

HOUSE OF REPRESENTATIVES

H. No. 21505

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INTRODUCED BY CONGRESSMEN ROCO, ESCUDERO III, DEL MAR, MONFORT, ABLAN, JR., ASPIRAS, CONGRESSWOMAN GORDON, CONGRESSMEN NALUPTA, JR., ORTEGA, ESTRELLA III, TIROL, JOSON, JR., TUZON, CERILLES, ALBANO, SERAPIO, IMPERIAL, ESTRELLA, JR., TAPIA, ROÑO, CONGRESSWOMEN REYES, BAKUNAWA, CONGRESSMEN DIMAPORO (A.D.), NAVARRO, SR., BANDON, JR., ZUBIRI, JR., ESPINOSA (M.), DOMINGO, JR., LAGUDA, PALACOL, CHIPECO, JR., CAINGLET, GARCIA (P.), BERNARDEZ, DUREZA, MATHAY, JR., JAVIER (E.), JAVIER (R.), BACALTOS, VELOSO, ABAYA, MERCADO (R.G.), CABOCHAN (G.), CUA, RAMIRO, JR. AND DIANALAN, PER COMMITTEE REPORT NO. 423

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AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND REFERENDUM, AND APPROPRIATING FUNDS THEREFOR

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

1 SECTION 1. *Title.* — This Act shall be known as “The  
2 Initiative and Referendum Act.”

3 SEC. 2. *Definition of Terms.* — For the purpose of this  
4 Act, the following terms shall mean:

5 (a) *Initiative* is the power of the people to propose

1 amendments to the Constitution or to propose and enact  
2 legislations through an election called for the purpose.

3 There are three (3) systems of initiative, namely:

4 (1) Initiative on the Constitution which refers to a  
5 petition proposing amendments to the Constitution;

6 (2) Initiative on statutes which refers to a petition  
7 proposing to enact a national legislation; and

8 (3) Initiative on local ordinance which refers to a  
9 petition proposing to enact a regional, provincial, city,  
10 municipal or barangay law or ordinance.

11 (b) *Indirect initiative* is the exercise of initiative  
12 by the people through a proposition sent to Congress or the  
13 local legislative body for action.

14 (c) *Referendum* is the power of the electorate to  
15 approve or reject a legislation through an election called for  
16 the purpose. It may be of two classes, namely:

17 (1) Referendum on statutes which refers to a petition  
18 to approve or reject an act or law, or part thereof, passed  
19 by Congress; and

20 (2) Referendum on local law which refers to a petition  
21 to approve or reject a law or ordinance enacted by the  
22 legislative bodies of regional autonomous regions, provincial,  
23 city or municipal governments.

24 (d) *Proposition* is the measure proposed by the voters.

25 (e) *Plebiscite* is the electoral process by which an

1 initiative on the Constitution is approved or rejected by  
2 the people.

3 (f) *Petition* is the written instrument containing  
4 the proposition and the required number of signatories.  
5 It shall be in a form to be determined and submitted to the  
6 Commission on Elections, hereinafter referred to as Com-  
7 mission.

8 SEC. 3. *Who May Exercise.* — The power of initiative  
9 and referendum may be exercised by all registered voters  
10 of the country in autonomous regions, provinces, cities,  
11 municipalities and barangays.

12 SEC. 4. *Requirements.* — (a) To exercise the power  
13 of initiative or referendum, at least ten *per centum* (10%)  
14 of the total number of the registered voters, of which every  
15 legislative district is represented by at least three *per centum*  
16 (3%) of the registered voters thereof, shall sign a petition  
17 for the purpose and register the same with the Commission.

18 (b) A petition for an initiative on the 1987 Constitu-  
19 tion must have at least twelve *per centum* (12%) of the total  
20 number of registered voters as signatories, of which every  
21 legislative district must be represented by at least three  
22 *per centum* (3%) of the registered voters therein. Initiative  
23 on the Constitution may be exercised only after five (5)  
24 years from the ratification of the 1987 Constitution and only  
25 once every five (5) years thereafter.

1 (c) The petition shall state the contents or text of the  
 2 proposed law sought to be enacted, approved or rejected,  
 3 amended or repealed, as the case may be; the proposition;  
 4 the reason or reasons therefor; that it is not one of the  
 5 exceptions provided therein, and shall contain signatures of  
 6 the petitioners or registered voters.

7 (d) A referendum or initiative affecting a law or  
 8 ordinance passed by the legislative assembly of a province  
 9 or city is deemed validly initiated if the petition therefor is  
 10 signed by at least ten *per centum* (10%) of the registered  
 11 voters in the province or city, of which every legislative  
 12 district must be represented by at least three *per centum*  
 13 (3%) of the registered voters therein: *Provided, however,*  
 14 That if the province or city is comprised only of one legis-  
 15 lative district, then at least each municipality in a province  
 16 or each barangay in a city should be represented by at least  
 17 three *per centum* (3%) of the registered voters therein.

