

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Constitution Hills, Batasan Complex, Quezon City

**THIRTEENTH CONGRESS**

*FIRST REGULAR SESSION*

HOUSE CONCURRENT RESOLUTION NO. 04

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**EXPLANATORY NOTE**

The greater majority of the people concede that there are defects in the 1987 Constitution, even as some do so grudgingly. However, they differ in the extent thereof: some saying these are minor, others asserting these are serious. Hence, the clamor for constitutional changes as early as the 1990s had varying results.

Of course, there was understandably an element of emotionalism and sentimentalism in the resistance to change especially from those closely identified in the drafting and adoption of the said constitution and those with ambition for the Presidency and Vice Presidency who would have been affected by the proposed changes. And two or three exercises for the purpose were struck down.

Even the attempted people's initiative through a signature campaign undertaken by PIRMA (People's Initiative for Reforms, Modernization and Action) pursuant to R.A. 6735 failed, the Supreme Court condemning the law as grossly "inadequate" and "merely paying it a reluctant lip service". The Supreme Court in fact concluded that "the right of the people to directly propose amendments to the Constitution through the system of initiative would remain entombed in the cold niche of the Constitution until Congress provides for its implementation" (G.R. No. 127325, 1996). Up to this time, Congress has not done so.

Several bills and resolutions were filed in the 11<sup>th</sup> and 12<sup>th</sup> Congresses calling for constitutional changes either by the Constituent Assembly or by a Constitutional Convention. Public hearings were held. Suspicions continued and change was resisted with the simple argument that there was not the time to tinker with the Constitution as we were concentrating on economic recovery.



Yet, the problems with the present system continue to have their imprint on the economic and political stability of the Republic.

It is imperative that the unicameral parliamentary system enshrined in the 1973 Constitution, sans the Martial Law features and the transitory provisions thereof, be seriously and immediately considered. It has been studied very well by the people's delegates elected in the freest election ever held in the country – in 1970. It was never implemented due to the intervening imposition of Martial Law. It can be readily reconciled and integrated with pertinent provisions of the 1935 and 1987 Constitutions.

The Parliamentary system of government is adopted and embraced by more developed countries throughout the world than the Presidential system. It is more responsive and directly responsible. It will eliminate threats of military coups or the destabilizing effects of "people power" as it offers easy and convenient alternatives and options.

Our experience with the bicameral form of government proved it is expensive and dilatory. The deadlocks in the Senate are reflective of the evils of this form. Then there is the "third House" which is the Bicameral Committee which has been subjected to serious criticisms and complaints, for many good reasons.

The presidential system has spawned a culture of cronyism and corruption directly due to the enormous expense it entails for a national campaign for the presidency.

This primary source of evil in the political arena, permeating through the entire spectrum of society, must be minimized if not eliminated immediately.

Likewise, being an archipelago with some 7,100 islands, certain areas are neglected and they cry for equity and justice. This can very well be addressed by adopting the Federal system.

To provide immediate direction, a complete proposed Constitution defining the Parliamentary system and containing the fundamental and necessary provisions was attached to a similar Resolution filed on June 27, 2002 as Concurrent Resolution No. 12. For the present, a set of amendments is attached to serve as basis for the public debate that must be generated hereafter for the enlightenment and guidance of the citizenry.

The 1987 Constitution with its Preamble is basically adopted except for the changes hereinafter specified in bold letters. Those provisions not subject of any change are no longer reproduced, for brevity. Thus:

- Article I – National Territory (1987) with insertion from 1973;
- Article II – Declaration of Principles and State Policies (1987)
- Article III – Bill of Rights (1987) with amendment on the death penalty.
- Article IV – Citizenship (1987)
- Article V – Suffrage (1987)
- Article VI – The President (1973), limiting the term to 4 from 6 years.

Article VII – The National Assembly (1973) with a term of 4 years, with provisions for the Electoral Tribunal and Commission on Appointments.

