CONSULTATIVE COMMISSION

THE PROPOSED REVISION OF THE 1987 CONSTITUTION BY THE CONSULTATIVE COMMISSION

Submitted to the President and the Congress
December 16, 2005

With Highlights and Primers on the Major Proposals

and

Background Information on the Consultative Commission

Edited by Jose V. Abueva
Chairman of the Consultative Commission
President of Kalayaan College, Riverbanks Marikina
and U.P. Professor Emeritus of Political Science and Public Administration

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KC Institute of Federal-Parliamentary Democracy
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Kalayaan College at Riverbanks, Marikina

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PREFACE

In December 2005, the 50-member Consultative Commission through Executive Order No. 453 submitted to President Gloria Macapagal Arroyo, the Proposed Revision of the 1987 Constitution, putting in place reformed and revitalized institutions of governance to build a nation worthy of our heroes and a country fit for our children.

Today with President Rodrigo Duterte's agenda on Federalism, the 2005 Consultative Commission (ConCom) headed by Dr. Jose "Pepe" Abueva in collaboration with the *Centrist Democracy Political Institute (CDPI)* present to the public again the highlights on the proposed amendments as well as the draft revision to the 1987 Constitution as the country begins its work to lay the groundwork for a future Federal Republic of the Philippines.

Contrary to the Federalism slogans hurled during the course of the 2016 election campaign, the public must be aware that Federalism is a multi-step process that must be clearly written in the constitution. We cannot just legislate Federalism or just write in the constitution that we are a de-facto Federal Republic tomorrow. This document therefore, will guide the President and the public on the necessary FRAMEWORK in writing our new Constitution.

The reproduction of copies is not possible without the support of the Kalayaan College and the approval of Dr. Abueva.

Lito Monico C. Lorenzana
President, Centrist Democracy Political Institute
Secretary General, 2005 Consultative Commission

FOREWORD

(From the original book published by Kalayaan College)

Led by General Emilio Aguinaldo, the revolutionaries declared Filipino independence from Spain on June 12, 1898. The Malolos Constitution of the first Philippine Republic went into effect in March 1899. Meanwhile, on December 10, 1898, Spain had ceded the Philippine Islands to the United States. By early April 1899 the Filipino-American War began. It ended with the Islands fully becoming a colony of the United States. The Malolos Constitution could not be in force.

Led by Claro M. Recto as president, the 1934 Constitutional Convention framed the 1935 Constitution. This was ratified by the people in a plebiscite and went into effect after its approval by U.S President Franklin D. Roosevelt. The 1935 Constitution would serve as the Constitution of the Philippine Commonwealth through July 4, 1946 when Republic of the Philippines was re-established upon the withdrawal of American sovereignty. The 1935 Constitution would continue to be in force until 1973 Constitution, written by the 1971 Constitutional Convention, was deemed ratified in *barangay* assemblies held under martial law which President Ferdinand Marcos had declared in September 1972.

During the three-year Japanese military occupation of the Philippines, from 1941 to 1945, the 1943 Constitution was promulgated by President Jose P. Laurel. However, the Commonwealth Government continued to exist. Its highest leaders, President Manuel L. Quezon and Vice-President Sergio Osmeña, were in exile in Washington, D.C. While a number of other leaders served in the Japanese-sponsored Republic, may others were in the underground government with the anti-Japanese guerrilla movement.

The 1935 Constitution was amended in 1941, at the behest of Commonwealth President Manuel L. Quezon, to change the unicameral National Assembly into a bicameral Congress and to allow the President to be reelected for a second term of four-years, from the single term of six years. A second amendment was made in 1946, to grant Americans parity rights with Filipinos in the ownership and operation of public utilities and the exploitation of natural resources, as a condition for the approval of American reparations payment by the U.S Government.

In Ferdinand Marcos' second term as President, the 1971 Constitutional Convention, led by Diosdado Macapagal as President, proposed the change of the presidential government to a parliamentary government and adopted other progressive features. But after Marcos declared martial law, his partisans in the Constitutional Convention crafted certain transitory provisions to suit his design to dominate the government.

During President Marcos' 13-year regime of "constitutional authoritarianism," the 1973 Constitution was amended several times to promote his personal and partisan political interest. Amendment 6 allowed him to exercise full legislative power even when the *Batasan Pambansa* was in session.

The peaceful "people power" revolution in February 1986 ended the Marcos dictatorship and his 20-year presidency. Many nations around the world applauded this assertion of people power to bring down a dictatorship and restore democracy. As the acclaimed leader of the united opposition against the dictator and as a real winner in the snap presidential election, Corazon Aquino assumed the presidency.

While she could have been proclaimed by the B*atasan Pambansa,* President Aquino decided to set aside the 1973 Constitution and govern under a revolutionary government. She proclaimed a provisional constitution until a permanent one could be drafted, and then approved by the people. She then appointed 48 persons to a Constitutional Commission who elected retired Supreme Court Cecilia Munoz Palma as President. The 1986 Constitutional Commission finished its draft in November. The draft was ratified in a plebiscite on February 2, 1987, and is thus called the 1987 Constitution.

In effect the new Constitution provided that it could not be amended before February 3, 1992, nor oftener than once every five years thereafter. In 1997 an amendment directly proposed by the people was initiated to lift the term limits on elective officials. Its main beneficiary would have been the incumbent President Fidel Ramos. Known as "PIRMA," the initiative did not prosper for lack of an appropriate enabling legislation. But other projects were being initiated to amend or revise the 1987 Constitution.

Senator Aquilino Q. Pimentel Jr. had long championed federalism in place of our centralized unitary structure and was promoting the implementation of the Local Government Code which he had authored in 1991. In 1990, the editor of this publication proposed the accelerated development of local autonomy towards a shift to federalism by 2010. Earlier on Rey Magno Teves led *Lihok Pideral Mindano* that became the Citizens' Movement for a Federal Republic (CMFP). Joining Teves and CMFP, Jose V. Abueva helped in conducting studies and consultations on CMFP's evolving *Draft Constitution for a Federal Republic with a Parliamentary Government.*

Meanwhile, Speaker Jose C. de Venecia spearheaded constitutional reform in Congress and among the political parties to change our presidential government to a parliamentary one. The committees on constitutional amendments of the House and the Senate held hearings. For Speaker de Venecia and the House, Congressman Eduardo Nachura, chairman of the committee on constitutional amendments, led the drafting of constitutional reforms toward a parliamentary government and conducted hearings around the country. His successor, Congressman Constantino G. Jaraula, has pursued the effort.

Joint meetings in 2003 among Charter change advocates of the House of Representatives, the Citizens' Movement for a Federal Philippines, the Institute for Popular Democracy, the Institute for Political Reforms, the Philippine Constitution Association and other organizations, and Administration officials, and the newly formed Coalition for Charter Change Now, culminated in the launching of a campaign for constitutional reforms towards a parliamentary government and federalism following a ten-year transition. Also in 2003, the first conference of leaders of political parties, at the Manila Hotel, declared the consensus to seek urgent constitutional reforms. More legislators, scholars, local government executives, and civil society leaders joined the movement for Charter Change.

Early in the campaign for presidential election in May 2004, late in 2003, President Gloria Macapagal Arroyo advocated constitutional reform towards a parliamentary-federal system through a constitutional convention. She would be the only one among the five presidential candidates to advocate Charted Change. Following her election to a six-year term, President Arroyo urged Congress to initiate the process of amending the Constitution. However, the fiscal

crisis and pending tax reforms would postpone the initiative to 2005. In her address on the state-of-the nation on July 25, 2005 the President declared the start of "the great debate on Charter change."

She followed up by issuing Executive Order 453 creating the Consultative Commission for the revision of the 1987 Constitution. From among over 200 nominees of various sectors, the President appointed 55 members. The Commission worked for two and a half months, from September 28 to December 15, including three weeks of regional consultations around the country. On December 16, in a ceremony in Malacañang, the Commission submitted its *Proposed Revision of the 1987 Constitution* to President Arroyo. In turn, the President then and there transmitted the document to Congress as a constituent assembly.

The secretariat of the Consultative Commission immediately uploaded on the Commission's website, *www.concom.ph*, the full text and some highlights of the Consultative Commission's *Proposed Revision of the 1987 Constitution.*

It is to make widely available to the interested public a hard copy of the document and related information that I have put together this publication of the KC Institute of Federal-Parliamentary Democracy of our Kalayaan College at Riverbanks, Marikina.

Let me share with you of my last and brief encounter with Justice Cecilia Munoz Palma, the eminent first woman justice of the Supreme Court, President of the 1986 Constitutional Commission, and principal author of the 1987 Constitution.

From 1990 to 2005, I worked with Justice Palma in the Aurora Aragon Quezon Peace Foundation, where I succeeded her as chairman in 1999. Because of failing health, she could not attend our Foundation meetings regularly in the last few years, so I did not have the chance to talk with her about my advocacy on Charter change. But ever alert and well informed until her very last days, she was aware of my reform ideas and the work of the Consultative Commission.

Three days after we submitted our proposed revision of the 1987 Constitution to President Arroyo on December 16, 2005, I met Justice Palma at the Manila Hotel - at the celebration of the eve of the retirement of Chief Justice Hilario Davide, Jr. I was re-entering the Fiesta Pavilion and she

was leaving in a wheelchair. After I cheerfully greeted her, she encouraged me with these few words: “Pepe, just do what you have to do.” And I replied: “*Tapos na po ang aming trabaho. Binatikos na po ako sa ginawa namin.”* (We have finished our work at the Consultative Commission. I’m now being attacked for our proposals.) We parted as her daughter, Mrs. Pearl Cardema, wheeled her away.

On January 2, I came to Justice Palma’s wake at Mt. Carmel. Pearl told me: “You know what my mother said as we parted at the Manila Hotel? She said: *Kawawa naman si Pepe.”*

What a great, compassionate lady! The 1987 Constitution is one of her greatest and enduring legacies to the country. She had invested it with her profound wisdom, knowledge and experience, hard work and sacrifice. And she certainly knew as she acknowledge that every constitution has to be amended some time to adjust to changing needs, especially in a rapidly transforming and globalizing world.

At the necrological service in her honor, I heard several members of the 1986 Constitutional Commission extol her leadership and specific contributions to the 1987 Constitution. Among them is the wording of its Preamble.

In my eulogy, I ended these words: “And how I wished I had gone out of my way to talk to her about reforming the Constitution. But isn’t this an all too common regret? Wishing we had spent more time visiting and talking with certain persons we love and respect?

“Dear Justice Palma, kindly intercede with Almighty God for our country and people whom you deeply love and served so very well.”

In the final hours of our plenary meeting, the Consultative Commission voted to shorten the Preamble of the 1987 Constitution, thus deleting the following important concepts and ideals: “to build a just and humane society”… “democracy”… “truth”… and “love.” “Liberty” was substituted for “freedom.”

To honor and thank Justice Cecilia Munoz Palma, we should do all we can to recommend the restoration of the full wording of the Preamble of the 1987 Constitution. The original Preamble

expresses the purpose of the Constitution fully and beautifully. It also reflects the essential continuity between the 1987 Constitution as a whole and its proposed revision by the Consultative Commission.

On behalf of the Consultative Commission, I wish to express our profound thanks to President Gloria Macapagal Arroyo for appointing us to the Consultative Commission. She gave us the extraordinary opportunity and challenge to serve out country in a very special way.

Let me again thank my colleagues on the Consultative Commission for the honor of electing me as Chairman and the privilege of working with all of them in our difficult and trying once-in-a-lifetime assignment. To complete our work in just two and a half months, our mission seemed impossible. But with our committed, hard work, we could report to the President and the nation: “Mission accomplished.” The value of our endeavor will be tested in the following months and years.

For their valued advice, I wish to thank our senior resource persons: former President Fidel V. Ramos, former Prime Minister Cesar E.A. Virata, and former Central Bank Governor Gabriel Singson.

Our hectic labors were greatly facilitated by the dedicated staff provided by the Presidential Management Staff under Secretary Rigoberto Tiglao, Under-Secretary Charito R. Eligir, Under-Secretary Hezel Gacutan, and Director Ana Cadena. We owe them and the assigned staff of the Development Academy of the Philippines our sincere thanks.

We are especially pleased and thankful that Garie Briones has again helped us by designing this book and its cover.

Above all, we thank Almighty God as we have prayed: that we may be an instrument of His Love, Peace, Justice, and Joy in working as the Consultative Commission on the Revision of the 1987 Constitution.

Dr Jose V. Abueva
Chairman, 2005 Consultative Commission

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PART I

Highlights on the Proposed Amendments

1. Form of Government

HIGHLIGHTS ON THE PROPOSED AMENDMENTS TO ARTICLE VI (THE LEGISLATIVE DEPARTMENT) AND ARTICLE VII (EXECUTIVE DEPARTMENT) OF THE 1987 CONSTITUTION

(As adopted by the Plenary on 15 December 2005)

The Parliament

- The legislative and executive powers shall be vested in a unicameral Parliament.

- **The Parliament shall be composed of as many Members as may be provided by law, who shall be elected from parliamentary districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who shall be chosen on the basis of proportional representation by the political parties according to the votes each party obtained in the preceding elections.**

- **The Members chosen by the political parties shall constitute thirty per centum of the total number of Members including those elected by Parliament.** Each parliamentary district and each city with a population of at least two hundred fifty thousand, or each province, shall have at least one representative.
- Members of Parliaments shall be elected for **a term of five years, with no term limits,** which shall begin, unless otherwise provided by law,

at noon on the thirtieth day of June next following their election. The regular election of the Members of Parliament shall be held on the second Monday of May and every five years thereafter.

- Aside from being a natural born citizen of the Philippines, a registered voter and a resident in the district in which he shall be elected, a Member of Parliament shall be at least twenty-five years of age on the day of election and **at least a college graduate.**

- The Parliaments shall elect its Speaker by a majority vote of all its Members.

- **At least one-third of the Members of Parliament** shall constitute a quorum to do business but a majority of the Members shall constitute a quorum for voting.

- The Prime Minister shall submit to the Parliament within thirty days from the opening of each regular session a budget of receipts as the basis of the general appropriations bill. The form, content and manner of preparation of the budget shall be prescribed by law.

- No treaty or international agreement shall be valid and effective unless concurred in by a majority of all the Members of Parliament.

- A vote of 2/3 of all the Members of Parliament is required to declare the existence of a state of war.

- Every bill passed by the Parliament shall, before it becomes a law, be presented to the Prime Minister for his signature.

- The Parliament may withdraw its confidence from the Prime Minister only by electing a successor by a majority vote of all its Members.

- The Prime Minister or any Member of the Parliament may request for a popular vote of confidence from the Parliament on fundamental issues or on a general declaration of program or policy.

- In case the Parliament is dissolved, the President shall call a special election on the date set by the Prime Minister. In the new Parliament, the Members shall serve for a term of five years beginning from the time the Prime Minister convokes the Parliament.

- In case of dissolution of the Parliament or the termination of its regular term, the incumbent Prime Minister and the Cabinet shall continue to conduct the affairs of government until the new Parliament is convoked by the Prime Minister and a new Prime Minister is elected and qualified.

- The Commission on Appointments and the Parliament Electoral Tribunal shall be constituted within thirty days after the Parliament shall have been organized with the election of the Speaker.

The Prime Minister and the Cabinet

- The Executive Power shall be exercised by the Prime Minister with the assistance of the Cabinet. He or she shall be elected by a majority of all the Members of the Parliament from among themselves.
  Prime Minister shall appoint the Deputy Prime Minister who shall head a Ministry, and the Members of the Cabinet who shall be the heads of the Ministries, at least three-fourths of whom shall come from the Parliament. They may be removed at the discretion of the Prime Minister.

- The Prime Minister shall also appoint the career Senior Deputy Minister for each Ministry who shall be a member of the career civil service and shall be the chief administrator of the Ministry.

- The Prime Minister or any Member of the Cabinet may resign for any cause without vacating his seat in the Parliament.

- The Prime Minister and the Cabinet shall be responsible to the Parliament for the program of government and shall determine the guidelines of national policy.

- The Prime Minister shall have control of all ministries, bureaus, and offices. He shall have supervision and administration over autonomous territories, local governments, and all of the armed forces of the Philippines. He shall ensure that the laws be faithfully executed.

- The Prime Minister shall nominate and, with the consent of the Commission on Appointments, appoint the following:
  1. Chief Justice and Members of the Supreme Court and lower collegiate courts, the Ombudsman and his deputies;
  2. Chairmen and Members of the Constitutional Commissions, the Chairmen and Members of the independent constitutional bodies;
  3. Ambassadors, chiefs of mission and consuls-general,
  4. Chief of Staff, the Vice Chief of Staff, Deputy Chief of Staff and the commanders of the major services of the Armed Forces of the Philippines and the officers of the Philippine National Police of equivalent rank and grade, and;
  5. All other officers of the Government whose appointments may be subject for confirmation as provided in this constitution or by law.

- The Prime Minister shall have the power to make appointments during the recess of the Parliament, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Parliament.

- The Prime Minister may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law.

The President

- The President shall be the Head of State.

- The President shall be elected from among the Members of the Parliament by a majority of all its Members who must at least be forty years of age on the day of his election and a resident of the Philippines for at least ten years immediately preceding his election.

- The President shall serve for a term of five years which shall commence from the date he takes his oath of office within three days after his proclamation by the National Assembly, and shall end at twelve noon on the day his successor shall take the same oath. Upon taking his oath, the President shall cease to be a Member of the Parliament and of any political party. Unless otherwise provided in this Constitution, he shall be ineligible to hold any office during his term.

- The Office of the President shall enjoy fiscal independence.

- Except in cases of impeachment, or as otherwise provided in this Constitution, the President, upon the recommendation of the Prime Minister, may grant pardon, and, after conviction by final judgment, grant reprieves, commutations, and remit fines and forfeitures. He shall, upon the recommendation of the Prime Minister, have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.

- The President shall appoint all officers and employees in his office in accordance with the Civil Service Law. He may perform such other duties and functions of state as may be provided by law.

- The President and the Prime Minister shall be immune from suit during their tenure.

COM. EMMANUEL Y. ANGELES
Chairman

COM. RENE B. AZURIN
Co-Chairman
(Resigned)

CONSULTATIVE COMMISSION
CENTRIST DEMOCRACY POLITICAL INSTITUTE

2. Structure of the Republic

HIGHLIGHTS ON THE PROPOSED AMENDMENTS TO ARTICLE X (LOCAL GOVERNMENT) OF THE 1987 CONSTITUTION

(Approved, subject to style, by the Plenary on 13 December 2005)

General Provisions

- The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays, which shall enjoy the local autonomy.

- The Parliament shall strengthen the existing local government code, which shall provide for all matters relating to the organization and operation of the local units.

- The Prime Minister of the Philippines shall exercise general supervision over local governments.

- Local governments and autonomous territories shall have the power to create its own sources of revenues subject to guidelines set by the Parliament and consistent with the basic policy of local autonomy.

- The National Government is mandated to automatically release to the local governments their just share in all the national taxes.

- Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas.

- The term of office of elected local officials shall be five years, except for *barangay* officials, which shall be determined by law.

- 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 regional and local government code and subject to approval by a majority of the votes cast in a plebiscite in the political subdivisions affected.

- The Parliament may create special metropolitan subdivisions through a plebiscite in the subdivisions affected.

- The voters of component cities regardless of the provisions of their charters shall not be deprived of their right to vote for elective provincial officials, provided that all component cities shall be under the supervision of the province.

The Autonomous Territories

- Autonomous Territories may be created in the country upon petitions filed with Parliament by contiguous, compact and adjacent provinces, highly urbanized and component cities, and cities and municipalities in metropolitan areas in the form of a resolution of their respective legislative bodies.

- Within one (1) year from the filing of the Bill based upon the petitions and initiatives, the Parliament shall pass an organic act for such autonomous territory.

- A National Law shall always prevail in events that an autonomous territory's/local government's law runs counter/is inconsistent with it.

- The Organic Act of autonomous territories shall provide for primary legislative powers of their Assemblies over specified areas *(e.g. administrative organization, planning budget, and management).*

Transitory Provision

- The Autonomous Region in Muslim Mindanao shall exercise powers and enjoy benefits given to autonomous territories.

- Within 1 year and after at least 60% of the provinces, highly urbanized cities and component cities of the country shall have joined in the creation of different autonomous territories, upon petition of majority of such autonomous territories through their respective regional assemblies, the Parliament, shall enact the basic law for the establishment of a Federal Republic of the Philippines, whereby the autonomous territories shall become federal states.

- A constitutional Preparatory Commission, to be composed of not more than eleven members, shall be created that shall study and determine all constitutional, legal, and, financial requirements, among others, to

assist the Parliament to enact the Basic Law and measures for orderly transition towards Federalism. The Constitutional Tribunal, en banc or in division shall decide on conflicts between the Parliament and the autonomous regions and local governments.

- All powers, authority and functions not granted by this Constitution or by law to the autonomous territories and local governments are reserved to the National Government.

COM. REY MAGNO TEVES
Chairman

COM. ALEXANDER R. MAGNO
Co-Chairman

CONSULTATIVE COMMISSION
CENTRIST DEMOCRACY POLITICAL INSTITUTE

3. National Patrimony and Economic Reforms

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO ARTICLE II, XII, XIV, AND XVI OF THE 1987 CONSTITUTION

(As adopted in Plenary on 08 December 2005)

National Patrimony

- The State shall develop a self reliant productive and competitive economy that will best serve the interest of the Filipino people.

- The State may explore, develop, and utilized natural resources, or enter into co-production, joint venture, or production-sharing agreements with corporations fully owned (no longer 40%) by foreigners.

- Alienable lands of the public domain shall be limited to agricultural and reclaimed lands. Private corporations or associations, including corporations fully owned by foreigners, may hold such alienable lands of the public domain by lease; but only Filipino citizens may acquire alienable lands. Constitutional limits on the extent of leasable area shall be determined through legislation.

- The State shall protect the rights of indigenous peoples to their ancestral lands to ensure their economic, social, and cultural well-being.

- Land classified in accordance with law as industrial, commercial or residential may be transferred or conveyed to foreign individuals or corporations with foreign ownership. Congress shall define the

conditions for ownership of allowable lands by foreign individuals and by corporations with foreign ownership. However, Congress should define the conditions and limitations (such as area) on such lands, if and when transferred to foreign individuals and corporations with substantial foreign ownership.

National Economy

- The goals of national economy are a more equitable distribution of opportunities, income, and wealth, and expanding productivity as the key to raising the quality of life for all, especially the under-privileged.

- Congress may declare certain areas of enterprise as restricted to their foreign participation. Such declaration must have sound economic rationale, as provided by the economic and planning agency. The State shall regulate and exercise authority over foreign investments, monitoring and regulating the conduct of foreign investors more rigorously than that exercised over corporations with majority Filipino ownership.

- Citizenship restriction on franchises and thus ownership of public utilities is removed. Congress should enact legislation to provide that franchises granted to corporations with substantial foreign ownership are limited to public utilities of large scale.

- Educational institutions at the pre-school, elementary, and high school levels, other than those already 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 which is owned by such citizens. The Congress may, however, require increased Filipino equity participation in all educational institutions.

- Congress may allow foreign ownership in advertising and in mass media, in recognition of globalization of information, and of capital needed to achieve international standards for operation of such media.

Transitory Provision

- Every provision liberalizing extent of foreign ownership of corporations in certain lines of business, and of industrial, commercial and residential lands shall take effect three years after ratification of this Constitution or upon earlier passage of legislation implementing the provision.

COM. VICENTE T. PATERNO
Chairman

COM. SERGIO R. ORTIZ-LUIZ, JR
Co-Chairman

4. The Judiciary

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO ARTICLE VIII.

THE JUDICIAL DEPARTMENT OF THE 1987 CONSTITUTION

(As Adopted by the Plenary on 12 December 2005)

- The courts of justice have the duty to settle actual controversies. However, the Supreme Court may not take cognizance of cases filed directly before it on the ground of *"grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch of instrumentality of the government"* as this will force the Supreme Court to rule on political issues or be a trier of which it cannot do.

- The presence of the second paragraph in Section 1 Article VIII of the 1987 Constitution has likewise caused the clogging of the Supreme Court dockets. Hence, the decision to delete the paragraph that states: *"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."*

- The Prime Minister shall appoint the members of the Supreme Court, subject to confirmation by the Commission on Appointments, or if there will no longer be a Commission on Appointments, such appointments shall be subject to review by the Oversight Committee on Judiciary in the Parliament.

- The Prime Minister shall appoint justice of all collegiate courts and judges of lower courts from a list submitted by the Judicial and Bar Council. Such appointments need no confirmation by the Commission on Appointments.

- The Judicial and Bar Council shall have the following principal powers and functions: 1) to recommend appointees to all lower collegiate courts and all other inferior courts; 2) to discipline all judges of the said courts, or order their dismissal by majority vote of all members of the Council; 3) to exercise other powers and functions as may be authorized by law.

- The composition of the members of the Judicial and Bar Council was modified to insulate judicial appointments from politics. Accordingly, the Prime Minister shall appoint to the Council a retired Justice of the Supreme Court as chairman, with two (2) representatives from the Integrated Bar, two (2) professors of law, and two (2) representatives from the private sector as members. Such appointments shall be subject to confirmation by the Commission on Appointments, or if there will no longer be a Commission on Appointments, such appointments shall be subject to review by the Oversight Committee on Judiciary in the Parliament.

- The Judicial and Bar Council shall enjoy fiscal autonomy.

- The constitutionality of a treaty, international or executive agreement, or the constitutionality of a law, rule or regulation shall be decided by the Supreme Court with the concurrence of two thirds (2/3) of its

Members who actually took part in the deliberations on the issues in the case and voted thereon.

- Legal doctrines or jurisprudence having the force and effect of a statute may be modified or reversed only by a vote of two thirds (2/3) of all the members of the Supreme Court.

- The Members of the Supreme Court shall concentrate on the review and disposition of cases, while the Office of the Court Administrator shall assume jurisdiction over all administrative matters pertaining to the judiciary. This will free the Supreme Court of the burden of meeting en banc for even the most minor administrative matters and to have more time to rule on cases brought before it on appeal.

- The incumbent and retired members of the Judiciary are entitled to receive uniform privileges and benefits.

- The mandatory review periods within which a court should decide or resolve a case were reduced in order to ensure the speedy disposition of cases, *viz.:* twelve (12) months for the Supreme Court, six (6) months for lower collegiate courts, and three (3) months for all other lower courts.

