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2 NINETEENTH CONGRESS OF THE  
3 REPUBLIC OF THE PHILIPPINES)  
4 First Regular Session)

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7 SENATE BILL NO. \_\_\_\_\_

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9 **THROUGH "INDIRECT INITIATIVE",**  
10 **SECTIONS 3(B) AND 11 OF R.A. 6735**  
11 **(The Initiative and Referendum Act)**  
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15 **Introduced by Kapatiran Party (Alliance for the Common Good)**  
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20 AN ACT

21 CALLING FOR A CONSTITUTIONAL CONVENTION, PROVIDING  
22 FOR PROPORTIONAL REPRESENTATION THEREIN AND OTHER  
23 DETAILS RELATING TO THE ELECTION OF DELEGATES TO AND  
24 THE HOLDING OF THE CONSTITUTIONAL CONVENTION,  
25 APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES.  
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28 *Be it enacted by the Senate and the House of Representatives of the Republic*  
29 *of the Philippines in Congress assembled:*  
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31 **SECTION 1.** *Short Title.* This Act shall be known as "The  
32 Constitutional Convention Act of 2022."  
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34 **SECTION 2.** *Composition of the Convention; Qualifications of*  
35 *Delegates.* The Constitutional Convention shall be composed of two hundred  
36 fifty three (253) delegates from the current two hundred fifty three (253)  
37 legislative districts and who shall have the same qualifications as those  
38 required of Members of the House of Representatives.

39 **SECTION 3.** *Election of Delegates.* The election of delegates to the  
40 Convention by the qualified electors of each district shall be held on the

41 second Monday in May, twenty hundred and twenty-three or May 8, 2023,  
42 synchronized with the Barangay Elections.

43 **SECTION 4.** *Plebiscite.* The plebiscite shall be held on May 12, 2025,  
44 synchronized with the National and Local Elections.

45 **SECTION 5.** *Persons Holding Office.* Any person holding a public  
46 office or position, whether elective or appointive, including members of the  
47 armed forces and officers and employees of corporations or enterprises owned  
48 and/or controlled by the government, shall be considered **automatically**  
49 resigned upon the filing of his certificate of candidacy: *Provided,* That any  
50 government official who resigns in order to run for delegate and who does not  
51 yet qualify for retirement under existing laws, may, if elected, add to his length  
52 of service in the government the period from the filing of his certificate of  
53 candidacy until the final adjournment of the Constitutional Convention.

54 **SECTION 6.** *Disqualification to Run.* All members of the House of  
55 Representatives and Senate who were elected during the May 2022 elections,  
56 together with their relatives within the second civil degree of consanguinity  
57 and affinity, shall be disqualified from running as delegates to the Convention.

58 Any person elected as delegate to the Constitutional Convention shall  
59 not be qualified to run for any public office in any election or to assume any  
60 appointive office or position in any branch of the Government until after the  
61 May 12, 2025 National and Local Elections.

62 **SECTION 7.** *Provisions Governing the Election of Delegates.* The  
63 election of delegates shall be governed by the "RULES AND  
64 REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 9006,  
65 OTHERWISE KNOWN AS THE "FAIR ELECTION ACT", IN

66 CONNECTION WITH THE MAY 8, 2023 ELECTION OF CONVENTION  
67 DELEGATES” to be promulgated by the Commission on Elections, except as  
68 herein provided, to wit:

69 *Certificate of Candidacy.* Candidates shall file with the Commission on  
70 Elections their certificates of candidacy at least ninety days before election  
71 day and in the manner provided for by the Commission on Elections.

72 The person concerned shall state in his certificate of candidacy that: (1)  
73 he announces his candidacy for delegate to the Constitutional Convention in  
74 the district in which he is running; (2) he has the same qualifications as those  
75 required of members of the House of Representatives; (3) his full name,  
76 including maternal surname; (4) his civil status and, if married, the full name  
77 of his or her spouse; (5) his age, stating the date and place of his birth; and (6)  
78 his post office address for all election purposes.

