG" D. GONZALES, JR.
Representative, 3rd District, Pampanga


EUGENE MICHAEL B. DE VERA
Representative, ABS Party-List

⁷238 District Representatives and 59 Party-List Representatives.

⁸The Members of the present Congress include top-notch lawyers, doctors, accountants, engineers, educators, and other professionals in various fields of arts, business and sciences, as well as advocates in the labor, peasant, urban poor, indigenous cultural communities, women, youth and other sectors.

**Proposed Constitution of the
FEDERAL REPUBLIC OF THE PHILIPPINES⁹**

SECTION 1. The Preamble is hereby revised, as follows:

PREAMBLE

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a **more perfect society**,¹⁰ and establish a **federal form of** 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**.¹¹

SECTION 2. Article I (National Territory) is hereby revised, as follows:

**ARTICLE I
NATIONAL TERRITORY**

The national territory **over which the Federal Republic of the Philippines exercises sovereignty** comprises the **total land area of all Regions of the** Philippine archipelago, **its internal and archipelagic waters and territorial sea, including the air space, seabed, subsoil, and resources within its territorial boundaries. All other territories over which the Philippines has claimed sovereignty or jurisdiction are also included.**

The sovereignty over the territorial sea as well as the rights, jurisdiction and duties over the contiguous zone and the exclusive economic zone shall be exercised subject to the United Nations Convention on the Law of the Sea and other rules of international law.¹²

⁹Proposed revisions of the 1987 Constitution are identified and marked by boldfacing and underlining. Explanations on the proposed revisions are provided as footnotes, which will not form part of the final draft of the proposal.

¹⁰From "just and humane society" to "more perfect society". This phrase is also used in the preamble of the US Constitution.

¹¹From "Constitution" to "Constitution of the Federal Republic of the Philippines."

¹²The proposed revisions are in line with the provisions of the United Nations Convention of the Law of the Sea, which clearly defined "internal waters," "archipelagic waters," "territorial sea," "contiguous sea," and "exclusive economic zone."

SECTION 3. Article II (Declaration of Principles and State Policies) is hereby revised, as follows:

ARTICLE II
DECLARATION OF FEDERAL STATE
PRINCIPLES AND POLICIES¹³

A. PRINCIPLES

Section 1. The Philippines is an indivisible, democratic, republican and federal state.¹⁴ Sovereignty resides in the Filipino people through suffrage and all government authority, whether federal or regional, emanates from them.

Section 2. The Filipino people and the Regions of National Capital, Ilocos, Cordillera, Cagayan Valley, Central Luzon, Calabarzon, Mimaropa, Bicol, Western Visayas, Negros Island, Central Visayas, Eastern Visayas, Zamboanga Peninsula, Northern Mindanao, Davao, Soccksargen, Caraga and Bangsamoro form the Federal State.

Section 3. The Regions comprising the Federal State are autonomous, equal and sovereign except to the extent that their sovereignty is limited by this Constitution and federal laws. Each Region is governed by its own basic or organic law and, except as otherwise permitted by this Constitution, may exercise all state powers and discharge state functions, provided that federal laws take precedence over regional laws.

Section 4. The Federal State abhors any act of terrorism and renounces war as an instrument of national or regional 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 5. Civilian authority is, at all times, supreme over the military. The Armed Forces of the Philippines is the protector of the people and the Federal State. Its goal is to secure the sovereignty of the Federal State and safeguard the integrity of the national territory and the Regions comprising it.

Section 6. The prime duty of the Government is to serve

¹³The revision gives emphasis to the shift from unitary to federal state.

¹⁴ The term "indivisible" is used in the "Political Constitution of the Mexican United States" in the declaring that "The Mexican Nation is an indivisible one." The Constitution of France also used the term in declaring that "France shall be an indivisible, secular, democratic and social Republic."

and protect the people. The Government may call upon the people to defend the Federal State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal, military or civil service.

Section 7. The maintenance of law and order and equal opportunity among its citizens, the protection of life, liberty, and property, and the promotion of the general welfare, sustainable development, internal cohesion and cultural diversity of the country are essential for the enjoyment by all the people of the blessings of democracy.

Section 8. The Federal State is committed to the long term preservation of natural resources and to a just and peaceful international order.

Section 9. The separation of Church and the Federal State shall be inviolable.

B. POLICIES

Section 10. The Federal 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 11. The Federal State adopts and pursues a policy of freedom from nuclear weapons in its territory.

Section 12. The Federal State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people in all Regions from poverty through policies that provide adequate social services and promote full employment, a rising standard of living, and an improved quality of life for all.

Section 13. The Federal State shall promote social justice in all phases of national development.

Section 14. The Federal State values the dignity of every human person and guarantees full respect for human rights.

Section 15. The Federal State and all its Regions shall be a drug-free country.

Section 16. The Federal 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 **Federal Government**.

Section 17. The **Federal 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 18. The **Federal State** recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.

Section 19. The **Federal State** shall protect and promote the right to health of the people and instill health consciousness among them.

Section 20. The **Federal 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 21. The **Federal 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 22. The **Federal State** affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare.

Section 23. The **Federal State** shall develop a self-reliant and independent national economy effectively controlled by Filipinos.

Section 24.The **Federal State** recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments.

Section 25.The **Federal State** shall promote comprehensive rural development and agrarian reform.

Section 26.The **Federal State** recognizes and promotes the rights of indigenous cultural communities within the framework of unity and development **at the national and regional level.**

Section 27.The **Federal State** shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

Section 28. The **Federal State** recognizes the vital role of communication and information in nation-building.

Section 29. The **Federal State** shall ensure the autonomy of local governments.

Section 30. The **Federal State** shall guarantee equal access to opportunities for public service and prohibit political dynasties, as **shall** be defined by law **to be immediately passed by the first Federal Congress under this Constitution.**

Section 31. The **Federal State** shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption.

Section 32. Subject to reasonable conditions prescribed by law, the **Federal State** adopts and implements a policy of full public disclosure of all its transactions involving public interest."

SECTION 4. Article III (Bill of Rights) is retained with amendment to Section 6, as follows:

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.

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. **All Filipinos shall have the right to move freely throughout the Federal State, from one Region to another.**

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 perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of *habeas corpus* is suspended. Excessive bail shall not be required.

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

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused: *Provided*, that he has been duly notified and his failure to appear is unjustifiable.

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

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

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

Section 18. (1) No person shall be detained solely by

reason of his political beliefs and aspirations.

(2) No involuntary servitude in any form shall exist except as 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.

SECTION 5. Article IV (Citizenship) is retained without amendment, as follows:

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 Philippine 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.

SECTION 6. Article V (Suffrage) is hereby revised, as follows:

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, except for qualified Filipinos abroad under a system for absentee voting as may be provided by law, 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.

Section 2. The Federal Congress 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 Federal Congress shall prioritize the passage of a law specifying the 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.

SECTION 7. Article VI (The Legislative Department) is hereby revised, as follows:

ARTICLE VI
THE LEGISLATIVE BRANCH

Section 1. Except for powers reserved to each Region and to the people by the provision on initiative and referendum, the legislative power shall be vested in the Congress of the Federal Republic of Philippines, which shall consist of a Senate and a House of Representatives.

The Senate

Section 2. The Senate shall be composed of at least two up to a maximum of six Senators from each Region who shall all be elected at large by the qualified voters of each Region. A region with more than 5 million, 6 million 7 million and 8 million inhabitants shall have an additional of one, two, three and four Senators, respectively. Each Senator shall have one vote.

Section 3. 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 in the Region in which he shall be elected, and a resident thereof for a period of not less than two years immediately preceding the day of the election.