- The unjustified failure to render a decision or resolution within the mandatory periods may be a ground for the impeachment of the responsible member of the Supreme Court, or the imposition of sanction, including removal of the collegiate court justice or judge concerned.

COM. OMAR U. AMIN

Chairman

COM. RITA. LINDA V. JIMENO

Co-Chairman

5. Preamble, National Territory, Declaration of Principles and Sate Policies, Citizenship, Bill of Rights, Bill of Duties

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO PREAMBLE, ARTICLES I – IV OF THE YEAR 1987 CONSTITUTION

(As adopted in Plenary on 15 December 2005)

Preamble

- The preamble of the 1973 Constitution is adopted. However, the term *"Divine Providence"* is replaced with *"Almighty God."*

Article I. National Territory

- The provision on national territory in the 1973 Constitution is adopted.

Article II. Declaration of Principles and State Policies

- The Declaration of Principles and State Policies is harmonized and made more concise, to focus on principles and state policies and not with matters already established in other provisions.

- Some provisions (last 2 sentences of Sec. 3, Sections 5, 8, 9, 13, 15-17, 19-21, and 23-27) are deleted from the Article.

- The provision which affirms supremacy of civilian authority over the military is retained similar to the 1973 Constitution. The other provisions on the Armed Forces women and men.

- The State recognizes and promotes the rights of indigenous peoples within the framework of national unity and development. The State also

considers their customs, traditions beliefs, and interests in the formulation and implementation of state policies.

Article III. Citizenship

- The following are the 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; and,
  3. Those who are naturalized in accordance with law.

- Natural-born citizens are those who are citizens of the Philippines from birth or those who in accordance with law, reacquire such citizenship, Those born of Filipino mothers who elect Filipino citizenship shall be deemed natural-born citizens.

- Dual citizenship may be allowed under Conditions set by law.

Article IV. Bill of Rights

- No major amendments are made for the Bill of Rights as these provisions conform to international agreements on human rights.

- The right of the people to form unions, associations or societies for purposes not contrary to law shall not be abridged.

- The last two sentences of See. 19 (1) which states that: *"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" are deleted.

Article IV. Bill of Duties

- An Article entitled, *"Bill of Duties"* is incorporated to balance the article on Bill of Rights and make people realize that they also have obligations toward the State. It includes the following provisions:

  1. It shall be the duty of the citizen to be loyal to the Republic of the Philippines and to honor the Philippine flag, to defend the Sate and contribute to its development and welfare, to uphold the Constitution and obey the laws, to pay taxes, and to cooperate with the duly constituted authorities in the attainment and maintenance of the rule of law, and a peaceful, just, humane, and orderly society;

  2. The rights of the individual impose upon him or her the correlative duty to exercise them responsibly and with due regard for the rights of others.

  3. Citizens and the State shall at all times respect the life and dignity of every human person and uphold human rights.

  4. Citizens shall participate actively in public and civic affairs, and contribute to good governance honesty and integrity in the public service and the vitality and viability of democracy.

COM. FRANCIS CHUA

Chairman

COM. MIGUEL B. VALERA

Co-Chairman

CONSULTATIVE COMMISSION
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6. Constitutional Commissions and General Provisions

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO ARTICLE IX.
CONSTITUTIONAL COMMISSIONS

Common Provisions

- Any decision, order, or ruling of each Commission may be brought to the Court of Appeals, instead of the Supreme Court on *certiorari* by the aggrieved party within thirty days from receipt of a copy.

Civil Service Commission

- Article IX-B is shortened and rearranged. The first section discusses the Civil Service Commission (CSC) and its composition followed by a discussion on its mandate and the members of the civil service. The detailed enumeration of CSCs functions, however, was deleted in line with the intent of a Constitution to establish only general rules and principles.

- The civil service continues to cover all branches, subdivisions, instrumentalities and agencies of the government including government owned and/or-controlled corporations (GOCCs). The phrase "with the original charters" was deleted to emphasize that all GOCCs, with or without original charters, are *within* the ambit of CSC, and likewise, subject to COA rules and audit.

- Appointments to the civil service continue to be based on merit and fitness to be determined through competitive examinations. Reference to "primarily confidential" positions was removed because such provision was deemed as prone to abuse. What is underscored is the principle that the loyalty of a civil servant is to the country and not to the appointing authority.

- To eradicate corruption and red tape in the civil service, the Parliament shall provide measures ensuring the efficient and faithful delivery of public services in government.

- Parliament shall provide for the standardization of compensation of government officials and employees, including those in GOCCs with or without original charters, and their subsidiary corporations.

- The section on prohibiting officials to hold any other office or position is divided into two paragraphs, separating provisions on the appointive and elective officials.

- The provision on temporary employees is deleted because they are already covered by existing laws. It is also more appropriate to let CSC provide guidelines on the matter.

Commission on Elections

- The COMELEC shall be composed of a Chairman and four Commissioners, instead of six.

- The quasi-judicial powers of COMELEC on election cases are removed. Special Election Courts under the Judiciary are established. The Supreme Court shall designate branches of the Regional Trial Courts to hear and decide contests relating to the elections, realms and qualifications of regional, provincial city and municipal elective officials, and branches of City or Municipalities Trial Courts for elective barangay officials.

- Assumption of party responsibilities and accountability in governance were included as requirement for accreditation of political parties, organizations or coalitions.

HIGHLIGHTS OF PROPOSED AMENDMENTS TO ARTICLE XVI. GENERAL PROVISIONS

- The Armed Forces of the Philippines shall secure the sovereignty of the State and the integrity of the national territory and it shall be insulated from partisan politics.

- No member of the armed forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government including government-owned and/or-controlled corporations or any of their subsidiaries.

- Laws of retirement of military officers shall not allow extension of their services.

- The tour of duty of the Chief of Staff of the Armed Forces shall be a fixed term of office of three years. However, in times of war or other national

emergency declared by the Congress, the President may extend such tour of duty.

- The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.

- The State shall provide immediate and adequate care, benefits, arid other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided therefore 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.

- The State shall, from time to time, review to upgrade the pensions and other benefits due to veterans and retirees of both the government and the private sectors.

- The provision limiting the ownership of mass media and the advertising industry to Filipinos, prohibited of monopolies in commercial mass media and regulation of the advertising industry by law was deleted in its entirety in accordance with the proposed liberalization of economic provisions of the Constitution.

- The Congress may create a consultative body to advice the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

COM. JOSE C. BELLO, JR

Co-Chairman

COM. MA. ROMELA M. BENGZON

Co-Chair

COM. JOSE P. LEVISTE, JR

Chairman

CONSULTATIVE COMMISSION
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7. Civil Service and Accountability of Public Officials

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO ARTICLE IX-B. THE CIVIL SERVICE COMMISSION

- Article IX-B is shortened and rearranged. The first section discusses the Civil Service Commission (CSC) and its composition followed by a discussion on its mandate and the members of the civil service. The detailed enumeration of CSC's functions, however, is deleted, in line with the intent of a Constitution to establish only general rules and principles.

- The civil service continues to cover all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned and/or-controlled corporations (GOCCs). The phrase "with the original charters" is deleted to emphasize that all GOCCs, with or without original charters, are *within* the ambit of CSC, and likewise, subject to COA rules and audit.

- Appointments to the civil service continue to be based on merit and fitness to be determined through competitive examinations. Reference to "primarily confidential" positions is removed because such provision was deemed as prone to abuse. What is underscored is the principle that the loyalty of a civil servant is to the country and not to the appointing authority:

- To eradicate corruption and red tape in the civil service, the Parliament shall provide treasures ensuring the efficient and faithful delivery of public services in government.

- Parliament shall provide for the standardization of compensation of government officials and employees, including those in GOCCs with or without original charters, and their subsidiary corporations.

- The section on prohibiting officials to hold any other office or position is divided into two paragraphs, separating provisions on the appointive and elective officials.

- The provision on temporary employees is deleted because they are already covered by existing laws. It is also more appropriate to let CSC provide guidelines on the matter.

HIGHLIGHTS OF THE PROPOSED AMENDMENTS TO ARTICLE XI. ACCOUNTABILITY OF PUBLIC OFFICIALS

- The proposed Article XI expresses the paramount duty of public officers and employees to "at all times be accountable to the people, serve them with almost efficiency, integrity, and loyalty, act with patriotism, and lead modest lives."

- Directors and trustees who represent the interests of the state in GOCCs as well as persons appointed to official positions in said entities are considered as public officers, making them accountable to the people.

- The President, members of the Supreme Court and Constitutional Commission and the Ombudsman may be removed from office on impeachment for and conviction on violation of the Constitution, bribery,

treason, and graft and corruption. Reference to other high crimes and betrayal of public trust was removed.

- The members of Parliaments shall decide on cases of impeachment. The concurrence of three-fourths (3/4) of the members of Parliament is needed for a person to be convicted or impeached.

- All public officers are required to submit, not only their assets, liabilities, and net worth but also their annual income including sources and application of funds. The requisite declaration under oath of their "wealth" shall be disclosed to the public through publication in newspaper of general circulation.

- No loan, guaranty, or other form of financial accommodation by any government-owned bank or government financial institution can be granted to *any* public officials, from the President, members of the parliament, to cabinet members, heads of GOCCs and other instrumentalities, among others.

- The Ombudsman shall be appointed by Parliament, thereby removing the role of the Judicial and Bar Council in screening applications for the position.

COM. ANTONIO T. VILAR
Chairman

COM. JOJI ILAGAN-BIAN
Co-Chairman

8. Transitory Provisions

HIGHLIGHTS ON THE PROPOSED AMENDMENTS TO ARTICLE XVII TRANSITORY PROVISIONS OF THE 1987 CONSTITUTION

(As adopted by the Plenary on 15 December 2005)

No Election on 2007

First election under this Constitution shall be held on the second Monday of May 2010. The term of office of elective officials, local and national, ending in 2007 extended to 2010 to address the following matters:

- Huge amount of money and resources to be expended for the holding of the elections in 2007 can instead be utilized to alleviate more pressing needs of our countrymen—food, health, education;

- Synchronization of election;

- Cooling period of three years is shorter than during the Commonwealth; longer than what is provided for in the 1987 Constitution;

- This period will also give the Philippine economy a chance to take off; and,
- Ratification of this Constitution will in effect extend the mandate of elective officials with term ending 2007.

Members of the *Interim* Parliament

- The automatic Members:
  - Members of the Senate
  - Members of the House of Representatives
- By appointment of the President:
  - At least one-third of the Cabinet, with portfolio
  - Thirty persons, experienced and exerts in their respective fields

***Interim* Prime Minister**

- Elected by a majority vote of all the Members of Parliament
- He shall be a Member of the Cabinet

The President

- The head of state and the head of government
- Appoints the new Cabinet from among the members of Parliament
- Has supervision and direction over the *interim* Prime Minister and Cabinet
- Not vested with power to dissolve the *interim* Parliament
- Subject to the same disqualification and manner of removal as provided this proposed Constitution

The Vice-President

- Shall initially convene the *interim* Parliament and shall continue, until 2010, to exercise his powers and prerogatives as Vice-President under the 1987 Constitution

Continuing Effectivity of Laws

- Retained

Ratification of treaties and International Agreements

- Instead of the Members of Senate, approval is vested in the Parliament

Courts

- Continue to exercise jurisdiction

- Rules of Court, judicial issuances, and procedural laws may only be amended or repealed by the Supreme Court

- Provision on security of tenure retained

Security of Tenure of the following expressly provided:

- Constitutional Commission and the Ombudsman

- Civil Service Personnel

COM. MA. ROMELA M. BENGZON
Sub-Committee Chair

CONSULTATIVE COMMISSION
CENTRIST DEMOCRACY POLITICAL INSTITUTE

PART II

The Proposed Revision

of the 1987 Constitution

by the Consultative Commission

CONSULTATIVE COMMISSION
CENTRIST DEMOCRACY POLITICAL INSTITUTE

A. THE PROPOSED REVISION OF THE 1987 PHILIPPINE CONSTITUTION

by the Consultative Commission

(THIS COMPLETE TEXT INCLUDES THE WORDS ADDED BY THE CONSULTATIVE COMMISSION TO THE 1987 CONSTITUTION BUT NOT THE WORDS DELETED FROM IT. THE ADDITION OR DELETION WAS MADE BY THE COMMITTEE CONCERNED/AND OR BY THE CONSULTATIVE COMMISSION AT ITS FINAL PLENARY MEETING.)

Preamble

We, the sovereign Filipino people, imploring the aid of Almighty God, in order to establish a Government that shall embody our ideals, promote the general welfare, conserve and develop the patrimony of our nation, and secure ourselves and our posterity the blessings of democracy under a regime of justice, peace, liberty, and equality, do ordain and promulgate this Constitution.

ARTICLE I

NATIONAL TERRITORY

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all the other territories belonging to the Philippines by historic right or legal title, including the territorial sea, air space, subsoil, sea-bed, insular shelves, and submarine areas over which the Philippines has sovereignty or jurisdiction. The waters around, between,

and connecting the islands of the archipelago, irrespective of their breadth and dimensions, form part of the internal waters of the Philippines.

ARTICLE II

DECLARATION OF PRINCIPLES AND STATE POLICIES PRINCIPLES

SECTION 1. The Philippines is a Republican State. Sovereignty resides in the people and all government authority emanates from them.

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

SEC. 3. Civilian authority is, at all times, supreme over the military.

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

SEC. 5. The separation of Church and State shall be inviolable.

STATE POLICIES

SEC. 6. The State shall pursue an independent foreign policy. In its relations with other states the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination.

SEC. 7. The State shall promote social justice in all phases of national development.

SEC. 8. The State recognizes the dignity of every human being and guarantees full respect for human rights.

SEC. 9. The State values the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception. The natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government.

SEC. 10. The State recognizes the role of women in nation-building, and shall ensure the fundamental equality of women and men.

SEC. 11. The State affirms labor as a primary and responsible social economic force. The State shall protect and promote the welfare of both workers and employers.

SEC. 12. The State recognizes and promotes the rights of indigenous people within the framework of national unity and development. The State shall consider the customs, traditions, beliefs, and interests of indigenous peoples in the formulation and implementation of State policies.

SEC. 13. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

ARTICLE III

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; and

(3) Those whose are naturalized in accordance with law.

SEC. 2. Natural-born citizens are those who are citizens of the Philippines from birth or those who, in accordance with law, reacquire such citizenship. Those born of Filipino mothers who elect Filipino citizenship shall be deemed natural-born citizens.

SEC. 3. Philippines citizenship may be lost or reacquired in the manner provided by law.

SEC. 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.

SEC. 5. Dual citizenship may be allowed under conditions set by law.

ARTICLE IV

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 law.

SEC. 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.

SEC. 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.

SEC. 4. No law shall be passed abridging the responsible exercise of 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.

SEC. 5. No law shall be made respecting an establishment of religion, or prohibiting its free exercise. 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.

SEC. 6. The liberty of adobe 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.

SEC. 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.

SEC. 8. The right of the people to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

SEC. 9. Private property shall not be taken for public use without just compensation.

SEC. 10. No law impairing the obligation of contracts shall be passed.

SEC. 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.

SEC. 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his rights 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 counsel.

(2) No torture, force, violence, threat, intimation, 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 the 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.

SEC. 13. All persons, except those charged with offences 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.

SEC. 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.

SEC. 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.

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

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

SEC. 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.

SEC. 19. (1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted.

(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.

SEC. 20. No person shall be imprisoned for debt or non-payment of a poll tax.

SEC. 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.

SEC. 22. No *ex post facto* law or bill of attainder shall be enacted.

ARTICLE V

BILL OF DUTIES

SECTION 1. It shall be the duty of every citizen to be loyal to the Republic of the Philippines, honor the Philippine Flag, defend the State, contribute to its development and welfare, uphold the Constitution and obey the laws, pay taxes, and cooperate with the duly constituted authorities in the attainment and maintenance of the rule of law and of a peaceful, just, humane and orderly society.

SEC. 2. The rights of the individual impose upon him the correlative duty to exercise them responsibly and with due regard for the rights of others.

SEC. 3. Citizens and the State shall at all times respect the life and dignity of every human person and uphold human rights.

SEC. 4. Citizens shall participate actively in public and civic affairs, and contribute to good governance, honesty and integrity in the public service and the vitality and viability of democracy.

ARTICLE VI

SUFFRAGE

SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualification by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place where 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.

SEC. 2. Parliament shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad. It shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Elections may promulgate to protect the secrecy of the ballot.

ARTICLE VII

PARLIAMENT

SECTION 1. The legislative and executive powers shall be vested in a unicameral Parliament except to the extent as otherwise provided in this Constitution.

SEC. 2. (1) Parliament shall be composed of as many members as may be provided by law, who shall be elected from Parliamentary districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis

of a uniform and progressive ratio, and those who shall be chosen on the basis of proportional representation by the political parties according to the votes each party obtained in the preceding elections.

(2) The members chosen by the political parties shall constitute thirty *per centum* of the total number of members including those elected by Parliament. In the choice of such members, the political parties shall ensure that the labor, peasant, urban poor, veterans, indigenous peoples, women, youth, differently-abled, and such other sectors as may be provided by law, except the religious sector, are properly represented.

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

(4) Within three years following the return of every census, Parliament shall pass a law to reapportion the Parliamentary districts based on the standards provided in this section.

SEC. 3. No person shall be a member of Parliament 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, a college graduate, and, except the members chosen by the political parties, 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 election.

SEC. 4. (1) The Members of the Parliament shall be elected for a term of five years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

(2) Unless otherwise provided by law, the regular election of the members of Parliament shall be held on the second Monday of May and every five years thereafter.

(3) In case Parliament is dissolved, the President shall call a special election on the date set by the Prime Minister to be held not earlier than forty five days nor later than sixty days from the date of the dissolution of Parliament. In the new Parliament, the Members shall serve for a term of five years beginning from the time the Prime Minister convokes Parliament, which shall not be later than twenty days immediately following the elections.

(4) In case any vacancy arises in Parliament, a special election may be called to fill such vacancy in the manner prescribed by law, but the Member of Parliament thus elected shall serve only for the unexpired term.

SEC. 5. Parliament shall convene once every year on the fourth Monday of July for its regular session, unless a different date is fixed by law, and shall continue to be in session for such number of days as it may determine until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays, and legal holidays. The Prime Minister may call a special session at any time.

SEC. 6. (1) Parliament shall elect its Speaker by a majority vote of all its members. It shall choose such other officers as it may deem necessary. The elections of the President and the Prime Minister shall precede all other business following the election of the Speaker.

(2) At least one-third of the Members of Parliament shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in a manner, and under

such penalties, as Parliament may provide. Provided, however, that at least a majority of members of Parliament shall constitute a quorum for voting.

(3) Parliament may determine the rules of its proceedings, punish its Members for disorderly behavior, and with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.

(4) Parliament shall keep and publish a Journal of its proceedings, expecting 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.

SEC. 7. The salaries of the Speaker and each Member of the Parliament shall be determined by law. No increase in compensation shall take effect until the expiration of the full term of all Members of Parliament approving such increase.

SEC. 8. All Members of Parliament shall, upon assumption of office make a full disclosure of their financial and business interests. They shall strictly avoid conflict of interest in the conduct of their office. They shall notify Parliament of a potential conflict of interest that may arise from the filing of a proposed legislation of which they are authors.

SEC. 9. The records and books of accounts of Parliament shall be preserved and be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually an itemized list of amounts paid to expenses incurred for each Member.

SEC. 10. No Member of Parliament shall hold any other office or employment in the Government, or any of its subdivision, agency, or instrumentality, including government-owned or –controlled corporations or their subsidiaries, during his term without forfeiting his seat except that of Prime Minister or Member of the Cabinet. Neither shall a Member be appointed to any office which may have been created nor the emoluments thereof increased during the term for which he was elected.

SEC. 11. No Member of Parliament shall, during his tenure, directly or indirectly practice any other profession, participate in any business, or be interested financially in any contract with, or in any franchise or special privilege granted by the Government, or any subdivision, agency or instrumentality, including any government-owned or -controlled corporations, or their subsidiaries. He shall not intervene in any matter before any office of the Government for his pecuniary benefit or where he may be called upon the act on account of his office.

SEC. 12. A Member of Parliament shall, in all offenses punishable by no more than six years imprisonment, be privileged from arrest while Parliament is in session. No Member shall be questioned nor be held liable in any other place for any speech or debate in Parliament or in any of its committee.

SEC. 13. No Money shall be paid out of the treasury except in pursuance of an appropriation made by law.

SEC. 14. (1) The Prime Minister shall submit to Parliament within thirty days from the opening of each regular session, as the basis of the general appropriations bill, a budget of receipts based on existing and proposed

revenue measures, and of expenditures. The form, content, and manner of preparation of the budget shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation 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 of Parliament shall strictly follow the procedure for approving appropriations for other ministries and agencies.

(4) If by the end of the fiscal year, Parliament shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriation law for the preceding fiscal year shall remain in force until the general appropriations bill shall have been passed by Parliament.

SEC 15. A special appropriation bill shall (a) specify the purpose for which it is intended, and (b) be supported by funds, actually available as certified by the National Treasurer, or to be raised by a corresponding revenue proposal.

SEC. 16. (1) No law shall be passed authorizing any transfer of appropriations. However, the President, the Prime Minister, the Speaker of Parliament, 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 or special appropriation law for their respective offices, from savings in other items of their respective appropriations.

(2) Discretionary funds appropriated for particular officials shall be disbursed only for the public purposes to be supported by appropriate vouchers, and subject to each guideline as may be prescribed by law.

(3) 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 and sectarian institution, or any 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 of the Philippines, or to any penal institution, government orphanage or leprosarium.

SEC. 17. The rule of taxation shall be uniform and equitable. Parliament shall evolve a progressive system of taxation.

SEC. 18. Parliament may, by law, authorize the Prime Minister to fix, within specified limits and subject to such limitations and restrictions as it may impose, tariff rates, import and export quotas, tonnage and wharfage dues, and other duties or imposts, within the framework of the national development program of the Government.

SEC. 19. All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out of such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, any balance shall be transferred to the general funds of the Government.

SEC. 20. (1) No law granting any tax exemption shall be passed without the concurrence of a majority of all Members of Parliament.

(2) Charitable institutions, churches, and parsonages or convents, mosques, non-profit cemeteries, and all lands, buildings, and improvements actually, directly and exclusively used for religious, charitable, or educational purposes shall be except from taxation.

SEC. 21. No treaty or international arrangement shall be valid and effective unless concurred in by a majority of all the members of Parliament.

SEC. 21. (1) Parliament, by a vote of two-thirds of all its members, shall have the sole power to declare the existence of the state of war.

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

SEC. 23. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution, without its advice and concurrence.

SEC. 24. No law granting a title of royalty or nobility shall be enacted.

SEC. 25. (1) No bill except those of local application shall be calendared without the prior recommendation of the Cabinet.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies in its final form have been distributed to its members three days before its passage, except when the Prime Minister certifies to the necessity of its immediate enactment to meet a public calamity

or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the *yeas* and *nays* entered in the journal.

(2) Every bill passed by Parliament shall embrace only one subject matter, which shall be expressed in its title.

(3) Every bill passed by Parliament shall, before it becomes a law, be presented to the Prime Minister for his signature. The Prime Minister shall act on every bill passed by parliament within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

SEC. 26. Parliament or any of its committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

SEC. 27. There shall be a question hour as often as its rules may provide during which the Prime Minister or any minister, upon their own initiative or as may be required by Parliament, can appear before and be heard to answer questions and interpellations by members of Parliament on any matter pertaining to the Government or its ministries. Written question shall be submitted to the Speaker at least three days before their scheduled appearance. Interpellations shall not be limited to written questions, but may cover related matters. The agenda shall specify the subjects of the question hour. When the security of the state or the public interest so requires, and the Prime Minister so states in writing, the appearance shall be conducted in executive session.

SEC. 28. (1) Parliament may withdraw its confidence from the Prime Minister only by electing a successor by a majority vote of all its members. No

motion for the election of such successor shall be debated and voted upon until after the lapse of three days from the submittal of such motion.

(2) The Prime Minister or any Member of Parliament may request for a popular vote of confidence from Parliament of fundamental issue or a general declaration of program or policy which must be voted upon after seventy-two hours have elapsed from its submission. If the vote of confidence is not carried by the majority of all the Members of Parliament, the President upon written advice of the Prime Minister shall dissolve Parliament not earlier than three days nor later than ten days from receipt of the advice, and call for an election.

However, no dissolution of Parliament or vote of confidence shall take place within one year immediately preceding or following a general election.

SEC. 29. In case of dissolution of Parliament or the termination of its regular term, the incumbent Prime Minister and the Cabinet shall continue to conduct the affairs of Government until the new Parliament is convoked by the Prime Minister and a new Prime Minister is elected and qualified.

SEC. 30. Within thirty days after Parliament shall have been organized with the election of the Speaker, the Commission on Appointments shall be constituted consisting of the Speaker, as ex-officio Chairman, and not more than thirty-six members elected by Parliament on the basis of proportional representation from the political parties represented therein. No Minister shall be elected in the Commission.

The Commission on Appointments shall meet only when Parliament is in session. The Chairman of the Commission shall act on all appointments submitted to it within thirty session days of Parliament. The Commission shall rule by a majority vote of all its members. The Chairman of the Commission

shall not vote, except in case of a tie. The rules of the Commission shall be approved by Parliament.

SEC. 31. Within thirty-days after Parliament shall have been organized with the election of the Speaker, the Electoral Tribunal shall be constituted which shall be the sole judge of all contests relating to the election, returns and qualifications of their respective members. The 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, three to be chosen by the majority party, and three to be chosen by the minority party from their respective Members of Parliament. The senior Justice of the Supreme Court shall be its Chairman. The Electoral Tribunal shall promulgate its own rules of procedures. The decision of the Electoral Tribunal is final and not subject to any appeal in or review by the Supreme Court.

SEC. 32. Parliament shall, as early as possible, provided 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 Parliament or a local legislative body after the registration of a petition signed by at least ten *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of the registered voters thereof.

ARTICLE VIII

THE PRIME MINISTER AND THE CABINET

SECTION 1. The executive power shall be exercised by the Prime Minister with the assistance of the Cabinet.

SEC. 2. The Prime Minister shall be elected by a majority of all the Members of Parliament from among themselves.

