

Abstract: Do you approve of the amendment of Articles VI and VII of the 1987 Constitution, changing the form of government from the present bicameral-presidential to a unicameral-parliamentary system of government, in order to achieve greater efficiency, simplicity and economy in government; and providing an Article XVIII as Transitory Provisions for the orderly shift from one system to another?

**REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
MANILA**

**IN THE MATTER OF PROPOSING
AMENDMENTS TO THE 1987 CONSTITUTION
THROUGH A PEOPLE'S INITIATIVE:
A SHIFT FROM A BICAMERAL PRESIDENTIAL TO
A UNICAMERAL PARLIAMENTARY
GOVERNMENT BY AMENDING ARTICLES
VI AND VII; AND PROVIDING TRANSITORY
PROVISIONS FOR THE ORDERLY SHIFT FROM
THE PRESIDENTIAL TO THE PARLIAMENTARY
SYSTEM**

EM No. _____

(INDIVIDUAL PETITIONERS),

Petitioners.

X-----X

PETITION

PETITIONERS, by counsel, to this Honorable Commission on Elections, most respectfully aver:

The Petitioners

1. Petitioners _____,
are Filipino citizens, of legal age, registered voters, and residents of
_____, and _____, respectively,

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where they may be served with summons and other processes of this Honorable Commission.

2. Petitioners file this Petition in their own behalf and together with the registered voters who have affixed their signatures to the signature sheets attached hereto and forming part of this Petition, as Annexes "A", "A-1", "A-2", "A-3", "A-4" (etc). The signatories in the aforesaid annexes are Filipino citizens, residents and registered voters of the Philippines; and they constitute at least twelve per centum (12%) of all the registered voters in the country, wherein each legislative district is represented by at least three per centum (3%) of all the registered voters therein.

Cause of Action

3. The Petitioners, in subscribing to and filing this Petition invoke their constitutional right to propose amendments to the 1987 Constitution by way of people's initiative, as recognized in Sec. 2, Art. XVII of the 1987 Constitution, which provides:

"Sec. 2. Amendments to this Constitution may likewise be directly proposed by the people through initiative, upon a petition of at least twelve per centum of the total number of registered voters, of which every legislative district must be represented by at least three per centum of the registered voters therein. xxx "

4. While the same Sec.2, Art. XVII of the Constitution states that "(T)he Congress shall provide for the implementation of the exercise of this right", Petitioners respectfully submit that the provisions of Sec. 5 (b) and (c), along with Sec. 7, Republic Act No. 6735, are sufficient enabling details for the people's exercise of the power. Republic Act No. 6735 states:

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"Sec. 5. Requirements. – (a) To exercise the power x x x

"(b) A petition for an initiative on the 1987 Constitution must have at least twelve per centum (12%) of the total number of registered voters as signatories, of which every legislative district must be represented by at least three per centum (3%) of the registered voters therein. Initiative on the Constitution may be exercised only after five (5) years from the ratification of the 1987 Constitution and only once every five (5) years thereafter.

"(c) The petition shall state the following:

"c.1. contents or text of the proposed law sought to be enacted, approved or rejected, amended or repealed, as the case may be;

"c.2. the proposition;

"c.3. the reason or reasons therefore;

"c.4. that it is not one of the exceptions provided herein;

"c.5. signatures of the petitioners or registered voters; and

"c.6. an abstract or summary in not more than one hundred (100) words which shall be legibly written or printed at the top of every page of the petition."

x x x x x x x x x x x x

"Sec. 7. Verification of Signatures. – The Election Registrar shall verify the signatures on the basis of the registry list of voters, voters' affidavits and voters identification cards used in the immediately preceding election."

5. Petitioners, therefore, assert that this Honorable Commission on Elections has the authority, mandate and obligation to give due course to this petition, in compliance with the Constitutional directive for the Commission on Elections to "enforce and administer all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum and recall" [Sec. 2 (1), Art. IX-C, 1987 Constitution].