Article VIII – The Prime Minister and the Cabinet (1973)

Article IX – Judicial Department (1987)

Article X – Constitutional Commissions (1987)

A. Common Provisions

B. The Civil Service Commission

C. The Commission on Elections (1973/1987)

D. Commission on Audit

Article XI – Local Government (1987), with Autonomous Regions

Article XII – Accountability of Public Officers (1987), with provisions for Impeachment.

Article XIII – National Economy and Patrimony (1987)

Article XIV – Social Justice and Human Rights (1987)

Article XV – Education, Science and Technology, Arts, Culture, and Sports (1987).

Article XVI – The Family (1987)

Article XVII – General Provisions (1987)

Article XVIII – Amendments or Revisions (1987)

Article XIX – Transitory Provisions

The proposed amendments, especially the Transitory Provisions hereof, are definitely and specifically open to debate, study, research and reconciliation. They are offered to generate a public debate and to facilitate the process, because a constitutional change – specifically a shift from the Presidential to the Unitary Parliamentary and Federal system of government has now become imperative.



CONSTANTINO G. JARAULA

## PROPOSED AMENDMENTS

### PREAMBLE (1987 - OMITTED)

### ARTICLE I NATIONAL TERRITORY (1987)

The national territory comprises the Philippine archipelago, with all the islands and waters embraced therein, **all the other territories belonging to the Philippines by historic right or legal title, and all other territories over which the Philippines has sovereignty or jurisdiction, consisting of its terrestrial, fluvial, and aerial domains, including its territorial sea, the seabed, the subsoil, the insular shelves, and other submarine areas.** The waters around, between, and connecting the islands of the archipelago, regardless of their breadth and dimensions, form part of the internal waters of the Philippines.

### ARTICLE II DECLARATION OF PRINCIPLES AND STATE POLICIES (1987 -- OMITTED EXCEPT)

SECTION 3. Civilian authority is, at all times, supreme over the military. [The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory.] The Armed Forces of the Philippines shall secure the sovereignty of the State, the integrity of the national territory, **and the fundamental rights of the people.**

### ARTICLE III BILL OF RIGHTS (1987 -- OMITTED EXCEPT)

SECTION 12. (3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him, **in any proceeding.**

SECTION 19. (1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the [Congress] National Assembly hereafter provides for it. [Any death penalty already imposed shall be reduced to *reclusion perpetua*.] **Consistently, the death penalty as now provided for by law shall be thoroughly reexamined and subjected to amendment, modification, or redefinition by the National Assembly.**

### ARTICLE IV CITIZENSHIP (1987 - OMITTED)

### ARTICLE V SUFFRAGE (1987 - OMITTED)



**ARTICLE VI  
THE PRESIDENT  
(1973)**

SECTION 1. The President of the Philippines shall be the symbolic head of state.

SECTION 2. The President shall be elected from among the Members of the National Assembly by a majority vote of all its Members for a term of **four** years from the date he takes his oath of office, which shall not be later than three days after his proclamation by the National Assembly, nor in any case earlier than the expiration of the term of his predecessor. Upon taking his oath of office, the President shall cease to be a member of the National Assembly and of any political party. He shall be ineligible to hold any other elective office during his term.

SECTION 3. No person may be elected President unless he is at least fifty years of age on the day of his election as President, and a resident of the Philippines for at least ten years immediately preceding such election. However, if no Member of the National Assembly is qualified or none of those qualified is a candidate for President, any Member thereof may be elected President.

SECTION 4. (1) The President shall have an official residence and shall receive a compensation to be fixed by law, which shall not be increased or decreased during his term of office. He shall not receive during his tenure any other emolument from the Government or any other source. Until the National Assembly shall provide otherwise, the President shall receive an annual salary of **six hundred thousand pesos**.