Section 4. The term of office of the Senators shall be six years 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.

In the first elections after the ratification of this Constitution, the Senators who obtained the lowest number of votes in their respective regions shall serve for three years only and the rest for the full term of six years. In the succeeding elections, Senators elected at large by the qualified voters of each Region shall serve for six years.

The House of Representatives

Section 5.(1) The House of Representatives shall be composed of one elective District Representative from each of the Legislative Districts apportioned by law among the provinces, highly-urbanized independent cities, independent component cities, component cities and municipalities in each Region in accordance with the number of their respective

inhabitants, and on the basis of a uniform and progressive ratio, and **Party-List Representatives** who, as provided by law, shall be elected through a party-list system of registered national, regional and sectoral parties or organizations.

(2) **Party-List Representatives** shall constitute twenty *per centum* (20%) of the total number of representatives including those under the party-list. **Until otherwise provided by a subsequent law, the seats allocated to party-list representatives shall be filled by election in accordance with Republic Act No. 7941 or the Party-List System.**

(3) Each **Legislative District in all Regions** shall comprise, as far as practicable, contiguous, compact, and adjacent territory. **A province, highly-urbanized independent city, independent component city, component city and municipality in a Region, or a combination thereof,** with a population of at least **250,000**, shall **be apportioned as one Legislative District.**

(4) **No Legislative District may be reapportioned except pursuant to a national census. Within one year after every national census, the House of Representatives may propose a reapportionment of Legislative Districts in all Regions based on the standards provided in this section.**

Section 6. No person shall be a **Representative** 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.

Section 7. 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.

Provisions Common to Both Houses

Section 8. **The times, places and manner of holding elections for Senators and District Representatives may be prescribed by the Regional Legislature concerned but the Federal Congress may at any time, by law, make or alter such**

regulations. Until otherwise provide by any law, the regular elections of the Senators and the Representatives shall be held on the second Monday of May at places and manner provided for in the Omnibus Election Code, as amended.

Section 9. Until fixed by law, the Senate and the House of Representatives shall hold office and its public sessions in the National Capital Region. Their respective committees, however, may hold public hearings in aid of legislation or conduct investigations in furtherance of their oversight functions in any part of the Regions comprising the Federal State.

Section 10. In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

Section 11. The salaries of Senators and Representatives 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 the Senate and the House of Representatives approving such increase. The Federal Congress shall prioritize the reclassification of positions in the Government and the corresponding adjustment of salary scales.

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

Section 13. All Members of the Senate and the House of Representatives shall, upon assumption of office, make a full disclosure of their financial and business interests. They shall notify the House concerned of a potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

Section 14. No Senator or Representative may hold any other office or employment in the Federal Government or any Regional Government 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.

Section 15. No Senator or Member of the House of

Representatives may personally appear as counsel before any court of justice or before the Electoral Tribunals, 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.

Section 16. The **Federal Congress** 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 President may call a special session at any time.

Section 17. (1). The Senate shall elect its President and the House of Representatives, its Speaker, by a majority vote of all its respective Members. Each House shall choose such other officers **and personnel** as it may deem necessary.

(2) At the opening of each Congress on the fourth Monday of July following the elections, each House may determine the **Rules that shall govern its affairs and proceedings, to include the punishment of** its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, **suspension** or **expulsion** a Member. A penalty of suspension, when imposed, shall not exceed sixty days.

(3) Except in cases where the required vote is specified in this Constitution, each House shall determine and specify in its Rules the required quorum to do business, **which, in the case of the Senate, shall not be less 18 Senators, provided that a majority of the Regions is represented by the Senator present, and, in the case of the House of Representatives, shall not be less than a majority of the total number of Legislative Districts in all Regions. Each House** may adjourn from day to day **if the required quorum is not obtained** and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide **in its Rules.**

(4) Each House shall keep a Journal of its proceedings, and from time to time publish **or post** the same **in its website,** 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.

(5) Neither House during the sessions of the **Federal Congress** shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 18. (1) Every bill passed by the **Federal Congress** shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, except when the President 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 *y*es and *n*ays entered in the Journal.

Section 19. (1) Every bill passed by the **Federal Congress** 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 House where it originated, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by *y*es or *n*ays, 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 House where it originated within thirty days after the date of receipt thereof, otherwise, it shall become a law as if he had signed it.

(2) A resolution to which the concurrence of the Senate and the House of Representatives is necessary before the same shall take effect, except on a question of adjournment, shall be presented to the President, who shall treat the same like a bill passed by the Federal Congress.

(3) The President shall have the power to veto any line 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 20. 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 21.(1) Within thirty days from the opening of every regular session, the President shall submit to the Federal Congress an itemized budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures, for the following year. The Federal Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the budget. All items in the budget shall be numbered and the contents 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 **Federal Congress** 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 President of the Senate, the Speaker of the House of Representatives, 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 **Federal Congress** 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 **Federal Congress**.

Section 22. (1) The rule of taxation shall be uniform and equitable. The **Federal Congress** shall evolve a progressive system of taxation.

(2) The **Federal Congress** may, by law, authorize the President 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 Congress.

Section 23. (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 **Federal Government**.

Section 24. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution without its advice and concurrence.

Section 25. No law granting a title of royalty or nobility shall be enacted.

Section 26. The **Federal Congress** shall, as early as

possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject any act or law or part thereof passed by the Federal Congress, Regional Legislature or local legislative body after the registration of a petition therefor signed by at least ten *per centum* of the total number of registered voters in the Federal State, Region or local legislative body concerned, of which every Region, province, city, municipality or barangay, as the case may be, must be represented by at least three *per centum* of the registered voters thereof.

Section 27. (1) The Federal Congress, 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 Federal Congress 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 Federal Congress, such powers shall cease upon the next adjournment thereof.

Section 28. The Federal Congress shall have exclusive jurisdiction and authority to legislate on the following areas:

- (a) National security and defense;
- (b) Declaration of war;
- (c) Foreign relations, including the ratification of treaties;
- (d) Foreign trade but Regions may also enter into trade relations with other countries upon prior notice to the President;
- (e) Customs and quarantine;
- (f) Federal currency, fiscal and monetary system, taxation, budget and audit;
- (g) Immigration, emigration and extradition;
- (h) Inter-regional commerce and trade;
- (i) Federal public works and infrastructure;
- (j) Federal postal and telecommunications;
- (k) Federal air, sea and land transportation;
- (l) Intellectual property and copyright;
- (m) Meteorology and standards of weights and measures;
- (n) Grants-in-Aid to Regions;
- (o) Federal census and statistics;
- (p) Federal loans;
- (q) Federal penal system;

- (r) Cloning, genetic research and engineering;
- (s) Settlement of territorial and other disputes among states; and
- (t) Offenses defined in the Revised Penal Code and federal laws.

Section 29. The Senate or the House of Representatives or any of their respective committees may hold inquiries in aid of legislation or conduct investigations involving federal or regional officials, elective or appointive, pursuant to its oversight functions. The inquiries or investigations shall be done in accordance with its duly published rules of procedure.

Unless amended or revised by the Senate or the House of Representatives, their published rules of procedure shall continue to govern the proceedings on inquiries and investigations. The rights of persons appearing in, or affected by, such inquiries shall be respected.

Such inquiries or investigations may not be restrained for any reason by the President or by any subordinate official, including members of the Armed Forces and the Police.

The Supreme Court may only prevent the holding of such inquiries or investigations upon a clear showing of a manifest or grave abuse of discretion on the part of the Senate or the House of Representatives or any of their committees.

