



**SALIENT FEATURES ON THE PROPOSED
DRAFT CONSTITUTION OF THE
FEDERAL REPUBLIC OF THE
PHILIPPINES**

**ON THE PROVISIONS ON JUDICIARY, BILL OF RIGHTS,
SUFFRAGE, CONSTITUTIONAL COMMISSIONS**

Sub-Committee 2 on the Review of Articles III, IV, V, VIII, IX and XVII

Committee on Constitutional Amendments

ARTICLE III – BILL OF RIGHTS

- The provisions of Article III were retained but an amendment was proposed in Section 4 which reads as:

“No law shall be passed abridging the **RESPONSIBLE EXERCISE OF THE** freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”

ARTICLE V – SUFFRAGE

- An amendment was proposed in Section 1 which reads as:

“Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and, **EXCEPT FOR QUALIFIED FILIPINOS ABROAD UNDER A SYSTEM FOR ABSENTEE VOTING AS MAY BE PROVIDED BY LAW**, who shall have resided in the Philippines for at least one year, and in the place wherein they propose to vote, for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

ARTICLE VIII – JUDICIARY

- The provision in Section 1, par. 2 was proposed to be amended to read as follows:

“Section 1. xxx

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, ~~and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.”~~

ARTICLE VIII – JUDICIARY

- An amendment was proposed in Section 1 establishing Regional Court of Appeals in five (5) proposed regions, Luzon, Visayas, Mindanao, NCR and ARMM.
- Section 8 pertaining to Judicial Bar Council was proposed to be deleted.
- It was also proposed that the retirement age for Members of the Supreme Court and judges of lower courts be amended to 65 years from 70 years.

ARTICLE VIII – JUDICIARY

- The power to nominate members and officials of the Judiciary shall be vested upon the Prime Minister.

In the Sub-Committee 1 proposal, Sec. 5 (2) of Article IX (The Prime Minister and the Cabinet) states:

“(2) THE PRIME MINISTER SHALL NOMINATE AND WITH THE CONSENT OF THE COMMISSION ON APPOINTMENTS, APPOINT THE CHIEF JUSTICES AND MEMBERS OF THE SUPREME COURT AND CONSTITUTIONAL COURT, THE LOWER COLLEGIATE COURTS, THE OMBUDSMAN AND HIS DEPUTIES AND THE CHAIRMEN AND MEMBERS OF THE CONSTITUTIONAL COMMISSIONS.”

ARTICLE VIII – JUDICIARY

- Another proposal is the establishment of a **Constitutional Court** which will have exclusive jurisdiction over the following:
 - All cases in which the constitutionality or validity of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, ordinance, or regulation is in question.
 - Election protest cases which were under the jurisdiction of the Parliament Electoral Tribunal.
 - Disputes between the federal government and the state government, between and among state governments, as well as the disputes between the state government and the local government units

ARTICLE IX – CONSTITUTIONAL COMMISSIONS

- Under the Commission on Elections (COMELEC), proposed new sections on the following: a) power of the Federal Commission on Elections to investigate and cause the prosecution of election-related crimes is repealed and vested in the Department of Justice; b) appeals from Federal Commission on Elections of court decisions; and c) appeals to the Intermediate Appellate Court and the Regional Trial Court

ARTICLE IX – CONSTITUTIONAL COMMISSIONS

- Other proposals for the COMELEC were the following:
 - a) remove its quasi-judicial functions and transfer them to the Judiciary;
 - b) promote the development of political parties as public institutions that serve as a mechanism of communication and cooperation between the citizens and the State; and
 - c) focus more on the administration of the electoral process which includes supervision over the political party system.

ARTICLE IX – CONSTITUTIONAL COMMISSIONS

- Proposal to include the Commission on Human Rights as a Constitutional Commission.

ARTICLE IX – CONSTITUTIONAL COMMISSIONS

- Provisions on Political Parties under the COMELEC was deleted and a separate Article was proposed by Sub-Committee 1.

Article XVIII – AMENDMENTS OR REVISIONS

- On the manner of voting by the House of Representatives and the Senate on any amendment to, or revision of the Constitution, **a vote of three-fourths of both Houses in Joint Session assembled, voting separately.**