(2) The President shall not, during his tenure, hold any appointive office, practice any profession, participate directly or indirectly in the management of any business, or be financially interested directly or indirectly in any contract with, or in any franchise or special privilege granted by, the Government or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation.

SECTION 5. In case of permanent disability, death, removal from office, or resignation of the President, the Speaker of the National Assembly shall act as President until a successor has been elected for the unexpired portion of the term of the President. **The election shall be undertaken within ten days from the occurrence of the cause.**

SECTION 6. The President shall have the following duties and functions:

- (1) Address the National Assembly at the opening of its regular session.
- (2) Proclaim the election of the Prime Minister.
- (3) Dissolve the National Assembly and call for a general election as provided herein.
- (4) Accept the resignation of the Cabinet as provided herein.
- (5) Attest to the appointment or cessation from office of Members of the Cabinet, and of other officers as may be provided by law.
- (6) Appoint all officers and employees in his office in accordance with the Civil Service Law.
- (7) Perform such other duties and functions of state as may be provided by law.
- (8) The President shall be immune from suit during his tenure.

**ARTICLE VII  
THE NATIONAL ASSEMBLY  
(1973)**

SECTION 1. Legislative power shall be vested in a National Assembly.

SECTION 2. The National Assembly 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 and on the basis of a uniform and progressive ratio. Each district shall comprise, as far as practicable contiguous, compact, and adjacent territory. Representative districts or provinces already

created or existing at the time of the ratification of this Constitution shall have at least one Member each.

SECTION 3. (1) The Members of the National Assembly shall be elected by the qualified electors in their respective districts for a term of ~~[six]~~ **four** years which shall begin, unless otherwise provided by law, at noon on the thirtieth day of June next following their election.

(2) In case the National Assembly is dissolved, the newly elected Members shall serve the unexpired portion of the term from the time the Prime Minister convokes the Assembly, which shall not be later than thirty days immediately following the elections.

SECTION 4. No person shall be a Member of the National Assembly unless he is a natural-born citizen of the Philippines and, on the day of the election, is at least twenty-five years of age, able to read and write, a registered voter in the district in which he shall be elected, and a resident thereof for a period of not less than one-year immediately preceding the day of the election.

SECTION 5. (1) Unless otherwise provided by law, the regular election of the Members of the National Assembly shall be held on the second Monday of May and every ~~[six]~~ **four** years thereafter.

(2) In case a vacancy arises in the National Assembly one year or more before a regular election, the Commission on Elections shall call a special election therein to be held within sixty days after the vacancy occurs.

SECTION 6. The National Assembly 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 until thirty days before the opening of its next regular session, exclusive of Saturdays, Sundays and legal holidays. It may recess for periods not exceeding thirty days each, and not more than ninety days during the year. However, it may be called to session at any time by the Prime Minister to consider **only** such subjects or legislations as he may ~~[designate]~~ **specify in his call**.

SECTION 7. (1) The National Assembly shall, by a majority vote of all its members, elect its Speaker from the Members thereof, **as a matter of priority**. It shall choose its **Secretary** and such other officers as it may deem necessary.

The election of the President and the Prime Minister shall precede all other business following the election of the Speaker.

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

(3) The National Assembly 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, but if the penalty is suspension, this shall not exceed sixty days.

(4) The National Assembly shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may, in its judgment, affect national security; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

SECTION 8. (1) Unless otherwise provided by law, each Member of the National Assembly shall receive an annual salary of **six hundred thousand pesos**. The Speaker of the National Assembly shall receive an annual salary of **seven hundred fifty thousand pesos**. No increase in salary shall take effect until after the expiration of the term of the Members of the National Assembly approving such increase.

(2) The records and books of accounts of the National Assembly shall be open to the public in accordance with law, and such books shall be audited by the Commission on Audit which shall publish annually the itemized expenditures for each Member.