Section 30. 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 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 session. The appearance of such heads of departments may not be restrained for any reason by the President. The Supreme Court may prevent such appearance only upon a clear showing of a manifest or grave abuse of power or discretion of the Senate or the House of Representatives or any of its committees.

Section 29. The records and books of accounts of the

Federal Congress shall be preserved and be open to the public in accordance with law, and such books shall be audited by the **Federal Commission on Audit** which shall publish annually an itemized list of amounts paid to and expenses incurred for each Member.

Electoral Tribunals

Section 30. 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.

Section 31. The Electoral Tribunals shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of the Senate President and the Speaker.

Commission on Appointments

Section 32. There shall be a Commission on Appointments consisting of the President of the Senate, as *ex officio* Chairman, twelve Senators, and twelve Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties and parties or organizations registered under the party-list system represented therein. The chairman of the Commission shall not vote, except in case of a tie. The Commission shall act on all appointments submitted to it within thirty session days of the Congress from their submission. The Commission shall rule by a majority vote of all the Members.

Section 33. 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 Senate President and the Speaker. It 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.

SECTION 8. Article VII (Executive Department) is hereby revised, as follows:

ARTICLE VII
EXECUTIVE BRANCH

Section 1. The executive power shall be vested in the President of the Federal Republic of the Philippines.

Qualification, Election and
Canvassing of Votes

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 years of age on the day of the election, and a resident of the Philippines for at least ten years immediately preceding such election.

Section 3. There shall be a Vice-President who shall have the same qualifications and term of office and be elected with, and in the same manner, as the President. He may be removed from office in the same manner as the President.

The Vice-President may be appointed as a Member of the Cabinet. Such appointment requires no confirmation.

Section 4. 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.

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.

Unless otherwise provided by law, the regular election for President and Vice-President shall be held on the second Monday of May.

The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the Congress, directed to the President of the Senate. Upon receipt of the certificates of

canvass, the President of the Senate shall, not later than thirty days after the day of the election, open all the certificates in the presence of the Senate and the House of Representatives in joint public session, and the Congress, 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 the Congress, voting separately.

The Congress shall promulgate its rules for the canvassing of the certificates.

The Supreme Court, sitting *en banc*, shall be the sole judge of all contests relating to the election, returns, and qualifications of the President or Vice-President, and may promulgate its rules for the purpose.

Oath of Office and Official Residence

Section 5. Before they enter on the execution of their office, the President, the Vice-President, or 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 [or Vice-President or Acting President] 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 6. The President shall have an official residence. The salaries of the President and Vice-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.

Vacancy and Succession

Section 7. The President-elect and the Vice President-elect shall assume office at the beginning of their terms.

If the President-elect fails to qualify, the Vice President-elect shall act as President until the President-elect shall have qualified.

If a President shall not have been chosen, the Vice President-elect 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 Vice President-elect shall become President.

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.

The Congress shall, by law, provide for the manner in which one who is to act as President shall be selected until a President or a Vice-President shall have qualified, in case of death, permanent disability, or inability of the officials mentioned in the next preceding paragraph.

Section 8. 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.

The Congress shall, by law, provide who shall serve as President in case of death, permanent disability, or resignation of the Acting President. He shall serve until the President or the Vice-President shall have been elected and qualified, and be subject to the same restrictions of powers and disqualifications as the Acting President.

Section 9. Whenever there is a vacancy in the Office of the Vice-President during the term for which he was elected, the President shall nominate a Vice-President from among the Members of the Senate and the House of Representatives who shall assume office upon confirmation by a majority vote of all the Members of both Houses of the Congress, voting separately.

Section 10. The Congress shall, at ten o'clock in the morning of the third day after the vacancy in the offices of the President and Vice-President occurs, 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 and a Vice-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 paragraph 2, Section 26, Article V1 of this Constitution and shall become law upon its approval on third reading by the Congress. Appropriations for the special election shall be charged against any current appropriations and shall be exempt from the requirements of paragraph 4, Section 25, Article V1 of this Constitution. The convening of the Congress 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 11. Whenever the President transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

Whenever a majority of all the Members of the Cabinet transmit to the President of the Senate and to the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President of the Senate and to the Speaker of the House of Representatives 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 President of the Senate and to the Speaker of the House of Representatives, their written declaration that the President is unable to discharge the powers and duties of his office, the Congress shall decide the issue. For that purpose, the Congress shall convene, if it is not in session, within forty-eight hours, in accordance with its rules and without need of call.

If the Congress, 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, voting separately, that the President is unable to discharge the powers and duties of his office, the Vice-President shall act as President; otherwise, the President shall continue exercising the powers and duties of his office.

Section 12. 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.

Prohibitions

Section 13. The President, Vice-President, 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. 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 shall not, during his 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.

Powers

Section 14. 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 15. 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 16. The President shall nominate and, with the consent of the Commission on Appointments, appoint the heads

of the executive departments, ambassadors, 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 for 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.

Section 17. The President shall have control of all the executive departments, bureaus, and offices. He shall ensure that the laws be faithfully executed.

Section 18. 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 the Congress. The Congress, 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 Congress may, in the same manner, extend such proclamation or suspension for a period to be determined by the Congress, if the invasion or rebellion shall persist and public safety requires it.

The Congress, 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 of *habeas corpus* 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 of *habeas corpus*.

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

Section 19. 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 **of crimes defined by federal laws or other penal legislations or offenses prescribed in the Revised Penal Code.** He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the **Federal Congress.**

These powers may also be exercised by Regional Governors in appropriate cases for conviction of crimes committed within the territorial boundaries of their respective Regions against regional laws.

Section 20. The President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior **recommendation** of the Monetary Board **and concurrence of the Senate and the House of Representatives, voting separately, prior to the signing of any documenting evidencing such contract of guarantee.** 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 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 21. 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 22. The President shall submit to the Congress, within thirty days from the opening of every regular session as the basis of the general appropriations bill, an itemized budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.

Section 23. The President shall address the Congress at the opening of its regular session. He may also appear before it at any other time.

SECTION 9. Article VIII (Judicial Department) is hereby revised, as follows:

"ARTICLE VIII JUDICIAL BRANCH

Section 1. The judicial power shall be vested in one Federal Supreme Court of the Philippines, the Regional Court of Appeals, the Sandiganbayan, and in such lower district courts as may be established by law in the different Regions of the Federal State.

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.

Federal Supreme Court

Section 2. (1) The Federal 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 3. The **Federal 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 4. 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 5. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

Regional Court of Appeals

Section 6. There shall be established in each Region a Regional Court of Appeals, which shall have exclusive jurisdiction to hear cases within the territorial boundaries of the Region. The cases to be heard by the Regional Court of Appeals shall be as defined in the Rules of Court. The present Court of Appeals shall be reorganized by the Supreme Court to give effect to this constitutional mandate.

Sandiganbayan

Section 7. The Sandiganbayan shall continue to exercise its powers and discharge its functions as the graft court. Upon ratification of this Constitution, the existing seven Divisions of the Sandiganbayan shall be reorganized and distributed in the National Capital Region, Calabarzon, Central Luzon Region, Central Visayas, Bicol Region, and Davao Region. Their territorial jurisdiction shall be defined by the Supreme Court. As the need arises, the Supreme Court may create additional graft courts in other Regions.

Judicial and Bar Council

Section 8. (1) The 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 each of the Senate and the House of Representatives 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 representative 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.

(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.

Section 9. The Members of the **Federal Supreme Court, justices of the Regional Court of Appeals and Sandiganbayan**, and judges of the lower courts shall be appointed by the President from a list of at least three nominees prepared by the Judicial and Bar Council for every vacancy. Such appointments need no confirmation.

