REPUBLIC OF THE PHILIPPINES
SENATE
NINETEENTH CONGRESS
FIRST REGULAR SESSION

IN RE: PETITION FOR INDIRECT INITIATIVE PURSUANT TO SECTIONS 3(B) AND 11 OF REPUBLIC ACT NO. 6735 FOR CONGRESS TO ENACT "AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION, PROVIDING FOR PROPORTIONAL REPRESENTATION THEREIN AND OTHER DETAILS RELATING TO THE ELECTION OF DELEGATES TO AND THE HOLDING OF THE CONSTITUTIONAL CONVENTION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES", OTHERWISE KNOWN AS THE "CONSTITUTIONAL CONVENTION ACT OF 2022,"

KAPATIRAN PARTY (ALLIANCE FOR THE COMMON GOOD), REPRESENTED BY EDILBERTO CUENCA, NORMAN CABRERA, AND ATTY. ALEX LACSON IN THEIR CAPACITIES AS OFFICERS OF THE PARTY AND AS TAXPAYERS,
Petitioners,
x ---------- x

PETITION

Petitioner **KAPATIRAN PARTY (ALLIANCE FOR THE COMMON GOOD)**, by counsel, respectfully states:

NATURE OF THE PETITION

1. This is a petition for indirect initiative pursuant to Sections 3(b) and 11 of Republic Act No. 6735 for Congress to enact "AN ACT CALLING FOR A CONSTITUTIONAL CONVENTION, PROVIDING FOR PROPORTIONAL REPRESENTATION THEREIN AND OTHER DETAILS RELATING TO THE ELECTION OF DELEGATES TO AND THE HOLDING OF THE CONSTITUTIONAL CONVENTION, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES," OTHERWISE KNOWN AS THE "CONSTITUTIONAL CONVENTION ACT OF 2022."

THE PARTIES

2. Petitioner KAPATIRAN PARTY is a duly registered national political party with principal office address at 29 Guerrero Street, Xavierville 1, Loyola Heights, 1108 Quezon City. Petitioner party is represented by its Chairman and President, Edilberto Cuenca and Norman V. Cabrera, respectively, who are all Filipinos, of legal age and involved herein as individual petitioners in their capacity as citizens and taxpayers. Petitioners may be served with processes of the Honorable Congress through the undersigned counsel at the address indicated below.

STATEMENT OF ANTECEDENT FACTS AND PROCEEDINGS

3. For the first time in 1987, the system of people's initiative was enshrined in the Constitution, Sections 1 and 32 of Article VI of which provide:

> "*Sec.* 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives *except to the extent reserved to the people by the provisions on initiative and referendum.*
>
> x x x
>
> *Sec.* 32. The Congress shall, as early as possible, provide for a system of initiative and referendum, and the exceptions therefrom, whereby the people can directly propose and enact laws or approve or reject *any act* or law or part thereof passed by the Congress or local legislative body after the registration of a petition therefor signed by at least ten *per centum* of the total number of registered voters, of which every legislative district must be represented by at least three *per centum* of the registered voters thereto."

5. On August 4, 1989, Congress approved Republic Act No. 6735 entitled "An Act Providing for a System of Initiative and Referendum and Appropriating Funds Therefor." Sections 2, 3(b) and 11 of R.A. No. 6735 pertinently provide:

> "Sec. 2. Statement of Policy. — The power of the people under a system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the Constitution, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed.
>
> x x x
>
> Sec. 3 (b). — `Indirect initiative' is the exercise of initiative by the people through a proposition sent to Congress or the local legislative body for action.
>
> x x x
>
> Sec. 11. Indirect Initiative. — Any duly accredited people's organization, as defined by law, may file a petition for indirect initiative with the House of Representatives, and other legislative bodies. The petition shall contain a summary of the chief purposes and contents of the bill that the organization proposes to be enacted into law by the legislature.
>
> The procedure to be followed on the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives except that the said initiative bill shall have precedence over the pending legislative measures on the committee."

CHIEF PURPOSES OF THE PROPOSED BILL

6. The duty to establish a government that shall embody the ideals, promote the general welfare, conserve and develop the patrimony of the Nation, and secure the blessings of democracy under a regime of liberty, truth, justice, love, equality and peace is an evolving and never-ending task.

7. It must be emphasized thus that the object of this Constitutional Convention Act of 2022 for purposes of charter change is to address the entirety of our nation's socio-political problems

brought about, in large part, by our present system of government alongside shortcomings in the present Constitution.

8. The issue of charter change is no longer new.

9. In 1997, President Fidel V. Ramos' partisans tried to form a movement to amend the Constitution to allow a second presidential term. Two major approaches were explored, namely, conversion of the Congress into a constituent assembly (Section 1 of Article XVII) and mobilization of a people's initiative (Section 2 of Article XVII). Both did not prosper as then Archbishop Jaime Cardinal Sin and former President Corazon C. Aquino opposed the move. They mobilized a mammoth prayer rally in Luneta and sent a strong message to Ramos saying that tampering with the Constitution was a political suicide, in which not only could he lose the charter change campaign but also the prestige he had attained as a leader. A few days after that rally, the Supreme Court in ***Santiago v. COMELEC*** ruled that the signature campaign of the People's Initiative for Reform, Modernization, and Action (PIRMA) could not legally lead to a call for constitutional amendments through people's initiative. On these two counts, Ramos abandoned moves to extend his term, thus consequent the failure to change the Constitution.