SECTION 9. A Member of the National Assembly shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest during his attendance at its sessions, and in going to and returning from the same; but the National Assembly shall surrender the Member involved to the custody of the law within twenty four hours after its adjournment for a recess or for its next session, otherwise such privilege shall cease upon



its failure to do so. A Member shall not be questioned nor held liable in any other place for any speech or debate in the Assembly or in any committee thereof.

SECTION 10. A Member of the National Assembly shall not hold any other office or employment in the Government, or any subdivision, agency, or instrumentality thereof including government-owned or controlled corporations, during his tenure except that of Prime Minister or Member of the Cabinet. Neither shall he be appointed to any civil office which may have been created or the emoluments thereof increased while he was a Member of the National Assembly.

SECTION 11. No Member of the National Assembly may personally appear as counsel before any court of justice or before the Electoral Tribunal, or quasi-judicial or any administrative body. Neither shall he, directly or indirectly, be interested financially in any contract with, or in any franchise or special privilege granted by, the Government, or any subdivision, agency, or instrumentality thereof, including any government-owned or controlled corporation, during his term of office. He shall not intervene in any matter before any officer of the Government, for his pecuniary benefit.

SECTION 12. (1) There shall be a question hour at least once a month or as often as the Rules of the National Assembly may provide, which shall be included in its agenda, during which the Prime Minister or any Minister may be required to appear and answer questions and interpellations by Members of the National Assembly. Written questions shall be submitted to the Speaker at least three days before a scheduled question hour. Interpellations shall not be limited to the written questions, but may cover matters related thereto. The agenda shall specify the subjects of the question hour. When the security of the State so requires and the Prime Minister so states in writing, the question hour shall be conducted in executive session.

(2) The National Assembly 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.

SECTION 13. (1) The National Assembly 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] two days from the submittal of such motion.

(2) The Prime Minister may advise the President in writing to dissolve the National Assembly whenever the need arises for a popular vote of confidence on fundamental issues, but not on a matter involving his own personal integrity. Whereupon, the President shall dissolve the National Assembly not earlier than [five] three days nor later than [ten] seven days from his receipt of the advice, and call for an election on a date set by the Prime Minister which shall not be earlier than forty-five days nor later than sixty days from the date of such dissolution. However, no dissolution of the National Assembly shall take place within [nine months] one year immediately preceding a regular election or within [nine months] one year immediately following any general election.

(3) In case of dissolution of the National Assembly 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 National Assembly is convoked and a Prime Minister and a Speaker are elected and have qualified. The Secretary of the National Assembly shall preside in the election of the Speaker.

SECTION 14. (1) Except as otherwise provided in this Constitution, no treaty shall be valid and effective unless concurred in by a majority of all Members of the National Assembly.

(2) The National Assembly, by a vote of two-thirds of all its Members, shall have the sole power to declare the existence of a state of war.

SECTION 15. In times of war or other national emergency, the National Assembly may by law authorize the Prime Minister, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the National Assembly, such powers shall cease upon its next adjournment.

SECTION 16. (1) The Prime Minister shall submit to the National Assembly within thirty days from the opening of each regular session as the basis of 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 the National Assembly shall strictly follow the procedure for approving appropriations for other departments and agencies.

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

(5) No law shall be passed authorizing any transfer of appropriations; however, the Prime Minister, the Speaker, the Chief Justice of the Supreme Court and the heads of Constitutional Commissions may by law be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations.

(6) If, by the end of any fiscal year, the National Assembly shall have failed to pass the general appropriations bill for the ensuing fiscal year, the general appropriations law for the preceding fiscal year shall be deemed re-enacted and shall remain in force and effect until the general appropriations bill is passed by the National Assembly.

SECTION 17. (1) The rule of taxation shall be uniform and equitable. The National Assembly shall evolve a progressive system of taxation.

(2) The National Assembly 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.

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

(4) No law granting any tax exemption shall be passed without the concurrence of a majority of all the Members of the National Assembly.

SECTION 18. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

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

SECTION 19. (1) Every bill shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to the 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.