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

Common Provisions

Section 10. The **Federal Congress** 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 11. (1) No person shall be appointed Member of the Supreme Court, or justice of the Regional Court of Appeals and the Sandiganbayan, or any lower collegiate court unless he is a natural-born citizen of the Philippines. A Member of the Supreme Court and justice of the Regional Court of Appeals and the Sandiganbayan 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 Federal Congress 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 12. The Members of the Supreme Court, justices of the Regional Court of Appeals and the Sandiganbayan, and judges of lower courts shall hold office during good behavior until they reach the age of seventy five 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 13. The Members of the Supreme Court, justices of the Regional Court of Appeals and the Sandiganbayan, and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.

Section 14. 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 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve

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

Section 17. The Judiciary shall enjoy fiscal autonomy. Appropriations for the Judiciary may not be reduced by the **Federal Congress and the Regional Legislatures** below the amount appropriated for the previous year and, after approval, shall be automatically and regularly released.

Section 18. The **salaries** of the Chief Justice and of the Associate Justices of the Supreme Court, and of judges of lower courts, shall be fixed by law. During their continuance in office, their salary shall not be decreased. **Upon the ratification of this Constitution, the salaries of the Chief Justice and of the Associate Justices of the Supreme Court, justices of the Regional Court of Appeals and the Sandiganbayan and of judges of lower courts shall not be subject to income tax.**

SECTION 10. Article IX (Constitutional Commissions) is hereby revised, as follows:

ARTICLE IX
INDEPENDENT CONSTITUTIONAL COMMISSIONS

A. COMMON PROVISIONS

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

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 salaries 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 Constitutional Commissions 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.

Section 7. Each Commission shall decide any case or matter brought before it in not more than sixty working 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 CIVIL SERVICE COMMISSION

Section 1. (1) The civil service shall be administered by the Civil Service Commission composed of a Chairman and **eighteen** 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. 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.

(3) A Commissioner shall be assigned to each Region and his decision on any case or matter that is within the scope of his regional assignment shall be final and executory, if no appeal to the Regional Court of Appeals is filed within the period prescribed in its own rules or the Rules of Court, whichever is applicable.

(4) Members of the Commission shall meet *en banc* to discuss civil service policies and to issue measures, rules and regulations for the enforcement of civil laws or pursuant to its rule-making power as the central personnel agency of both the federal and regional governments.

Section 2. (1) The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the **federal and regional governments**, 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. **(1)** The 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 the Congress an annual report on its personnel programs.

(2) Any measure, rule or regulation issued by the Commission pursuant to its authority under this section shall be promulgated by a majority vote of its Members.

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

Section 5. The **Federal Congress** 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 federal or regional governments** 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 **either the Federal Congress or the**

Regional Legislature, 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 COMMISSION ON ELECTIONS

Section 1. (1) There shall be a Commission on Elections composed of a Chairman and **eighteen** 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.

(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. 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.

(3) A Commissioner shall be assigned to each Region and his decision on any case or matter that is within the scope of his regional assignment shall be final and executory, if no appeal to the Regional Court of Appeals is filed within the period prescribed in its own rules or the Rules of Court, whichever is applicable.

(4) Members of the Commission shall meet en banc to discuss election related policies and to issue measures, rules and regulations for the enforcement of election laws or pursuant to its rule-making power under this Constitution.

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

(1) Enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall.

(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, **through its Commissioner**, 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 **Federal Government**, including the Armed Forces of the Philippines, for the exclusive purpose of ensuring free, orderly, honest, peaceful, and credible elections.

(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.

(6) 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.

(7) Recommend to the **Federal 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.

(8) 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.

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

Section 3. The Commission on Elections *en banc* 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 **by a Commissioner assigned to the Region where the election cases were filed.**

Section 4. The Commission *en banc* 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 **Federal 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 *en banc*.

Section 6. A free and open party system shall be allowed to evolve according to the free choice of the people, subject to the provisions of this Article.

Section 7. No votes cast in favor of a political party, organization, or coalition shall be valid, except for those registered under the party-list system as provided in this Constitution.

Section 8. Political parties, or organizations or coalitions registered under the party-list system, shall not be represented in the voters' registration boards, boards of election inspectors, boards of canvassers, or other similar bodies. However, they shall be entitled to appoint poll watchers in accordance with law.

Section 9. 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.

Section 10. *Bona fide* candidates for any public office shall be free from any form of harassment and discrimination.

Section 11. 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.

C. THE COMMISSION ON AUDIT

Section 1. (1) There shall be a Commission on Audit composed of a Chairman and **eighteen** 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. 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.

(3) A Commissioner shall be assigned to each Region and his decision on any case or matter that is within the scope of his regional assignment shall be final and executory, if no appeal to the Regional Court of Appeals is filed within the period prescribed in its own rules or the Rules of Court, whichever is applicable.

(4) Members of the Commission shall meet *en banc* to discuss government accounting and auditing related policies and to issue measures, rules and regulations for the enforcement of accounting and auditing laws or pursuant to its rule-making power under this Constitution.

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 **Federal Government or the Regional 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 Congress, 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.

E. THE COMMISSION ON HUMAN RIGHTS

Section 1. (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 a majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.

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

Section 2. The Commission on Human Rights shall have the following powers and functions:

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

(2) Adopt its operational guidelines and rules of procedure, and cite for contempt 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 **in all Regions**;

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

(6) Recommend to **Federal Congress** 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 3. The **Federal Congress** may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

SECTION II. Article X (Local Governments) is hereby renumbered and revised, as follows:

"ARTICLE X REGIONAL AND LOCAL GOVERNMENTS

A. GENERAL PROVISIONS

Section 1. The territorial and political subdivisions of the **Federal Republic of the Philippines** are the **Regions and the Local Government Units (LGUs) of each Region comprising of provinces, cities, municipalities, and barangays.**

Section 2. **Regions shall be autonomous, equal and sovereign except to the extent that their sovereignty is limited by this Constitution and federal laws. LGUs in each Region shall enjoy local autonomy.**

Section 3. **The President of the Federal Republic of the Philippines shall exercise general supervision over Regions. The Regional Governors of each Region shall exercise general supervision over their respective provinces, highly urbanized independent cities, independent component cities and independent municipalities. The Provincial Governors of each Province with respect to their component cities and municipalities, and the City Mayors and Municipal Mayors with respect to their component barangays, shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.**

Section 4. Each **Region and LGU** shall have the power to create **their** own sources of revenues, and to levy taxes, fees and charges subject to such guidelines and limitations as the **Federal Congress** may provide, consistent with the basic policy of **autonomy, equality and limited sovereignty for Regions**

and local autonomy for LGUs. Such taxes, fees, and charges shall accrue exclusively to the Regions and LGUs.

Section 5. Regions and LGUs shall have a just share, as determined by law, in the national taxes which shall be automatically released to them.

Section 6. Regions and LGUs 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.

