

[THE LAW GOVERNING THE CONSTITUTIONAL COMMISSION OF 1986, March 25, 1986]

THE LAW GOVERNING THE CONSTITUTIONAL COMMISSION OF 1986

PROCLAIMING THE PROMULGATION OF THE LAW GOVERNING THE CONSTITUTIONAL COMMISSION OF 1986. WHEREAS, the "FREEDOM CONSTITUTION" was promulgated under Proclamation No. 3 in accordance with the mandate of the people to work toward the establishment of a just, free and democratic constitutional order within the shortest time possible: WHEREAS, a Constitutional Commission tasked with proposing a new charter "truly reflective of the ideals and aspirations of the Filipino people" has been created under Article V of said Proclamation No. 3; WHEREAS, it is now necessary to organize the Constitutional Commission to provide for the details of its operation and establish the procedure for the ratification or rejection of the proposed new Constitution. NOW, THEREFORE, I, CORAZON C. AQUINO, President of the Republic of the Philippines, by the powers vested in me by the sovereign mandate of the Filipino people and in accordance with the "FREEDOM CONSTITUTION", do hereby promulgate the following "Law Governing the Constitutional Commission of 1986":

THE LAW GOVERNING THE CONSTITUTIONAL COMMISSION OF 1986

SECTION 1. Title . - This law shall be known and cited as the "Law Governing the Constitutional Commission of 1986". SEC. 2 . Composition. - (1) The Constitutional Commission shall be composed of not more than fifty (50) national, regional and sectoral representatives who shall be appointed by the President. (2) The national representatives, shall, in addition to the qualifications hereinafter provided, be men or women of national standing, experienced in government or with recognized competence in their respective fields. (3) The regional representatives who have held elective offices are to be apportioned among the thirteen (13) regions as nearly as may be according to the number of their inhabitants on the basis of the latest census. (4) Sectoral representatives shall be chosen among others, from farmers, fisherman, workers, students, professionals, business, military, academic, ethnic, and other similar groups. (5) The number of national, regional, and sectoral representatives shall be determined by the President, provided, however, that each of the thirteen (13) regions shall have at least a Member. SEC. 3 . Nominations . - (1) Nominations of Members of the Commissions may be made by political parties or groupings of parties, civic, religious, ethnic or other sectoral groups, or by individual citizens. (2) All nominations shall be filed with the Secretariat, Office of the President, not later than May 5, 1986 , provided however, that in meritorious cases, the President may consider late nominations. (3) Nominations must be in writing and accompanied by the following supporting documents, namely: (a) a duly verified curriculum vitae of the nominee; (b) an indication of whether the nomination is for a national, regional or sectoral representatives; (c) an endorsement by the nominating group or individual; (d) a certification by the nominee that he/she will accept appointment to the Commission and resign from any government office he may be holding upon the issuance such appointment; and (e) other materials that may aid the appointing authority. (4) The names of the nominees shall be published in newspapers of general circulation for three consecutive days not later than May 10, 1986. Nothing in this provision will prevent the publication of the names of nominees as their nominations are received. (5) Reactions to and comments on the nominations, including verified oppositions

thereto, may be expressed in letters and telegrams addressed to the President, through the Secretariat, Office of the President, not later than May 20, 1986. SEC. 4 . Qualifications. - No person shall be appointed Member of the Commission unless he be a natural born citizen of the Philippines , a qualified voter, of recognized probity, independence, nationalism, and patriotism. SEC. 5 . Disqualifications. - The following are disqualified from being Members of the Commission:

- Public officials unless they resign from their respective offices upon their acceptance of the appointment to the Commission; provided that failure to resign shall automatically nullify the appointment;
- Persons convicted of a crime involving moral turpitude, unless granted absolute pardon or amnesty;

The Commission shall be the sole judge of the qualifications of its Members. SEC. 6 . Oath or Affirmation . - Members of the Commission shall qualify and assume office by taking the following oath or affirmation: "I, (name), do solemnly swear (or affirm) that I shall faithfully and conscientiously fulfill my duties as Member of the Constitutional Commission of 1986 to hasten the return of normal constitutional government by drafting a fundamental law truly reflective of the ideals and aspirations of the Filipino people, endeavor to complete the work of the said Commission within the period provided by law, not to run for any office in the first local and the first national elections to be held after the ratification of the Constitution that the Commission will propose, preserve and defend the FREEDOM CONSTITUTION of the Republic of the Philippines. So help me God." (In case of affirmation, the last sentence may be omitted.) SEC. 8 . Future Disqualification. -- Any person appointed and qualified as Member of the Commission shall not be eligible to run for office in the first local and first national elections to be held after the ratification of the new Constitution; or appointed to any government office or position while the Commission is in session and during the period of one (1) year after its final adjournment. SEC. 9 . Organization and Status of the Commission. -