SECTION 20. (1) Every bill passed by the National Assembly shall, before it becomes a law, be presented to the Prime Minister. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the National Assembly. The bill may be reconsidered by the National Assembly and, if approved by two-thirds of all its Members, shall become a law. The Prime Minister shall act on every bill passed by the National Assembly within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

(2) The Prime Minister shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does



**SECTION 21.** There shall be an Electoral Tribunal composed of three Justices of the Supreme Court designated by the Chief Justice, and of six Members chosen by the National Assembly on the basis of proportional representation of the Parties represented therein. The senior Justice in the Tribunal shall be its Chairman. The Electoral Tribunal shall be the sole judge of all contests relating to the election, returns, and qualifications of the Members of the National Assembly.

**SECTION 22.** (1) The President, the Justices of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust.

(2) The Commission on Impeachment shall be composed of fifteen chosen by the National Assembly from among its Members on the basis of proportional representation of the Parties therein. It shall have the sole power of impeachment.

(3) The National Assembly shall have the sole power to try all impeachments. When sitting for that purpose the Members shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of all the Members who do not belong to the Commission on Impeachment.

(4) Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Government of the Philippines, but conviction shall not be a bar to prosecution, and punishment in the ordinary course of law.

**SECTION 23.** There shall be a Commission on Appointments composed of fifteen chosen by the National Assembly from among its Members on the basis of proportional representation of the Parties therein.

**SECTION 24.** A Federal system of government consistent with the Unitary Parliamentary system provided for herein shall be installed within ten (10) years from the approval of these Amendments. The National Assembly shall provide by law the division of the country into as many "independent states", allocating uniform powers thereto, and reserving to the Federal government powers on national defense, foreign relations, monetary policies, and such other powers it may deem imperative.

### **ARTICLE VIII THE PRIME MINISTER AND THE CABINET (1973)**

**SECTION 1.** The Executive power shall be exercised by the Prime Minister with the assistance of the Cabinet. The Cabinet, headed by the Prime Minister, shall consist of the heads of ministries as provided by law. The Prime Minister shall be the head of the Government.

**SECTION 2.** The Prime Minister and the Cabinet shall be responsible to the National Assembly for the program of government and shall determine the guidelines of national policy.

**SECTION 3.** The Prime Minister shall be elected by a majority of all the Members of the National Assembly from among themselves.

**SECTION 4.** The Prime Minister shall appoint the Members of the Cabinet who shall be the heads of ministries, at least a majority of whom shall come from the National Assembly. Members of the Cabinet may be removed at the discretion of the Prime Minister.

**SECTION 5.** (1) The Prime Minister shall appoint the Deputy Prime Minister from among the Members of the National Assembly. The Deputy Prime Minister shall head a ministry and shall perform such other functions as may be assigned to him by the Prime Minister.

(2) The Prime Minister shall also appoint the Deputy Ministers who shall perform such functions as may be assigned to them by law or by the respective heads of ministries.

**SECTION 6.** The Prime Minister and the Members of the Cabinet, on assuming office, 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 Philippines, preserve and defend its Constitution, execute its laws, do justice to every man and consecrate myself to the service of the Nation. So help me God." (In case of affirmation, the last sentence will be omitted.)

**SECTION 7.** The salaries and emoluments of the Prime Minister and the Members of the Cabinet shall be fixed by law which shall not be increased or decreased during their tenure of office. Until otherwise provided by law, the Prime Minister shall receive the same salary as that of the President.

**SECTION 8.** The Prime Minister and the Members of the Cabinet shall be subject to the provisions of Sections ten and eleven of Article [Eight] Seven hereof and may not appear as counsel before any court or administrative body, or participate in the management of any business, or practice any profession.

**SECTION 9.** The Prime Minister or any Member of the Cabinet may resign for any cause without vacating his seat in the National Assembly.