79 The certificate of candidacy shall likewise state his gross income, the  
80 expenses, deductions and exemptions, and that he paid his income taxes as  
81 assessed, for the last two years immediately preceding the election, unless the  
82 candidate exempt from paying income taxes, or his tax obligations are  
83 pending final determination, in which cases he shall so state in his certificate  
84 of candidacy. Failure to state the required information shall invalidate the  
85 certificate of candidacy.

86 The candidate shall include a concise statement, not exceeding two-  
87 hundred words of the principal constitutional reforms, programs or policies  
88 he proposes to advocate if elected to the Convention. A copy of such statement  
89 shall be posted conspicuously in each polling place in the district.

90 At least seventy days before the election, five or more qualified  
91 registered voters in a representative district, acting individually, may file with  
92 the Commission on Elections a nomination for a candidate, furnishing a copy  
93 thereof to the person concerned: Provided, that said candidate shall indicate  
94 his acceptance by complying with the requirements of this section.

95 The Commission on Elections shall prepare a standard form of the  
96 certificate of candidacy and adopt such other measures as may facilitate the  
97 filing thereof.

98 **SECTION 8.** *Vacancy in the Position of Delegate.* Whenever a  
99 vacancy occurs in the position of Delegate, the Commission on Elections,  
100 upon due certification of the existence of such vacancy, and recommendation  
101 by the Convention, shall immediately call a special election to fill the vacancy,  
102 which election shall be held within thirty days from the date of said call.

103 Should the vacancy occur before the start of the convention, the  
104 Commission on Elections, after verification of the said vacancy, shall call and  
105 hold a special election as above provided.

106 **SECTION 9.** *Who May Convene.* The Chairman of the Commission on  
107 Elections shall take charge of all arrangements for the convening of the  
108 Constitutional Convention. The President of the Senate and the Speaker of the  
109 House of Representatives shall jointly preside at its opening session.  
110 Thereafter, the Convention may in its discretion hold its session at any other  
111 place within the Republic of the Philippines. Unless the Convention provides  
112 otherwise, a majority of all its members shall constitute a quorum to do  
113 business, but a smaller number may meet, adjourn from day to day, and  
114 compel the attendance of absent members. The Convention shall be the sole

115 judge of the election, returns, and qualifications of its members and it may  
116 organize and adopt such rules as it may see fit.

117         **SECTION 10.** *Administration and Technical Assistance.* All  
118 government entities, agencies and instrumentalities, including the Senate and  
119 House of Representatives, shall place at the disposal of the Convention such  
120 personnel, premises, and furniture thereof as can, in their judgment, be spared  
121 without detriment to the public service, without cost, refund or additional pay.

122         **SECTION 11.** *Parliamentary Immunity.* The laws relative to  
123 parliamentary immunity of the Members of Congress shall be applicable to  
124 the delegates to the Constitutional Convention.

125         **SECTION 12.** *Per diems and Traveling Expenses of Delegates.* Each  
126 delegate shall be entitled to a per diem of one thousand pesos for every day of  
127 attendance in the Convention or any of its committees and to the necessary  
128 traveling expenses to and from his residence when attending the sessions of  
129 the Convention or of its committees.