- The Minister of General Services shall take charge of all arrangements for the convening of the Commission.
- The Opening session of the Commission shall be held in the Session Hall of the former Batasang Pambansa on June 2, 1986 , at 10:00 o'clock in the morning.
- The Vice-President shall preside at its opening session until a presiding officer is elected by the Commission. The election of a Chairman and presiding officer from among its Members shall be the first in the business. The Commission shall be deemed organized upon the election and disqualification of a Chairman and presiding officer.
- A majority of all its Members shall constitute a quorum to do business, but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Commission may provide:
- The Commission may determine the rules of its proceedings, punish its Members for disorderly behaviour, and with the concurrence of two-thirds of all its Members, expel a Member.
- The plenary sessions of the Commission shall be public and duly recorded. It may hold its session in any place in the Philippines .
- The Commission shall conduct public hearings to ensure that the Filipino people will have adequate participation in the formulation of a new Constitution.

- The Batasang Pambansa building and premises are hereby made available for use of the Commission. All government entities, agencies and instrumentalities shall place at the disposal of the Commission such personnel, premises, and furniture thereof as can, in their judgment, be spared without detriment to the public service, without cost, refund or additional pay.

SEC. 10 . Filling of Vacancies . - Whenever a vacancy occurs in the Commission, the President may, upon due certification by the Chairman of the Commission, fill the vacancy by appointment after consultation with the group or sector represented by the Member who caused such vacancy. SEC. 11 . Parliamentary Immunities. - (1) A Member of the Commission shall , in all offenses punishable by not more than six (6) years imprisonment, be privileged from arrest during attendance of its session, and in going to and returning from the same. (2) A Member of the Commission shall not be questioned nor be held in any other place for any speech or debate in the Commission, in any committee thereof, or in any public hearing conducted by the Commission or any committee thereof whenever held.

- The penalties imposed in Articles 143, 144 and 145 of the Revised Penal Code, as amended, for offenses defined therein shall apply if such offenses are committed against the Commission, or its committees or subcommittees, or the Members thereof.

SEC. 12 . Compensation . - (1) Each Member shall receive a per diem of Five Hundred (P500.00) for every day of attendance in the Commission or any of its committees and to necessary traveling expenses to and from his residence when attending the sessions of the Commission or of its committees. SEC. 13 .

Completion . - The Commission shall endeavor to complete its work on or before September 2, 1986 and thereafter, immediately present to the President to proposed new Constitution. SEC. 14 . Ratification . - The President shall fix the date of the plebiscite for the ratification or rejection of the proposed Constitution which shall not be later than sixty (60) days following its submission to the President. It shall become valid and effective upon ratification by a majority of the votes cast in such plebiscite. SEC. 15 . The sum of Twenty Million Pesos (P 20,000,000) is hereby appropriated for the operational expenses of the Commission. The Commission shall not be subject to the rules and regulations of the Ministry of the Budget on allocations and release of funds; however, it shall account for and report on its expenses to the Commission on Audit at the termination of its work. SEC. 16 . This proclamation shall take effect immediately. Done in the City on Manila , this 23 rd day of April, in the year of Our Lord, Nineteen Hundred and Eighty-Six.

(Sgd.) CORAZON C. AQUINO President of the Philippines

By the President: **Sgd.) JOKER P. ARROYO** *Executive Secretary*

Proclamation No. 3 DECLARING A NATIONAL POLICY TO IMPLEMENT THE REFORMS MANDATED BY THE PEOPLE, PROTECTING THEIR CASIC RIGHTS, ADOPTING A PROVISIONAL CONSTITUTION, AND PROVIDING FOR AN ORDERLY TRANSITION TO A GOVERNMENT UNDER A NEW CONSTITUTION.

WHEREAS, the new government was installed through a direct exercise of the power of the Filipino people assisted by units of the New Armed Forces of the Philippines; WHEREAS, the heroic action of the people was done in defiance of the provisions of the 1973 Constitution as amended; WHEREAS, the direct mandate of the people as manifested by their extraordinary action demands the complete reorganization of the government, restoration of democracy, protection of basic rights, rebuilding of confidence in the entire government system, eradication of graft and corruption, restoration of peace and order, maintenance of the supremacy of civilian authority