**SECTION 10.** The Prime Minister shall, at the beginning of each regular session of the National Assembly and from time to time thereafter, present the program of government and recommend for the consideration of the National Assembly such measures as he may deem necessary and proper.

**SECTION 11.** The Prime Minister shall have control of all ministries.

**SECTION 12.** The Prime Minister shall be commander-in-chief of all armed forces of the Philippines and whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, or rebellion, when the public safety requires it, he may suspend the privilege of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

**SECTION 13.** The Prime Minister shall appoint the heads of bureaus and offices, the officers of the armed forces of the Philippines from the rank of brigadier general or commodore, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint. However, the National Assembly may by law vest in Members of the Cabinet, courts, heads of agencies, commissions, and boards the power to appoint inferior officers in their respective offices.

**SECTION 14.** The Prime Minister may, except in cases of impeachment, grant reprieves, commutations and pardons, remit fines and forfeitures, after final conviction, and with the concurrence of the National Assembly, grant amnesty.

**SECTION 15.** The Prime Minister may contract and guarantee foreign and domestic loans on behalf of the Republic of the Philippines, subject to such limitations as may be provided by law.

**ARTICLE IX  
JUDICIAL DEPARTMENT  
(1987- OMITTED)**

**ARTICLE X  
CONSTITUTIONAL COMMISSIONS  
(OMITTED EXCEPT)**

A. COMMON PROVISIONS (1987)

B. THE CIVIL SERVICE COMMISSION (1987)

### C. THE COMMISSION ON ELECTIONS

SECTION 1. (2) The Chairman and the Commissioners shall be appointed by the [President] Prime Minister with the consent of the Commission on Appointments for a term of seven years without reappointment. The incumbent Chairman and Commissioners shall continue in office according to their respective appointments and existing laws. 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.

### D. COMMISSION ON AUDIT

SECTION 1. (2) The Chairman and the Commissioners shall be appointed by the [President] Prime Minister with the consent of the Commission on Appointments for a term of seven years without reappointment. The incumbent Chairman and Commissioners shall continue in office in accordance with their respective appointments and existing laws. 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.

## ARTICLE XI LOCAL GOVERNMENT (1987 - OMITTED)


## ARTICLE XII ACCOUNTABILITY OF PUBLIC OFFICERS (1987 - OMITTED EXCEPT)

SECTION 3. A verified complaint for impeachment may be filed by any Member of the National Assembly or by any citizen upon a resolution of endorsement by any Member thereof, which shall be included in the Order of Business within ten session days, and referred to the Commission on Impeachment within three session days thereafter. The Commission, after hearing, and by a majority vote of all its Members, shall submit its report to the National Assembly within sixty session days from such referral, together with its recommendation for dismissal or the corresponding Articles of Impeachment. The recommendation or the Articles shall be calendared for consideration by the National Assembly within ten session days from receipt thereof.

(3) A majority vote of all the Members of the National Assembly shall be necessary to affirm the recommendation for dismissal, and a two-thirds vote of all the Members shall be necessary to convict on impeachment. The vote of each Member shall be recorded.

## ARTICLE XIII NATIONAL ECONOMY AND PATRIMONY (1987 - OMITTED EXCEPT)

(All references to "Congress" shall mean National Assembly and those to "President" shall mean Prime Minister.)



**ARTICLE XIV  
SOCIAL JUSTICE AND HUMAN RIGHTS  
(1987 - OMITTED)**

**ARTICLE XV  
EDUCATION, SCIENCE AND TECHNOLOGY,  
ARTS, CULTURE, AND SPORTS  
(1987 - OMITTED)**

**ARTICLE XVI  
THE FAMILY  
(1987 - OMITTED)**

**ARTICLE XVII  
GENERAL PROVISIONS  
(1987 - OMITTED EXCEPT)**

SECTION 11. (1) The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, [wholly-owned and managed by such citizens.] at least sixty per centum of the capital of which is owned by such citizens.

