

**HONORABLE RUFUS B. RODRIGUEZ**  
Chairperson  
Committee on Constitutional Amendments  
House of Representatives  
Quezon City

Dear **Representative RODRIGUEZ**,

The Department of Social Welfare and Development supports the Bills and Resolutions that seek to amend the 1987 Philippine Constitution under **HBN 4929** (Rep. Luis Raymund F. Villafuerte); **HBN 4421** (Rep. Jorge Bustos); **RBHN 1** (Rep. Aurelio D. Gonzales, Jr.); **RBHN 2** (Rep. Lord Allan Q. Velasco); **RBHN 3** (Rep. Lorenz R. Defensor); **RBHNs 4 and 5** (Rep. Gus S. Tambunting); **HJRN 12** (Rep. Rufus B. Rodriguez) and **PETN 01** (Alliance for the Common Good).

We commend the authors of the Bills in initiating the change in the form of government and adjust the mode of elections, and to ease up the economic provisions to help the Filipino people.

We believe amending the 1987 Philippine Constitution particularly on the economic provision is timely and necessary on certain provisions that are already outdated and are no longer relevant in the context of the present economic situation.

We support the introduction of provisions on economic reform targeting economic recovery like removing the barriers to foreign investment in order to attract foreign investors so as to ultimately provide benefits in terms of employment, transfer of technology and know-how, management skills, income and a better quality of life for the Filipinos.

These consider readying the business climate particularly on the Political, Economic, Social, Technological, Environment and Legal (PESTEL) aspects.

Likewise, the Philippines, similar to other countries should exert extra efforts to attract investor by providing them necessary infrastructure, incentives and a matched labor force to meet their requirements. Thereby, intensify the massive support system on soft and hard infrastructure programs and social capital to achieve the improved social and economic standing in the present time. Consistent with the Philippine Development Plan 2023-2028, the country needs to position certain social and economic recovery actions to achieve the “Matatag, Maginhawa at Panatag na Buhay para sa Lahat”.

To further enhance the Bills and Resolutions, we recommend the following:

1. On **HBN 4926**

- 1.1. **Section 3. Powers and Functions**, to specify the powers and functions of the Constitutional Convention to avoid any confusion as to what the convention does and its limitations.
- 1.2. **Section 4. Date of Election of the Constitutional Convention Delegates**
  - 1.2.1. To clarify if the election of the Constitutional Convention delegates will require a separate document or if this will be included in the List of Candidates for Barangay or National election; and
  - 1.2.2. To clarify if the election of Constitutional Convention delegates includes mid-year election.
- 1.3. **Section 7. Qualifications**, to provide clear guidelines to properly determine, whether or not a candidate possesses the additional proposed qualification “of recognized probity, nationalism and patriotism”.

2. On **HBN 4421**

- 2.1. **Section 2**, to adopt the provision of the 1987 Philippine Constitution in prescribing the Order of Presidential Succession;
- 2.2. **Section 2, line 9**, to correct the typographical word error from “permanent” to “permanant”;
- 2.3. **Section 2, line 15**, to provide a qualification standards and not just on the length of service for the identified Senator or Representative, to act as the President in case of death, disability, removal from office or resignation or both the President and Vice President;
- 2.4. The qualification standards should also be applied for the member of the cabinet; and
- 2.5. **Section 4**, to specify the effectivity of the Bill, if passed, it shall take effect 15 days after its publication in at least two newspapers of general circulation.

3. **RBHN 1**

- 3.1. We support the proposed 5-year term with re-election;
- 3.2. On the provision that a vote for the President shall be a vote for the Vice

President belonging to the same political party, we believe this could result to a potential violation on the exercise of freedom of choice, and the right of suffrage of Filipino voters. This limits their rights to vote for a President and a Vice President. As a democratic country, Filipinos have the right to free and informed choice. The sovereign will of the majority should be the determining point, rather than imposing a strong partisan system, in installing officials to office. A vote for a President should not automatically translate to a vote for his/her Vice President. The election of the President must be separate and distinct from the election of Vice President;