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Proposed Amendments

6. In the exercise of the power adverted to above, the Petitioners hereby propose the amendment of Articles VI and VII of the 1987 Philippine Constitution, as follows:

A. Sections 1, 2, 3, 4, 5, 6 and 7 of Article VI shall be amended to read as follows:

"Section 1. (1) The legislative and executive powers shall be vested in a unicameral Parliament which shall be composed of as many members as may be provided by law, to be apportioned among the provinces, representative districts, and cities in accordance with the number of their respective inhabitants, with at least three hundred thousand inhabitants per district, and on the basis of a uniform and progressive ratio. Each district shall comprise, as far as practicable, contiguous, compact and adjacent territory, and each province must have at least one member.

"(2) Each Member of Parliament shall be a natural-born citizen of the Philippines, at least twenty-five years old on the day of the election, a resident of his district for at least one year prior thereto, and shall be elected by the qualified voters of his district for a term of five years without limitation as to the number thereof, except those under the party-list system which shall be provided for by law and whose number shall be equal to twenty per centum of the total membership coming from the parliamentary districts."

B. Sections 1, 2, 3 and 4 of Article VII of the 1987 Constitution are hereby amended to read, as follows:

"Section 1. There shall be a President who shall be the Head of State. The executive power shall be exercised by a Prime Minister, with the assistance of the Cabinet. The Prime Minister shall be elected by a majority of all the Members of Parliament from among themselves. He shall be responsible to the Parliament for the program of government.

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C. For the purpose of insuring an orderly transition from the bicameral-Presidential to a unicameral-Parliamentary form of government, there shall be a new Article XVIII, entitled "Transitory Provisions", which shall read, as follows:

Section 1. (1) The incumbent President and Vice President shall serve until the expiration of their term at noon on the thirtieth day of June 2010 and shall continue to exercise their powers under the 1987 Constitution unless impeached by a vote of two thirds of all the members of the interim parliament.

(2) In case of death, permanent disability, resignation or removal from office of the incumbent President, the incumbent Vice President shall succeed as President. In case of death, permanent disability, resignation or removal from office of both the incumbent President and Vice President, the interim Prime Minister shall assume all the powers and responsibilities of Prime Minister under Article VII as amended.

Section 2. "Upon the expiration of the term of the incumbent President and Vice President, with the exception of Sections 1, 2, 3, 4, 5, 6 and 7 of Article VI of the 1987 Constitution which shall hereby be amended and Sections 18 and 24 which shall be deleted, all other Sections of Article VI are hereby retained and renumbered sequentially as Section 2, ad seriatim up to 26, unless they are inconsistent with the Parliamentary system of government, in which case, they shall be amended to conform with a unicameral parliamentary form of government; provided, however, that any and all references therein to "Congress", "Senate", "House of Representatives" and "Houses of Congress" shall be changed to read "Parliament"; that any and all references therein to "Member[s] of Congress", "Senator[s]" or "Member[s] of the House of Representatives" shall be changed to read as "Member[s] of Parliament" and any and all references to the "President" and or "Acting President" shall be changed to read "Prime Minister".

Section 3. "Upon the expiration of the term of the incumbent President and Vice President, with the exception of Sections 1, 2, 3 and 4 of Article VII of the 1987 Constitution which are hereby amended and Sections 7, 8, 9, 10, 11 and 12 which are hereby deleted, all other Sections of Article VII shall be retained and renumbered sequentially as Section 2, ad seriatim up to 14, unless they shall be inconsistent with Section 1 hereof, in which case they shall be deemed amended so as to conform to a unicameral Parliamentary System of government; provided however that any

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and all references therein to "Congress", "Senate", "House of Representatives" and "Houses of Congress" shall be changed to read "Parliament"; that any and all references therein to "Member[s] of Congress", "Senator[s]" or "Member[s] of the House of Representatives" shall be changed to read as "Member[s] of Parliament" and any and all references to the "President" and or "Acting President" shall be changed to read "Prime Minister".

