



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

**ON ACCOUNTABILITY OF PUBLIC OFFICERS, NATIONAL ECONOMY AND
PATRIMONY, SOCIAL JUSTICE AND HUMAN RIGHTS, EDUCATION, SCIENCE,
TECHNOLOGY, ARTS, CULTURE AND SPORTS, AND THE FAMILY**

Sub-Committee 4 on the Review of Articles XI, XII, XIII, XIV and XV

Committee on Constitutional Amendments

ARTICLE XI-ACCOUNTABILITY OF PUBLIC OFFICERS

- The provisions of the 1987 Constitution are substantially adopted. The power to initiate all cases of impeachment pertains exclusively to the Federal Assembly.
- The Sandiganbayan shall continue to function and exercise its jurisdiction as provided under the 1987 Constitution and other pertinent laws.
- The Office of the Ombudsman shall continue to function as an anti-graft court. Its composition, powers and functions are retained in the new proposal.

ART. XII- NATIONAL ECONOMY AND PATRIMONY

- The goals of the national economy are amended and reworded as follow:

“THE GOALS OF THE NATIONAL ECONOMY ARE A SUSTAINED INCREASE IN THE AMOUNT OF GOODS AND SERVICES PRODUCED BY THE NATION FOR THE BENEFIT OF THE PEOPLE; AN EXPANDING PRODUCTIVITY AS THE KEY TO RAISING THE QUALITY OF LIFE FOR ALL, ESPECIALLY THE UNDERPRIVILEGED AND A MORE EQUITABLE DISTRIBUTION OF OPPORTUNITIES, INCOME AND WEALTH”.

ART. XII- NATIONAL ECONOMY AND PATRIMONY

- The new proposal deleted the (60-40 percent) limit on foreign equity sharing in the areas of; 1) exploitation, development and utilization of natural resources, 2) ownership of alienable lands, 3) franchises on public utilities, 4) practice of profession, 5) ownership of educational institutions, 6) mass media and, 7) advertising. The matter of equity sharing as well as the terms and conditions involving joint ventures and other undertakings involving the afore-mentioned areas shall be determined by Congress through legislation.

ART. XII- NATIONAL ECONOMY AND PATRIMONY

- The new proposal effectively provides for an open economy. A phrase was also added in Section 13 stating that the state shall enhance economic efficiency and promote free competition in trade, industry, and commercial activities.
- “Reclaimed Lands” is added to the lands under public domain in the proposal.
- The Bangko Sentral ng Pilipinas shall continue to function as a central monetary authority.

ART. XII- NATIONAL ECONOMY AND PATRIMONY

- The National Economic Development Authority shall likewise continue to function as the independent planning agency of the government unless the Federal Assembly provides otherwise.
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- From the previous Article constituting 22 Sections, it has been narrowed down to 16 Sections with 29 paragraphs deleted.

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- **Nota bene:** *hereunder are the new proposals which significantly reduced the Sections of each sub-titles under Article XIII. These provisions are however transferred to Article II on Declarations of Principles and State Policies. The entire Article XIII is therefore deleted.*
- In lieu of Sections 1 and 2, the new draft proposes for only 1 section which states "THE STATE SHALL GIVE HIGHEST PRIORITY TO THE ENACTMENT OF MEASURES THAT PROTECT AND ENHANCE THE RIGHT OF ALL THE PEOPLE TO HUMAN DIGNITY, REDUCE SOCIAL, ECONOMIC, AND POLITICAL INEQUALITIES, AND REMOVE CULTURAL INEQUITIES BY EQUITABLY DIFFUSING WEALTH AND POLITICAL POWER FOR THE COMMON GOOD. THE STATE SHALL PROMOTE SOCIAL JUSTICE IN ALL PHASES OF NATIONAL DEVELOPMENT. (transferred to State Policies in lieu of Sections 10 and 11 thereof)