- 3.3. On the 13<sup>th</sup> Whereas, as to the phrase “a maximum of a ten-year term”, to clarify if the proposed tenure is a maximum of a one-time ten-year term or a maximum of two 5-year term;
- 3.4. To provide safeguards to prevent a President from running for the vice president position after his term and become a president by order of succession and hold the presidency for another 5-year term and be re-elected for another 5-year term;
- 3.5. On the 14<sup>th</sup> Whereas, to remove the word “**maybe**” and replace it with the phrase “**could be**” to avoid uncertainty;
- 3.6. To conduct public consultation dialogues with different government and non-government welfare agencies to provide evidence-based issues and recommendations particularly on the proposed certain economic provisions of the 1987 Constitution;
- 3.7. On the 11<sup>th</sup> Whereas, to replace the word “giganteum” to “gigantean” or “gargantuan”;
- 3.8. To provide a study that a longer term in the elective position provides a corresponding positive effect/impact on the economic stability and progressiveness of a country;
- 3.9. On the 14<sup>th</sup> Whereas, to delete the second sentence in the paragraph and delete the provision on the second Wherefore Resolved.

#### 4. RBHN 2

- 4.1. On the proposed amendment to the economic provisions, the 60-40 restriction on foreign equity impedes to attract foreign investors though it is a nationalistic development policy. However, this may result in the contraction in investment and domestic capital formation;
- 4.2. **In the last Whereas paragraph**, to cite in the IRR the specific details of

the lifting of foreign ownership restriction of public utilities, educational institutions, media and advertising companies;

- 4.3. To include the marital aspect of foreign nationals and Filipino citizens as one of the essential points in improving foreign ownership restriction, like gaining access to property right once they married; and
- 4.4. To add a phrase to ensure that Filipinos will still hold the majority.

**5. RBHN 3**

- 5.1. To amend the existing provisions that are no longer applicable or effective in the current conditions of the public and the various sectors;
- 5.2. To retain the provision of **Section 9, article VIII of the 1987 Constitution**. The members of the Supreme Court and the judges of the lower courts shall be appointed by the President of the Philippines based on a list submitted by the Judicial and Bar Council which is under the supervision of the Supreme Court, in which its principal function is to screen prospective appointees to any judicial post. This is also to ensure the choice of competent judges, and fill existing vacancies without undue delay; and
- 5.3. To replace **ninety days** to **thirty days** to elect from a list of three nominees submitted by the president and to add that a nominee garnering the highest number of votes shall be the elected member. In case of a tie, the first nominee of the President shall be selected as the new member.

6. **RBHN 4**, to harmonize with RBHN 2 and to add a phrase to ensure that Filipinos will still hold the majority.

**7. RBHN 5**

- 7.1. To retain the current provisions of the 1987 Constitution; and
- 7.2. **Section 4 of Article VII**, to consider contemplating this provision thoroughly since electing candidates is not only for their political platform/agenda but also about their personalities and how they deal with the masses. Also, this provision is not applicable to a democratic country such as the Philippines; and
- 7.3. The election of the President must be separate and distinct from the election of Vice President.


8. JHRN 12

- 8.1. Harmonized with RBHN 4.
- 8.2. To further elaborate and be particular with the required and needed qualifications of the delegates. While we understand that we would like this to be as much as possible open to all, we also need to consider the credibility and competency of those who will lead the amendment of the Constitution.
- 8.3. **Section 2, Article XII** (National Patrimony and economy), suggests to clarify the statement on coverage citing may be for a period not exceeding-five years, renewable for not more than same number of years.
- 8.4. On the **2<sup>nd</sup> Whereas**, to include details of the studies conducted, year and by whom.
- 8.5. To update the dates for consistency.
- 8.6. On the **4<sup>th</sup> Whereas**, to discuss the advantages of this political reform compared to the current 1987 Constitution.
- 8.7. On **Section 1. Short Title**, to remove other information and retain this: This Act shall be Known as the "Constitutional Convention Act".
- 8.8. On **Section 3. Qualifications**, to cite therein Article VI, Section 6, provided by the 1987 Constitution.

This is being submitted for the Chairperson's consideration and information.

Thank you.

Very truly yours,

  
**EDUARDO M. PUNAY**  
OIC, Secretary  
Date: 31 JAN 2023