10. Another clamor followed during the term of President Gloria Macapagal Arroyo when her political camp sought to eliminate what they viewed were obstructions to her goal of attaining a strong republic. Her allies, from the local government units to the House of Representatives of Congress, persuaded the people in supporting a call for charter change through people's initiative that sought to push for a shift to a unicameral parliamentary government and the lifting of restrictive economic provisions that hamper the entry of foreign capital. Caravans, television and radio commercials, internet websites, print advertisements and flyers were resorted to in order to increase the people's awareness of those plans for reform. As in Santiago v. COMELEC, the same controversy was hurled to the same court in the case of Lambino v. COMELEC in which the Supreme Court ruled to dismiss that people's initiative for failure to comply with the basic requirements of the Constitution. What are allowed by the Constitution are amendments not revisions if to be directly proposed by the people through initiative.

11. On December 7, 2016, President Rodrigo Duterte signed Executive Order No. 10 which created a consultative committee to review the 1987 Constitution. The move officially set in motion the process for amending the then 30-year-old charter and set up a federal system of government in the Philippines aimed at ending the Moro

conflict and further opening up of the Philippine economy. On 9 July 2018, the President received from the Consultative Committee the proposed federal constitution that never saw the light of day.

12. Time and again, the underlying resistance to past initiatives on charter change revolves around mistrust – changes benefiting the incumbent, changes being self-serving. To diminish suspicions of political motivations, a Constitutional Convention is the best way forward.

13. The chief purposes of the proposed Constitutional Convention Act of 2022 are further embodied in full in the Explanatory Note attached and made an integral part hereof as **Annex "A"**.

CONTENTS OF THE PROPOSED BILL

14. The contents of the proposed Constitutional Convention Act of 2022 are embodied in a draft bill attached and made an integral part hereof as **Annex "B"**.

PEOPLE'S DRAFT

15. For consideration in a future Constitutional Convention is the full text of the *proposed revisions* to the 1987 Constitution, that Petitioner refers to as the **People's Draft**, attached as *Annex C*. An executive summary of the *proposed revisions* is attached as *Annex D*.

PRAYER

WHEREFORE, it is respectfully prayed that upon filing of the instant Petition, the proposed Constitutional Convention Act of 2022 be treated as a "legislative measure before the House of Representatives except that the **said initiative bill shall have precedence over the pending legislative measures on the committee**."

Other just and equitable reliefs are prayed for.

San Juan City for the Quezon City, Metro Manila, 30 Aug 2022.

JOSE M. JOSE
Counsel for the Petitioner
60 Rivera Street
San Juan City, Metro Manila
PTR No.SJ 1581081 – 02/02/22 – San Juan City
IBP No. 184856 – 02/18/22 – Pasig (Makati Chapter)
Roll of Attorneys No. 35861
MCLE Compliance No. VII-0011272 - 02/23/22
Mobile No. 0919 3426920
Email: jmjose64@yahoo.com

VERIFICATION AND CERTIFICATION

We, **EDILBERTO CUENCA** and **NORMAN CABRERA**, Filipinos, taxpayers, all of legal age, after having been duly sworn in accordance with law, do hereby depose and state that:

1. We are the petitioners and, respectively, are the Chairman and President of the petitioner Kapatiran Party in the instant Petition and have been duly authorized to cause the filing thereof. A copy of the Secretary's Certificate giving us the authority to sign and file the Petition is attached as **Annex "E"** hereof.;

2. We have caused the preparation of the foregoing Petition and have read the same;

3. We attest that the factual allegations thereof are true and correct of our own personal knowledge as well as based on authentic records;

4. We hereby certify that petitioners have not commenced any other action or filed any claim involving the same issues in Congress, in the Supreme Court, the Court of Appeals, or different divisions thereof, or in any other court, tribunal or agency, and, to the best of my knowledge, no such other action or claim is pending therein. If we should learn that the same or a similar action or claim has been filed or is pending before Congress, the Supreme Court, the Court of Appeals, or different divisions thereof, or in any other court, tribunal or agency, we shall report said fact to Congress within five (5) days from such knowledge.

EDILBERTO CUENCA
Affiant

NORMAN CABRERA
Affiant

SUBSCRIBED AND SWORN to before me this AUG 30 2022 day of August 2022, affiants exhibiting to me as competent proof of their identities:

	Identification	Issuer/Remarks
Edilberto Cuenca	Senior 41993	OSCA Makati
Norman Cabrera	DL N02-84-021628	LTO/Expiring 8-9-23

Doc. No. 378;
Page No. 76;
Book No. XVIII;
Series of 2022.

ATTY. RYAN C. CORTEZ
Notary Public for Q.C./Until Dec. 31, 2023
Roll No. 72112
PTR No. 2564877, Jan. 27, 2022/Q.C.
IBP No. 178355, Feb. 15, 2022
MCLE COMP. No. VI-0030668
Adm. Matter No. NP-071 (2021-2022)
Unit 102-GF, One Exec. Bldg. Cond. West Ave. Q.C.
TIN No. 448-218-131-000