B. REGIONAL GOVERNMENTS

Section 7. (1) Unless otherwise provided by a federal law, the Federal Republic of the Philippines shall be divided into eighteen (18) Regions, as follows:

1. NATIONAL CAPITAL REGION (NCR) – comprising of the highly urbanized independent cities of Caloocan, Las Piñas, Makati, Malabon, Mandaluyong, Manila, Marikina, Muntinlupa, Navotas, Parañaque, Pasay, Pasig, Quezon, San Juan, Taguig, and Valenzuela; and the independent municipality of Pateros;
2. ILOCOS REGION – comprising of provinces of Ilocos Norte, Ilocos Sur, La Union, and Pangasinan; and the independent component city of Dagupan;
3. CORDILLERA REGION – comprising of the provinces of Abra, Apayao, Benguet, Ifugao, Kalinga, and Mountain Province; and the highly urbanized independent city of Baguio;
4. CAGAYAN VALLEY REGION – comprising of the provinces of Batanes, Cagayan, Isabela, Nueva Vizcaya, and Quirino; and the independent component city of Santiago;
5. CENTRAL LUZON REGION – comprising of the provinces of Aurora, Bataan, Bulacan, Nueva Ecija, Pampanga, Tarlac, and Zambales; and the highly urbanized independent cities of Angeles and Olongapo;
6. CALABARZON REGION – comprising of the

provinces of Batangas, Cavite, Laguna, Quezon, and Rizal; and the independent component city of Lucena;

7. MIMAROPA REGION – comprising of the provinces of Marinduque, Occidental Mindoro, Oriental Mindoro, Palawan, and Romblon; and the independent component city of Puerto Princesa;
8. BICOL REGION – comprising of the provinces of Albay, Camarines Norte, Camarines Sur, Catanduanes, Masbate, and Sorsogon; and the independent component city of Naga;
9. WESTERN VISAYAS REGION – comprising of the provinces of Aklan, Antique, Capiz, Guimaras, and Iloilo; and the highly urbanized independent city of Iloilo;
10. NEGROS ISLAND REGION – comprising of the provinces of Negros Occidental and Negros Oriental; and the highly urbanized independent city of Bacolod;
11. CENTRAL VISAYAS REGION – comprising of the provinces of Bohol, Cebu, and Siquijor; and the highly urbanized independent cities of Cebu, Lapu-Lapu, and Mandaue;
12. EASTERN VISAYAS REGION – comprising of the provinces of Biliran, Eastern Samar, Leyte, Northern Samar, Samar, and Southern Leyte; the highly urbanized independent city of Tacloban; and the independent component city of Ormoc;
13. ZAMBOANGA PENINSULA REGION – comprising of the provinces of Zamboanga del Norte, Zamboanga del Sur, and Zamboanga Sibugay; and the highly urbanized independent city of Zamboanga;
14. NORTHERN MINDANAO REGION – comprising of the provinces of Bukidnon, Camiguin, Misamis Occidental, and Misamis Oriental; the province of Lanao del Norte but excluding the municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal; and the highly urbanized independent cities of Cagayan de Oro and Iligan;

15. DAVAO REGION – comprising of the provinces of Compostela Valley, Davao del Norte, Davao del Sur, Davao Oriental, and Davao Occidental; and the highly urbanized independent city of Davao;
16. SOCCKSARGEN REGION – comprising of the provinces of Sarangani, South Cotabato, and Sultan Kudarat; the province of Cotabato but excluding the municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit and Midsayap; and the highly urbanized independent city of General Santos;
17. CARAGA REGION – comprising of the provinces of Agusan del Norte, Agusan del Sur, Dinagat Islands, Surigao del Norte; and Surigao del Sur; and
18. BANGSAMORO REGION – comprising of the provinces of Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi; independent component cities of Cotabato and Isabela; municipalities of Baloi, Munai, Nunungan, Pantar, Tagoloan and Tangkal in the province of Lanao del Norte; and municipalities of Kabacan, Carmen, Aleosan, Pigkawayan, Pikit and Midsayap in the province of Cotabato.

(2) The division of the federal territory into Regions may be revised to ensure that each Region be of a size and capacity to perform its functions effectively. Due regard shall be given in connection to regional, historical and cultural ties, economic efficiency, and the requirements of regional and local planning.

(3) Revisions of the existing Regional territory and boundaries shall be effected by a federal law, which must be confirmed by the people of the affected Region or Regions in a plebiscite called for the purpose on deciding the question as to whether the affected Region or Regions are to remain as they are or whether the new Region or the Region with the redefined boundaries should be established. The proposal to establish a new Region or a Region with redefined boundaries shall take effect if the change is approved by a majority vote in said plebiscite.

Regional Executive Power

Section 8. Regional executive power shall be vested

in the Regional Governor, who shall be elected by direct vote of the people in all the LGUs comprising the Region.

Section 9. No person may be elected Regional Governor unless he is a natural born citizen, a registered voter of any province, city, municipality or barangay within the Region, able to read and write, at least thirty (30) years of age on the day of the election, and a resident of the Region for at least five years immediately preceding such election. By a subsequent regional law, a higher educational requirement may be required for the position of Regional Governor.

Section 10. The Regional Governor shall hold office at the capital of the Region, which shall be established by a regional law.

Section 11. There shall be a Regional Vice-Governor who shall have the same qualifications as the Regional Governor.

Section 12. The Regional Governor and Regional Vice-Governor shall be elected by direct vote for a term of six years, which shall begin at noon of June 30 next following the day of their elections. The Regional Governor shall not be eligible for reelection to the same position. No person who has succeeded as Regional Governor and has served as such for more than four years shall be qualified for election to the same office at any time.

No Regional Vice-Governor 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.

Section 13. (1) The returns of every election for Regional Governors and Regional Vice-Governors, duly certified by the board of canvassers of each province or city shall be transmitted to the concerned Regional Council, directed to its Chairman.

(2) Upon receipt of the certificates of canvass, the Chairman of the Regional Council shall, not later than ten days after the day of the election, open all the certificates in the presence of the members of the Regional Council assembled in a public session. Upon determination of the authenticity and due execution of the certificates, the Regional Council shall canvass the votes. If the Chairman is

a candidate for the elections of Regional Governor or Regional Vice-Governor, he shall inhibit himself, in which case, the Members of the Regional shall elect a temporary Chairman for the purpose of opening and canvassing the certificates.

(3) The candidates for Regional Governor and Regional Vice-Governor who respectively garnered the highest number of votes shall be proclaimed elected. In case of a tie, one of them shall be chose by the vote of a majority of all the Members of the Regional Council.

(4) The Regional Council shall promulgate its rules for the canvassing of the certificates.

(6) The Commission on Elections, sitting *en banc* shall be the sole judge of all contests relating to the election, returns, and qualifications of the Regional Governor and Regional Vice-Governor, and may promulgate its rules for the purpose.

Section 14. The Regional Governors, Regional Vice-Governors or the acting Regional Governors shall, before they assume their offices, take the following oath or affirmation

"I do solemnly swear [or affirm] that I will faithfully and conscientiously fulfill my duties as Regional Governor [or Regional Vice-Governor or Acting Regional Governor] of the (Name of Region), preserve and defend the Federal Constitution and the Organic/Basic Law of the Region, 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 14. In the event of a permanent vacancy in the office of the Regional Governor, the Regional Vice-Governor shall become the Regional Governor. If the vacancy is temporary but lasts for more than fifteen days, the Regional Vice-Governor shall act as the Regional Governor for the duration of the temporary vacancy. If the temporary vacancy is for fifteen days or less, the Regional Governor may appoint an officer-in-charge. The Regional Council shall provide details in this regard.

Section 15. (1) The Regional Governor shall execute the federal laws and laws passed by the Regional Council.

(2) The Regional Governor shall appoint, with the consent of the Regional Assembly or any of its duly authorized committee, the heads of the departments of the Regional Government and the officers of the Regional Police from the rank of Police Inspector.

(3) The Regional Governor shall appoint the officials and employees of the Regional Government in accordance with the civil service laws, rules and regulations.

Section 16. The Vice-Governor shall be the Chairman of the Regional Assembly. He shall preside the sessions of the Assembly and shall exercise the powers and functions vested in him under the Rules of the Regional Assembly.

Section 17. All other Regional officials and employees shall perform such powers, functions and other duties, as may be provided by regional laws passed by the Regional Assembly.