Section 4. (1) There shall exist, upon the ratification of these amendments, an interim Parliament which shall continue until the Members of the regular Parliament shall have been elected and shall have qualified. It shall be composed of the incumbent Members of the Senate and the House of Representatives and the incumbent Members of the Cabinet who are heads of executive departments.

(2) The incumbent Vice President shall automatically be a Member of Parliament until noon of the thirtieth day of June 2010. He shall also be a member of the cabinet and shall head a ministry. He shall initially convene the interim Parliament and shall preside over its sessions for the election of the interim Prime Minister and until the Speaker shall have been elected by a majority vote of all the members of the interim Parliament from among themselves.

(3) Senators whose term of office ends in 2010 shall be Members of Parliament until noon of the thirtieth day of June 2010.

(4) Within forty-five days from ratification of these amendments, the interim Parliament shall convene to propose amendments to, or revisions of, this Constitution consistent with the principles of local autonomy, decentralization and a strong bureaucracy.

"Section 5. (1) The incumbent President, who is the Chief Executive, shall nominate, from among the members of the interim Parliament, an interim Prime Minister, who shall be elected by a majority vote of the members thereof. The interim Prime Minister shall oversee the various ministries and shall perform such powers and responsibilities as may be delegated to him by the incumbent President."

(2) The interim Parliament shall provide for the election of the members of Parliament, which shall be synchronized and held simultaneously with the election of all local government officials. Thereafter, the duly elected Prime Minister shall continue to

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exercise and perform the powers, duties and responsibilities of the Interim Prime Minister until the expiration of the term of the incumbent President and Vice President."

7. These proposed amendments do not infringe on the constitutional limitations set forth in Sec.2, Art. XVII of the 1987 Constitution; neither are they covered by the exceptions set forth in Republic Act No. 6735.

8. The foregoing proposed amendments have been earlier substantially endorsed and proposed by the House of Representatives Committee on Constitutional Amendments, and substantially recommended by the Constitutional Consultative Commission. Thus, the Petitioners submit for approval by the Filipino people in a plebiscite to be called for the said purpose, the following ---

Proposition

"DO YOU APPROVE THE AMENDMENT OF ARTICLES VI AND VII OF THE 1987 CONSTITUTION, CHANGING THE FORM OF GOVERNMENT FROM THE PRESENT BICAMERAL-PRESIDENTIAL TO A UNICAMERAL-PARLIAMENTARY SYSTEM, AND PROVIDING ARTICLE XVIII AS TRANSITORY PROVISIONS FOR THE ORDERLY SHIFT FROM ONE SYSTEM TO THE OTHER?"

The Rationale for the Proposed Amendments

9. The proposed amendment of Articles VI and VII, providing for a shift from the present bicameral-Presidential government to a unicameral-Parliamentary system, will effect a more efficient, more economical and more

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responsive government. The shift from the bicameral to a unicameral legislature will do away with the time-consuming duplication of legislative functions and strengthen responsibility and accountability in legislative work in government. The Parliamentary system will ensure harmony between the legislative and executive branches of government, promote greater consensus, and provide faster and more decisive governmental action. It is for these reasons, among others, that the Petitioners submit the foregoing amendatory proposal.

Prayer

WHEREFORE, premises considered, it is most respectfully prayed that this Honorable Commission on Elections, after due consideration and verification, issue an Order:

1. Finding the Petition to be sufficient pursuant to Section 4, Article XVII of the 1987 Constitution;
2. Directing the publication of the Petition in Filipino and English at least twice in newspapers of general and local circulation; and
3. Calling a plebiscite to be held not earlier than sixty nor later than ninety days after the Certification by this Honorable Commission of the sufficiency of this Petition, to allow the Filipino people to express their sovereign will on the proposition.

Manila, Philippines, _____