The National Assembly shall regulate or prohibit monopolies in commercial mass media when the public interest so requires. No combinations in restraint of trade or unfair competition therein shall be allowed.

(2) The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare.

Only Filipino citizens or corporations or associations at least [seventy] sixty per centum of the capital of which is owned by such citizens shall be allowed to engage in the advertising industry.

The participation of foreign investors in the governing body of entities in such industry shall be limited to their proportionate share in the capital thereof; [and all the executive and managing officers of such entities must be citizens of the Philippines.]

SECTION 12. The National Assembly may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

**ARTICLE XVIII  
AMENDMENTS OR REVISIONS  
(1987 - OMITTED)**

**ARTICLE XIX  
TRANSITORY PROVISIONS**

SECTION 1. All existing laws, implementing rules and regulations, executive orders, proclamations, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

SECTION 2. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the concurrence of at least two-thirds of all the Members of the National Assembly.

SECTION 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, judiciary acts, and procedural laws not inconsistent with this Constitution shall remain operative unless amended or repealed by the Supreme Court or the National Assembly.

SECTION 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.

SECTION 5. The incumbent Members of the Constitutional Commissions, 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.

SECTION 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.

SECTION 7. The Senators elected in 2004 shall serve as such until approval of these amendments and implementation thereof, and shall automatically become Members of the National Assembly from such date until June 30, 2010, without regard to any dissolution of the National Assembly in between.

At least one-third of them shall be appointed to the Cabinet.

SECTION 8. The incumbent President shall serve as Prime Minister and concurrently as President under the new Constitution until her term expires on June 30, 2010.

SECTION 9. The Parliamentary system provided for in this Constitution shall begin with the elections of 2007 and the assumption to office of those elected therein, except as provided in the next preceding section.

SECTION 10. The incumbent Vice President shall preside in the convening of the National Assembly on June 30, 2007 for the election of the Speaker who shall immediately thereafter assume his office.

  
CONSTANTINO G. JARULA



**ARTICLE XIV  
SOCIAL JUSTICE AND HUMAN RIGHTS  
(1987 - OMITTED)**

**ARTICLE XV  
EDUCATION, SCIENCE AND TECHNOLOGY,  
ARTS, CULTURE, AND SPORTS  
(1987 - OMITTED)**

**ARTICLE XVI  
THE FAMILY  
(1987 - OMITTED)**

**ARTICLE XVII  
GENERAL PROVISIONS  
(1987 - OMITTED EXCEPT)**

SECTION 11. (1) The ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations, cooperatives or associations, [wholly-owned and managed by such citizens.] at least sixty per centum of the capital of which is owned by such citizens.

The National Assembly shall regulate or prohibit monopolies in commercial mass media when the public interest so requires. No combinations in restraint of trade or unfair competition therein shall be allowed.

(2) The advertising industry is impressed with public interest, and shall be regulated by law for the protection of consumers and the promotion of the general welfare.

Only Filipino citizens or corporations or associations at least [seventy] sixty per centum of the capital of which is owned by such citizens shall be allowed to engage in the advertising industry.

The participation of foreign investors in the governing body of entities in such industry shall be limited to their proportionate share in the capital thereof; [and all the executive and managing officers of such entities must be citizens of the Philippines.]

SECTION 12. The National Assembly may create a consultative body to advise the President on policies affecting indigenous cultural communities, the majority of the members of which shall come from such communities.

**ARTICLE XVIII  
AMENDMENTS OR REVISIONS  
(1987 - OMITTED)**

**ARTICLE XIX  
TRANSITORY PROVISIONS**

SECTION 1. All existing laws, implementing rules and regulations, executive orders, proclamations, and other executive issuances not inconsistent with this Constitution shall remain operative until amended, repealed, or revoked.

SECTION 2. All existing treaties or international agreements which have not been ratified shall not be renewed or extended without the concurrence of at least two-thirds of all the Members of the National Assembly.