Regional Legislature

Section 18. (1) All Regions shall have a unicameral legislature, to be known as the Regional Assembly, who shall be composed of three Assembly Members from each province and, if any, from the highly-urbanized independent city, independent city or independent municipality, within the territorial boundaries of the Region.

(2) Unless otherwise provided by a regional law, the Assembly Members shall be nominated by the respective local legislative body from among its members and appointed by the Regional Governor. In this regard, the local legislative body shall make the nomination during the opening of its first session. At least five members shall be nominated and submitted to the Regional Governor.

(3) In addition, at least three sectoral members of the Regional Assembly shall be chosen in a manner to be provided by a regional law. Until such time that a law is provided, the three sectoral members shall be appointed by the Regional Governor from sectors representing labor, peasant, farming, fisheries, senior citizens and other marginalized groups in the Region.

Section 19. The Regional Assembly shall convene within thirty days after they shall have been appointed. The first meeting shall be called by the Regional Vice-Governor. The Regional Assembly shall hold its session at least once

every month. It shall choose such other officers and personnel as it may deem necessary and may determine the Rules that shall govern its affairs and proceedings, to include the punishment of its members for disorderly behavior and, with the concurrence of two-thirds of all its members, suspension or expulsion of its member.

Section 20. The Regional Assembly shall determine and specify in its Rules the required quorum to do business. It shall keep a journal of its proceedings and from time to time publish or post the same in its website, excepting such parts as may, in its judgment, affect the regional security. A record of its proceedings shall also be maintained by the Regional Assembly.

Section 21. Regional Assembly shall have the authority to legislate on areas that are not exclusively reserved to the Federal Congress, such as, but not limited to the following:

- (a) Public health, sanitation, hospitals, dispensaries and drug rehabilitation institutions and facilities excepting those established by the Federal Congress or which it may establish in any part of the Region. At least one-fourth (1/4) of the share of the Region from the revenues of the Federal Government shall be set aside to fund a universal health program for the benefit of the Regional population;
- (b) Agriculture, agricultural lands including the sale, lease, use and management of pasture lands excepting lands covered by the Comprehensive Agrarian Reform Program and those that have previously been proclaimed as reservations for any purpose under the provisions of the Federal Constitution and existing laws;
- (c) Land use and development, including urban land reform excepting land previously proclaimed as reservations for any purpose by the Federal Government;
- (d) Cadastral or land surveys of any kind;

- (e) Taxes and duties, except those that are reserved to the Federal Congress, on all kinds of agricultural income, businesses of all types, the general, consumption and distribution of electricity, oil, gas and other energy products, luxuries, entertainments and amusements;
- (f) Fisheries, aqua or marine culture, swamps or marshlands excepting the areas within fifteen kilometers from the shore lines at low tide of the provinces, cities and municipalities that are under the jurisdiction of the local governments under the Local Government Code;
- (g) Public works and infrastructures, airports, ship ports, wharves, levees, drainage systems and the like excepting those initiated by the Federal Government. Roads, bridges, municipal tramways, inland waterways, ferries, and other means of travel or transportation and the vehicles that use the infrastructure built by any Region within its boundaries;
- (h) State public corporations and quasi-public corporations;
- (i) Trade, industry and tourism;
- (j) Trade relations that Regions may establish with other countries, upon prior notice to the President, shall not include conventional armaments, bullets or missiles of any type or nuclear biological or chemical materials, weapons or materials, any war material, toxic, noxious or poisonous materials or resources that in the national interest are declared non-commercial and may not be bought from or traded with other nations;
- (k) Bankruptcy and insolvency;
- (l) Trust and trustees;
- (m) Compelling the attendance of Region, its Regional and local government officials, or persons doing business in the Region and their giving testimony, evidence or producing documents before the Regional Assembly or any of its committees. The attendance of the persons summoned giving the

required testimony cannot be prevented by any Federal officials, including the officers and members of the Armed Forces of the Philippines or the Police

- (n) Payment of the share of the Region of the national public debt that was used to fund projects or programs for the development of the nation as determined by the Federal Government;
- (o) Courts for the governance according to the customs and traditions of the indigenous populations of the Regions. The Regional legislation creating said courts shall take precedence over laws passed by the Federal Congress covering the same subject matter. The courts, however, shall apply the provisions of this Constitution, particularly the applicable provisions under the Bill of Rights, to ensure that no cruel or unusual punishment is imposed;
- (p) The salaries, emoluments, allowances and the like of all officials and employees of the Regions;
- (q) Penalizing offenses against matters that are lodged within the jurisdiction of the Regions;
- (r) Police with jurisdiction over crimes or offenses committed within the boundaries of individual Regions;
- (s) Total ban or regulation on gambling activities;
- (t) Local prisons, reformatories, and the likes;
- (u) Transfer from one Region to another of persons under investigation, accused of crimes or detention or convicted prisoners;
- (v) Wild animals, birds and other endangered species;
- (w) Mines, mineral resources, gas, gas-works excepting those located within ancestral domains as defined under existing legislation and those that are covered by acts of the Federal Congress;
- (x) Water, water supplies, irrigation and canals and water power arising from and used within the boundaries of a Region;

- (y) Economic and social planning;
- (z) Social security and social insurance, employment and unemployment, pension plans, social welfare including relief and rehabilitation of internally displaced persons and places affected by natural or man-made calamities, and the establishment of hospices, refuge facilities, adoption of centers and the likes;
- (aa) Cooperatives, microfinance or micro-credit and money-lending activities;
- (bb) Weight and measures;
- (cc) Price control;
- (dd) Labor and employment;
- (ee) Science and technology;
- (ff) Free education from pre-school, primary and elementary schools up to secondary schools, and subsidized colleges and universities;
- (gg) Libraries, museums, ancient and historical monuments, and records other than those covered by existing legislations;
- (hh) Charities and charitable institutions;
- (ii) Registration of marriages, births and deaths;
- (jj) Pilgrimages to places outside of the Federal State;
- (kk) Totally prohibiting or regulating the production, manufacture, transport and sale of tobacco, cigarettes or other tobacco products, beer, wine or alcoholic beverages or intoxicating liquor including labels thereof; and
- (ll) The general welfare of the people of the Regions subject only to the prohibitions provided for under this Constitution or by federal laws.

C. LOCAL GOVERNMENT UNITS (LGUs)

Section 22. (1) Except as provided herein and until

the Federal Congress provides otherwise, provinces, cities, municipalities, and barangays shall continue to be governed by the provisions of Republic Act No. 7160 or the Local Government Code of 1991, as amended.

(2) Until the Federal Congress provides otherwise, the sharing of taxes between the National Government (now Federal Government) and the LGUs as stated in the Local Government Code of 1991 is hereby amended, as follows:

- (a) The taxes mentioned in the Local Government Code of 1991 shall include all revenues and taxes imposed or collected by the Federal Government;
- (b) All revenues and taxes collected by the LGUs or by the agencies of the Federal Government in accordance with the Local Government Code of 1991 shall be divided in the following manner: twenty percent (20%) shall accrue to the Federal Government and eighty percent (80%) to the Regions;
- (c) Of the share accruing to the Regions, thirty percent (30%) shall pertain to the Region concerned and seventy percent (70%) shall be apportioned among the provinces, cities, municipalities and barangay according to the formula stated in the Local GOvernment Code of 1991;
- (d) The LGUs which collect the revenues and taxes referred to above shall have the right to retain their shares as above indicated.

Section 23. (1) The Federal Government shall remit the shares of the Regions of its revenue collections minus the amounts withheld by the latter within the first quarter of every year without any unnecessary delay. The Regions shall report to the Commission on Audit the use to which the amounts were expended. No subsequent releases of the shares of the Regions shall be done unless the said requirement is complied with upon certification of the Commission on Audit.

(2) The Regions shall remit directly the shares of the provinces, cities, municipalities and barangays within fifteen days from the receipt of the shares from the Federal Government without unnecessary delay.

Section 24. The financial requirements of LGUs created by the Regions or by the provinces, cities or municipalities shall be borne by the creating entity.

Section 25. Every province, city, municipality and barangay shall have the power to create its own sources of revenues and to levy taxes, fees and charges as provided by law subject to such limitations as the Federal Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees and charges shall accrue exclusively to the LGU concerned.

Section 26. 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.

Section 27. Legislative bodies of local governments shall have sectoral representation as may be prescribed by law.

Section 28. No 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.

Section 29. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executive and legislative assemblies.

Section 30. 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. **In all cases, qualified voters from the city, regardless of its classification, shall participate in the election of Regional Governor and Regional Vice-Governor.**

Section 31. Local government units may group themselves, consolidate or coordinate their efforts, services, and resources for purposes commonly beneficial to them in accordance with law.

SECTION 12. Article XI (Accountability of Public Officers) is retained and amended, as follows:

**"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 2. The President, the Vice-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 House of Representatives shall have the exclusive power to initiate all cases of impeachment.

(2) A verified complaint for impeachment may be filed by any Member of the House of Representatives or by any citizen upon a resolution or endorsement by any Member thereof, which shall be included in the Order of Business within five (5) session days, and referred to the proper Committee within three (3) session days thereafter. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the House within thirty (30) session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by the House within five (5) session days from receipt thereof.

(3) A vote of at least one-third of all the Members of the House 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.

(4) In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of the House, 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 Congress shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

Section 4. 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 and a separate Deputy for the military establishment, shall continue to function and exercise its jurisdiction.

Section 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. The Office of the Ombudsman shall enjoy fiscal autonomy. Its approved annual appropriations shall be automatically and regularly released.

Section 14. The right of the **Federal 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 15. 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 Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, and the Constitutional Commissions, the Ombudsman, or to any firm or entity in which they have controlling interest, during their tenure.

Section 16. 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 Vice-President, the Members of the Cabinet, the Congress, 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 17. 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.

SECTION 13. Article XII (National Economy and Patrimony) is hereby revised, as follows:

ARTICLE XII
FEDERAL STATE AND REGIONAL
ECONOMY AND PATRIMONY

Section 1. The goals of the **Federal State** economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the **Regions** 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 **Federal State** shall promote industrialization and full employment based on sound agricultural development and agrarian reform **in all Regions**, 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 **Federal 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.

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 **Federal 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 **Federal State**. The **Federal 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 a federal 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 water power, beneficial use may be the measure and limit of the grant.

The **Federal 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.

Only 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.

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. **Unless otherwise provided by a Regional law, the lease shall not exceed** 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.

Section 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.

Section 5. The **Federal 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.

Section 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 **Federal State** to promote distributive justice and to intervene when the common good so demands.

Section 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, **unless otherwise provided by a Regional law.**

Section 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.

Section 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 **Regional Governments**, recommend to Congress, and implement continuing integrated and coordinated programs and policies for national and **regional developments.**

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

Section 10. 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 certain areas of investments, unless otherwise provided by law. The Federal 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 and regional economy and patrimony, the Federal State and Regions shall respectively give preference to qualified Filipinos.

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

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 Federal Congress when the common good so requires. The Federal State and Regions shall encourage equity participation in public utilities by the general public. Unless otherwise provided by law, 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.

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

Section 13. The Federal 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.

Section 14. 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 **Federal State and Regions**. The **Federal State and Regions** 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.

Section 15. The **Federal Congress** shall create an agency to promote the viability and growth of cooperatives as instruments for social justice and economic development.

Section 16. The **Federal 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.

Section 17. In times of national emergency, when the public interest so requires, the **Federal State** may, during the emergency and under reasonable terms prescribed by it, temporarily take over or direct the operation of any privately-owned public utility or business affected with public interest.

Section 18. The **Federal State** may, in the interest of national welfare or defense, establish and operate vital industries and, upon payment of just compensation, transfer to public ownership utilities and other private enterprises to be operated by the Government.

Section 19. The **Federal State** shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

Section 20. The **Federal 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 **with a representative from each Region**. 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 Federal Congress otherwise provides, the Central Bank of the Federal Republic of the Philippines operating under existing laws, shall function as the central monetary authority.

Section 21. Foreign loans may only be incurred in accordance with law and the regulation of the monetary authority. Information on foreign loans obtained or guaranteed by the Government shall be made available to the public.

Section 22. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the Federal State and Regional interests and subject to criminal and civil sanctions, as may be provided by law.

SECTION 14. Article XIII (Social Justice and Human Rights, Labor, Agrarian and Natural Resources Reform, Urban Land Reform and Housing, Health, Women, Role and Rights of People's Organization, and Human Rights), Article XIV, and Article XV (Family) are hereby merged under one article (Article XIII) as "Federal State and Regional Priorities" and revised, as follows:

ARTICLE XIII **FEDERAL STATE AND REGIONAL PRIORITIES**

A. SOCIAL JUSTICE AND HUMAN RIGHTS

Section 1. The Federal Congress and the Regional Legislatures 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 Federal 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.

B. LABOR

Section 3. The Federal 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 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 **Federal 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 **Federal 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.

C. AGRARIAN AND NATURAL RESOURCES REFORM

Section 4. The **Federal 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 **Federal State** shall respect the right of small landowners. The **Federal State** shall further provide incentives for voluntary land-sharing.

Section 5. The **Federal 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.

Section 6. The **Federal 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 **Federal State** may resettle landless farmers and farmworkers in its own agricultural estates which shall be distributed to them in the manner provided by law.

Section 7. The **Federal 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.

Section 8. The **Federal 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.

D. URBAN LAND REFORM AND HOUSING

Section 9. The **Federal 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.

Section 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.

E. HEALTH

Section 11. The **Federal 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.

Section 12. The **Federal 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 13. 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.

F. WOMEN

Section 14. 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.

G. ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

Section 15. The **Federal 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 16. 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 **Federal State** shall, by law, facilitate the establishment of adequate consultation mechanisms.

H. EDUCATION

Section 17. The **Federal 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 18. The **Federal 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 19. (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 20.(1) The **Federal State** recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision

and regulation of all educational institutions.

(2) Educational institutions, 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 a federal law.**

The control and administration of educational institutions shall be vested in citizens of the Philippines, **unless otherwise provided by a federal law.**

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 21. (1) Both the **Federal and Regional governments** 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 **Federal State** shall enhance the right of teachers

to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the **Federal State**.

(5) The **Federal 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.

I. ARTS AND CULTURE

Section 22. The **Federal State and Regions** 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 23. Arts and letters shall enjoy the patronage of the **Federal State**. The **Federal State** shall conserve, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

Section 24. All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the protection of the **Federal State** which may regulate its disposition.

Section 25. The **Federal 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 26. (1) The **Federal 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 **Federal State** shall encourage and support researches and studies on the arts and culture.

J. LANGUAGE

Section 27. The national language of the **Federal Republic of the Philippines** is Filipino. As it evolves, it shall be further developed and enriched on the basis of existing Philippine and other languages **used in various Regions**.

Subject to provisions of law and as the Federal Congress may deem appropriate, the Federal 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 28. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English and the existing Regional language being used by majority of the people in a Region.

Other 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 29. This Constitution shall be promulgated in Filipino and English and shall be translated into Regional languages used by a majority of the people in each Region, Arabic, and Spanish.

Section 30. The Federal Congress shall establish a national language commission composed of representatives of all Regions and various disciplines which shall undertake, coordinate, and promote researches for the development, propagation, and preservation of Filipino and Regional languages.