SEC. 3. The Prime Minister shall appoint the Deputy Prime Minister who shall head a ministry, and the Members of the Cabinet who shall be the heads of the ministries, at least three-fourths of whom shall come from Parliament. They may be removed at the discretion of the Prime Minister.

The Prime Minister shall also appoint the career Senior Deputy Minister for each ministry who shall be a member of the career civil service and shall be the chief administrator of the ministry.

SEC. 4. Before they enter on the execution of their office, the Prime Minister, Deputy Prime Minister, and the Members of the Cabinet shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Republic of the Philippines, preserve and defend its Constitution, excuse its laws, do justice to every person, and consecrate myself to the service of the nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

SEC. 5. The Prime Minister shall have an official residence. The salaries and emoluments of the Prime Minister and the Members of the Cabinet shall be determined by law and shall not be increased nor decreased during their tenure. The Prime Minister shall receive an annual salary as that of the President.

SEC. 6. The Prime Minister and the members of the Cabinet shall be subject to the provisions of sections 10 and 11 of Article VII of this Constitution.

SEC. 7. The Prime Minister or any member of the Cabinet may resign for any cause without vacating his seat in Parliament.

SEC. 8. The Prime Minister and the Cabinet shall be responsible to Parliament for the program of government and shall determine the guidelines of national policy. The Prime Minister shall, at the beginning of each regular session of Parliament and from time to time thereafter, present the program of government and recommend for the consideration of Parliament such measures as he may deem necessary and proper.

SEC. 9. The Prime Minister shall have control of all ministries, bureaus, and offices. He shall have supervision and administration over autonomous territories, local governments, and all of the Armed Forces of the Philippines. He shall ensure that the laws be faithfully executed.

SEC. 10. Two months immediately before the next regular elections and up to the end of his term, the Prime Minister shall not make appointments, except temporary appointments to executive positions when continued vacancies therein will prejudice public service or endanger public safety.

SEC. 11. The Prime Minister shall nominate and, with the consent of the Commission on Appointments, appoint the Chief Justice and Members of the Supreme Court and lower collegiate courts, the Ombudsman and his deputies, the Chairmen and Members of the constitutional commissions, the Chairmen and Members of the independent constitutional bodies, Ambassadors, Chiefs of Mission and Consuls-General, the Chief of Staff, the Vice Chief of Staff, and

the commanders of the major services of the Armed Forces of the Philippines and the officers of the Philippine National Police of equivalent rank and grade, and all other officers of the Government whose appointments may be subject for confirmation as provided in this Constitution or by law. He shall also appoint the heads of the bureaus and offices, other public ministers and consuls, the officers of the armed forces from the rank of colonel or naval captain, the officers of the Philippine National Police from the rank of senior superintendent, and all other officers of the Government whose appointments are not otherwise provided by law, and those whom he may be authorized by law to appoint. Parliament may, by law, vest the appointment of other officers lower in rank in the heads of ministries, courts agencies, commissions, or boards.

The Prime Minister shall have the power to make appointments during the recess of Parliament, whether voluntary or compulsory, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of Parliament.

SEC. 12. The Prime Minister may contract or guarantee foreign loans on behalf of the Republic of the Philippines with their prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law. The Monetary Board shall, within thirty days from the end of every quarter of the calendar year, submit to Parliament a complete report of its decisions on applications for loans to be contracted or guaranteed by the Government or government-owned or –controlled corporations which would have the effect of increasing the foreign debt and containing other matters provided by law.

ARTICLE IX

THE PRESIDENT

SECTION 1. The President shall be the Head of the State and the Commander-in-Chief of all the Armed Forces of the Philippines.

SEC. 2. The President shall be elected from among the Members of Parliament by a majority of all its Members, and must at least be forty years of age on the day of his election and a resident of the Philippines for at least ten years immediately preceding his election. However, if no Member of Parliament is qualified or none of those qualified is a candidate for President, any Member thereof may be elected President.

SEC. 3. The President shall serve for a term of five years which shall commence from the date he takes his oath of office within three days after his proclamation by Parliament, and shall end at twelve noon on the day his successor shall take the same oath. Upon taking his oath, the President shall cease to be a Member of Parliament and of any political party. Unless otherwise provided in this Constitution, he shall be ineligible to hold any other office during his term.

SEC. 4. On assuming office, the President shall take the following oath or affirmation:

> "I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Republic of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every person, and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

SEC. 5. The President shall have an official residence. The salaries and emoluments of the President shall be determined by law and shall not be increased nor decreased during his tenure.

SEC. 6. The Office of the President shall enjoy fiscal independence. Appropriations for the said office shall be periodically increased by as much as the projected rate of inflation for the current fiscal year and shall not, under any situation, be decreased below the amount appropriated for the previous year. After approval of the budget by Parliament the amount so appropriated shall be automatically and regularly released.

SEC. 7. The President shall be subjected to the provisions of Sections 10 and 11 of Article VII on Parliament, and Section 6 of Article VIII on the Prime Minister and the Cabinet of this Constitution.

SEC. 8. The President, upon the advice of the Prime Minister and whenever it becomes necessary, may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion, rebellion or imminent danger thereof, upon the advice of the Prime Minister and 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 writ of habeas corpus, the Prime Minister shall submit a report in person or in writing to Parliament. Parliament, 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 and the Prime Minister. Upon the initiative of the Prime Minister and approved by the President, Parliament may, in the same manner, extend such proclamation or suspension for a

period to be determined by Parliament, if the invasion, rebellion or imminent danger thereof shall persist and public safety requires it.

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

SEC. 9. Except in cases of impeachment, or as otherwise provided in this Constitution, the President, upon the recommendation of the Prime Minister, may grant pardon, and, after conviction by final judgment, grant reprieves, commutations, and remit fines and forfeitures.

He shall, upon the recommendation of the Prime Minister, have the power to grant amnesty with the concurrence of a majority of all the Members of the Parliament.

SEC. 10. The President shall address Parliament at the opening of its regular session. He may also appear before it any other time.

SEC. 11. The President shall appoint all officers and employees in his office in accordance with the Civil Service Law. He may perform such other duties and functions of state as may be provided by law.

SEC. 12. The President and the Prime Minister shall be immune from suit during their respective tenures.

ARTICLE X

THE JUDICIARY

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

SEC. 2. Parliament shall have the power to define, prescribe, and apportion the jurisdiction of the various courts but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5 of this Article. No law shall be passed reorganizing the Judiciary when it undermines the security of tenure of its Members.

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

SE. 4. (1) The Supreme Court shall be composed of a Chief of Justice and fourteen Associate Justices to be appointed by the Prime Minister, subject to the confirmation by the Commission on Appointments. 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 such vacancy.

(2) All cases involving the constitutionality of a treaty, international or executive agreement 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 two thirds 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 the majority of the Members who actually took part in the deliberations 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 a vote of two thirds of all the Members.

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

1. Exercise original jurisdiction over cases affecting ambassadors, other public members 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,* life imprisonment, or death.

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 underprivileged. 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.

SEC. 6. The Supreme Court, through the Office of the Court Administrator, shall have administrative supervision over all courts and their personnel.

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

(2) Parliament shall prescribe the qualifications of judges of lower courts, but no person may be appointed judge 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.

SEC. 8. (1) A Judicial and Bar Council is hereby created composed of seven members: a retired Supreme Court Justice as Chairman, with two representatives from the Integrated Bar of the Philippines, two professors of law, and two representatives from the private sector as members.

(2) The members of the Council shall be appointed by the Prime Minister and confirmed by the Commission on Appointments for a term of five years without reappointment.

(3) The Council shall enjoy fiscal autonomy and its approved annual appropriation shall be automatically and regularly released.

(4) The Council shall have the following principal powers and functions:

a) Recommended appointees to all collegiate courts and lower courts;

b) Discipline justices and judges of the said courts, or order their dismissal by a majority vote of all the members of the council; and

c) Perform other powers and functions as may be authorized by law.

SEC. 9. The decision of the Judicial and Bar Council, in the exercise of its disciplinary powers as provided in the preceding section, shall be appealable on *certiorari* to the Supreme Court.

SEC. 10. The Prime Minister shall appoint justices of all collegiate courts and judges of lower courts from among the list submitted by the Judicial and Bar Council within ninety days from the submission of the list. Such appointment needs no confirmation.

SEC. 11. The salary of the Chief Justice, the Associate Justices of the Supreme Court, justices of collegiate courts and judges of lower courts shall be fixed by law. During their continuance in office, their salary shall not be decreased and upon retirement, they shall all be covered by a uniform retirement plan prescribed by law.

SEC. 12. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office.

SEC. 13. The Members of the Supreme Court and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.

SEC. 14. 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 shall be attached to the record of the case and served upon the parties. Any Members who took no part, dissented, or abstained from a decision or resolution must state the reason. The same requirements shall be observed by all collegiate and lower courts.

SEC. 15. No decision shall be rendered by any court without expressing 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 for the refusal or denial.

SEC. 16. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twelve months from the date of submission for the Supreme Court, and, unless reduced by the Supreme Court, six months for all collegiate courts, and three months for all other lower courts.

(2) A case or matter shall be deemed submitted for decision or resolution upon 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 of which shall be 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.

The unjustified failure to render a decision or resolution within the mandatory periods may be a ground for the impeachment of the Members of the Supreme Court or the imposition of sanctions, including removal, against a collegiate court justice or judge.

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

SEC. 17. The Supreme Court shall, within thirty days from the opening of each regular session of Parliament, submit to the Prime Minister and Parliament an annual report on the operations and activities of the Judiciary.

ARTICLE XI

CONSTITUTIONAL COMMISSIONS

A. COMMON PROVISIONS

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

SEC. 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.

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

SEC. 4. The Constitutional Commission shall appoint their officials and employees in accordance with law.

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

SEC. 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.

SEC. 7. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Commission or its rules. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Court of Appeals on *certiorari* by the aggrieved party within thirty days from receipt of a copy.

SEC. 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 two Members 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 Members shall be appointed by the Prime Minister with the consent of the Commission on Appointments. Of those first appointed, the Chairman shall hold office for seven years, a Member for five years, and another Member for three years, without reappointment. Appointment to any vacancy shall be for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SEC. 2 (1) The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote efficiency, integrity, and morale in the civil service. It shall strengthen the merit and rewards system for all levels and ranks.

(2) The civil service shall embrace all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or –controlled corporations.

SEC. 3. All public officers and employees and members of the Armed Forces of the Philippines shall take an oath or affirmation to uphold and defend this Constitution.

SEC. 4 (1) Appointments in the civil service shall be made only according to merit and fitness to be determined by competitive examinations. In exceptional cases pertaining to positions which are policy- determining or

highly technical, merit and fitness must be based on passing specialized examinations, if any, given for such purpose.

(2) Civil servants shall enjoy performance-based security of tenure. No officer or employee of the civil service shall be removed or suspended except for failure to meet performance standards set by the Civil Service Commission or for other causes provided by law.

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

(4) The right to self-organization shall not be denied to Government employees.

SEC. 5. Parliament shall provide measures to ensure efficient and faithful delivery of public service in Government.

SEC. 6. No candidate who has lost in any election shall, within one year after such election, be appointed to any office in the Government or any government-owned or –controlled corporations and their subsidiaries.

SEC. 7. (1) No elective official shall be eligible for appointment or designation in any capacity to any public office or position during his tenure.

(2) 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 of its subdivision, agency or instrumentality, including government-owned or –controlled corporations and their subsidiaries.

SEC. 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 or Parliament, any present, emolument, office, or title of any kind from any foreign government.

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

SEC. 9. Parliament shall provide for the standardization of compensation of Government officials and employees, including those in government-owned or –controlled corporations, and their subsidiaries, taking into account the nature of the responsibilities pertaining to, and the qualifications required for their positions.

C. THE COMMISSION ON ELECTIONS

SECTION 1. (1) There shall be a Commission on Elections composed of a Chairman and four Members 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 position in the immediately preceding elections. However, a majority of the Members, 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 Members shall be appointed by the Prime Minister with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, three Members shall hold office for seven years and two Members for five 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.

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 except all contests relating to the elections, returns, and qualifications of all elective regional, provincial, and city officials which shall be within the original jurisdiction of the regional trial courts. Those involving elective barangay officials shall be within the original jurisdiction of the city or municipal trial courts.

(2) 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.

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

(4) Accredit, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government and assume party responsibilities and accountability in governance; 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.

(5) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters, investigate, and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

(6) Recommend to Parliament effective measures to minimize election spending, including limitation of places where propaganda materials shall be posted, and to prevent and penalize all forms of election frauds, offenses, malpractices, and nuisance candidacies.

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

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

SEC. 3. The Commission on Elections shall promulgate its rules of procedure in order to expedite disposition of election cases, within its administrative jurisdiction.

SEC. 4. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any of its subdivision, agency, or instrumentality, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity and equal rates for public information campaigns and forums among candidates in connection

with the objective of holding free, orderly, honest, peaceful, and credible elections.

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

SEC. 6. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days after.

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

SEC. 8. Funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the regular or special appropriations and, once approved, shall be released automatically upon certification by the Chairman of the Commission.

SEC. 9. Parliament shall, by law, (1) promote the development of a party system in which various interests and sectors in society shall be represented, including women, labor, the poor, peasants, indigenous peoples, persons with disability and the youth; (2) encourage the development of two major political parties to ensure that a majority can assume responsibility and accountability in governance and (3) provided financial assistance to the political parties on the basis of their share of the votes cast for the political parties in the previous Parliamentary elections.

Financial contributions from foreign governments and their agencies to political parties, organizations, coalitions, or candidates related to elections shall 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.

SEC. 10. Political parties shall observe fair, honest and democratic processes in the selection of their candidates. They shall ensure the integrity, loyalty, and discipline of their members and publicity account for the sources and use of their funds and for their assets.

SEC. 11. The two dominant political parties shall be represented in the voters' registration boards, boards of election inspectors, boards of canvassers, and similar bodies. Other political parties shall be entitled to appoint poll watchers in accordance with law.SEC. 12. Any elective official who leaves his political party before the end of the term shall forfeit his seat.

D. THE COMMISSION ON AUDIT

SECTION 1. (1) There shall be a Commission on Audit composed of a Chairman and two Members, 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 Members shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, the Chairman shall hold office for seven years, one Member for five years, and the other Member for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SEC. 2. (1) The Commission on Audit shall have the power, authority, and duty to examine, audit, and settle all accounts pertaining to the revenue and receipts of and expenditures or uses of funds and property, owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations with original charters, and on a post-audit basis: a) constitutional bodies, commissions and offices that have been granted fiscal autonomy under this Constitution; b) autonomous state colleges and universities; c) other government-owned or –controlled corporations and their subsidiaries; and d) such non-governmental entities receiving subsidy or equity, directly or indirectly, from or through the Government, which are required by law or the granting institution to submit to such audit as a condition of subsidy or equity. However, where the internal control system of the audited agencies is inadequate, the Commission may adopt such measures, including temporary or special pre-audit, as are necessary and appropriate to correct the deficiencies. It shall keep the general accounts of the Government and, for such period as may be provided by law, preserve the vouchers and other supporting papers pertaining thereto.

(2) The Commission shall have exclusive authority, subject to the limitations in this Article, to define the scope of its audit and examination, establish the techniques and methods required, 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.

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

SEC. 4. The Commission shall submit to the Prime Minister and Parliament, within the time fixed by law, an annual report covering the financial condition and operation of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and non-governmental entities subject to its audit, and recommended measures necessary to improve their effectiveness and efficiency. It shall submit such other reports as may be required by law.

ARTICLE XII

LOCAL GOVERNMENTS AND AUTONOMOUS TERITORRIES

A. GENERAL PROVISIONS

SECTION 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous territories in the country as provided in this Article.

SEC. 2. The State shall ensure that the territorial and political subdivisions shall enjoy local autonomy.

SEC. 3. Parliament shall strengthen the existing Local Government Code to provide for a more responsive and accountable local government structure instituted through a system of decentralization and devolution with effective mechanisms of recall, initiative, and referendum, allocate, among the different local government units their powers, responsibilities, and resources. The Code shall provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.

SEC. 4. The Prime Minister shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.

SEC. 5. Each local government and autonomous territory shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as Parliament may provide. Such taxes, fees, and charges shall accrue to the concerned local governments or autonomous territories.

SEC. 6. The National Government is mandated to provide local governments their just share, as determined by law, in the national taxes, which shall be automatically released to them.

SEC. 7. Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, including but not limited to off-shore sites beyond municipal waters, in the manner provided by law, which shall be automatically released to them, including sharing the same with the inhabitants by way of direct benefits. Local governments may be authorized by law to collect the proceeds and retain their equitable by share.

SEC. 8. The term of office of elective local officials shall be five years except barangay officials, which shall be determined by law.

SEC. 9. 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 affected.

SEC. 10. Parliament may, by law, create special metropolitan subdivisions, subject to approval by the majority of the votes cast in the areas affected. The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executives and legislative bodies.

SEC. 11. Highly urbanized cities, as determined by law, shall be independent of the province. The voters of component cities, regardless of the provisions of their respective charters, shall not be deprived of their right to vote for elective provincial officials. All component cities shall be under the supervision of the provincial government.

B. AUTONOMOUS TERITORRIES

SEC. 12. An autonomous territory may be created in any part of the country upon a petition addressed to Parliament by a majority of contiguous, compact and adjacent provinces, highly urbanized and component cities, and cities and municipalities in metropolitan areas through a resolution of their respective legislative bodies.

In exceptional cases, a province may be established as an autonomous territory based on area, population, necessity, geographical distance, environmental, economic and fiscal viability and other special attributes.

SEC. 13. Within one year from the filing of the bill based upon the petitions and initiatives, Parliament shall pass an organic act which shall define the basic structure of government for the autonomous territory, consisting of a unicameral territorial assembly whose members shall be elective and representative of the constitutent political units. The organic acts shall provide for courts consistent with the provisions of their constitution and national laws.

The creation of the autonomous territories shall be effective when ratified by a majority of the votes cast by their proposed constituent units in a plebiscite called for the purpose.

SEC. 14. The autonomous territories shall support the National Government in maintaining the integrity and independence of the Republic and shall comply with and enforce this Constitution and all national laws.

SEC. 15. When a law of an autonomous territory or a local government is inconsistent with a national law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

SEC. 16. Within its territorial jurisdiction and subject to the provisions of this Constitution and the national laws, the organic act of the autonomous territories shall provide for primary legislative powers of their assemblies over the following:

1. Administrative organization, planning, budget, and management;
2. Creation of sources of revenues and finance;
3. Agricultural and fisheries;
4. Natural resources, energy, environment, indigenous appropriate technologies and inventions;
5. Trade, industry, and tourism;

6. Labor and employment;

7. Public works, transportation, except railways, shipping and aviation;

8. Health and social welfare;

9. Education and the development of language, culture and the arts as part of cultural heritage;

10. Ancestral domain and natural resources;

11. Housing, land use and development;

12. Urban and rural planning and development; and

13. Such other matters as may be authorized by law for the promotion of the general welfare of the people of the autonomous territory.

ARTICLE XIII

ACCOUNTABILITY OF PUBLIC OFFICERS

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

(2) Directors and trustees who represent the interests of the State in government-owned or -controlled corporations as well as persons appointed to official positions in said entities, are public officers.

SEC. 2. The President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption. All other public officers and employees may be removed from office as provided by law but not impeachment.

SEC. 3. (1) Parliament shall have the power to initiate, try and decide all cases of impeachment.

1. A verified complaint for impeachment may be filed by any Member of Parliament or by any citizen upon a resolution of endorsement by any of its Members, which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to Parliament within sixty session days from such referral, together with the corresponding resolution. The resolution shall be calendared for consideration by Parliament within ten session days from its receipt.

2. A vote of at least one-third of all the Members of Parliament shall be necessary 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 entered in the journal.

3. In case the verified complaint or resolution of impeachment is filed by at least one-third of all the Members of Parliament, the same shall constitute the Articles of Impeachment, and trial shall proceed.

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

5. When sitting for that purpose, the Members of Parliament 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 three-fourths of all the Members of Parliament.

6. 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 also be liable and subject to prosecution, trial and punishment according to law.

7. Parliament shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

SEC. 4. The present anti-graft court known as the Sandiganbayan shall continue to function and exercise its jurisdiction as provided by law.

SEC. 5. The Office of the Ombudsman shall be composed of the Ombudsman, one overall deputy, and at least one deputy each for Luzon, Visayas, and Mindanao. A separate deputy for the military establishment may likewise be appointed.

SEC. 6. The officials and employees of the Office of the Ombudsman, other than the deputies, shall be appointed by the Ombudsman according to civil service law.

SEC. 7. The Office of the Special Prosecutor shall continue to function and exercise its powers as provided by law, except those conferred on the Office of the Ombudsman.

SEC. 8. The Ombudsman and his deputies shall be natural-born citizens of the Philippines, and at the time of their appointment, at least forty years old, of recognized probity and independence, members of the Philippine Bar, and must not have been candidates for any elective office in the immediately preceding election. The Ombudsman must have at least been a judge or engaged in the practice of law in the Philippines.

During their tenure, they shall be subject to disqualifications and prohibitions as provided for this constitution.

SEC. 9. The Ombudsman and his deputies shall be appointed by Parliament.

SEC. 10. The Ombudsman and his deputies shall have the rank of chairman and members, respectively, of the Constitutional Commissions, and they shall receive the same salary as the members, which shall not be decreased during their term of office.

SEC. 11. The Ombudsman and his deputies shall serve for a term of seven years without reappointment. They shall not be qualified to run for any office in the election immediately succeeding their cessation from office.

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

SEC. 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

1. Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.

2. Direct, upon complaint or at its own instance, any public official or employee of the Government, or any of its subdivision, agency or instrumentality, 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 with such action.

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. Publish matters covered by its investigation when circumstances so warrant and with due prudence.

7. Determined 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.

SEC. 14. The Office of the Ombudsman shall enjoy fiscal autonomy. Its annual appropriations shall be automatically and regularly released.

SEC. 15. A public officer or employee shall, upon assumption of office and as often as may be required by law, submit a declaration under oath of

his assets, liabilities, net worth and annual income including the sources and application of funds. In the case of the Prime Minister, President, Members of the Cabinet, Parliament, Supreme Court, constitutional commissions and other constitutional offices, and officers of the Armed Forces general or flag rank, the declaration shall be disclosed to the public through publication in newspapers of general circulation.

SEC. 16. The right of the State to recover properties unlawfully acquired by public officials or employees, from them or from their nominees or transferees, shall not be barred by prescription, laches, or estoppel.

SEC. 17. No loan guarantee, or other form of financial accommodation may be granted, directly or indirectly, by any government-owned or –controlled bank or financial institution to any public officials.

ARTICLE XIV

A. NATIONAL ECONOMY

SECTION 1. The goals of the national economy are a more equitable distribution of opportunities, income, and wealth, and expanding productivity as the key to raising the quality of life for all, especially the underprivileged.

SEC. 2. Parliament may establish an independent economic and planning agency.

SEC. 3. Parliament shall, upon recommendation of the economic and planning agency, provide for limitations on foreign ownership in certain areas of investments when the national or public interest dictates.

Parliament shall enact measures that will encourage the formation and operation of enterprise which capital is wholly owned by Filipinos.

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

SEC. 4. The State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive.

SEC. 5. The State shall promote the sustained development of a reservoir of national talents consisting of Filipino scientists, inventors, entrepreneurs, professionals, managers, high-level technical manpower, skilled workers and craftsmen in all fields. The State shall encourage appropriate technology and regulate its transfer for the national benefit.

The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.

SEC. 6. Parliament 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.

SEC. 7. In times of national emergency, the State may, when the public interest so requires and under reasonable terms prescribed by it, temporarily direct or take over the operation of any privately-owned public utility or business which affect public interest.

SEC. 8. The State may, in the interest of national welfare or defense, establish and operate vital industries. Upon timely payment of just compensation, the State shall transfer to public ownership utilities and other private enterprises to be operated by the Government.

SEC. 9. The State shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

SEC. 10. The Parliament shall establish an independent central monetary authority, the members of whose governing board must be natural-born Filipino citizens, of known probity, and integrity, and patriotism, the majority of whom shall come from the private sector. They shall also be subject to such other qualifications and disabilities as may be prescribed by law. The authority shall provide policy direction in the areas of money, banking, and credit. It shall have supervision over the operations of banks and exercise such regulatory powers as may be provided by law over the operations of finance companies and other institutions performing similar functions.

Until Parliament provides otherwise, the *Bangko Sentral Ng Pilipinas,* operating under existing laws shall function as the central monetary authority.

SEC. 11. 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.

B. NATIONAL PATRIMONY

SEC. 1. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated.

The exploration, development, and utilization of natural resources toward sustainable development, including conservation, protection and enhancement of the environment, shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements under such terms and conditions as may be provided by 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.

Parliament shall be notified of every written agreement entered into in accordance with this provision, within thirty days from its execution.

SEC. 2. Lands of the public domain are classified into agricultural, reclaimed, 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 and reclaimed lands. Private corporations or associations may hold such alienable lands of the public domain by lease.

Citizens of the Philippines may lease alienable lands of the public domain. However, only Filipino citizens may acquire alienable lands of the public domain.

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

SEC. 3. The Prime Minister shall, as soon as possible, determine by law the specific limits of forest lands and national parks, marking clearly their respective ground boundaries. Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law.

SEC. 4. The State shall protect the rights of indigenous peoples to their ancestral lands to ensure their economic, social, and cultural well-being.

Parliament may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

SEC. 5. 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 authority of the State to promote distributive justice and to intervene when the common good so demands.

SEC. 6. Save in cases of hereditary succession, no private agricultural lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain. Lands classified in accordance with law as industrial, commercial or residential may be transferred or conveyed to foreign individuals or corporations with foreign ownership. Parliament shall define the conditions for ownership of allowable lands by foreign individuals and by corporations with foreign ownership.

SEC. 7. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the national interest and subject to criminal and civil sanctions, as may be provided by law.

ARTICLE XV

SOCIAL JUSTICE AND HUMAN RIGHTS

SECTION 1. Parliament shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

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

LABOR

SEC. 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

AGRARIAN AND NATURAL RESOURCES REFORM

SEC. 4. The State shall, by law, undertake an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till or in the case of other farmworkers, to receive a just share of the fruits thereof. The State shall encourage the just distribution of all agricultural lands, subject to such

priorities and reasonable retention limits as Parliament may prescribe, taking into account ecological, developmental, or equity considerations, and subject to the payment of just compensation. In determining retention limits, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

SEC. 5. The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers' organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services.

SEC. 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agriculture, subject to prior rights, homestead rights of small settlers, and the rights of indigenous peoples to their ancestral lands.

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

SEC. 7. The State shall protect the rights of subsistence fishermen, especially of local communities, to the preferential use of the communal marine and fishing resources, both inland and offshore. It shall provide support to such fishermen through appropriate technology and research, adequate financial, production, marketing and other support services. The

State shall also protect, develop, and conserve such resources. The protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion. Fishworkers shall receive a just share from their labor in the utilization of marine and fishing resources.

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

URBAN LAND REFORM AND HOUSING

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

SEC. 10. Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

HEALTH

SEC. 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. The needs of the under-privileged sick, elderly, disabled, women, and children shall be prioritized. The State shall endeavor to provide free medical care to paupers.

SEC. 12. The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

SEC. 13. The State shall establish a special agency for persons with disabilities for their rehabilitation, self-development and self-reliance, and their integration into the mainstream of society.

WOMEN

SEC. 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.

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

SEC. 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interest 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.

SEC. 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 State shall, by law, facilitate the establishment of adequate consultation mechanisms.

HUMAN RIGHTS

SEC. 17. (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 majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.

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

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

SEC. 18. 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 underprivileged whose human rights have been violated or need protection;

(4) Exercise visitatorial powers over jails, prisons, or detention facilities;

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

(6) Recommended to Parliament effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;

(7) Monitor the Philippine Government's compliance with international treaty obligations on human rights;

(8) Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;

(9) Request the assistance of any ministry, bureau, office, or agency in the performance of its authority;

(10) Appoint its officers and employees in accordance with law; and

(11) Perform such other duties and functions as may be provided by law.

SEC. 19. Parliament may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

ARTICLE XVI

EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE, AND SPORTS

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

SEC. 2. The State shall:

(1) Establish, maintain and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to

deserving students in both public and private schools, especially to the underprivileged;

(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.

SEC. 3. All educational institutions shall include the study of the Constitution and human rights education as part of the curricula.

SEC. 4. (1) The State recognizes the complementary roles of public and private institutions in the educational system, and shall exercise reasonable supervision and regulation of all educational institutions.

(2) Educational institutions at the pre-school, elementary and high school levels, other than those already 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. Parliament may, however, require increased Filipino equity participation in all educational institutions.

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

No educational institution other than those already established upon the ratification of this Constitution 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.

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

(5) 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.

SEC. 5. (1) The State shall take into account regional and sectoral needs and conditions, and shall encourage local planning in the development of educational policies and programs.

(2) Academic freedom shall be enjoyed in all institutions of higher learning.

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education, and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration, and other means of job satisfaction and fulfillment.

LANGUAGE

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

Subject to provisions of law and as the Congress may deem appropriate, the Government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

SEC. 124. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English. The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein. Spanish and Arabic shall be promoted on a voluntary and optional basis.

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

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

SCIENCE AND TECHNOLOGY

SEC. 10. Science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training, and services. It shall support indigenous, appropriate, and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life.

SEC. 11. Parliament may provide for incentives, including tax deductions, to encourage private participation in programs of basic and applied scientific research. Scholarships, grants-in-aid, or other forms of incentives shall be provided to deserving science students, researchers, scientist, inventors, technologists, and specially-gifted citizens.

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

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

ARTS

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

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

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

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

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

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

SPORTS

SEC. 19. (1) The State shall promote physical education and encourage sports programs, league competitions, and amateur sports, including training

for international competitions, to foster self-discipline, teamwork, and excellence for the development of a healthy and alert citizenry.

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

ARTICLE XVII

THE FAMILY

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

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

SEC. 3. The State shall defend:

1. The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;

2. The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

3. The right of the family to a family living wage and income; and

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

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

ARTICLE XVIII

GENERAL PROVISIONS

SECTION 1. The flag of the Philippines shall be red, white, and blue, with a sun of eight rays and three stars.

SEC. 2. The State may not be sued without its consent.

SEC. 3. The Armed Forces of the Philippines shall secure the sovereignty of the State and the integrity of the national territory. It shall be composed of a citizens armed force which shall undergo military training and serve, as may be provided by law. It shall keep a regular force necessary for the security of the State.

SEC. 4. (1) The Armed Forces of the Philippines shall be insulated from partisan politics. No member of the military shall be engaged directly or indirectly in any partisan political activity, except to vote.

(2) No member of the Armed Forces in the active service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government including government-owned or controlled corporations or any of their subsidiaries.

(3) Laws on retirement of military officers shall not allow extension of their service.

(4) Notwithstanding the previous paragraph, the tour of duty of the Chief of Staff of the Armed Forces shall be fixed a term of office of three years. However, in times of war or other national emergency declared by the Congress, the President may extend such tour of duty.

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

SEC. 7. The State shall provide immediate and adequate care, benefits, and other forms of assistance to war 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.

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

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

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

ARTICLE XIX

AMENDMENTS AND REVISIONS

SECTION 1. Any amendments to, or revision of, this Constitution may be proposed by:

1. Parliament, upon a vote of three-fourths of all its Members; or

2. A constitutional convention.

SEC. 2. Amendments to this Constitution may be directly proposed by the people through initiative upon a petition of at least twelve *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of its registered votes. No amendment under this section shall be authorized within five years following the ratification of this Constitution nor more than once every five years thereafter.

Parliament shall provide for the implementation of the exercise of this right.

SEC. 3. Parliament may, by a vote of two-thirds of all its Members, call a constitutional convention, or by a majority vote of all its Members, submit to the electorate the question of calling such a convention.

SEC. 4. Any amendment to, or revision of, this Constitution under Section 1 this Article 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 of this Article shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty days nor later than ninety days after the certification by the Commission on Elections of the sufficiency of the petition.

ARTICLE XX

TRANSITORY PROVISIONS

SECTION 1. All existing laws, proclamations, orders, decrees, instructions and acts promulgated, issued or done not otherwise contrary to this Constitution shall remain valid, legal, binding and effective until amended, modified or repealed by the Parliament.

SEC. 2. All existing treaties or international agreements which have not yet been ratified shall be submitted to the approval and concurrence of at least two-thirds of all the Members of the Parliament.

SEC. 3. All courts existing at the time of the ratification of this Constitution shall continue to exercise their jurisdiction, until otherwise provided by law. The provisions of the existing rules of court, judicial issuances, and procedural laws not inconsistent with this Constitution shall remain operative unless amended or repealed by the Supreme Court.

SEC. 4. 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.

SEC. 5. The incumbent members of the Civil Service Commission, the Commission on Elections, the Commission on Audit, and the Ombudsman shall

continue in office pursuant to their respective appointments, and subject to existing laws, rules and regulations thereto appertaining, unless they are sooner removed for cause or become incapacitated to discharge the duties of their office.

SEC. 6. All employees, personnel, or workers in government service, national or local, including those in government-owned or controlled-corporations, shall continue in office pursuant to existing laws, rules and regulations, unless they are sooner removed for cause or become incapacitated to discharge the duties of their office.

SEC. 7. The elections scheduled in 2007 shall be cancelled and the terms of office of all elective officials shall be extended to June 30, 2010, coinciding with those of the incumbent President and Vice-President and the twelve Senators elected in 2004.

SEC. 8. Upon ratification of this Constitution, the Senate and the House of Representatives are replaced by an *interim* Parliament that shall exist immediately and shall continue until the Members of the regular Parliament shall have been elected and shall have assumed office following an election as provided in the preceding section. The *interim* Parliament shall have the same powers and its members shall have the same functions, responsibilities, rights, privileges, and disqualifications as the regular Parliament and the members thereof.

SEC. 9. The Members of the *interim* Parliament shall be the incumbent members of the Senate and the House of Representatives, at least one-third of the Cabinet, with portfolio, and thirty persons, experienced and experts in

their respective fields, shall likewise become members of the Parliament upon appointment by the President.

SEC. 10. The incumbent Vice President shall initially convene their *interim* Parliament and shall continue to exercise his powers and prerogatives under the 1987 Constitution.

SEC. 11. The *interim* Parliament, by a majority vote of all its members, shall elect the *interim* Prime Minister. He shall be a member of the Cabinet.

SEC. 12. Under the direction and supervision of the incumbent President, the *interim* Prime Minister and the Cabinet shall exercise all the powers and functions and discharge the responsibilities of the regular Prime Minister and Cabinet under this Constitution.

SEC. 13. In the *interim* Parliament, the incumbent President shall exercise the powers vested in the Head of State and the head of Government under this Constitution, except the power to dissolve this Parliament, until the expiration of her term on June 30, 2010. The incumbent President and Vice-President shall be subject to the same disqualification and manner of removal as provided in this Constitution.

In case a vacancy arises by reason of removal, resignation, permanent incapacity or death of the incumbent President, the incumbent Vice-President shall become the President.

SEC. 14. The Autonomous Region in Muslim Mindanao shall exercise the powers and shall be entitled to benefits given to autonomous territories.

SEC. 15. Within one year and after sixty percent of the provinces, highly urbanized cities and component cities of the country shall have joined in the creation of different autonomous territories, upon petition of majority of such autonomous territories through their respective regional assemblies, the Parliament shall enact the basis law for the establishment of a Federal Republic of the Philippines, whereby the autonomous territories shall become federal states.

SEC. 16. To this end a constitutional Preparatory Commission shall be created that shall study and determine all constitutional, legal, financial, organizational, administrative, and other requirements necessary or appropriate and thereafter make its recommendations to Parliament so as to assist the latter in the enactment of the basic law and in such other measures as would provide a smooth and orderly transition of the country towards a Federal Republic of the Philippines. The Preparatory Commission shall be composed of not more than eleven members to be appointed by the Prime Minister.

All powers, authority and functions not granted by this Constitution or by law to the autonomous territories and local governments are reserved to the national Government.

SEC. 17. Every provision liberalizing extent of foreign ownership of corporations in certain lines of business, and industrial, commercial and residential lands shall take effect three years after ratification of this Constitution or upon earlier passage of legislation implementing the provision.

SEC. 18. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose.

B. THE 1987 PHILIPPINE CONSTITUTION AS REVISED

(INDICATING PROPOSED AMENDMENT/REVISION BY THE CONCERNED COMMITTEE AND/OR BY THE CONSULATIVE COMMISSION)

PREAMBLE

~~We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a government that shall embody our ideals and aspirations, promote the common good, responsibly and sustainably develop our patrimony, and secure to ourselves and our posterity the blessing of independent and democracy under the rule of law, do ordain and promulgate this Constitution.~~

WE, THE SOVEREIGN FILIPINO PEOPLE, IMPLORING THE AID OF ALMIGHTY GOD, IN ORDER TO ESTABLISH A GOVERNMENT THAT SHALL EMBODY OUR IDEALS, PROMOTE THE GENERAL WELFARE, CONSERVE AND DEVELOP THE PATRIMONY OF OUR NATION, AND SECURE TO OURSELVES AND OUR POSTERITY THE BLEESING OF DEMOCRACY UNDER A REGIME OF JUSTICE, PEACE, LIBERTY, AND EQUITY, DO ORDAIN AND PROMULGATE THIS CONSTITUTION.

ARTICLE I

NATIONAL TERRITORY

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, and all other territories over which the

Philippines has sovereignty or jurisdiction, BY HISTORIC RIGHTS OR LEGAL TITLE, INCLUDING ITS ~~consisting of its terrestrial, fluvial and~~ aerial domains, ~~including its~~ territorial sea, the seabed, the subsoil, THE CONTINENTAL SHELVES, insular shelves, other submarine areas. The waters around, between, the connecting the islands of the archipelago, regardless of their breadth and dimensions, from part of the international waters of the Philippines.

ARTICLE II

DECLARATION OF PRINCIPLES AND STATE POLICIES

PRINCIPLES

SECTION 1. The Philippines is a democratic and Republican State. Sovereignty ~~comes from God and~~ resides in the people ~~who hold it in trust~~ and all government authority emanates from them.

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

SEC. 3. Civilian authority is, at all times, supreme over the military. ~~The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.~~

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

SEC. 5. The separation of Church and State shall be inviolable.

STATE POLICIES

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

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

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

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

SEC. 11. The State RECOGNIZES THE ~~EQUALITY AND~~ dignity of every human ~~person~~ BEING and guarantees full respect for human rights.

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

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

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

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

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

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

SEC. 18. The State affirms labor as a primary AND RESPONSIBLE social economic force. THE STATE SHALL PROTECT AND PROMOTE THE WELFARE OF BOTH WORKERS AND EMPLOYERS. ~~It shall protect the rights of workers and promote their welfare.~~

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

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

~~SEC. 19. The State shall develop a self-reliant and independent national economy effectively controlled by Filipinos.~~

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

~~SEC. 20 The State shall promote comprehensive rural development and agrarian reform.~~

SEC. 21. The State recognizes and promotes the rights of indigenous PEOPLES ~~cultural communities~~ within the framework of national unity and development.

~~SEC. 22. The State shall encourage non-government, community based, or sectoral organizations that promote the welfare of the nation.~~

~~SEC. 24. The State recognizes the vital role of communication and information in nation-building.~~

~~SEC. 23. The State shall ensure the autonomy of local governments.~~

~~Section 26. The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.~~

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

SEC. 24. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

ARTICLE III

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)~~ (3) Those who are naturalized in accordance with law.

SEC. 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 citizens~~ OR THOSE WHO, IN ACCORDANCE WITH LAW, REACQUIRE SUCH CITIZENSHIP. ~~Those who elect Philippine citizenship in accordance with paragraph (3), Section 1 hereof shall be deemed natural-born citizens.~~ THOSE BORN OF FILIPINO MOTHERS WHO ELECT FILIPINO CITIZENSHIP SHALL BE DEEMED NATURAL-BORN CITIZENS.

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

SEC. 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.

SEC. 5. Dual ~~allegiance of citizens is inimical to the national interest and shall be dealt with law~~ CITIZENSHIP MAY BE ALLOWED UNDER CONDITIONS SET BY LAW.

ARTICLE ~~III~~ IV

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.

SEC. 2. The rights 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.

SEC. 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.

SEC. 4. No law shall be passed abridging the RESPONSIBLE exercise of 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.

SEC. 5. No law shall be made respecting an establishment of religion, or prohibiting ~~the~~ ITS free exercise. 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.

SEC. 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.

SEC. 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.

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

SEC. 9. Private property shall not be taken for public use without just compensation.

SEC. 10. No law impairing the obligation of contracts shall be passed.

SEC. 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.

SEC. 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, solidarity, *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.

SEC. 13. All persons, except those charge 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 provide 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.

SEC. 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.

SEC. 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.

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

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

SEC. 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.

SEC. 19. (1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted.

(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.

SEC. 20. No person shall be imprisoned for debt or non-payment of a poll tax.

SEC. 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.

SEC. 22. No *ex post facto* law or bill of attainder shall be enacted.

ARTICLE V

BILL OF DUTIES

SECTION 1. IT SHALL BE THE DUTY OF EVERY CITIZEN TO BE LOYAL TO THE REPUBLIC OF THE PHILIPPINES, HONOR THE PHILIPPINE FLAG, DEFEND THE STATE, CONTRIBUTE TO ITS DEVELOPMENT AND WELFARE, UPHOLD THE CONSTITUTION AND OBEY THE LAWS, PAY TAXES, AND COOPERATE WITH THE DULY CONSTITUTED AUTHORITIES IN THE ATTAINMENT AND MAINTENANCE OF THE RULE OF LAW AND OF A PEACEFUL, JUST, HUMANE AND ORDERLY SOCIETY.

SEC. 2. THE RIGHTS OF THE INDIVIDUAL IMPOSE UPON HIM THE CORRELATIVE DUTY TO EXERCISE THEM RESPONSIBLY AND WITH DUE REGARD FOR THE RIGHTS OF OTHERS.

SEC. 3. CITIZENS AND THE STATE SHALL AT ALL TIMES RESPECT THE LIFE AND DIGNITY OF EVERY HUMAN PERSON AND UPHOLD HUMAN RIGHTS.

~~SEC. 4. IT SHALL BE THE DUTY OF EVERY CITIZEN TO ENGAGE IN GAINFUL, CREATIVE AND HONEST WORK TO ASSURE A LIFE WORTHY OF HUMAN DIGNITY.~~

SEC. 4. CITIZENS SHALL PARTICIPATE ACTIVELY IN PUBLIC AND CIVIC AFFAIRS, AND CONTRIBUTE TO GOOD GOVERNANCE, HONESTY AND INTEGRITY IN THE PUBLIC SERVICE AND THE VITALITY AND VIABILITY OF DEMOCRACY.

ARTICLE ~~V~~ VI

SUFFRAGE

SECTION 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place where~~in~~ they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirements shall be imposed on the exercise of suffrage.

SEC. 2. ~~The Congress~~ PARLIAMENT shall provide a system for securing the secrecy and sanctity of the ballot as well as a system for absentee voting by qualified Filipinos abroad. ~~The Congress~~ IT shall also design a procedure for the disabled and the illiterates to vote without the assistance of other persons. Until then, they shall be allowed to vote under existing laws and such rules as the Commission on Election may promulgate to protect the secrecy of the ballot.

~~ARTICLE VI~~

~~LEGISLATIVE DEPARTMENT~~

~~Section 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum.~~

~~SEC. 2. The Senate shall be composed of twenty-four Senators who shall be elected at large by the qualified voters of the Philippines, as may be provided by law.~~

~~SEC. 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, and a resident of the Philippines for not less than two years immediately preceding the day of the election.~~

~~SEC. 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.~~

~~SEC. 5. (1) The House of Representative shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.~~

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

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

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

~~SEC. 6. No person shall be a Member of the House of Representatives unless he is 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.~~

~~SEC. 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.~~

~~SEC. 8. Unless otherwise provided by law, the regular election of the Senators and the members of the House of Representatives shall be held on the second Monday of May.~~

~~SEC. 9. 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.~~

~~SEC. 10. The salaries of Senators and Members of the House of Representative 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.~~

~~SEC. 11. A Senator or Member of the House of Representatives shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the Congress is in session. No Member shall be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.~~

~~SEC. 12. 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.~~

~~SEC. 13. No Senator or member of the House of Representatives may hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries, during his term without forfeiting his seat. Neither shall he be appointed to any office which may have been created or the emoluments thereof increased during the term for which he was elected.~~

~~SEC. 14. 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.~~

~~SEC. 15. The 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.~~

~~SEC. 16 (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 as it may deem necessary.~~

~~(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide.~~

~~(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.~~

~~(4) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect~~

~~national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the journal. Each House shall also keep a Record of its proceedings.~~

~~(5) Neither House during the sessions of the 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 House shall be sitting.~~

~~SEC. 17. The State 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 maybe, 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.~~

~~SEC. 18. 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.~~

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

~~SEC. 20. The records and books of accounts of the Congress shall be preserved and be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually an itemized list of amounts paid to and expenses incurred for each Member.~~

~~SEC. 21. The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.~~

~~SEC. 22. 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 question, 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.~~

~~SEC. 23. (1) The 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 the state of war.~~

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

~~SEC. 24. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills shall originated exclusively in the House of Representatives, but the Senate may propose or concur with amendments.~~

~~SEC. 25. (1) The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the budget. The form, content, and manner of preparation of the budget shall be prescribed by law.~~

~~(2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.~~

~~(3) The procedure in approving appropriations for the 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 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 reenacted and shall remain in force and effect until the general appropriations bill is passed by the Congress.~~

~~SEC. 26. (1) Every bill passed by the 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 yeas and nays entered in the Journal.~~

~~SEC. 27. (1) Every bill passed by the 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 same with 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 yeas or nays, and the names of the Members voting for or against shall be entered in its Journal. The President shall communicate his veto of any bill to the 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) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.~~

~~SEC. 28. (1) The rule of taxation shall be uniform and equitable. The Congress shall evolve a progressive system of taxation.~~

~~(2) The 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 parsonages 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.~~

~~SEC. 29. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.~~

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

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

~~SEC. 30. No law shall be passed increasing the appellate jurisdiction of the Supreme Court as provided in this Constitution without its advice and concurrence.~~

~~SEC. 31. No law granting a title of royalty or nobility shall be enacted.~~

~~SEC. 32. The 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 Congress 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, of which every legislative district must be represented by at least three per centum of the registered voters thereof.~~

~~ARTICLE VII~~

~~EXECUTIVE DEPARTMENT~~

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

~~SEC. 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.~~

~~SEC. 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 the 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.~~

~~SEC. 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 reelection. 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 the 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.~~

~~SEC. 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, the last sentence will be omitted.)~~

~~SEC. 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.~~

~~SEC. 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 the 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.~~

~~SEC. 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, permanently 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.~~

~~SEC. 9. Wherever 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 House of the Congress, voting separately.~~

~~SEC. 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 all 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 VI 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 requirements of paragraph 4, Section 25, Article VI 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.~~

~~SEC. 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.~~

~~SEC. 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.~~

~~SEC. 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.~~

~~SEC. 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.~~

~~SEC. 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.~~

~~SEC. 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~~

~~disapproval by the Commission on Appointments or until the next adjournment of the Congress.~~

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

~~SEC. 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, extent 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 or the extension thereof, and must promulgate its decision thereon within thirty days from its filing.~~

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

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

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

~~SEC. 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 judgement. He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.~~

~~SEC. 20. The President may contract or guarantee foreign loans on behalf of the Republic of the Philippines with the prior concurrence of the Monetary Board, and subject to such limitations as may be provided by law. The Monetary Board shall, within thirty days from the end of every quarter of the calendar year, submit to the Congress a complete report of its decision on 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.~~

~~SEC. 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.~~

~~SEC. 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, a budget of expenditures and sources of financing, including receipts from existing and proposed revenue measures.~~

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

ARTICLE VII

PARLIAMENT

SECTION 1. THE LEGISLATIVE AND EXECUTIVE POWERS SHALL BE VESTED IN A UNICAMERAL PARLIAMENT EXCEPT TO THE EXTENT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.

SEC. 2. (1) PARLIAMENT SHALL BE COMPOSED OF AS MANY MEMBERS AS MAY BE PROVIDED BY LAW, WHO SHALL BE ELECTED FROM PARLIAMENTARY DISTRICTS APPORTIONED AMONG THE PROVINCES, CITIES, AND THE METROPOLITAN MANILA AREA IN ACCORDANCE WITH THE NUMBER OF THEIR RESPECTIVE INHABITANTS, AND ON THE BASIS OF A UNIFORM AND PROGRESSIVE RATIO, AND THOSE WHO SHALL BE CHOSEN ON THE BASIS OF PROPORTIONAL REPRESENTATION BY THE POLITICAL PARTIES ACCORDING TO THE VOTES EACH PARTY OBTAINED IN THE PRECEDING ELECTIONS.

(2) THE MEMBERS CHOSEN BY THE POLITICAL PARTIES SHALL CONSTITUTE THIRTY PER CENTUM OF THE TOTAL NUMBER OF MEMBERS INCLUDING THOSE ELECTED BY PARLIAMENT. IN THE CHOICE OF SUCH MEMBERS, THE POLITICAL PARTIES SHALL ENSURE THAT THE LABOR, PEASANT, URBAN POOR, VETERANS, INDIGENOUS PEOPLE COMMUNITIES, WOMEN, YOUTH, DIFFERENTLY-ABLED, AND SUCH OTHER SECTORS AS MAY BE PROVIDED BY LAW, EXCEPT THE RELIGIOUS SECTOR, ARE PROPERLY REPRESENTED.

(3) EACH PARLIAMENTARY DISTRICT SHALL COMPRISE, AS FAR AS PRACTICABLE, CONTIGUOUS, COMPACT AND ADJACENT TERRITORY. EACH PARLIAMENTARY DISTRICT AND EACH CITY WITH A POPULATION OF AT LEAST TWO HUNDRED FIFTY THOUSAND, AND EACH PROVINCE, SHALL HAVE AT LEAST ONE REPRESENTATIVE.

(4) WITHIN THREE YEARS FOLLOWING THE RETURN OF EVERY CENSUS, PARLIAMENT SHALL PASS A LAW TO REAPPORTION THE PARLIAMENTARY DISTRICTS BASED ON THE STANDARDS PROVIDED IN THIS SECTION.

SEC. 3. NO PERSON SHALL BE A MEMBER OF PARLIAMENT 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, A COLLEGE GRADUATE, AND EXCEPT THE MEMBERS CHOSEN BY THE POLITICAL PARTIES, 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 ELECTION.

SEC. 4. (1) THE MEMBERS OF PARLIAMENT SHALL BE ELECTED FOR A TERM OF FIVE YEARS WHICH SHALL BEGIN, UNLESS OTHERWISE PROVIDED

BY LAW, AT NOON ON THE THIRTIETH DAY OF DECEMBER NEXT FOLLOWING THE ELECTION.

(2) UNLESS OTHERWISE PROVIDED BY LAW, THE REGULAR ELECTION OF THE MEMBERS OF PARLIAMENT SHALL BE HELD ON THE SECOND MONDAY OF NOVEMBER AND EVERY FIVE YEARS THEREAFTER.

(3) IN CASE PARLIAMENT IS DISSOLVED, THE PRESIDENT SHALL CALL A SPECIAL ELECTION ON THE DATE SET BY THE PRIME MINISTER TO BE HELD NOT EARLIER THAN FORTY FIVE DAYS NOR LATER THAN SIXTY DAYS FROM THE DATE OF SUCH DISSOLUTION. IN THE NEW PARLIAMENT, THE MEMBERS SHALL SERVE FOR A TERM OF FIVE YEARS BEGINNING FROM THE TIME THE PRIME MINISTER CONVOKES PARLIAMENT, WHICH SHALL NOT BE LATER THAN TWENTY DAYS IMMEDIATELY FOLLOWING THE ELECTIONS.

(4) IN CASE OF ANY VACANCY ARISES IN PARLIAMENT, A SPECIAL ELECTION MAY BE CALLED TO FILL SUCH VACANCY IN THE MANNER PRESCRIBED BY LAW, BUT THE MEMBER OF PARLIAMENT THUS ELECTED SHALL SERVE ONLY FOR THE UNEXPIRED TERM.