130         **SECTION 13.** *Powers of the Commission on Elections.* The  
131 Commission on Election shall, in addition to the powers and functions  
132 conferred upon it by the Constitution and the Revised Election Code, as  
133 amended, have the following powers:

134             (a) To promulgate rules and regulations to carry out the provisions of  
135 this Act within thirty days after its approval:

136             (b) To engage law-enforcement agencies and instrumentalities of the  
137 government to act as deputies for the purpose of insuring a free, orderly and  
138 honest election;

139 (c) To execute its decisions, directives, orders and instructions on any  
140 matter affecting the conduct of the election of delegates to the Constitutional  
141 Convention; and, in the implementation thereof, the same decisions,  
142 directives, orders and instructions shall have precedence over those emanating  
143 from any other authority except the Supreme Court, and those issued in habeas  
144 corpus proceedings:

145 (d) By unanimous vote of the members, postpone the election in any  
146 political division or subdivision when it shall find, after due notice to all  
147 candidates concerned and proper hearing, that the holding of a free, orderly  
148 and honest election therein is rendered impossible by reason or reasons of  
149 fraud, violence, coercion, terrorism, or any other serious cause or causes. The  
150 Commission shall immediately call for the holding of a special election in said  
151 political division or subdivision when in its judgment the conditions therein  
152 warrant the holding of the same.

153 (e) Whenever the Commission determines, after notice and hearing,  
154 that no voting has been held or that voting has been suspended before the hour  
155 fixed by law for the closing of the voting in any precinct or precincts because  
156 of force majeure, violence or terrorism, and the votes not cast therein are  
157 sufficient to affect the results of the election, the Commission may call for the  
158 holding or continuation of the election in the precinct or precincts concerned.  
159 Pending such call, no candidate whose election may be affected by the holding  
160 or continuation of the election, shall be proclaimed elected.

161 **SECTION 14. *Penalty Clause.*** A violation of any of the provisions of  
162 this Act shall be considered a serious election offense carrying a penalty of

163 imprisonment of not less than one year and one day but not more than five  
164 years.

165         The offender shall be further sentenced to suffer disqualifications to  
166 hold any public office and deprivation of the rights of suffrage for not less  
167 than one year but not more than nine years; and, if he is a foreigner, he shall  
168 be deported immediately after service of his prison term. Should the violation  
169 be committed by a political party or any organized group hereinbefore  
170 prohibited, the individuals who induced, ordered, directly participated, or  
171 indispensably cooperated in the commission of the same shall be equally  
172 liable, and shall suffer the penalties herein provided.

173         **SECTION 15.** *Petition for Declaratory Relief.* Any natural or juridical  
174 person whose rights are affected by any provision of this Act, may, before  
175 breach or violation thereof, bring an action to determine any question of  
176 construction, validity or constitutionality arising under this Act and for a  
177 declaration of his rights or duties thereunder.

178         In any action involving the construction, validity or constitutionality of  
179 any provision under this Act, the Solicitor General shall be notified by the  
180 party contesting such provision and shall be entitled to be heard upon such  
181 question.

182         The petition shall be filed with the Supreme Court and shall be given  
183 precedence over any other civil business pending therein.

184         **SECTION 16.** *Appropriation.* There is hereby appropriated out of any  
185 funds in the National Treasury not otherwise appropriated, the sum of Three  
186 Billion Pesos (Php 3,000,000,000.00) for the holding of the election of  
187 delegates to the Constitutional Convention which shall upon request, be made

188 immediately available to the Commission on Elections only for purposes of  
189 this Act and Five Hundred Million Pesos (Php 500,000,000.00) for the  
190 expenses of said convention.

191         **SECTION 17. *Separability Clause.*** If for any reason any section or  
192 provision of this Act, or any portion thereof, or the application of such section,  
193 provision or portion to any person group or circumstance, is declared invalid  
194 or unconstitutional, the remainder of the Act or the application of such  
195 provision to other persons, group or circumstances shall not be affected by  
196 such declaration.

197         **SECTION 18. *Repealing Clause.*** All laws, rules, regulations, or parts  
198 thereof which are inconsistent with this Act are hereby repealed, amended or  
199 modified accordingly for purposes of the election of delegates as herein  
200 provided.

201         **SECTION 19. *Effectivity Clause.*** This Act shall take effect after  
202 fifteen (15) days following its publication in the *Official Gazette* or in a  
203 newspaper of general circulation in the Philippines.

204         Approved: