

PROPOSED REVISION OF THE 1987 CONSTITUTION



December 2005

PROPOSED REVISION OF THE 1987 PHILIPPINE CONSTITUTION

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 to 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 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.

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 peoples 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 who 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. 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 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 the laws.

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 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 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 right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, *incommunicado*, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to the rehabilitation of victims of torture or similar practices, and their families.

SEC. 13. All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of *habeas corpus* is suspended. Excessive bail shall not be required.

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 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 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 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, 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 compensation shall take effect until after 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 and 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 or 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 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 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 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 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 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 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 for 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 exempt 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 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 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 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 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. 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, 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 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, 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 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 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, 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 amounts so appropriated shall be automatically and regularly released.

SEC. 7. The President shall be subject 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.

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 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 a 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 ministers and consuls, and over petitions for *certiorari*, prohibition, *mandamus*, *quo warranto*, and *habeas corpus*.

2. Review, revise, reverse, modify, or affirm on appeal or certiorari as the law or the Rules of Court may provide, final judgments and orders of lower courts in:

- a. All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.
- b. All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.
- c. All cases in which the jurisdiction of any lower court is in issue.
- d. All criminal cases in which the penalty imposed is *reclusion perpetua*, 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) Recommend 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 the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.

(3) Upon the expiration of the corresponding period, a certification to this effect signed by the Chief Justice or the presiding judge shall forthwith be issued and a copy 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 Commissions 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 of 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) Accredite, 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) 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 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 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.

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 recommend 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 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 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 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 TERRITORIES

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 constituent 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 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 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.

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 in 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. Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the government and make recommendations for their elimination, and the observance of high standards of ethics and efficiency.

8. Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law.

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 enterprises 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.

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. 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 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

SECTION 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 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. The needs of the underprivileged 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 interests and aspirations through peaceful and lawful means. People's organizations are *bona fide* associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

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 primacy of human rights;
- (6) Recommend 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 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. 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. 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. 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, 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 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 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 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 engage 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 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.

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.

ARTICLE XIX AMENDMENTS AND REVISIONS

SECTION 1. Any amendment 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.

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, 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 the *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 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 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 at least 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 basic law for the establishment of a Federal Republic of the Philippines, whereby the autonomous territories shall become federal states.

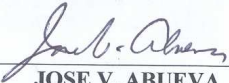
SEC. 16. To this end a constitutional Preparatory Commission shall be created that shall study and determine all constitutional, legal, financial, organizational, administrative, and other requirements necessary or appropriate and thereafter make its recommendations to Parliament so as to assist the 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 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.

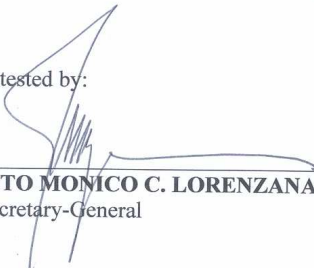
SEC. 18. This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose.

As approved by the Consultative Commission on 15 December 2005.



JOSE V. ABUEVA
Chairman

Attested by:



LITO MONICO C. LORENZANA
Secretary-General

15 December 2005