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- On **Labor**, from four (4) paragraphs under the 1987 Constitution, it has been narrowed down to only one which states

“THE STATE SHALL PROTECT THE RIGHTS OF LABOR, PROMOTE EMPLOYMENT OPPORTUNITIES, AND PURSUE THE ECONOMIC GOAL OF FULL EMPLOYMENT. WELL-ESTABLISHED RIGHTS INCLUDE THE RIGHT OF WORKERS TO SELF-ORGANIZATION, COLLECTIVE BARGAINING AND NEGOTIATION, AND PEACEFUL CONCERTED ACTIVITIES, INCLUDING THE RIGHT TO STRIKE IN ACCORDANCE WITH LAW. WORKERS SHALL ENJOY EQUITABLE TREATMENT AND FREEDOM FROM DISCRIMINATION ON MATTERS OF EMPLOYMENT TENURE, WORKING CONDITIONS, AND WAGE LEVELS. THE STATE SHALL REGULATE WORKER-EMPLOYER RELATIONS WITH THE OBJECTIVES OF PROMOTING SHARED RESPONSIBILITY BETWEEN WORKERS AND EMPLOYERS; THE PREFERENTIAL USE OF VOLUNTARY MODES OF SETTling DISPUTES TO PRESERVE INDUSTRIAL PEACE; AND ACHIEVING ECONOMIC EXPANSION TOWARDS EMPLOYMENT GROWTH.” (transferred to Art. II)

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- On **Agrarian Reform**, from five (5) Sections containing six (6) paragraphs, it has been narrowed down to only one provision which states,

“THE STATE SHALL PROMOTE ECONOMIC EXPANSION, HIGHER PRODUCTIVITY, AND EQUITABLE DISTRIBUTION OF THE FRUITS OF GROWTH IN THE AGRICULTURAL SECTOR, INCLUDING THE REFORM OF LAND OWNERSHIP ARRANGEMENTS TO CORRECT HISTORICAL INJUSTICES AND REMOVE IMPEDIMENTS TO GROWTH”. (transferred to Art. II)

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- On **Urban Land Reform and Housing**, from two (2) section containing three (3) paragraphs, it has been narrowed down to only one provision which states,

“THE STATE SHALL PROMOTE THE CONSTRUCTION OF AFFORDABLE HOUSING AND THE PROVISION OF BASIC SOCIAL SERVICES TO HOMELESS CITIZENS IN URBAN AREAS AND RESETTLEMENT AREAS. INFORMAL SETTLERS SHALL NEITHER BE EVICTED NOR RESETTLED EXCEPT IN ACCORDANCE WITH LAW AND UPON PRIOR CONSULTATION WITH THEM AND WITH THE COMMUNITIES WHERE THEY WILL BE RESETTLED”.
(transferred to Art. II)

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- Delete Section on **Health**.

* the federal and regional governments shall adopt an integrated and a universal health care program and A comprehensive approach to health development and make food, basic commodities, medicines, drugs, health and other social services available to all the people at affordable cost. There shall be priority assistance to under-privileged, sick, elderly, disabled, women, and children. The federal and regional governments shall provide free medical care to indigents and those living below the poverty line as defined by law.

ART. XIII-SOCIAL JUSTICE AND HUMAN RIGHTS

- On **Women**, the single provision was retained. (transferred to Art. II)
- On the **Role and Rights of People's Organization**, the provisions are retained. (transferred to Art. II)
- On **Human Rights**, the provisions are retained except in paragraph 1 where the Commission on Human Rights is mandated to conduct investigation of human rights violations regardless of whether such violations were committed by a government or non-government party. (transferred to Art. II)

ART. XIV- EDUCATION, SCIENCE, TECHNOLOGY, ARTS, CULTURE, AND SPORTS

- The entire Article is deleted in the new draft

ART. X- THE FAMILY

- The entire Article is likewise deleted in the new draft and a general provision relating to Family is incorporated in Article II.