SEC. 5. PARLIAMENT SHALL CONVENE ONCE EVERY YEAR ON THE FOURTH MONDAY OF JANUARY FOR ITS REGULAR SESSION, UNLESS A DIFFERENT DATE IS FIXED BY LAW, AND SHALL CONTINUE TO BE IN SESSION FOR SUCH NUMBER OF DAYS AS IT MAY DETERMINE UNTIL THIRTY DAYS BEFORE THE OPENING OF ITS NEXT REGULAR SESSION, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, THE PRIME MINISTER MAY CALL A SPECIAL SESSION AT ANY TIME.

SEC. 6. (1) PARLIAMENT SHALL ELECT ITS SPEAKER BY A MAJORITY VOTE OF ALL ITS MEMBERS. IT SHALL CHOOSE SUCH OTHER OFFICERS AS IT MAY DEEM NECESSARY.

THE ELECTIONS OF THE PRESIDENT AND THEN THE PRIME MINISTER SHALL PRECEDE ALL OTHER BUSINESS FOLLOWING THE ELECTION OF THE SPEAKER.

(2) AT LEAST ONE-THIRD OF THE MEMBERS OF PARLIAMENT SHALL CONSTITUTE A QUORUM TO DO BUSINESS, BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY AND MAY COMPEL THE ATTENDANCE OF ABSENT MEMBERS IN SUCH MANNER, AND UNDER SUCH PENALTIES, AS PARLIAMENT MAY PROVIDE. PROVIDED, HOWEVER, THAT AT LEAST A MAJORITY OF MEMBERS OF PARLIAMENT SHALL CONSTITUTE A QUORUM FOR VOTING.

(3) PARLIAMENT MAY DETERMINE THE RULES OF ITS PROCEEDINGS, PUNISH ITS MEMBERS FOR DISORDERLY BEHAVIOUR, AND WITH THE CONCURRENCE OF TWO-THIRDS OF ALL ITS MEMBERS, SUSPEND OR EXPEL, A MEMBER. A PENALTY OF SUSPENSION, WHEN IMPOSED, SHALL NOT EXCEED SIXTY DAYS.

(4)PARLIAMENT SHALL KEEP A JOURNAL OF ITS PROCEEDING, AND FROM TIME TO TIME PUBLISH THE SAME, EXCEPTING SUCH PARTS AS MAY, IN ITS JUDGMENT, AFFECT NATIONAL SECURITY; AND THE YEAS AND NAYS ON ANY QUESTION SHALL, AT THE REQUEST OF ONE-FIFTH OF THE MEMBERS PRESENT, BE ENTERED IN THE JOURNAL.

SEC. 7. THE SALARIES OF THE SPEAKER AND EACH MEMBER OF PARLIAMENT SHALL BE DETERMINED BY LAW. NO INCREASE IN SAID

COMPENSATION SHALL TAKE EFFECT UNTIL AFTER THE EXPIRATION OF THE TERM OF ALL MEMBERS OF PARLIAMENT APPROVING SUCH INCREASE.

SEC. 8. ALL MEMBERS OF PARLIAMENT SHALL, UPON ASSUMPTION OF OFFICE, MAKE A FULL DISCLOSURE OF THEIR FINANCIAL AND BUSINESS INTEREST. THEY SHALL STRICTLY AVOID CONFLICT OF INTEREST IN THE CONDUCT OF THEIR OFFICE. THEY SHALL NOTIFY PARLIAMENT OF A POTENTIAL CONFLICT OF INTEREST THAT MAY ARISE FROM THE FILING OF A PROPOSED LEGISLATION OF WHICH THEY ARE AUTHORS.

SEC. 9. THE RECORDS AND BOOKS OF ACCOUNTS OF PARLIAMENT SHALL BE PRESERVED AND BE OPEN TO THE PUBLIC IN ACCORDANCE WITH THE LAW, AND SUCH BOOKS SHALL BE AUDITED BY THE COMMISSION ON AUDIT WHICH SHALL PUBLISH ANNUALLY AN ITEMIZED LIST OF AMOUNTS PAID TO AND EXPENSES INCURRED FOR EACH MEMBER.

SEC. 10. NO MEMBER OF PARLIAMENT SHALL HOLD ANY OTHER OFFICE OR EMPLOYMENT IN THE GOVERNMENT, OR ANY SUBDIVISION, AGENCY, OR INTRUMENTALITY THEREOF, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS OR THEIR SUBSIDIARIES, DURING HIS TERM WITHOUT FORFEITING HIS SEAT EXCEPT THAT OF PRIME MINISTER OR MEMBER OF THE CABINET. NEITHER SHALL HE BE APPOINTED TO ANY OFFICE WHICH MAY HAVE BEEN CREATED NOR THE EMOLUMENTS THEREOF INCREASED DURING THE TERM FOR WHICH HE WAS ELECTED.

SEC. 11. NO MEMBER OF PARLIAMENT SHALL, DURING HIS TENURE, DIRECTLY OF INDIRECTLY, PRACTICE ANY OTHER PROFESSION, PARTICIPATE IN ANY BUSINESS, OR 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 CORPORATIONS, OR THEIR SUBSIDARIES. 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.

SEC. 12. A MEMBER OF PARLIAMENT SHALL, IN ALL OFFENSES PUNISHABLE BY NOT MORE THAN SIX YEARS IMPRISONMENT, BE PRIVILEGED FROM ARREST WHILE THE CONGRESS IS IN SESSION. NO MEMBER SHALL BE QUESTIONED NOR BE HELD LIABLE IN ANY OTHER PLACE FOR ANY SPEECH OR DEBATE IN THE CONGRESS OR IN ANY COMMITTEE THEREOF.

SEC. 13. NO MONEY SHALL BE PAID OUT OF THE TREASURY EXCEPT IN PURSUANCE OF AN APPROPRIATION MADE BY LAW.

SEC. 14. (1) THE PRIME MINISTER SHALL SUBMIT TO PARLIAMENT WITHIN THIRTY DAYS FROM THE OPENING OF EACH REGULAR SESSION, AS THE BASIS OF THE GENERAL APPROPRIATIONS BILL, A BUDGET OF RECEIPTS BASED ON EXISTING AND PROPOSED REVENUE MEASURES, AND OF EXPENDITURES. THE FORM, CONTENT, AND MANNER OF PREPARATION OF THE BUDGET SHALL BE PRESCRIBED BY LAW.

(2) NO PROVISION OR ENACTMENT SHALL BE EMBRACED IN THE GENERAL APPROPRIATIONS BILL UNLESS IT RELATES SPECIFICALLY TO SOME PARTICULAR APPROPRIATION THEREIN. ANY SUCH PROVISION OR ENACTMENT SHALL BE LIMITED IN ITS OPERATION TO THE APPROPRIATION TO WHICH IT RELATES.

(3) THE PROCEDURE IN APPROVING APPROPRIATIONS FOR PARLIAMENT SHALL STRICTLY FOLLOW THE PROCEDURE FOR APPROVING APPROPRIATIONS FOR OTHER MINISTRIES AND AGENCIES.

(4) IF BY THE END OF THE FISCAL YEAR, PARLIAMENT SHALL HAVE FAILED TO PASS THE GENERAL APPROPRIATIONS BILL FOR THE ENSUING FISCAL YEAR, THE GENERAL APPROPRIATION LAW FOR THE PRECEDING FISCAL YEAR SHALL REMAIN IN THE FORCE AND EFFECT UNTIL THE GENERAL APPROPRIATIONS BILL PASSED BY PARLIAMENT.

SEC. 15. A SPECIAL APPROPRIATION BILL SHALL (A) SPECIFY THE PURPOSE FOR WHICH IT IS INTENDED, AND (B) BE SUPPORTED BY FUNDS, ACTUALLY AVAILABLE AS CERTIFIED BY THE NATIONAL TREASURER, OR TO BE RAISED BY A CORRESPONDING REVENUE PROPOSAL THEREIN.

SEC. 16. (1) NO LAW SHALL BE PASSED AUTHORIZING ANY TRANSFER APPROPRIATIONS. HOWEVER, THE PRESIDENT, THE PRIME MINISTER, THE SPEAKER OF PARLIAMENT, THE CHIEF JUSTICE OF THE SUPREME COURT, AND THE HEADS OF CONSTITUTIONAL COMMISSION MAY, BY LAW, BE AUTHORIZED TO AUGMENT ANY ITEM IN THE GENERAL OR SPECIAL APPROPRIATIONS LAW FOR THEIR RESPECTIVE OFFICES, FROM SAVINGS IN OTHER ITEMS OF THEIR RESPECTIVE APPROPRIATIONS.

(2) DISCRETIONARY FUNDS APPROPRIATED FOR PARTICULAR OFFICIALS SHALL BE DISBURSED ONLY FOR THE PUBLIC PURPOSES TO BE SUPPORTED BY APPROPRIATE VOUCHERS, AND SUBJECT TO EACH GUIDELINE AS MAY BE PRESCRIBED BY LAW.

(3) 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, AND SECTARIAN INSTITUTION, OR ANY 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 AFP, OR TO ANY PENAL INSTITUTION, GOVERNMENT ORPHANAGE OR LEPROSARIUM.

SEC. 17. THE RULE OF TAXATION SHALL BE UNIFORM AND EQUITABLE. PARLIAMENT SHALL EVOLVE A PROGRESSIVE SYSTEM OF TAXATION.

SEC. 18. PARLIAMENT MAY, BY LAW, AUTHORIZE THE PRIME MINISTER TO FIX, WITHIN SPECIFIED LIMITS, AND SUBJECT TO SUCH LIMITATIONS AND RESTRICTIONS AS IT MAY IMPOSE, TARIFF RATES, IMPORT AND EXPORT QUOTAS, TONNAGE AND WHARFAGE DUES, AND OTHER DUTIES OR IMPOSTS, WITHIN THE FRAMEWORK OF THE NATIONAL DEVELOPMENT PROGRAM OF THE GOVERNMENT.

SEC. 19. ALL MONEY COLLECTED ON ANY TAX LEVIED FOR A SPECIAL PURPOSED SHALL BE TREATED AS A SPECIAL FUND AND PAID OUT FOR SUCH PURPOSE ONLY. IF THE PURPOSE FOR WHICH A SPECIAL FUND WAS CREATED WAS CREATED HAS BEEN FULFILLED OR ABANDONED, THE BALANCE, IF ANY, SHALL BE TRANSFERRED TO THE GENERAL FUNDS OF THE GOVERNMENT.

SEC. 20. (1) NO LAW GRANTING ANY TAX EXEMPTION SHALL BE PASSED WITHOUT THE CONCURRENCE OF A MAJORITY OF ALL MEMBERS OF CONGRESS.

(2) CHARITABLE INSTITUTIONS, CHURCHES AND PARSONAGES 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 EXCEMPT FROM TAXATION.

SEC. 21. NO TREATY OR INTERNATIONAL AGREEMENT SHALL BE VALID AND EFFECTIVE UNLESS CONCURRED IN BY A MAJORITY OF ALL THE MEMBERS OF PARLIAMENT.

SEC. 22. (1) PARLIAMENT, BY A VOTE OF TWO-THIRDS OF ALL ITS MEMBERS, SHALL HAVE THE SOLE POWER TO DECLARE THE EXISTENCE OF A STATE OF WAR.

(2) IN TIMES OF WAR OR OTHER NATIONAL EMERGENCY, PARLIAMENT MAY BY LAW AUTHORIZE THE PRIME MINISTER, FOR A LIMITED PERIOD AND SUBJECT TO SUCH RESTRICTIONS AS THE LAW MAY PRESCRIBE, TO EXERCISE POWERS NECESSARY AND PROPER TO CARRY OUT A DECLARED NATIONAL POLICY. UNLESS SOONER WITHDRAWN BY RESOLUTION OF PARLIAMENT, SUCH POWERS SHALL CEASE UPON ITS NEXT ADJOURMENT.

SEC. 23. NO LAW SHALL BE PASSED INCREASING THE APPELLATE JURISDICTION OF THE SUPREME COURT AS PROVIDED IN THIS CONSTITUTION, WITHOUT ITS ADVICE AND CONCURRENCE.

SEC. 24. NO LAW GRANTING A TITLE OF ROYALTY OR NOBILITY SHALL BE ENACTED.

SEC. 25. (1) NO BILL EXCEPT THOSE OF LOCAL APPLICATION SHALL BE CALENDARED WITHOUT THE PRIOR RECOMMENDATION OF THE CABINET.

(2) NO BILL 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 PASSEGE, EXCEPT WHEN THE PRIME MINISTER CERTIFIES TO

THE NECESSITY OF ITS IMMEDIATE ENACTMENT TO MEET A PUBLIC CALAMITY OR EMERGENCY. UPON THE LAST READING OF A BILL, NO AMENDMENT THERETO SHALL BE ALLOWED, AND THE VOTE THEREON SHALL BE TAKEN IMMEDIATELY THEREAFTER, AND THE YEAS AND NAYS ENTERED IN THE JOURNAL.

(2) EVERY BILL PASSED BY PARLIAMENT SHALL EMBRACE ONLY ONE SUBJECT MATTER, WHICH SHALL BE EXPRESSED IN THE TITLE THEREOF.

(3) EVERY BILL PASSED BY PARLIAMENT SHALL, BEFORE IT BECOMES A LAW, BE PRESENTED TO THE PRIME MINISTER FOR HIS SIGNATURE. THE PRIME MINISTER SHALL ACT ON EVERY BILL PASSED BY PARLIAMENT WITHIN THIRTY DAYS AFTER THE DATE OF RECEIPT THEREOF; OTHERWISE, IT SHALL BECOME A LAW AS IF HE HAD SIGNED IT.

SEC. 26. PARLIAMENT OR ANY OF ITS COMMITTEES MAY CONDUCT INQUIRIES IN AID OF LEGISLATION IN ACCORDANCE WITH ITS DULY PUBLISHED RULES OF PROCEDURE. THE RIGHTS OF PERSONS APPEARING IN OR AFFECTED BY SUCH INQUIRIRES SHALL BE RESPECTED.

SEC. 27. THERE SHALL BE A QUESTION HOUR AS OFTEN AS ITS RULES MAY PROVIDE DURING WHICH THE PRIME MINISTER OR ANY MINISTER, UPON THEIR OWN INITIATIVE OR AS MAY BE REQUIRED BY PARLIAMENT, CAN APPEAR BEFORE AND BE HEARD TO ANSWER QUESTIONS AND INTERPELLATIONS BY MEMBERS OF PARLIAMENT ON ANY MATTER PERTAINING TO THE GOVERNEMNT OR ITS MINISTRIES. WRITTEN QUESTIONS SHALL BE SUBMITTED TO THE SPEAKER AT LEAST THREE DAYS BEFORE THEIR SCHEDULED APPEARANCE. INTERPELLATIONS SHALL NOT BE LIMITED TO WRITTEN QUESTIONS, BUT MAY COVER MATTERS RELATED THERETO. THE AGENDA SHALL SPECIFY THE SUBJECTS OF THE QUESTION

HOUR. WHEN THE SECURITY OF THE STATE OR THE PUBLIC INTEREST SO REQUIRES, AND THE PRIME MINISTER SO STATES IN WRITING, THE APPEARANCE SHALL BE CONDUCTED IN EXECUTIVE SESSION.

SEC. 28. (1) PARLIAMENT MAY WITHDRAW ITS CONFIDENCE FROM THE PRIME MINISTER ONLY BY ELECTING A SUCCESSOR BY A MAJORITY VOTE OF ALL ITS MEMBERS. NO MOTION FOR THE ELECTION OF SUCH SUCCESSOR SHALL BE DEBATED AND VOTED UPON UNTIL AFTER THE LAPSE OF THREE DAYS FROM THE SUBMITTAL OF SUCH MOTION.

(2) THE PRIME MINISTER OR ANY MEMBER OF PARLIAMENT MAY REQUEST FOR A POPULAR VOTE OF CONFIDENCE FROM PARLIAMENT ON FUNDAMENTAL ISSUE OR A GENERAL DECLARATION OF PROGRAM OR POLICY WHICH MUST BE VOTED UPON AFTER SEVENTY-TWO HOURS HAVE ELAPSED FROM ITS SUBMISSION. IF THE VOTE OF CONFIDENCE IS NOT CARRIED BY THE MAJORITY OF ALL THE MEMBERS OF PARLIAMENT, THE PRESIDENT UPON WRITTEN ADVICE OF THE PRIME MINISTER SHALL DISSOLVE PARLIAMENT NOT EARLIER THAN THREE DAYS NOR LATER THAN TEN DAYS FROM RECEIPT OF THE ADVICE, AND CALL FOR AN ELECTION.

HOWEVER, NO DISSOLUTION OF PARLIAMENT OR VOTE OF CONFIDENCE SHALL TAKE PLACE WITHIN ONE YEAR IMMEDIATELY PRECEDING OR FOLLOWING A GENERAL ELECTION.

SEC. 29. IN CASE OF DISSOLUTION OF PARLIAMENT OR THE TERMINATION OF ITS REGULAR TERM, THE INCUMBENT PRIME MINISTER AND THE CABINET SHALL CONTINUE TO CONDUCT THE AFFAIRS OF GOVERNMENT UNTIL THE NEW PARLIAMENT IS CONVOKED BY THE PRIME MINISTER AND A NEW PRIME MINISTER IS ELECTED AND QUALIFIED.

SEC. 30. WITHIN THIRTY DAYS AFTER PARLIAMENT SHALL HAVE BEEN ORGANIZED WITH THE ELECTION OF THE SPEAKER, THE COMMISSION ON APPOINTMENTS SHALL BE CONSTITUTED CONSISTING OF THE SPEAKER, AS EX-OFFICIO CHAIRMAN, AND NOT MORE THAN THIRTY-SIX MEMBERS ELECTED BY PARLIAMENT ON THE BASIS OF PROPORTIONAL REPRESENTATION FROM THE POLITICAL PARTIES REPRESENTED THEREIN. NO MINISTER SHALL BE ELECTED IN THE COMMISSION.

THE COMMISSION ON APPOINTMENTS SHALL MEET ONLY WHEN PARLIAMENT IS IN SESSION. THE CHAIRMAN OF THE COMMISSION SHALL ACT ON ALL APPOINTMENTS SUBMITTED TO IT WITHIN THIRTY SESSION DAYS OF PARLIAMENT FROM THEIR SUBMISSION. THE COMMISSION SHALL RULE BY A MAJORITY VOTE OF ALL ITS MEMBERS. THE CHAIRMAN OF THE COMMISION SHALL NOT VOTE, EXCEPT IN CASE OF A TIE. THE RULES OF THE COMMISSION SHALL BE APPROVED BY PARLIAMENT.

SEC. 31. WITHIN THIRTY-DAYS AFTER PARLIAMENT SHALL HAVE BEEN ORGANIZED WITH THE ELECTION OF THE SPEAKER, PARLIAMENT ELECTORAL TRIBUNAL SHALL BE CONSTITUTED WHICH SHALL BE THE SOLE JUDGE OF ALL CONTESTS RELATING TO THE ELECTION, RETURNS AND QUALIFICATIONS OF THEIR RESPECTIVE MEMBERS. THE 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, THREE SHALL BE CHOSEN BY THE MAJORITY PARTY AND THREE SHALL BE CHOSEN BY THE MINORITY PARTY FROM THEIR RESPECTIVE MEMBERS OF PARLIAMENT. THE SENIOR JUSTICE OF THE SUPREME COURT SHALL BE ITS CHAIRMAN. THE ELECTORAL TRIBUNAL SHALL PROMULGATE ITS OWNS RULES OF PROCEDURES. THE DECISION OF THE ELECTORIAL

TRIBUNAL IS FINAL AND NOT SUBJECT TO ANY APPEAL IN OR REVIEW BY THE SUPREME COURT.

SEC. 32. PARLIAMENT 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 PARLIAMENT 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, OF WHICH EVERY LEGISLATIVE DISTRICT MUST BE REPRESENTED BY AS LEAST THREE PER CENTUM OF THE REGISTERED VOTERS THEREOF.

ARTICLE VIII

THE PRIME MINISTER AND THE CABINET

SECTION 1. THE EXECUTIVE POWER SHALL BE EXERCISED BY THE PRIME MINISTER WITH THE ASSISTANCE OF THE CABINET.

SEC. 2 THE PRIME MINISTER SHALL BE ELECTED BY A MAJORITY OF ALL THE MEMBERS OF PARLIAMENT FROM AMONG THEMSELVES.

SEC. 3. THE PRIME MINISTER SHALL APPOINT THE DEPUTY PRIME MINISTER WHO SHALL HEAD A MINISTRY, AND THE MEMBERS OF THE CABINET WHO SHALL BE THE HEADS OF THE MINISTRIES, AT LEAST TRHEE-FOURTHS OF WHOM SHALL COME FROM PARLIAMENT. THEY MAY BE REMOVED AT THE DISCRETION OF THE PRIME MINISTER.

THE PRIME MINISTER SHALL ALSO APPOINT THE CAREER SENIOR DEPUTY MINISTER FOR EACH MINISTRY WHO SHALL BE A MEMBER OF THE

CAREER CIVIL SERVICE AND SHALL BE THE CHIEF ADMINISTRATOR OF THE MINISTRY.

SEC. 4. BEFORE THEY ENTER ON THE EXECUTION OF THEIR OFFICE, THE PRIME MINISTER AND THE MEMBERS OF THE CABINET SHALL TAKE THE FOLLOWING OATH OR AFFIRMATION.

"I DO SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL FAITHFULLY AND CONSCIENTIOUSLY FULFILL MY DUTIES AS (NAME OF POSITION) OF THE REPUBLIC OF THE PHILIPPINES, PRESERVE AND DEFEND ITS CONSTITUTION, EXECUTE ITS LAWS, DO JUSTICE TO EVERY PERSON, AND CONSECRATE MYSELF TO THE SERVICE OF THE NATION. SO HELP ME GOD." (IN CASE OF AFFIRMATION, THE LAST SENTENCE WILL BE OMMITTED.)

SEC. 5. THE PRIME MINISTER SHALL HAVE AN OFFICIAL RESIDENCE. THE SALARIES AND EMOLUMENTS OF THE PRIME MINISTER AND THE MEMBERS OF THE CABINET SHALL BE DETERMINED BY LAW AND SHALL NOT BE INCREASED NOR DECREASED DURING THEIR TENURE. THE PRIME MINISTER SHALL RECEIVE AN ANNUAL SALARY AS THAT OF THE PRESIDENT.

SEC. 6. THE PRIME MINISTER AND THE MEMBERS OF THE CABINET SHALL BE SUBJECT TO THE PROVISIONS OF SECTIONS TEN AND ELEVEN OF ARTICLE VII OF THIS CONSTITUTION ON PARLIAMENT.

SEC. 7. THE PRIME MINISTER OR ANY MEMBER OF THE CABINET MAY RESIGN FOR ANY CAUSE WITHOUT VACATING HIS SEAT IN PARLIAMENT.

SEC. 8. THE PRIME MINISTER AND THE CABINET SHALL BE RESPONSIBLE TO PARLIAMENT FOR THE PROGRAM OF GOVERNMENT AND SHALL DETERMINE THE GUIDELINES OF NATIONAL POLICY. THE PRIME MINISTER SHALL, AT THE BEGINNING EACH REGULAR SESSION OF

PARLIAMENT AND FROM TIME TO TIME THEREAFTER, PRESENT THE PROGRAM OF GOVERNMENT AND RECOMMEND FOR THE CONSIDERATION OF PARLIAMENT SUCH MEASURES AS HE MAY DEEM NECESSARY AND PROPER.

SEC. 9. THE PRIME MINISTER SHALL HAVE CONTROL OF ALL MINISTRIES, BUREAUS, AND OFFICES. HE SHALL HAVE SUPERVISION AND ADMINISTRATION OVER AUTONOMOUS TERRITORIES, LOCAL GOVERNMENTS, AND ALL OF THE ARMED FORCES OF THE PHILIPPINES. HE SHALL ENSURE THAT THE LAWS BE FAITHFULLY EXECUTED.

SEC. 10. TWO MONTHS IMMEDIATELY BEFORE THE NEXT REGULAR ELECTIONS AND UP TO THE END OF HIS TERM, A PRIME MINISTER SHALL NOT MAKE APPOINTMENTS, EXCEPT TEMPORARY APPOINTMENTS TO EXECUTIVE POSITIONS WHEN CONTINUED VACANCIES THEREIN WILL PREJUDICE PUBLIC SERVICE OR ENDANGER PUBLIC SAFETY.

SEC. 11. THE PRIME MINISTER SHALL NOMINATE AND, WITH THE CONSENT OF THE COMMISSION ON APPOINTMENTS, APPOINT THE CHIEF JUSTICE AND MEMBERS OF THE SUPREME COURT AND LOWER COLLEGIATE COURTS, THE OMBUDSMAN AND HIS DEPUTIES, THE CHAIRMEN AND MEMBERS OF THE CONSTITUTIONAL COMMISSIONS, THE CHAIRMEN AND MEMBERS OF THE INDEPENDENT CONSTITUTIONAL BODIES, AMBASSADORS, CHIEF OF MISSION AND CONSULS-GENERAL, THE CHIEF OF STAFF, THE VICE CHIEF OF STAFF, DEPUTY CHIEF OF STAFF AND THE COMMANDERS OF THE MAJOR SERVICES OF THE ARMED FORCES OF THE PHILIPPINES AND THE OFFICERS OF THE PHILIPPINE NATIONAL POLICE OF EQUIVALENT RANK AND GRADE, AND ALL OTHER OFFICERS OF THE GOVERNMENT WHOSE APPOINTMENTS MAY BE SUBJECT FOR CONFIRMATION AS PROVIDED IN THIS CONSTITUTION OR BY LAW. HE SHALL ALSO APPOINT THE HEADS OF THE

BUREAUS AND OFFICES, OTHER PUBLIC MINISTERS AND CONSULS, THE OFFICERS OF THE ARMED FORCES FROM THE RANK OF COLONEL OR NAVAL CAPTAIN, THE OFFICERS OF THE PHILIPPINE NATIONAL POLICE FROM THE RANK OF SENIOR SUPERINTENDENT, AND ALL OTHER OFFICERS OF THE GOVERNMENT WHOSE APPOINTMENTS ARE NOT OTHERWISE PROVIDED BY LAW, AND THOSE WHOM HE MAY BE AUTHORIZED BY LAW TO APPOINT. PARLIAMENT MAY, BY LAW, VEST THE APPOINTMENT OF OTHER OFFICERS LOWER IN RANK IN THE HEADS OF MINISTRIES, COURTS AGENCIES, COMMISSIONS, OR BOARDS.

