

Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

**FOURTEENTH CONGRESS**  
Second Regular Session

HOUSE RESOLUTION NO.

Introduced by

**A RESOLUTION CALLING UPON THE MEMBERS OF CONGRESS  
TO CONVENE FOR THE PURPOSE OF CONSIDERING PROPOSALS  
TO AMEND OR REVISE THE CONSTITUTION, UPON A VOTE OF  
THREE-FOURTHS OF ALL THE MEMBERS OF CONGRESS**

**WHEREAS**, there are proposals to amend or revise the 1987 Constitution, which is presently enforced, but any of such proposals cannot be considered, heard, debated, approved or disapproved, unless any of the modes expressly provided by Article XVII of the present Constitution is adopted;

**WHEREAS**, adopting a mode for amending or revising the Constitution, as mandated by said Article XVII is a condition precedent, a prerequisite, before specific proposals to amend or revise the Constitution could be considered by the Members of Congress, convened to exercise the constitutionally ordained power to amend or revise the Constitution;

**WHEREAS**, there is a recognized distinction between the exercise of legislative powers of Congress from the exercise by three-fourths of all the Members thereof of the power to amend or revise the Constitution;

**WHEREAS**, Congress, in the exercise of its legislative power as provided in Article VI of the 1987 Constitution, cannot amend or revise the Constitution, but it is through the exercise of its constituent power under Article XVII, Section 1 of the Constitution that "any amendment to, or revision of the Constitution may be proposed, upon a vote of three-fourths of all its Members;"

**WHEREAS**, while the prescribed method of enacting constitutional change in the 1935, 1973 and 1987 Constitutions are different from the method of enacting ordinary legislation, there is a very distinct and notable difference between the 1935 Constitution and the 1987 Constitution, which respectively provides as follows:

**The 1935 Constitution:**

“The Congress in joint session assembled, by a vote of three-fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose”.

**The 1987 Constitution:**

“Any amendment to, or revision of, this Constitution may be proposed by: (1) The Congress, upon a vote of three-fourths of all its Members; or (2) A constitutional convention”.

**WHEREAS**, it is to be emphasized and underscored that some essential words and phrases in the aforementioned 1935 Constitution were deleted and no longer contained in the aforementioned 1987 Constitution, such that the “amendments by deletion” are as follows:

1. The phrase “in joint session assembled” in the 1935 Constitution was deleted;
2. The phrase that “the Senate and the House of Representatives, voting separately” was also deleted.
3. The percentage of voting of three-fourths of the respective membership of each House (the Senate and the House of Representatives) treated separately has also been deleted and substituted with a vote of three-fourths of all the Members of Congress as a whole.

**WHEREAS**, the intention of the amendments of the 1935 Constitution by deletions of certain words and phrases thereon are clear and manifest as underscored in the preceding WHEREAS Clauses and by such deletions, the meaning and application of the corresponding provisions of the 1987 Constitution on Amendments and Revisions have been changed. There are however oppositors claiming adverse legal interests who claim that, notwithstanding that the express, clear and unambiguous provision of Article XVII Section 1 of the 1987 Constitution that any amendment to, or revision of the 1987 Constitution shall be upon a vote of three-fourths of all the Members

of Congress (i.e. the whole of the Members of Congress or the entire or total number thereof and not three-fourths of each House voting separately), a justiciable controversy involving the active antagonistic assertion of alleged legal rights by the oppositors, on one side, and the denial thereof by the proponents of this Resolution, on the other side, shall ripen for judicial determination as and when this Resolution calling upon the Members of Congress to convene in exercise of its constituent power is filed, heard, and approved;

✓ **WHEREAS**, while no specific proposals to amend or revise the present Constitution could formally be given due course unless and until this call to convene Members of Congress, as provided herein, is effected, it is hereby pledged and covenanted by the proponents of this Resolution, that by their signatures hereto that whatever constitutional changes may be proposed at the appropriate time, preferably after the constitutional issues of construction and interpretation by the Honorable Supreme Court of the justiciable controversy that may arise shall have been resolved with finality that:

1. the term of office of the incumbent President and Vice-President shall not be extended;
2. The term of office of Senators, Congressmen, Governors, Mayors and other elected officials whose term of office shall expire in 2010 shall not be extended;
3. The term of office of the twelve (12) Senators who were elected in 2007 for a six (6) year term ending in 2013 shall not be shortened and they shall be allowed to finish their term;
4. That there shall be elections in 2010.

**WHEREAS**, there is a specific proposal that for the Philippines to be internationally competitive in attracting foreign investments and technology transfers that the economic provisions of the Constitution must be amended in an appropriate manner, but such specific proposal to amend the present Constitution cannot be formally presented, deliberated upon and resolved until the mode for amending or revising the Constitution is convened and made operational through the application of Article XVII Section 1 of the present Constitution.

**NOW, THEREFORE, BE IT RESOLVED, THAT THE MEMBERS OF CONGRESS BE CONVENED FOR THE PURPOSE OF PROPOSING AMENDMENTS TO, OR REVISION OF THE CONSTITUTION UPON A VOTE OF THREE-FOURTHS OF ALL ITS MEMBERS AND THAT UPON ITS BEING CONVENED SHALL**

**ADOPT ITS RULES OF PROCEDURES THAT SHALL GOVERN ITS PROCEEDINGS.**

Adopted.