18 (e) A referendum or initiative on an ordinance passed  
 19 in a municipality shall be deemed validly initiated if the peti-  
 20 tion therefor is signed by at least ten *per centum* (10%) of  
 21 the registered voters in the municipality, of which every  
 22 barangay is represented by at least three *per centum* (3%) of  
 23 the registered voters therein.

24 (f) A referendum or initiative on a barangay ordinance  
 25 is deemed validly initiated if signed by at least ten *per cen-*  
 26 *tum* (10%) of the registered voters in said barangay.

1           SEC. 5. *Conduct and Date of Initiative or Referendum.*

2           — The Commission shall call and supervise the conduct  
3 of initiative or referendum.

4           Within a period of thirty (30) days from receipt of the  
5 petition, the Commission shall, upon determining the suf-  
6 ficiency of the petition, publish the same in Filipino and  
7 English at least twice in newspapers of general and local  
8 circulation and set the date of the initiative or referendum  
9 which shall not be earlier than forty-five (45) days but not  
10 later than ninety (90) days from the determination by the  
11 Commission of the sufficiency of the petition:

12           SEC. 6. *Effectivity of Initiative or Referendum Pro-*  
13 *position.* — (a) The proposition for the enactment, approval,  
14 amendment or rejection of a national law shall be submitted  
15 to and approved by a majority of the votes cast by all the  
16 registered voters of the Philippines.

17           If, as certified to by the Commission, the proposition  
18 is approved by a majority of the votes cast, the national  
19 law proposed for enactment, approval, or amendment shall  
20 become effective fifteen (15) days following completion  
21 of its publication in the *Official Gazette* or in a newspaper  
22 of general circulation in the Philippines. If, as certified  
23 by the Commission, the proposition to reject a national  
24 law is approved by a majority of the votes cast, the said  
25 national law shall be deemed repealed and the repeal shall  
26 become effective fifteen (15) days following the completion

1 of publication of the proposition and the certification  
2 by the Commission in the *Official Gazette* or in a news-  
3 paper of general circulation in the Philippines.

4 However, if the majority vote is not obtained, the  
5 national law sought to be rejected or amended shall remain  
6 in full force and effect.

7 (b) The proposition in an initiative on the Constitu-  
8 tion approved by a majority of the votes cast in the plebiscite  
9 shall become effective as to the day of the plebiscite.

10 (c) A statutory or local ordinance initiative measure  
11 approved by majority of the votes cast in an election called  
12 for the purpose shall become effective fifteen (15) days  
13 after certification and proclamation by the Commission.

14 SEC. 7. *Indirect Initiative.* — Any duly accredited  
15 people's organization, as defined by law, may file a petition  
16 for indirect initiative with the House of Representatives.  
17 The petition shall contain a summary of the chief purposes  
18 and contents of the bill that the organization proposes to  
19 be enacted into law by the legislature.

20 The procedure to be followed on the initiative bill  
21 shall be the same as the enactment of any legislative measure  
22 before the House of Representatives except that the said  
23 initiative bill shall have precedence over other pending  
24 legislative measures in the committee.

25 SEC. 8. *Prohibited Measures.* — The following cannot  
26 be the subject of an initiative or referendum petition:

1 (a) No petition embracing more than one subject  
2 shall be submitted to the electorate; and

3 (b) Statutes involving emergency measures, the  
4 enactment of which are specifically vested in Congress by  
5 the Constitution, cannot be subject to referendum until  
6 ninety (90) days after its effectivity.

7 SEC. 9. *Appeal.* — The decision of the Commission on  
8 the findings of the sufficiency or insufficiency of the petition  
9 for initiative or referendum may be appealed to the Supreme  
10 Court within thirty (30) days from notice thereof.

11 SEC. 10. *Rules and Regulations.* — The Commission  
12 is hereby empowered to promulgate such rules and regula-  
13 tions as may be necessary to carry out the purposes of this  
14 Act.

15 SEC. 11. *Appropriations.* — The amount necessary  
16 to defray the cost of the initial implementation of this  
17 Act shall be charged against the Contingent Fund in the  
18 General Appropriations Act of the current year. Thereafter,  
19 such sums as may be necessary for the full implementation  
20 of this Act shall be included in the annual General Appro-  
21 priations Act.

22 SEC. 12. *Separability Clause.* — If any part or provision  
23 of this Act is held invalid or unconstitutional, the other  
24 parts or provisions thereof shall remain valid and effective.

1        SEC. 13. *Effectivity.* — This Act shall take effect  
2        fifteen (15) days after its publication in a newspaper of  
3        general circulation.

          Approved,

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