THE PRIME MINISTER SHALL HAVE THE POWER TO MAKE APPOINTMENTS DURING THE RECESS OF PARLIAMENT, WHETHER VOLUNTARY OR COMPULSORY, BUT SUCH APPOINTMENTS SHALL BE EFFECTIVE ONLY UNTIL DISAPPROVAL BY THE COMMISSION ON APPOINTMENTS OR UNTIL THE NEXT ADJOURNMENT OF PARLIAMENT.

SEC. 12. THE PRIME MINISTER MAY CONTRACT OR GUARANTEE FOREIGN LOANS ON BEHALF OF THE REPUBLIC OF THE PHILIPPINES WITH THE PRIOR CONCURRENCE OF THE MONETARY BOARD, AND SUBJECT TO SUCH LIMITATIONS AS MAY BE PROVIDED BY LAW. THE MONETARY BOARD SHALL WITHIN THIRTY DAYS FROM THE END OF EVERY QUARTER OF THE CALENDAR YEAR, SUBMIT TO PARLIAMENT A COMPLETE REPORT OF ITS DECISIONS ON APPLICATIONS FOR LOANS TO BE CONTRACTED OR GUARANTEED BY THE GOVERNMENT OR GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS WHICH WOULD HAVE THE EFFECT OF INCREASING THE FOREIGN DEBT AND CONTAINING OTHER MATTERS PROVIDED BY LAW.

ARTICLE IX

THE PRESIDENT

SECTION 1. The President shall be the Head of the State and the Commander-in-Chief of all the Armed Forces of the Philippines.

SEC. 2. The President shall be elected from among the Members of PARLIAMENT by a majority of all its Members whom must at least be forty years of age on the day of his election and a resident of the Philippines for at least ten years immediately preceding his election. However, if no Member of PARLIAMENT is qualified or none of those qualified is a candidate for President, any Member thereof may be elected Prime Minister.

SEC. 3. The President shall serve for a term of five years which shall commence from the date he takes oath of office within three days after his proclamation by the National Assembly, and shall end at twelve noon on the day his successor shall take the same oath. Upon taking his oath, the President shall cease to be a Member of PARLIAMENT and of any political party. Unless otherwise provided in this Constitution, he shall be ineligible to hold any office during his term.

SEC. 4. On assuming office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as (name of position) of the Republic of the Philippines, preserve and defend its Constitution, excuse its laws, do justice to every person, and consecrate myself to the service of the nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

SEC. 5. The President shall have an official residence. The salaries and emoluments of the President shall be determined by law and shall not be increased nor decreased during his tenure.

SEC. 6. The Office of the President shall enjoy fiscal independence. Appropriations for the said office shall be periodically increased by as much as the projected rate of inflation for the current fiscal year and shall not, under any situation, be decreased below the amount appropriated for the previous year. After approval of the budget by PARLIAMENT, the amounts so appropriated shall be automatically and regularly released.

SEC. 7. The President shall be subject to the provisions of Sections ten and eleven of Article VII on PARLIAMENT and Section 6 of Article VIII on the Prime Minister and the Cabinet of this Constitution.

SEC. 8. The President, upon the advice of the Prime Minister and whenever it becomes necessary, may call out such armed forces to prevent or suppress lawless violence, invasion or rebellion. In case of invasion, rebellion or imminent danger thereof, upon the advice of the Prime Minister and 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 writ of Habeas Corpus, the Prime Minister shall submit a report in person or in writing to PARLIAMENT. PARLIAMENT, by 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 and the Prime Minister. Upon the initiative of the Prime Minister and approved by the President, PARLIAMENT may, in the same manner, extend such proclamation

or suspension for a period to be period to be determined by PARLIAMENT, if the invasion, rebellion or imminent danger thereof shall persist and public safety requires it.

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

SEC, 9. Except in cases of impeachment, or as otherwise provided in this Constitution, the President, upon the recommendation of the Prime Minister, may grant pardon, and, after conviction by final judgment, grant reprieves, commutations, and remit fines and forfeitures.

He shall, upon the recommendation of the Prime Minister, have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.

SEC. 10. The President shall address PARLIAMENT at the opening of its regular session. He may also appear before it any other time.

SEC. 11. The President shall appoint all officers and employees in his office in accordance with the Civil Service Law. He may perform such other duties and functions of state as may be provided by law.

SEC. 12. The President and the Prime Minister shall be immune from suit during their tenure.

ARTICLE ~~VIII~~ X

~~JUDICIAL DEPARTMENT~~

THE JUDICIARY

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

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

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

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

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

SEC. 4. (1) The Supreme Court shall be composed of a Chief Justice and fourteen Associate Justices TO BE APPOINTED BY THE PRIME MINISTER, SUBJECT TO THE CONFIRMATION BY THE COMMISSION ON APPOINTMENTS. 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~~ SUCH VACANCY.

(2) All cases involving the constitutionality of a treaty, international or executive agreement 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~~ TWO THIRDS 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*~~ A VOTE OF TWO-THIRDS OF ALL THE MEMBERS.

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

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

2. Review, revise, reserve, 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 jurisdiction of any lower court is in issue.
d. All criminal cases in which the penalty imposed is *reclusion perpetua,* ~~or higher~~ LIFE IMPRISONMENT, OR DEATH.
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 underprivileged. 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.

SEC. 6. The Supreme Court, THROUGH THE OFFICE OF THE COURT ADMINISTRATOR, shall have administrative supervision over all courts and ~~the~~ THEIR personnel ~~thereof.~~

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

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

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

SEC. 8. (1) A Judicial and Bar Counsel is hereby created COMPOSED OF SEVEN MEMBERS: ~~under the supervision of the Supreme Court WHICH SHALL BE composed of the Chief Justice as *ex officio* Chairman, the Secretary of Justice, and a representative of the Congress as *ex officio* Members of the~~ Supreme Court JUSTICE AS CHAIRMAN, WITH TWO REPRESENTATIVES FROM THE INTEGRATED BAR OF THE PHILIPPINES, TWO PROFESSORS OF LAW, and TWO REPRESENTATIVES ~~of~~ FROM the private sector AS MEMBERS.

(2) The ~~regular~~ members of the Council shall be appointed by the ~~President~~ PRIME MINISTER AND CONFIRMED BY THE COMMISSION ON APPOINTMENTS for a term of ~~four~~ FIVE years ~~with the consent of the Commission on Appointments~~ WITHOUT REAPPOINTMENT. ~~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.~~ THE COUNCIL SHALL ENJOY FISCAL AUTONOMY AND ITS APPROVED ANNUAL APPROPRIATION SHALL BE AUTOMATICALLY AND REGULARLY RELEASED.

~~(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.~~

(4) THE COUNCIL SHALL HAVE THE FOLLOWING PRINCIPAL POWERS AND FUNCTIONS:

A) RECOMMENDED APPOINTEES TO ALL COLLEGIATE COURTS AND LOWER COURTS;

B) DISCIPLINE JUSTICES AND JUDGES OF THE SAID COURTS, OR ORDER THEIR DISSMISAL BY A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL; AND

C) PERFORM OTHER POWERS AND FUNCTIONS AS MAY BE AUTHORIZED BY LAW.

SEC. 9. THE DECISION OF THE JUDICIAL AND BAR COUNCIL, IN THE EXERCISE OF ITS DISCIPLINARY POWERS AS PROVIDED IN THE PRECEDING SECTION, SHALL BE APPEALABLE ON *CERTIORARI* TO THE SUPREME COURT.

SEC. ~~9~~ 10. ~~The Members of the Supreme Court and judges of 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.~~ THE PRIME MINISTER SHALL APPOINT JUSTICES OF ALL COLLEGIATE COURTS AND JUDGES OF LOWER COURTS FROM AMONG THE LIST SUBMITTED BY THE JUDICIAL AND BAR COUNCIL WITHIN NINETY DAYS FROM THE SUBMISSION OF THE LIST. SUCH APPOINTMENT NEEDS NO CONFIRMATION.

SEC. ~~10~~ 11. The salary of the Chief Justice, ~~and of~~ the Associate Justices of the Supreme Court, JUSTICES OF COLLEGIATE COURTS and judges of lower courts shall be fixed by law. During their continuance in office, their salary shall not be decreased AND UPON RETIREMENT, THEY SHALL ALL BE COVERED BY A UNIFORM RETIREMENT PLAN PRESCRIBED BY LAW.

SEC. ~~11~~. 12. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reach the age of seventy years or become incapacitated to discharge the duties of their office. ~~The Supreme Court *en banc* shall have the power of 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.~~

SEC. ~~12~~ 13. The Members of the Supreme Court and of other courts established by law shall not be designated to any agency performing quasi-judicial or administrative functions.

SEC. ~~13~~ 14. 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~~ SHALL BE attached to the record of the case and served upon the parties. Any Members who took no part, ~~or~~ dissented, or abstained from the decision or resolution must state the reason ~~thereof~~. The same requirements shall be observed by all collegiate and lower courts.

SEC. ~~14~~ 15. 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~~ FOR THE REFUSAL OR DENIAL.

SEC. ~~15~~ 16. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within ~~twenty-four~~ TWELVE months from THE date of submission for the Supreme Court, and unless reduced by the Supreme Court, ~~twelve~~ SIX months for all collegiate courts, and three months for all other lower courts.

(2) A case or matter shall be deemed submitted for decision or resolution upon filling 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~~ OF WHICH SHALL BE 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.

THE UNJUSTIFIED FAILURE TO RENDER A DECISION OR RESOLUTION WITHIN THE MANDATORY PERIODS MAY BE A GROUND FOR THE IMPEACHMENT OF THE MEMBERS OF THE SUPREME COURT OR THE IMPOSITION OF SANCTIONS, INCLUDING REMOVAL, AGAINST A COLLEGIATE COURT JUSTICE OR JUDGE.

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

SEC. ~~16~~ 17. The Supreme Court shall, within thirty days from the opening of each regular session of ~~the Congress~~ PARLIAMENT, submit to the ~~President~~ PRIME MINISTER and ~~the Congress~~ PARLIAMENT an annual report on the operations and activities of the Judiciary.

ARTICLE ~~IX~~ XI

CONSTITUTIONAL COMMISSIONS

A. COMMON PROVISIONS

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

SEC. 2. No Member of the Constitutional Commission shall, during his tenure, hold any other office or employment. Neither shall be 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.

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

SEC. 4. The Constitutional Commission shall appoint their officials and employees in accordance with law.

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

SEC. 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.

SEC. 7. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by the Constitution or by law, any decision, order, or ruling of each Commission may be brought to the ~~Supreme~~ Court OF APPEALS on *certiorari* by the aggrieved party within thirty days from receipt of a copy ~~thereof.~~

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

B. THE CIVILE SERVICE COMMISSION

SECTION 1. (1) The civil service shall be administered by the Civil Service Commission composed of a Chairman and two Commissioners who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, 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~~ PRIME MINISTER with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, the Chairman shall hold office for seven years, a Commissioner for five years, and another Commissioner for three years, without appointment. Appointment to any vacancy shall be ~~only~~ for the unexpired term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SECTION 1. (1) THE CIVIL SERVICE COMMISSION IS THE CENTRAL PERSONNEL AGENCY OF THE GOVERNMENT, ESTABLISH A CAREER SERVICE AND ADOPT MEASURES TO PROMOTE EFFICIENCY, INTEGRITY, AND MORALE IN THE CIVIL SERVICE. IT SHALL STRENGTHEN THE MERIT AND REWARDS SYSTEM FOR ALL LEVELS AND RANKS.

(2) THE CIVIL SERVICE SHALL EMBRACE ALL BRANCHES, SUBDIVISIONS, INSTRUMENTALITIES AND AGENCIES OF THE GOVERNMENT, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS.

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

~~(2) Appoints 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 engaged, 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.~~

SEC. 2. ALL PUBLIC OFFICERS AND EMPLOYEES AND MEMBERS OF THE ARMED FORCES OF THE PHILIPPINES SHALL TAKE AND OATH OR AFFIRMATION TO UPHOLD AND DEFEND THIS CONSTITUTION.

~~Section 3. 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 conductive~~

~~to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.~~

SEC. 3 (1) APPOINTMENTS IN THE CIVIL SERVICE SHALL BE MADE ONLY ACCORDING TO MERIT AND FITNESS TO BE DETERMINED BY COMPETITIVE EXAMINATIONS. IN EXCEPTIONAL CASES PERTAINING TO POSITIONS WHICH ARE POLICY-DETERMINING OR HIGHLY TECHNICAL, APPOINTMENT MUST BE BASED ON PASSING SPECIALIZED EXAMINATIONS GIVEN FOR SUCH PURPOSE, IN ADDITION TO MERIT AND FITNESS.

(2) CIVIL SERVANTS SHALL ENJOY PERFORMANCE-BASED SECURITY OF TENURE. NO OFFICER OR EMPLOYEE OF THE CIVIL SERVICE SHALL BE REMOVED OR SUSPENDED EXCEPT FOR FAILURE TO MEET PERFORMANCE STANDARDS SET BY THE CIVIL SERVICE COMMISSION OR FOR OTHER CAUSES PROVIDED BY LAW.

(3) NO OFFICER OR EMPLOYEE IN THE CIVIL SERVICE SHALL ENGAGE, DIRECTLY OR INDIRECTLY, IN ANY ELECTIONEERING OR PARTISAN POLITICAL CAMPAIGN.

~~(4) THE RIGHT TO SELF-ORGANIZATION SHALL NOT BE DENIED TO GOVERNMENT EMPLOYEES.~~

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

SEC. 4. PARLIAMENT SHALL ENSURE THAT MEASURES ARE PROVIDED TO ABOLISH CORRUPTION AND RED TAPE AND SIMPLIFY RULES AND REGULATIONS IN GOVERNMENT. ~~IT SHALL ALSO PROVIDE FOR THE ABOLITION OR PRIVATIZATION OF GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS THAT ARE NOT FINANCIALLY VIABLE AND SELF-SUSTAINING~~

~~IN OREDR TO ENSURE THAT RESOURCES OF THE GOVERNMENT ARE HUSBANDED AND UTILIZED ONLY FOR THE FURTHERANCE OF NATIONAL DEVELOPMENT.~~

~~Section 5. The 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.~~

SEC. 5. NO CANDIDATE WHO HAS LOST IN ANY ELECTION SHALL, WITHIN ONE YEAR AFTER SUCH ELECTION, BE APPOINTED TO ANY OFFICE IN THE GOVERNMENT OR ANY GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND THEIR SUBSIDIARIES.

~~Section 6. No candidate who has lost in any election shall, within one year after such election, be appointed to any office in the Government-owned or controlled corporations or in any of their subsidiaries.~~

SEC. 6. (1) NO ELECTIVE OFFICIAL SHALL BE ELIGIBLE FOR APPOINTMENT OR DESIGNATION IN ANY CAPACITY TO ANY PUBLIC OFFICE OR POSITION DURING HIS TENURE.

(2) 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 OF ITS SUBDIVISION, AGENCY OR INSTRUMENTALITY, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS AND 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.~~

SEC. 7. 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 PARLIAMENT, ANY PRESENT, EMOLUMENT, OFFICE, OR TITLE OF ANY KIND FROM ANY FOREIGN GOVERNMENT.

PENSIONS OR GARTUITIES SHALL NOT BE CONSIDERED AS ADDITIONAL, DOUBLE, OR INDIRECT COMPENSATION.

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

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

SEC. 8. (1) THE CIVIL SERVICE SHALL BE ADMINISTERED BY THE CIVIL SERVICE COMMISSION COMPOSED OF A CHAIRMAN AND TWO COMMISSIONERS WHO SHALL BE NATURAL-BORN CITIZENS OF THE PHILIPPINES AND, AT THE TIME OF THEIR APPOINTMENT, AT LEAST THIRTY-FIVE YEARS OF AGE, 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 PRIME MINISTER WITH THE CONSENT OF THE COMMISSION ON APPOINTMENTS FOR A TERM OF SEVEN YEARS WITHOUT REAPPOINTMENT. OF THOSE FIRST APPOINTED, THE CHAIRMAN SHALL HOLD OFFICE FOR SEVEN YEARS, A COMMISSIONER FOR FIVE YEARS, AND ANOTHER COMMISSIONER FOR THREE YEARS, WITHOUT APPOINTMENT. APPOINTMENT TO ANY VACANCY SHALL BE FOR THE UNEXPIRED TERM OF THE PREDECESSOR. IN NO CASE SHALL ANY MEMBER BE APPOINTED OR DESIGNATED IN A TEMPORARY OR ACTING CAPACITY.

SEC. 9. PARLIAMENT SHALL PROVIDE FOR THE STANDARDIZATION OF COMPENSATION OF GOVERNMENT OFFICIALS AND EMPLOYEES, INCLUDING THOSE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, AND THEIR SUBSIDIARIES, TAKING INTO ACCOUNT THE NATURE OF THE RESPONSIBILITIES PERTAINING TO, AND THE QUALIFICATIONS REQUIRED FOR THEIR POSITIONS.

C. THE COMMISSION ON ELECTIONS

SECTION 1. (1) There shall be a Commission on Elections composed of a Chairman and ~~six~~ FOUR 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 position in the immediately preceding elections. However, a majority OF THE COMMISSIONERS ~~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~~ PRIME MINISTER with the consent of the Commission on

Appointments for a term of seven years without reappointment. Of those first appointed, three Members shall hold office for seven years AND two Members for five 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.

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 EXCEPT ALL CONSENTS RELATING TO THE ELECTIONS, RETURNS, AND QUALIFICATIONS OF ALL ELECTIVE REGIONAL, PROVINCIAL, AND CITY OFFICIALS WHICH SHALL BE WITHIN THE ORIGINAL JURISDICTION OF THE REGIONAL TRIAL COURTS. THOSE INVOLVING ELECTIVE BARANGAY OFFICIALS SHALL BE WITHIN THE ORIGINAL JURISDICTION OF THE CITY OR MUNICIPAL TRIAL COURTS.

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

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

(5) Decided, 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.

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

(7) ~~Register~~ ACCREDIT, after sufficient publication, political parties, organizations, or coalitions which, in addition to other requirements, must present their platform or program of government and assume party responsibilities and accountability in governance; 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.~~

(5) File, upon a verified complaint, or on its own initiative, petitions in court for inclusion or exclusion of voters; investigate and, where appropriate, prosecute cases of violations of election laws, including acts or omissions constituting election frauds, offenses, and malpractices.

(6) Recommend to ~~the Congress~~ PARLIAMENT 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, offences, malpractices, and nuisance candidacies.

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

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

SEC. 3. The Commission on Elections ~~may sit *en banc* or in two divisions, and~~ shall promulgate its rules of procedure in order to expedite disposition of election cases, within its administrative jurisdiction. ~~All such election cases shall be heard and decided in division, provided that motions for reconsideration of decisions shall be decided by the Commission *en banc*.~~

SEC. 4. The Commission may, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of transportation and other public utilities, media of communication or information, all grants, special privileges, or concessions granted by the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation or its subsidiary. Such supervision or regulation shall aim to ensure equal opportunity; AND equal rates ~~thereof,~~ for public information campaigns and forums among candidates in connection with the objective of holding free, orderly, honest, peaceful, and credible elections.

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

~~Section 6. 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.~~

SEC. 6. UNLESS OTHERWISE FIXED BY THE COMMISSION IN SPECIAL CASES, THE ELECTION PERIOD SHALL COMMENCE NINETY DAYS BEFORE THE DAY OF ELECTION AND SHALL END THIRTY DAYS AFTER.

~~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.~~

SEC. 7. *BONA FIDE* CANDIDATES FOR ANY PUBLIC OFFICE SHALL BE FREE FROM ANY FORM OF HARASSMENT AND DISCRIMINATION.

~~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.~~

SEC. 8. FUNDS CERTIFIED BY THE COMMISSION AS NECESSARY TO DEFRAY THE EXPENSES FOR HOLDING REGULAR AND SPECIAL ELECTIONS, PLEBISCITES, INITIATIVES, REFERENDA, AND RECALLS, SHALL BE PROVIDED IN THE REGULAR OR SPECIAL APPROPRIATIONS AND ONCE APPROVED, SHALL BE RELEASED AUTOMATICALLY UPON CERTIFICATION BY THE CHAIRMAN OF THE COMMISSION.

SEC. 9. PARLIAMENT SHALL, BY LAW, (1) PROMOTE THE DEVELOPMENT OF A PARTY SYSTEM IN WHICH VARIOUS INTERESTS AND SECTORS IN SOCIETY SHALL BE REPRESENTED, INCLUDING WOMEN, LABOR, THE POOR, PEASANTS, INDIGENOUS PEOPLES, PERSONS WITH DISABILITY AND THE YOUTH; (2) ENCOURAGE THE DEVELOPMENT OF TWO MAJOR POLITICAL PARTIES TO ENSURE THAT A MAJORITY CAN ASSUME RESPONSIBILITY AND ACCOUNTABILITY IN GOVERNANCE AND (3) PROVIDE FINANCIAL ASSISTANCE TO THE POLITICAL PARTIES ON THE BASIS OF THEIR SHARE OF THE VOTES CAST FOR THE POLITICAL PARTIES IN THE PREVIOUS PARLIAMENTARY ELECTIONS.

FINANCIAL CONTRIBUTIONS FROM FOREIGN GOVERNMENTS AND THEIR AGENCIES TO POLITICAL PARTIES, ORGANIZATIONS, COALITIONS, OR CANDIDATES RELATED TO ELECTIONS SHALL CONSTITUTE INTERFERENCE IN NATIONAL AFFAIRS, AND, WHEN ACCEPTED, SHALL BE AN ADDITIONAL GROUND FOR THE CANCELLATION OF THEIR REGISTRATION WITH THW COMMISSION, IN ADDITION TO OTHER PENALTIES THAT MAY BE PRESCRIBED BY LAW.

SEC. 10. POLITICAL PARTIES SHALL OBSERVE FAIR, HONEST AND DEMOCRATIC PROCESES IN THE SELECTION OF THEIR CANDIDATES. THEY SHALL ENSURE THE INTEGRITY, LOYALTY, AND DISCIPLINE OF THEIR MEMBERS AND PUBLICLY ACCOUNT FOR THE SOURCES AND USE OF THEIR FUNDS AND FOR THEIR ASSETS.

SEC. 11. THE TWO DOMINANT POLITICAL PARTIES SHALL BE REPRESENTED IN THE VOTERS' REGISTRATION BOARDS, BOARDS OF ELECTION INSPECTORS, BOARDS OF CANVASSERS, AND SIMILAR BODIES.

OTHER POLITICAL PARTIES SHALL BE ENTITLED TO APPOINT POLL WATCHERS IN ACCORDANCE WITH LAW.

SEC. 12. ANY ELECTIVE OFFICIAL WHO LEAVES HIS POLITICAL PARTY BEFORE THE END OF THE TERM SHALL FORFEIT HIS SEAT.

~~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.~~

D. THE COMMISSION ON AUDIT

SECTION 1. (1) There shall be a Commission on Audit composed of a Chairman and two Commissioners, who shall be natural-born citizens of the Philippines and, at the time of their appointment, at least thirty-five years of age, certified public accountants with not less than ten years of auditing experience, or members of the Philippine Bar who have been engaged in the practice of law for at least ten years, and must not have been candidates for any elective position in the elections immediately preceding their appointment. At no time shall all Members of the Commission belong to the same profession.

(2) The Chairman and the Commissioners shall be appointed by the President with the consent of the Commission on Appointments for a term of seven years without reappointment. Of those first appointed, the Chairman shall hold office for seven years, one Commissioner for five years, and the other Commissioner for three years, without reappointment. Appointment to any vacancy shall be only for the unexpired portion of the term of the predecessor. In no case shall any Member be appointed or designated in a temporary or acting capacity.

SEC. 2. (1) The Commission on Audit shall have the power, authority, and duty to examine, audit, and settle all accounts pertaining to the revenue and receipts of and expenditures or uses of funds and property, owned or held in trust by, or pertaining to, the Government, or any of its subdivisions, agencies, or instrumentalities, including government-owned or controlled corporations with original charters, and on a post-audit basis:

a. constitutional bodies, commissions and offices that have been granted fiscal autonomy under this Constitution;
b. autonomous state colleges and universities;
c. other government-owned or controlled corporations and their subsidiaries; and
d. such non-governmental entities receiving subsidy or equity, directly or indirectly, from or through the Government, which are required by law or the granting institution to submit to such audit as a condition of subsidiary 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.

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

SEC. 4. The Commission shall submit to the ~~Presidential and the Congress~~ PRIME MINISTER AND PARLIAMENT, within the time fixed by law, an annual report covering the financial condition and operation of the Government, its subdivisions, agencies, and instrumentalities, including government-owned or controlled corporations, and non-governmental entities subject to its audit, and recommend measures necessary to improve their effectiveness and efficiency. It shall submit such other reports as may be required by law.

ARTICLE ~~X~~ XII

LOCAL GOVERNMENTS AND AUTONOMOUS TERRITORIES

A. GENERAL PROVISIONS

SECTION 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous TERRITORIES IN THE COUNTRY ~~regions in Muslim Mindanao and the Cordillera~~ as ~~hereinafter~~ provided IN THIS ARTICLE.

SEC. 2. THE STATE SHALL ENSURE THAT THE territorial and political subdivisions shall enjoy local autonomy.

SEC. 3. ~~The Congress~~ PARLIAMENT shall ~~enact~~ STRENGTHEN THE EXISTING ~~a~~ Local Government Code ~~which shall~~ TO provide for a more responsive and accountable local government structure instituted through a system of decentralization AND DEVOLUTION with effective mechanisms of recall, initiative, and referendum, allocate among the different local government units their powers, responsibilities, and resources. ,~~and~~ THE LOCAL GOVERNMENT CODE SHALL provide for the qualifications, election, appointment and removal, term, salaries, powers, and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.

SEC. 4. The ~~President of the Philippines~~ PRIME MINISTER shall exercise general supervision over local governments. Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barangays shall ensure that the acts of their component units are within the scope of their prescribed powers and functions.

SEC. 5. Each local government unit AND AUTONOMOUS TERRITORY shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as ~~the Congress~~ PARLIAMENT may provide, ~~consistent with the basic policy of local autonomy.~~ Such taxes, fees, and charges shall accrue ~~exclusively~~ to the CONCERNED local government units OR AUTONOMOUS TERRITORIES.

SEC. 6. THE NATIONAL GOVERNMENT IS MANDATED TO PROVIDE THE local government units ~~shall have a~~ THEIR just share, as determined by law, in the national taxes which shall be automatically released to them.

SEC. 7. THE local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, INCLUDING BUT NOT LIMITED TO OFF-SHORE SITES BEYOND MUNICIPAL WATERS, in the manner provided by law, WHICH SHALL BE AUTOMATICALLY RELEASED TO THEM, including sharing the same with the inhabitants by way of direct benefits.

LOCAL GOVERNMENT UNITS MAY AUTHORIZED BY LAW TO COLLECT THE PROCEEDS AND RETAIN THEIR EQUITABLE SHARE.

SEC. 8. The term of office of elective local officials SHALL BE FIVE YEARS except barangay officials, which shall be determined by law, ~~shall be three years and no such official 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.~~

~~SEC. 9. Legislative bodies of local government shall have sectoral representation as may be prescribed by law.~~

SEC. ~~10~~ 9. 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.

SEC. ~~11~~ 10. ~~The Congress~~ PARLIAMENT may, by law, create special metropolitan ~~political~~ subdivisions, subject to APPROVAL BY THE MAJORITY OF THE VOTES CAST IN THE AREAS AFFECTED. ~~a plebiscite as set forth in Section 10 hereof.~~ The component cities and municipalities shall retain their basic autonomy and shall be entitled to their own local executives and legislative ~~assemblies~~ BODIES. ~~The jurisdiction of the metropolitan authority that will thereby be created shall be limited to basic services requiring coordination.~~

SEC. ~~12~~. 11. ~~Cities that are highly urbanized,~~ HIGHLY URBANIZED CITIES, as determined by law, SHALL BE INDEPENDENT OF THE PROVINCE. THE VOTERS OF COMPONENT CITIES, REGARDLESS OF THE PROVISIONS OF THEIR RESPECTIVE CHARTERS, SHALL NOT BE DEPRIVED OF THEIR RIGHT TO VOTE FOR ELECTIVE PROVINCIAL OFFICIALS. ALL COMPONENT CITIES SHALL BE UNDER THE SUPERVISION OF THE PROVINCIAL GOVERNMEN. ~~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.~~

~~SEC. 14. The President shall provide for regional development councils or other similar bodies composed of local government officials, regional heads of departments and other government offices, and representatives from non-~~

~~governmental organizations within the regions for purpose of administrative decentralization to strengthen the autonomy of the units therein and to accelerate the economic and social growth and development of the units in the region.~~

B. AUTONOMOUS ~~Region~~ TERRITORIES

SEC. ~~15~~ 12. AN AUTONOMOUS TERRITORY ~~There shall~~ MAY be created IN ANY PART OF THE COUNTRY UPON A PETITION ADDRESSED TO PARLIAMENT BY A MAJORITY OF CONTIGUOUS, COMPACT AND ADJACENT PROVINCES, HIGHLY URBANIZED AND INDEPENDENT COMPONENT CITIES, AND MUNICIPALITIES IN METROPOLITAN AREAS THROUGH A RESOLUTION OF THEIR RESPECTIVE LEGISLATIVE BODIES. ~~autonomous regions in Muslim Mindanao and in the Cordillera consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.~~

IN EXCEPTIONAL CASES, A PROVINCE MAY BE ESTABLISHED AS AN AUTONOMOUS TERRITORY BASED ON AREA, POPULATION, NECESSITY, GEOGRAPHICAL DISTANCE, ENVIRONMENTAL, ECONOMIC AND FISCAL VIABILITY AND OTHER SPECIAL ATTRIBUTES.

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

SEC. 13. WITHIN ONE YEAR FROM THE FILING OF THE BILL BASED UPON THE PETITIONS AND INITIATIVES, PARLIAMENT SHALL PASS AN ORGANIC ACT WHICH SHALL DEFINE THE BASIC STRUCTURE OF

GOVERNMENT FOR THE AUTONOMOUS TERRITORY, CONSISTING OF A UNICAMERAL TERRITORIAL ASSEMBLY WHOSE MEMBERS SHALL BE ELECTIVE AND REPRESENTATIVE OF THE CONSTITUTENT POLITICAL UNITS. THE ORGANIC ACTS SHALL PROVIDE FOR COURTS CONSISTENT WITH THE PROVISIONS OF THEIR CONSTITUTION AND NATIONAL LAWS.

THE CREATION OF THE AUTONOMOUS TERRITORIES SHALL BE EFFECTIVE WHEN RATIFIED BY A MAJORITY OF THE VOTES CAST BY THEIR PROPOSED CONSTITUENT UNITS IN A PLEBISCITE CALLED FOR THE PURPOSE.

SEC. 14. THE AUTONOMOUS TERRITORIES SHALL SUPPORT THE NATIONAL GOVERNMENT IN MAINTAINING THE INTEGRITY AND INDEPENDENCE OF THE REPUBLIC AND SHALL COMPLY WITH AND ENFORCE THIS CONSTITUTION AND ALL NATIONAL LAWS.

SEC. 15. WHEN A LAW OF AN AUTONOMOUS TERRITORY OR A LOCAL GOVERNMENT IS INCONSISTENT WITH A NATIONAL LAW, THE LATTER SHALL PREVAIL, AND THE FORMER SHALL, TO THE EXTENT OF THE INCONSISTENCY, BE INVALID.

SEC. 16. WITHIN ITS TERRITORIAL JURISDICTION AND SUBJECT TO THE PROVISIONS OF THIS CONSTITUTION AND THE NATIONAL LAWS, THE ORGANIC ACT OF THE AUTONOMOUS TERRITORIES SHALL PROVIDE FOR PRIMARY LEGISLATIVE POWERS OF THEIR ASSEMBLIES OVER THE FOLLOWING:

1. ADMINISTRATIVE ORGANIZATION, PLANNING, BUDGET, AND MANAGEMENT;

2. CREATION OF SOURCES OF REVENUES AND FINANCE;

3. AGRICULTURE AND FISHERIES;

4. NATURAL RESOURCES, ENERGY, ENVIRONMENT, INDIGENOUS APPROPRIATE TECHNOLOGIES AND INVESTIONS;

5. TRADE, INDUSTRY, AND TOURISM;

6. LABOR AND EMPLOYMENT;

7. PUBLIC WORKS, TRANSPORTATION, EXCEPT RAILWAYS, SHIPPING AND AVIATION;

8. HEALTH AND SOCIAL WELFARE;

9. EDUCATION AND THE DEVELOPMENT OF LANGUAGE, CULTURE AND THE ARTS AS PART OF THE CULTURAL HERITAGE;

10. ANCESTRAL DOMAIN AND NATURAL RESOURCES;

11. HOUSING, LAND USE AND DEVELOPMENT;

12. URBAN AND RURAL PLANNING AND DEVELOPMENT; AND

13. SUCH OTHER MATTERS AS MAY BE AUTHORIZED BY LAW FOR THE PROMOTION OF THE GENERAL WELFARE OF THE PEOPLE OF THE AUTONOMOUS TERRITORY.

~~SEC. 17. All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.~~

~~SEC. 18. The Congress shall enact as organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President form a~~

~~list of nominees from multisectoral bodies. The organic act shall define the basic structure of government for the region consisting of the executive department and legislative assembly, both of which shall be elective and representative of the constituent political units. The organic acts shall likewise provide for special courts with personal, family, and property law jurisdiction consistent with the provisions of this Constitution and national laws.~~

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

~~SEC. 19. The first Congress elected under this Constitution shall, within eighteen months from the time of organization of both Houses, pass the organic act for the autonomous regions in Muslim Mindanao and the Cordilleras.~~

~~SEC. 20. Within its territorial jurisdiction and subject to the provisions of this Constitution and national laws, the organic act of autonomous regions shall provide for legislative powers over:~~

1. ~~Administrative organization;~~
2. ~~Creation of sources of revenues;~~
3. ~~Ancestral domain and natural resources;~~
4. ~~Personal, family, and property relations;~~
5. ~~Regional urban and rural planning development;~~
6. ~~Economic, social, and tourism development;~~

~~7. Educational policies;~~

~~8. Preservation and development of the cultural heritage; and~~

~~9. Such other matters as may be authorized by law for the promotion of the general welfare of the people of the region.~~

~~SEC. 21. The preservation of peace and order within the regions shall be the responsibility of the local police agencies which shall be organized, maintained, supervised, and utilized in accordance with applicable laws. The defense and security of the regions shall be the responsibility of the National Government.~~

ARTCLE ~~XI~~ XIII

ACCOUNTABILITY OF PUBLIC OFFICERS

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

(2) Directors and trustees who represent the interest of the State in government-owned or controlled corporations as well as persons appointed to official positions in said entities, are public officers.

SEC. 2. The President, the Members of the Supreme Court, the members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption.

SEC. 3. (1) ~~House of Representatives~~ PARLIAMENT shall have the ~~exclusive~~ power to initiate, TRY AND DECIDE all cases of impeachment.

1. A verified complaint for impeachment may be filed by any Member of ~~the House of Representatives~~ PARLIAMENT or by any citizen upon a resolution of endorsement by any OF ITS Member ~~thereof,~~ which shall be included in the Order of Business within ten session days, and referred to the proper Committee within three session days ~~thereafter~~. The Committee, after hearing, and by a majority vote of all its Members, shall submit its report to the ~~House~~ PARLIAMENT within sixty session days from such referral, together with the consideration by the ~~House~~ PARLIAMENT within ten session days from ITS receipt ~~thereof.~~

2. A vote of at least one-third of all the members of the ~~House~~ PARLIAMENT shall be necessary 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 ENTERED IN THE JOURNAL.

3. In case the verified complaint or resolution of impeachment is filed by at least one-third of all Members of the ~~House~~ PARLIAMENT, the same shall constitute the Articles of Impeachment, and trial ~~by the Senate~~ shall ~~forthwith~~ proceed.

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

~~5. The Senate shall have the sole power to try and decide all cases of impeachment.~~ When sitting for that purpose, the Members of Parliament 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 three-fourths of all the Members of the ~~Senate~~ PARLIAMENT.

6. 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~~ ALSO be liable and subject to prosecution, trial and punishment according to law.

~~7.~~ ~~Congress~~ PARLIAMENT shall promulgate its rules on impeachment to effectively carry out the purpose of this section.

SEC. 4. THE PRESENT ANTI-GRAFT COURT KNOWN AS THE SANDIGANBAYAN SHALL CONTINUE TO FUNCTION AND EXERCISE ITS JURISDICTION AS PROVIDED BY LAW.

SEC. 5. THE OFFICE OF THE OMBUDSMAN SHALL BE COMPOSED OF THE OMBUDSMAN, ONE OVERALL DEPUTY AND AT LEAST ONE DEPUTY EACH FOR LUZON, VISAYAS, AND MINDANAO. A SEPARATE DEPUTY FOR THE MILITARY ESTABLISHMENT MAY LIKEWISE BE APPOINTED.

SEC. 6. THE OFFICIALS AND EMPLOYEES OF THE OFFICE OF THE OMBUDSMAN, OTHER THAN THE DEPUTIES, SHALL BE APPOINTED BY THE OMBUDSMAN ACCORDING TO CIVIL SERVICE LAW.

SEC. 7. THE OFFICE OF THE SPECIAL PROSECUTOR SHALL CONTINUE TO FUNCTION AND EXERCISE ITS POWERS AS ~~NOW OR HEREAFTER~~ PROVIDED BY LAW, EXCEPT THOSE CONFERRED ON THE OFFICE OF THE OMBUDSMAN. ~~CREATED UNDER THIS CONSTITUTION.~~

SEC. 8. THE OMBUDSMAN AND HIS DEPUTIES SHALL BE NATURAL-BORN CITIZENS OF THE PHILIPPINES, AND AT THE TIME OF THEIR APPOINTMENT, AT LEAST FORTY YEARS OLD, OF RECOGNIZED PROBITY AND INDEPENDENCE, MEMBERS OF THE PHILIPPINE BAR, AND MUST NOT HAVE BEEN CANDIDATES FOR ANY ELECTIVE OFFICE IN THE IMMEDIATELY

PRECEDING ELECTION. THE OMBUDSMAN MUST HAVE AT LEAST 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 IX-A OF~~ THIS CONSTITUTION.

SEC. 9. THE OMBUDSMAN AND HIS DEPUTIES SHALL BE APPOINTED BY PARLIAMENT ~~from a list of at least six THREE 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.~~

SEC. 10. THE OMBUDSMAN AND HIS DEPUTIES SHALL HAVE THE RANK OF CHAIRMAN AND MEMBERS, RESPECTIVELY, OF THE CONSTITUTIONAL COMMISSIONS, AND THEY SHALL RECEIVE THE SAME SALARY AS THE COMMISSIONERS, WHICH SHALL NOT BE DECREASED DURING THEIR TERM OF OFFICE.

SEC. 11. THE OMBUDSMAN AND HIS DEPUTIES SHALL SERVE FOR A TERM OF SEVEN YEARS WITHOUT REAPPOINTMENT. THEY SHALL NOT BE QUALIFIED TO RUN FOR ANY OFFICE IN THE ELECTION IMMEDIATELY SUCCEEDING THEIR CESSATION FROM OFFICE.

SEC. 12. THE OMBUDSMAN AND HIS DEPUTIES, AS PROTECTORS OF THE PEOPLE, SHALL ACT PROMPTLY ON VERIFIED COMPLAINTS FILED ~~IN ANY FORM OR MANNER~~ AGAINST PUBLIC OFFICIALS OR EMPLOYEES OF THE GOVERNMENT, OR ANY OF ITS SUBDIVISION, AGENCY OR INTRUMENTALITY, INCLUDING GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, AND

SHALL, IN APPROPRIATE CASES, NOTIFY THE COMPLAINANTS OF THE ACTION TAKEN AND ITS RESULT.

SEC. 13. THE OFFICE OF THE OMBUDSMAN SHALL HAVE THE FOLLOWING POWERS, FUNCTIONS, AND DUTIES:

1. INVESTIGATE ON ITS OWN, OR ON COMPAINT 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 OF ITS SUBDIVISION, AGENCY, OR INSTRUMENTALITY, 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 OFFICE CONCERED 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 WITH SUCH ACTION.

4. DIRECT THE OFFICE CONCERED TO TAKE 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. PUBLISH 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 ELIMINATIONS, 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.

SEC. 14. THE OFFICE OF THE OMBUDSMAN SHALL ENJOY FISCAL AUTONOMY. ITS ANNUAL APPROPRIATIONS SHALL BE AUTOMATICALLY AND REGULARLY RELEASED.

SEC. 15. A PUBLIC OFFICER OR EMPLOYEE SHALL, UPON ASSUPTION OF OFFICE AND AS OFTEN ~~THEREAFTER~~ AS MAY BE REQUIRED BY LAW, SUBMIT A DECLARATION UNDER OATH OF HIS ASSETS, LIABILITIES, NET WORTH AND ANNUAL INCOME INCLUDING THE SOURCES AND APPLICATION OF FUNDS. IN THE CASE OF THE PRIME MINISTER, PRESIDENT ~~THE VICE-PRESIDENT,~~ MEMBERS OF THE CABINET, ~~THE CONGRESS~~ PARLIAMENT, SUPREME COURT, 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 THROUGH PUBLICATION IN NEWSPAPERS OF GENERAL CIRCULATION OR IN THE OFFICIAL GAZETTE.

SEC. 16. THE RIGHT OF THE STATE TO RECOVER PROPERTIES UNLAWFULLY ACQUIRED BY PUBLIC OFFICIALS OR EMPLOYEES, FROM THEM OR FROM THEIR NOMINEES OR TRANSFEREES, SHALL NOT BE BARRED BY PRESCRIPTION, LACHES, OR ESTOPPEL.

SEC. 17. NO LOAN GUARANTY, OR OTHER FORM OF FINANCIAL ACCOMODATION MAY BE GRANTED, DIRECTLY OR INDIRECTLY, BY ANY GOVERNMENT-OWNED OR CONTROLLED BANK OR FINANCIAL INSTITUTION TO ANY PUBLIC OFFICIALS.

~~Article XII~~

~~National Patrimony and Economy~~

ARTICLE XIV-A

NATIONAL ECONOMY

SECTION 1. The goals of the national economy are a more equitable distribution of opportunities, income, and wealth; ~~a sustained increase in the amount of goods and services produced by the nation for the benefit of the people;~~ and an expanding productivity as the key to raising the quality of life for all especially the underprivileged.

~~The State shall promote industrialization and full employment based on sound agricultural development and agrarian reform, through industries to make full and efficient use of human and natural resources, and which are competitive in both domestic and 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 State. With the exception of agricultural lands, all other natural resources shall not be alienated. The exploration, development, and utilization of natural resources shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreement with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and under such terms and conditions as may be provided by law. In case of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be measure and limit of the grant.~~

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

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

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

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

~~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 devoted. Alienable lands of the public domain shall be limited to agricultural lands. Private corporations or associations may not hold such alienable lands of the public domain except by lease, for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not to exceed one thousand hectares in area. Citizens of the Philippines may lease not more than five hundred hectares, or acquire not more than twelve hectares thereof by purchase, homestead, or grant.~~

~~Taking into account the requirements of conversation, 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 to conditions thereof.~~

~~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 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 functions, and all economic agents shall contribute to the common good. Individuals and private groups, including corporations, cooperatives, and similar collective organizations, shall have the right to own establish, and operate economic enterprises, subject to the duty of the State to promote distributive justice and to intervene when the common good so demands.~~

~~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.~~

~~Section 8. Notwithstanding the provisions of Section7 of this Article, a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private lands, subject to limitations provided by law.~~

SEC. ~~9~~ 2. ~~The Congress~~ PARLIAMENT may establish an independent economic and planning agency. ~~Headed by the President, which shall, after consultations with the appropriate public agencies, various private sectors, and local government units, recommend to Congress, and implement~~

~~continuing integrated and coordinated programs and policies for national development.~~

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

SEC. ~~10~~ 3. ~~The Congress~~ PARLIAMENT shall, upon the recommendation of the economic and planning agency, ~~when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations at least sixty per centum of whose capital is owned by such citizens, or such higher percentage as Congress may prescribe, certain areas of investments.~~ PROVIDE FOR LIMITATIONS ON FOREIGN OWNERSHIP IN CERTAIN AREAS OF INVESTMENTS WHEN THE NATIONAL OR PUBLIC INTEREST DICTATES.

~~The Congress~~ PARLIAMENT shall enact measures that will encourage the formation and operation of enterprises ~~whose~~ WHICH capital is wholly owned by Filipinos.

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

~~In grant of rights, privileges, and concessions covering the national economy and 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, 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 amendments, alteration, or repeal by the Congress when the common good so requires. The State shall encourage equity participation in public utilities by the general public. The participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital, and all the executive and managing officers of such corporation or association must be citizens of the Philippines.~~

SEC. ~~12~~ 4. The 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 State pursue a trade policy that serves the general welfare and utilizes all forms and arrangements of exchange on the basis of equality and reciprocity.~~

SEC. ~~14~~ 5. THE STATE SHALL PROMOTE the sustained development of a reservoir of national talents consisting of Filipino scientists, inventors, entrepreneurs, professionals, managers, high-level technical manpower, ~~and~~ skilled workers and craftsmen in all fields ~~shall be promoted by the State.~~ The State shall encourage appropriate technology and regulate its transfer for the national benefit.

The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law.

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

SEC. ~~16~~ 6. ~~The Congress~~ PARLIAMENT 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.

SEC. ~~17~~ 7. In times of national emergency, THE STATE MAY, when the public interest so requires, ~~the State may, during the emergency~~ and under reasonable terms prescribed by it, temporarily DIRECT OR take over ~~or direct~~ the operation of any privately owned public utility or business WHICH affect~~ed with~~ public interest.

SEC. ~~18~~ 8. The State may, in the interest of national welfare or defense, establish and operate vital industries ~~and~~, . Upon TIMELY payment of just compensation, THE STATE SHALL transfer to public ownership utilities and other private enterprises to be operated by the Government.

SEC. ~~19~~ 9. The State shall regulate or prohibit monopolies when the public interest so requires. No combinations in restraint of trade or unfair competition shall be allowed.

SEC. ~~20~~ 10. ~~The Congress~~ PARLIAMENT shall establish an independent central monetary authority, the members of whose governing board must be natural-born Filipino citizens, of known probity, integrity, and patriotism, the majority of whom shall come from the private sector. They shall also be subject to such other qualifications and disabilities as may be prescribed by

law. The authority shall provide policy direction in the areas of money, banking, and credit. It shall have supervision over the operations of banks and exercise such regulatory powers as may be provided by law over the operations of finance companies and other institutions performing similar functions.

Until ~~the Congress~~ PARLIAMENT provides otherwise, the ~~Central bank of the Philippines~~ BANKO SENTRAL NG PILIPINAS, operating under existing laws, shall function as the central monetary authority.

SEC. ~~21~~ 11. 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.

ARTICLE XIV-B

NATIONAL PATRIMONY

~~Section 1. The goals of the national economy are a more equitable distribution of opportunities, income, and wealth; a sustained increase in the amount of goods and services produced by the nation for the benefit of the people; and an expanding productivity as the key to raising the quality of life for all, especially the underprivileged.~~

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

SEC. ~~2~~ 1. All lands of the public domain, waters, minerals, coal, petroleum, and other mineral oils, all forces of potential energy, fisheries, forests or timber, wildlife, flora and fauna, and other natural resources are owned by the State. With the exception of agricultural lands, all other natural resources shall not be alienated.

The exploration, development, and utilization of natural resources TOWARD SUSUTAINABLE DEVELOPMENT, INCLUDING CONVERSATION, PROTECTION AND ENHANCEMENT OF THE ENVIRONMENT, shall be under the full control and supervision of the State. The State may directly undertake such activities, or it may enter into co-production, joint venture, or production-sharing agreements ~~with Filipino citizens, or corporations or associations at least sixty per centum of whose capital is owned by such citizens. Such agreements may be for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and~~ under such terms and conditions as may be provided by law. In cases of water rights for irrigation, water supply fisheries, or industrial uses other than the development of water power, beneficial use may be the measure and limit of the grant.

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

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

~~The President may enter into agreement 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.~~ PARLIAMENT SHALL BE NOTIFIED OF EVERY WRITTEN AGREEMENT ENTERED INTO IN ACCORDANCE WITH THIS PROVISION, WITHIN 30 DAYS FROM ITS EXECUTION.

SEC. ~~3~~ 2. Lands of the public domain are classified into agricultural, RECLAIMED, 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 AND RECLAIMED lands. Private corporations or associations may ~~not~~ hold such alienable lands of the public domain ~~except~~ by lease, ~~for a period not exceeding twenty-five years, renewable for not more than twenty-five years, and not exceed one thousand hectares in area.~~

Citizens of the Philippines may lease ~~not more than five hundred hectares, not more than twelve hectares thereof by purchase, homestead, or grant.~~ ALIENABLE LANDS OF THE PUBLIC DOMAIN. HOWEVER, ONLY FILIPINO CITIZENS MAY ACQUIRE ALIENABLE LANDS OF THE PUBLIC DOMAIN.

Taking into account the requirements of conversation, ecology and development, ~~and subject to the requirements of agrarian reform, the Congress~~ PARLIAMENT shall determine by law, the size AND KIND of lands of the public domain which may be acquired, developed, held, or leased and ~~the~~ ITS CORRESPONDING conditions therefor SUBJECT TO THE REQUIREMENTS OF AGRARIAN REFORM.

SEC. ~~4~~ 3. The ~~Congress~~ PRIME MINISTER shall, as soon as possible, determine by law the specific limits of forest lands and national parks, making clearly their RESPECTIVE GROUND boundaries ~~on the ground.~~ Thereafter, such forest lands and national parks shall be conserved and may not be increased nor diminished, except by law. ~~The Congress shall provide, for such period as it may determine, measures to prohibit logging in endangered forests and watershed areas.~~

SEC. ~~5~~ 4. The State ~~subject to the provisions of this Constitution and national development policies and programs,~~ shall protect the rights of indigenous ~~cultural communities~~ PEOPLES to their ancestral lands to ensure their economic, social, and cultural well-being.

~~The Congress~~ PARLIAMENT may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.

SEC. ~~6~~ 5. ~~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 AUTHORITY of the State to promote distributive justice and to intervene when the common good so demands.

SEC. ~~7~~ 6. Save in cases of hereditary succession, no private AGRICULTURAL lands shall be transferred or conveyed except to individuals, corporations, or associations qualified to acquire or hold lands of the public domain. LANDS CLASSIFIED IN ACCORDANCE WITH LAW AS INDUSTRIAL, COMMERCIAL OR RESIDENTIAL MAY BE TRANSFERRED OR CONVEYED TO FOREIGN INDIVIDUALS OR CORPORATIONS WITH FOREIGN OWNERSHIP. PARLIAMENT SHALL DEFINE THE CONDITIONS FOR OWNERSHIP OF ALLOWABLE LANDS BY FOREIGN INDIVIDUALS AND BY CORPORATIONS WITH FOREIGN OWNERSHIP.

~~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 transferee of private lands, subject to limitations provided by law.~~

SEC. ~~22~~ 7. Acts which circumvent or negate any of the provisions of this Article shall be considered inimical to the national interest and subject to criminal and civil sanctions, as may be provided by law.

ARTICLE ~~XIII~~ XV

SOCIAL JUCTICE AND HUMAN RIGHTS

SECTION 1. ~~The Congress~~ PARLIAMENT shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

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

LABOR

SEC. 3. The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.

It shall guarantee the rights of all workers to self-organization, collective bargaining and negotiations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law.

The State shall promote the principle of shared responsibility between workers and employers and the preferential use of vocabulary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace.

The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns to investments, and to expansion and growth.

AGRARIAN AND NATURAL RESOURCES REFORM

SEC. 4. The State shall, by law, undertaken 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, the State shall respect the right of small landowners. The State shall further provide incentives for voluntary land-sharing.

SEC. 5. The State shall recognize the right of farmers, farmworkers, and landowners, as well as cooperatives, and other independent farmers organizations to participate in the planning, organization, and management of the program, and shall provide support to agriculture through appropriate technology and research, and adequate financial, production, marketing, and other support services.

SEC. 6. The State shall apply the principles of agrarian reform or stewardship, whenever applicable in accordance with law, in the disposition or utilization of other natural resources, including lands of the public domain under lease or concession suitable to agricultural, subject to prior rights, homestead rights of small settlers, and the rights of indigenous ~~communities~~ PEOPLES to their ancestral lands.

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

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

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

URBAN LAND REFORM AND HOUSING

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

SEC. 10. Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner. No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated.

HEALTH

SEC. 11. The State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health and other social services available to all the people at affordable cost. ~~There shall be priority for~~ The needs of the under-privileged sick, elderly, disabled, women, and children SHALL BE PRIORITIZED. The State shall endeavor to provide free medical care to paupers.

SEC. 12. The State shall establish and maintain an effective food and drug regulatory system and undertake appropriate health manpower development and research, responsive to the country's health needs and problems.

SEC. 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.

WOMEN

SEC. 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.

ROLE AND RIGHTS OF PEOPLE'S ORGANIZATIONS

SEC. 15. The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interest 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.

SEC. 16. The right of people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

HUMAN RIGHTS

SEC. 17. (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 majority of whom shall be members of the Bar. The term of office and other qualifications and disabilities of the Members of the Commission shall be provided by law.

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

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

SEC. 18. 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 underprivileged whose human rights have been violated or need protection;

4. Exercise visitatorial powers over jails, prisons, or detention facilities;

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

6. Recommend to ~~the Congress~~ PARLIAMENT effective measures to promote human rights and to provide for compensation to victims of violations of human rights, or their families;

7. Monitor the Philippine Government's compliance with international treaty obligations on human rights;

8. Grant immunity from prosecution to any person whose testimony or whose possession of documents or other evidence is necessary or convenient to determine the truth in any investigation conducted by it or under its authority;

9. Request the assistance of any department, bureau, office, or agency in the performance of its functions;

10. Appoint its officers and employees in accordance with law; and

11. Perform such other duties and functions as may be provided by law.

SEC. 19. ~~The Congress~~ PARLIAMENT may provide for other cases of violations of human rights that should fall within the authority of the Commission, taking into account its recommendations.

ARTICLE ~~XIV~~ XV

EDUCATION, SCIENCE AND TECHNOLOGY, ARTS, CULTURE, AND SPORTS

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

SEC. 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.

(2) Establish and maintain, a system of free public education in the elementary and high school levels. Without limiting the natural rights of parents to rear their children, elementary education is compulsory for all children of school age.

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;

(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.

SEC. 3. (1) All educational institutions shall include the study of the Constitution AND HUMAN RIGHTS EDUCATION 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.~~

SEC. ~~4~~ 2. (1) The State recognizes the complementary roles of public and private institutions in the educational system and shall exercise reasonable supervision and regulation f all educational institutions.

(2) Educational institutions AT THE PRE-SCHOOL, ELEMENTARY AND HIGH SCHOOL LEVELS, other than those established by religious groups and mission boards, shall be owned solely by citizens of the Philippines or corporations or associations at least sixty per centum of the capital of which

is owned by such citizens. ~~The Congress~~ PARLIAMENT may, however, require increased Filipino equity participation in all educational institutions.

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

No educational institution OTHER THAN THOSE ALREADY ESTABLISHED UPON THE RATIFICATION OF THIS CONSTITUTION 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.

(4) 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.

(5) 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.

SEC. 5. (1) The State shall take into account regional and sectoral needs and contributions and shall encourage local planning in the development of education policies and programs.

(2) Academic freedom shall be enjoyed in all institutions of higher learning.

(3) Every citizen has a right to select a profession or course of study, subject to fair, reasonable, and equitable admission and academic requirements.

(4) The State shall enhance the right of teachers to professional advancement. Non-teaching academic and non-academic personnel shall enjoy the protection of the State.

(5) The State shall assign the highest budgetary priority to education and ensure that teaching will attract and retain its rightful share of the best available talents through adequate remuneration and other means of job satisfaction and fulfillment.

Language

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

Subject to provisions of law and as the Congress may deem appropriate, the government shall take steps to initiate and sustain the use of Filipino as a medium of official communication and as language of instruction in the educational system.

SEC. 7. For purposes of communication and instruction, the official languages of the Philippines are Filipino and, until otherwise provided by law, English. The regional languages are the auxiliary official languages in the regions and shall serve as auxiliary media of instruction therein. Spanish and Arabic shall be promoted on a voluntary and optional basis.

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

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

Science and Technology

SEC. 10. Science and technology are essential for national development and progress. The State shall give priority to research and development, invention, innovation, and their utilization; and to science and technology education, training, and services. It shall support indigenous, appropriate, and self-reliant scientific and technological capabilities, and their application to the country's productive systems and national life.

SEC. 11. ~~The Congress~~ PARLIAMENT may provide for incentives, including tax deductions to encourage private participation in programs of basic and applied scientific research. Scholarships, grants-in-aid, or other forms of incentives shall be provided to deserving science students, researchers, scientists, inventors, technologists, and specially gifted citizens.

SEC. 12. The State shall regulate the transfer and promote the adaptation of technology from all sources for the national benefit. It shall

encourage the widest participation of private groups, local government, and community-based organizations in the generation and utilization of science and technology.

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

Arts

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

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

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

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

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

1. The State shall encourage and support researches and studies on the arts and culture.

Sports

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

1. All educational institutions shall undertake regular sport activities throughout the country in cooperation with athletic clubs and other sectors.

ARTICLE ~~XV~~ XVI

THE FAMILY

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

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

SEC. 3. The State shall defend:

1. The right of spouses to found a family in accordance with their religious convictions and the demands of responsible parenthood;

2. The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

3. The right of the family to a family living wage and income; and

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

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

ARTICLE ~~XVI~~ XVII

GENERAL PROVISIONS

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

~~SEC. 2. The 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.~~

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

SEC. 4. The Armed Forces of the Philippines shall SECURE THE SOVEREIGNTY OF THE STATE AND THE INTEGRITY OF THE NATIONAL TERRITORY. ~~be composed of~~ IT SHALL BE COMPOSED OF A CITIZENS ARMED FORCE which shall undergo military training and serve, as may be provided by law. It shall keep a regular force necessary for the security of the State.

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

~~(2) The State shall strengthen the patriotic spirit and nationalist consciousness of the military, and respect for people's rights in the performance of their duty.~~

~~(3) Professionalism in the armed forces and adequate remuneration and benefits of its members shall be a prime concern of the State. The armed forces shall be insulated from partisan politics.~~

(1) THE ARMED FORCES OF THE PHILIPPINES SHALL BE INSULATED FROM PARTISAN POLITICS. No member of the military shall engage directly or indirectly in any partisan political activity, except to vote.

(2) No member of the armed forces in the activities service shall, at any time, be appointed or designated in any capacity to a civilian position in the Government including government-owned or controlled corporations or any of their subsidiaries.

(3) 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.~~

(4) NOTWITHSTANDING THE PREVIOUS PARAGRAPH, the tour of duty of the Chief of Staff of the Armed Forces shall BE FIXED TERM OF OFFICE OF ~~not exceed~~ three years. However, in times of war or other national emergency declared by the Congress, the President may extend such tour of duty.

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

SEC. 7. The State shall provide immediate and adequate care, benefits, and other forms of assistance to war veterans and veterans of military campaigns, their surviving spouses and orphans. Funds shall be provided

therefor and due consideration shall be given them in the disposition of agricultural lands of the public domain and, in appropriate cases, in the utilization of natural resources.

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

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

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

~~SEC. 11. (1) The ownership and management of mass media shall be limited to citizens of the Philippines, or to cooperatives or associations, wholly-owned and managed by such citizens.~~

~~The 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.~~

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

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

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

~~SEC. 11. NO RELIGIOUS GROUP, CRUCH, SECT OR ORGANIZATTION SHALL ENGAGE IN ANY PARTISAN POLITICAL ACTIVITY BY SUPPORTING OR ENDORSING ANY POLITICAL PARTY OR CANDIDATE. NO ECCLESIASTICS CAN BE ELECTED OR APPOINTED TO ANY GOVERNMENT POSITION UNLESS OTHERWISE PROVIDED IN THIS CONSTITUTION.~~

~~SEC. 12. PARLIAMENT may create a consultative body to advise the PRIME MINISTER on policies affecting indigenous PEOPLES, the majority of the members of which shall come from such communities.~~

~~SEC. 13. THE STUDY OF THE CONSTITUTION AND HUMAN RIGHTS EDUCATION SHALL FORM PART OF THE CURRICULA OF ALL EDUCATIONAL INSTITUTIONS.~~

ARTICLE ~~XVII~~ XVIII

AMENDMENTS AND REVISIONS

SECTION 1. Any amendments to, or revision of, this Constitution may be proposed by:

~~1.~~ ~~The Congress~~ PARLIAMENT, upon a vote of three-fourths of all its Members; or

2. A constitutional convention.

SEC. 2. Amendments to this Constitution may ~~likewise~~ be directly proposed by the people through initiative upon a petition of at least twelve

per centum of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of ~~the~~ ITS registered votes ~~therein.~~ No amendment under this section shall be authorized within five years following the ratification of this Constitution nor MORE ~~oftener~~ than once every five years thereafter.

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

Sec. 3. ~~The Congress~~ PARLIAMENT may, by a vote of two-thirds of all its members, call a constitutional convention, or by a majority vote of all its Members, submit to the electorate the question of calling such a convention.

SEC. 4. Any amendment to, or revision of, this Constitution under Section 1 ~~there~~of THIS ARTICLE 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 OF THIS ARTICLE ~~hereof~~ shall be valid when ratified by a majority of the votes cast in a plebiscite which shall be held not earlier than sixty days nor later than ninety days after the certification by the Commission on Elections of the sufficiency of the petition.

ARTICLE ~~XVIII~~ XIX

TRANSITORY PROVISIONS

~~SECTION 1. The first elections of Members of the Congress under this Constitution shall be held on the second Monday of May, 1987.~~

~~The first local elections shall be held on a date to be determined by the President, which may simultaneous with the election of the Members of the~~

~~Congress. It shall include the election of all Members of the city or municipal councils in the Metropolitan Manila area.~~

~~SEC. 2. The Senators, Members of the House of Representatives, and the local officials first elected under this Constitution shall serve until noon of June 30, 1992.~~

~~Of the Senators elected in the election in 1992, the first twelve obtaining the highest number of votes shall serve for six years and the remaining twelve for three years.~~

~~SEC. 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.~~

~~SEC. 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.~~

~~SEC. 5 The six-year term of the incumbent President and Vice-President elected in the February 7, 1986 election is, for purposes of synchronization of elections, hereby extended to noon on June 10, 1992.~~

~~The first regular elections for the President and Vice=President under this Constitution shall be held on the second Monday of May 1992.~~

~~SEC. 6. The incumbent President shall continue to exercise legislative powers until the first Congress in convened.~~

~~SEC. 7. Until a law is passed, the President may fill by appointment from a list of nominees by the respective sectors the seats reserved for sectoral representation in paragraph (2), Section 5 of Article VI of this Constitution.~~

~~SEC. 8. Until otherwise provided by the Congress, the President may constitute the Metropolitan Authority to be composed of the heads of all local government units comparing the Metropolitan Manila area.~~

~~SEC. 9. A sub-province shall continue to exist and operate until it is converted into a regular province or until its component municipalities are reverted to the mother province.~~

~~SEC. 10. All courts existing at the time of the ratification of this Constitution shall continue to exercise their jurisdiction, until otherwise provided by law. 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 or the Congress.~~

~~SEC. 11. 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.~~

~~SEC 12. The Supreme Court shall, within one year after the ratification of this Constitution, adopt a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court or the lower courts prior to the effectivity of this Constitution. A similar plan shall be adopted for all special courts and quasi-judicial bodies.~~

~~SEC. 13. 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.~~

~~SEC. 14. The provision of paragraphs (3) and (4), Section 15 of Article VIII of this Constitution shall apply to cases or matters filed before the~~

~~ratification of this Constitution, when the applicable period lapses after such ratification.~~

~~SEC. 15. 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 cases shall any Member serve longer than seven years including service before the ratification of this Constitution.~~

~~SEC. 16. Career civil service employees separated from the service not for cause but as a result of the reorganization pursuant to Proclamation No. 3 dated March 15, 1986 and the reorganization following the ratification of this Constitution 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 Government or in any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations and their subsidiaries. This provision also applies to career officers whose resignation, tendered in line with the existing policy, had been accepted.~~

~~SEC. 17. Until the Congress provides otherwise, the President shall receive an annual salary of three hundred thousand pesos, the Vice-President, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, two hundred forty thousand pesos each; the Senators, the Members of the House of Representatives, the Associate Justices of the Supreme Court, and the Chairmen of the~~

~~Constitutional Commission, two hundred four thousand pesos each, and the Members of the Constitutional Commissions, one hundred eighty thousand pesos each.~~

~~SEC. 18. At the earliest possible time, the Government shall increase the salary scales of the other officials and employees of the National Government.~~

~~SEC. 19. All properties, records, equipment, buildings, facilities, and other assets of any office or body abolished or reorganized under Proclamation No. 3 dated March 25, 1986 or this Constitution shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.~~

~~SEC. 20. The first Congress shall give priority to the determination of the period for the full implementation of free public secondary education.~~

~~SEC. 21. The Congress shall provide efficacious procedures and adequate remedies for the reversion to the 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.~~

~~SEC. 22. At the earliest possible time, the Government shall expropriate idle or abandoned agricultural lands as may be defined by law, for distribution to the beneficiaries of the agrarian reform program.~~

~~SEC. 23. Advertising entities affected by paragraph (2), Section 11 of Article XVI of this Constitution shall have five years from its ratification to~~

~~comply on a graduated and proportionate basis with the minimum Filipino ownership requirement therein.~~

~~SEC. 24. Private armies and other armed groups not recognized by duly constituted authority shall be dismantled. All paramilitary forces including Civilian Home Defense Forces not consistent with the citizen armed force established in this Constitution, shall be dissolved or, where appropriate, converted into the regular force.~~

~~SEC. 25. After the expiration in 1991 of the Agreement between the Republic of the Philippines and the United States of America concerning Military Bases, foreign military bases, troops, or facilities shall not be allowed in the Philippines except under a treaty duly concurred in by the Senate and, when the Congress so requires, ratified by a majority of the votes cast by the people in a national referendum held for that purpose, and recognized as a treaty by the other contracting State.~~

~~SEC. 26. The authority to issue sequestration or freeze orders under Proclamation No. 3 dated March 25, 1986 in relation to the recovery of ill-gotten wealth shall remain operative for not more than eighteen months after the ratification of this Constitution. However, in the national interest, as certified by the President, the Congress may extent period. A sequestration or freeze order shall be issued only upon showing of a *prima facie* case. The order and the list of the sequestered or frozen properties shall forthwith be registered with the proper court. For orders issued before the ratification of this Constitution, the corresponding judicial action or proceeding shall be filled within six months from its ratification. For those issued after such ratification, the judicial action or proceeding shall be commenced within six months from the issuance thereof. The sequestration or freeze order is deemed~~

~~automatically lifted if no judicial action or proceeding is commenced as herein provided.~~

~~SEC. 27. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in plebiscite held for the purpose and shall supersede all previous Constitutions.~~

SECTION 1. ALL EXISTING LAWS, PROCLAMATIONS, ORDERS, DECREES, INSTRUCTIONS AND ACTS PROMULGATE, ISSUED OR DONE NOT OTHERWISE CONTRARY TO THIS CONSTITUTION SHALL REMAIN VALID, LEGAL, BINDING, AND EFFECTIVE UNTIL AMENDED, MODIFIED OR REPEALED BY THE PARLIAMENT.

SEC. 2. ALL EXISTING TREATIES OR INTERNATIONAL AGREEMENTS WHICH HAVE NOT YET BEEN RATIFIED SHALL BE SUBMITTED TO THE APPROVAL AND CONCURRENCE OF AT LEAST TWO-THIRDS OF ALL THE MEMBERS OF THE PARLIAMENT.

SEC. 3. ALL COURTS EXISTING AT THE TIME OF THE RATIFICATION OF THIS CONSTITUTION SHALL CONTINUE TO EXERCISE THEIR JURISDICTION, UNTIL OTHERWISE PROVIDED BY LAW. THE PROVISIONS OF THE EXISTING RULES OF COURT, JUDICIAL ISSUANCES, AND PROCEDURAL LAWS NOT INCONSISTENT WITH THIS CONSTITUTION SHALL REMAIN OPERATIVE UNLESS AMENDED OR REPEALED BY THE SUPREME COURT.

SEC. 4. 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.

SEC. 5. THE INCUMBENT MEMBERS OF THE CIVIL SERVICE COMMISSION, THE COMMISSION ON ELECTIONS, THE COMMISSION ON AUDIT AND THE OMBUDSMAN SHALL CONTINUE IN OFFICE PURSUANT TO THEIR RESPECTIVE APPOINTMENTS, AND SUBJECT TO EXISTING LAWS, RULES AND REGULATIONS THERETO APPERTAINING, UNLESS THEY ARE SOONER REMOVED FOR CAUSE OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE.

SEC. 6. ALL EMPLOYEES, PERSONNEL, OR WORKERS IN GOVERNMENT SERVICE, NATIONAL OR LOCAL, INCLUDING THOSE IN GOVERNMENT-OWNED OR CONTROLLED CORPORATIONS, SHALL CONTINUE IN OFFICE PURSUANT TO EXISTING LAWS, RULES AND REGULATIONS, UNLESS THEY ARE SOONER REMOVED FOR CAUSE OR BECOME INCAPACITATED TO DISCHARGE THE DUTIES OF THEIR OFFICE.

SEC. 7. THE ELECTIONS SCHEDULED IN 2007 SHALL BE CANCELLED AND THE TERMS OF OFFICE OF ALL ELECTIVE OFFICIALS SHALL BE EXTENDED TO JUNE 30, 2010, COINCIDING WITH THOSE OF THE INCUMBENT PRESIDENT AND VICE-PRESIDENT AND THE TWELVE SENATORS ELECTED IN 2004.

THE FIRST ELECTIONS OF MEMBERS OF THE PARLIAMENT AND THE FIRST LOCAL ELECTIONS UNDER THIS CONSTITUTION SHALL BE HELD ON THE SECOND MONDAY OF MAY 2010.

SEC.8 UPON RATIFICATION OF THIS CONSTITUTION, THE SENATE AND THE HOUSE OF REPRESENTATIVES ARE REPLACED BY AN *INTERIM* PARLIAMENT THAT SHALL EXIST IMMEDIATELY AND SHALL CONTINUE UNTIL THE MEMBERS OF THE REGULAR PARLIAMENT SHALL HAVE BEEN ELECTED AND SHALL HAVE ASSUMED OFFICE FOLLOWING AN ELECTION AS PROVIDED

IN THE PRECEDING SECTION. THE *INTERIM* PARLIAMENT SHALL HAVE THE SAME POWERS AND ITS MEMBERS SHALL HAVE THE SAME FUNCTIONS, RESPOSIBILITIES, RIGHTS, PRIVILEGES, AND DISQUALIFICATIONS AS THE REGULAR PARLIAMENT AND THE MEMBERS THEREOF.

SEC. 9. THE MEMBERS OF THE *INTERIM* PARLIAMENT SHALL BE THE INCUMBENT MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, ONE-THIRD OF THE CABINET, WITH PORTFOLIO, AND THIRTY PERSONS, EXPERIENCED AND EXPERTS IN THEIR RESPECTIVE FIELDS, SHALL LIKEWISE BECOME MEMBERS OF THE PARLIAMENT UPON APPOINTMENT BY THE PRESIDENT.

SEC. 10. THE INCUMBENT VICE PRESIDENT SHALL INITIALLY CONVENE THE *INTERIM* PARLIAMENT AND SHALL CONTINUE TO EXERCISE HIS POWERS AND PREROGATIVES UNDER THE NINETEEN EIGHTY SEVEN CONSTITUTION.

SEC. 11. THE *INTERIM* PARLIAMENT, BY A MAJORITY VOTE OF ALL ITS MEMBERS, SHALL ELECT AN *INTERIM* PRIME MINISTER. HE SHALL BE A MEMBER OF THE CABINET.

SEC. 12. UNDER THE DIRECTION AND SUPERVISION OF THE INCUMBENT PRESIDENT, THE *INTERIM* PRIME MINISTER AND THE CABINET SHALL EXERCISE ALL THE POWERS AND FUNCTIONS AND DISCHARGE THE RESPOSIBILITIES OF THE REGULAR PRIME MINISTER AND CABINET UNDER THIS CONSTITUTION.

SEC. 13. IN THE *INTERIM* PARLIAMENT, THE INCUMBENT PRESIDENT SHALL EXERCISE THE POWERS VESTED IN THE HEAD OF STATE AND THE HEAD OF GOVERNMENT UNDER THIS CONSTITUTION, EXCEPT THE POWER TO DISSOLVE THIS PARLIAMENT, UNTIL THE EXPIRATION OF HER TERM ON

JUNE 30, 2010. THE INCUMBENT PRESIDENT AND VICE-PRESIDENT SHALL BE SUBJECT TO THE SAME DISQUALIFICATION AND MANNER OF REMOVAL AS PROVIDED IN THIS CONSTITUTION.

IN CASE A VACANCY ARISES BY REASON OF REMOVAL, RESIGNATION, PERMANENT INCAPACITY OR DEATH OF THE INCUMBENT PRESIDENT, THE INCUMBENT VICE-PRESIDENT SHALL BECOME THE PRESIDENT.

SEC. 14. THE AUTONOMOUS REGION IN MUSLIM MINDANAO SHALL EXERCISE THE POWERS AND SHALL BE ENTITLED TO BENEFITS GIVEN TO AUTONOMOUS TERRIRORIES.

SEC. 15. WITHIN ONE YEAR AND AFTER AT LEAST SIXTY PERCENT OF THE PROVINCES AND HIGHLY URBANIZED CITIES AND INDEPENDENT COMPONENT CITIES OF THE COUNTRY SHALL HAVE JOINED IN THE CREATION OF DIFFERENT AUTONOMOUS TERRITORIES, UPON PETITION OF MAJORITY OF SUCH AUTONOMOUS TERRITORIES THROUGH THEIR RESPECTIVE REGIONAL ASSEMBLIES, THE PARLIAMENT SHALL ENACT THE BASIC LAW FOR THE ESTABLISHMENT OF A FEDERAL REPUBLIC OF THE PHILIPPINES, WHEREBY THE AUTONOMOUS TERRITORIES SHALL BECOME FEDERAL STATES.

SEC. 16. TO THIS END A CONSTITUTIONAL PREPARATORY COMMISSION SHALL BE CREATED THAT SHALL STUDY AND DETERMINE ALL CONSTITUTIONAL, LEGAL, FINANCIAL, ORGANIZATIONAL, ADMINISTRATIVE, AND OTHER REQUIREMENTS NECESSARY OR APPROPRIATE, AND THEREAFTER MAKE ITS RECOMMENDATIONS TO THE PARLIAMENT SO AS TO ASSIST THE LATTER IN THE ENACTMENT OF THE BASIC LAW AND IN SUCH OTHER MEASURES AS WOULD PROVIDE A SMOOTH AND ORDERLY TRANSITION OF THE COUNTRY TOWARDS A FEDERAL REPUBLIC OF THE

PHILIPPINES. THE PREPARATORY COMMISSION SHALL BE COMPOSED OF NOT MORE THAN ELEVEN MEMBERS TO BE APPOINTED BY THE PRIME MINISTER.

ALL POWERS, AUTHORITY AND FUNCTIONS NOT GRANTED BY THIS CONSTITUTION OR BY LAW TO THE AUTONOMOUS TERRITORIES AND LOCAL GOVERNMENTS ARE RESERVED TO THE NATIONAL GOVERNMENT.

EVERY PROVISION LIBERALIZING EXTENT OF FOREIGN OWNERSHIP OF CORPORATIONS IN CERTAIN LINES OF BUSINESS, AND OF INDUSTRIAL, COMMERCIAL AND RESIDENTIAL LANDS SHALL TAKE EFFECT THREE YEARS AFTER RATIFICATION OF THIS CONSTITUTION OR UPON EARLIER PASSAGE OF LEGISLATION IMPLEMENTING THE PROVISION.

SEC. 17. EVERY PROVISION LIBERALIZING EXTENT OF FOREIGN OWNERSHIP OF CORPORATIONS IN CERTAIN LINES OF BUSINESS, AND OF INDUSTRIAL, COMMERCIAL AND RESIDENTIAL LANDS SHALL TAKE EFFECT THREE YEARS AFTER RATIFICATION OF THIS CONSTITUTION OR UPON EARLIER PASSAGE OF LEGISLATION IMPLEMENTING THE PROVISION.

SEC. 18. 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 Consultative Commission and Charter Change for Good Governance

Through Charter change we seek to bring about good governance: the institutionalized capacity of our government at all levels, with the people's participation, to make policies and decisions and implement them responsively, efficiently, and effectively, and with transparency and accountability to the people. With good governance we can make progress in replacing poverty with prosperity, social inequality with social justice, corruption with effective and ethical government, and under-development with global competitiveness. But we need other factors to make our reformed and revitalized institutions succeed. We also need to develop: (1) a deeper sense of nationhood, a stronger commitment to the common good and the national interest, spirituality, moral values, and modern ethical behavior; (2) competent, responsible and accountable leaders who have the political will to do what is necessary in terms of policies, decisions and reforms; (3) responsible citizens who are empowered economically, socially and politically as members of a growing middle class; and (4) a productive, competitive, and responsible private sector and an equitable economy.

By putting these things in place, we shall be building a nation worthy of our heroes, a country fit for our children—of which we can all be proud.

But first of all we need to reform and revitalize our institutions of governance by revising our 1987 Constitution. For this purpose, in consultation with the people, the Consultative Commission prepared its proposals and submitted them to the President and to Congress on December 16, 2005.

The KC Institute for Federal-Parliamentary Democracy

The KC Institute is the first institution of its kind in the Philippines. As part of the Center for Social Policy and Governance of Kalayaan College, the KC Institute pursues the goals of federal-parliamentary democracy through the following activities:

(1) Research and publication on the development of the institutions, policies and practices of the emerging Federal Republic of the Philippines with a parliamentary government;

(2) Learning the relevant lessons and experience in federal and parliamentary systems in various countries;

(3) Advocacy, training and consultation on the results of the Institute's research and evaluation studies.

(4) Collaboration with scholars in other research and training organizations, with the media, and with leaders and other organizations interested in the areas of the KC Institute's concerns.

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