K. SCIENCE AND TECHNOLOGY

Section 31. Science and technology are essential for national and regional development and progress. The Federal State and Regions 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 and regional life.

Section 32. The Federal Congress and Regional Legislatures shall 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 33. The Federal State shall regulate the transfer and promote the adaptation of technology from all sources for the national and regional 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 34. The Federal 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.

L. SPORTS

Section 35. (1) The Federal 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.

M. THE FAMILY

Section 36. The Federal State shall recognize the Filipino family as the foundation of the nation. Accordingly, it shall strengthen family solidarity and actively promote total development of the family.

Section 37. Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the Federal State.

Section 38. The Federal 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 39. The family has the duty to care for its elderly members but the **Federal State** may also do so through just programs of social security.

SECTION 15. Article XVI (General Provisions) is renumbered as Article XIV and revised, as follows:

ARTICLE XVI GENERAL PROVISIONS

Section 1. The flag of the **Federal Republic of 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 **Federal Congress** 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 **Federal 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 **Federal State**.

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

(2) The **Federal 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 **Federal 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 **Federal and Regional governments**, 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 **Federal Congress**, the President may extend such tour of duty.

Section 6. The **Federal State** shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of **Regional Governors** over the police units in their jurisdiction shall be provided by law.

Section 7. The **Federal 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 **Federal 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 **Federal State** shall protect consumers from trade malpractices and from substandard or hazardous products.

Section 10. The **Federal 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 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 a federal law.

The Federal Congress 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, unless otherwise provided by a federal 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.

Section 12. The Federal Congress 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.

SECTION 16. Article XVII (Amendments or Revisions) is hereby renumbered as Article XV and revised, as follows:

ARTICLE XVII AMENDMENTS OR REVISIONS

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

(1) the Federal Congress, 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 Region 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 Congress shall provide for the implementation of the exercise of this right.

Section 3. The Federal Congress 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."

Section 5. (a) No amendment or procedure shall be commenced or continued where the integrity of the national territory is placed in jeopardy.

(b) The republican form of government shall not be the object of any amendment.

SECTION 17. Article XVII (Transitory Provisions) is hereby renumbered and revised, as follows:

ARTICLE XVIII TRANSITORY PROVISIONS

Section 1. The first elections of Members of the Congress of the Federal Republic of the Philippines and Regional Legislatures, Regional Governors, Regional Vice-Governors, and local elective officials under this Constitution shall be held on the second Monday of May 2019.

Section 2. Of the the Senators first elected under this Constitution, eighteen (18) Senators who obtained the lowest number of votes in their respective Regions they were representing shall serve until noon of June 30, 2022. The rest shall serve until noon of June 30, 2025.

Members of the House of Representatives and the Regional Legislatures, Regional Governors, Regional Vice-Governors and local elective officials shall all serve until noon of June 30, 2022.

Section 3. All existing laws, decrees, executive orders, proclamations, letters of instructions, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

Section 4. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the concurrence of at least two-thirds of all the Members of the Senate.

Section 5. The six-year term of the incumbent President and Vice-President elected in the 9 May 2016 elections shall end on noon of June 30, 2022.

The first regular elections for the President and Vice-President under this Constitution shall be held on the second Monday of May 2022.

Section 6. Upon ratification of this Constitution, the present Congress shall be dissolved and the incumbent President shall exercise legislative powers until the first Federal Congress is convened.

Affected personnel of the Senate and the House of Representatives shall be entitled to separation pays in the amount of two-and-a-half (2.5) months for every year of government service. This entitlement shall be in addition to the retirement and other benefits under the GSIS law and other social legislations.

Section 7. The Metropolitan Manila Authority shall cease to exist upon the election and assumption to office of the National Capital Region (NCR) Governor. Affected employees will be absorbed by the office of the NCR Governor.

Section 8. All courts existing at the time of the ratification of this Constitution shall continue to exercise their jurisdiction,

until otherwise provided by law. Lower courts that are created by virtue of this Constitution shall be immediately constituted. The provisions of the existing Rules of Court, judiciary acts, and procedural laws not inconsistent with this Constitution shall remain operative unless amended or repealed by the Supreme Court.

Section 9. The incumbent Members of the Judiciary shall continue in office until they reach the age of seventy years or become incapacitated to discharge the duties of their office or are removed for cause.

Section 10. The Supreme Court, the Regional Court of Appeals and the Sandiganbayan shall, within six (6) months after the ratification of this Constitution, adopt a systematic plan to expedite the decision or resolution of pending cases or matters prior to the effectivity of this Constitution. A similar plan shall be adopted for all special courts and quasi-judicial bodies.

Section 11. The legal effect of the lapse, before the ratification of this Constitution, of the applicable period for the decision or resolution of the cases or matters submitted for adjudication by the courts, shall be determined by the Supreme Court as soon as practicable.

Section 12. The incumbent Members of the Civil Service Commission, the Commission on Elections, and the Commission on Audit shall continue in office for one year after the ratification of this Constitution, unless they are sooner removed for cause or become incapacitated to discharge the duties of their office or appointed to a new term thereunder. In no case shall any Member serve longer than seven years including service before the ratification of this Constitution.

Section 14. Career civil service employees other than the affected personnel of the Senate and the House of Representatives who are separated from the service not for cause but as a result of the reorganization following its ratification shall be entitled to appropriate separation pay and to retirement and other benefits accruing to them under the laws of general application in force at the time of their separation. In lieu thereof, at the option of the employees, they may be considered for employment in the Federal Government or in the Regions. This provision also applies to career officers whose resignation, tendered in line with the existing policy, had been accepted.

Section 15. Until the Federal Congress provides otherwise, the President, Vice-President, the President of the Senate, the Speaker of the House of Representatives, the

Chief Justice of the Supreme Court, the Senators, the Members of the House of Representatives, the Associate Justices of the Supreme Court, and the Chairpersons of the Constitutional Commissions shall continue to receive the annual salaries that they are presently receiving at the time of the ratification of this Constitution, without any income tax deductions.

Until such time that a regional law is passed by the Region concerned, the Regional Governor, Regional Vice-Governor and Members of the Regional Legislatures shall receive the equivalent salary rates of equivalent to the President, Vice-President and Members of the Federal Congress, respectively, but subject to income tax.

Section 16. At the earliest possible time, the Federal Government shall correspondingly adjust the salary scales of all officials and employees of the Federal Government.

Section 17. All properties, records, equipment, buildings, facilities, and other assets of any office or body abolished or reorganized under this Constitution shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.

Section 18. The Federal Congress shall provide efficacious procedures and adequate remedies for the reversion to the Federal State of all lands of the public domain and real rights connected therewith which were acquired in violation of the Constitution or the public land laws, or through corrupt practices. No transfer or disposition of such lands or real rights shall be allowed until after the lapse of one year from the ratification of this Constitution.

Section 19. At the earliest possible time, the Federal Government shall expropriate idle or abandoned agricultural lands as may be defined by law, for distribution to the beneficiaries of the agrarian reform program.

Section 20. Private armies and other armed groups not recognized by duly constituted authority shall be dismantled. All paramilitary forces not consistent with the citizen armed force established in this Constitution, shall be dissolved or, where appropriate, converted into the regular force.

Section 21. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose and shall supersede all previous Constitutions."

The foregoing proposed Constitution of the Federal Republic of the Philippines was approved by the Constituent Assembly on _____ at the Plenary Hall of the House of Representatives, National Government Center, Quezon City, by three-fourths (3/4) of all Members of the Senate and the House of Representatives, voting separately, whose signatures are hereunder affixed.

Adopted: