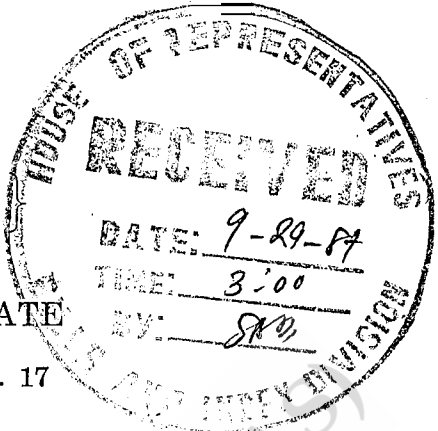


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CONGRESS OF THE PHILIPPINES  
First Regular Session



SENATE

S. No. 17

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INTRODUCED BY SENATORS GONZALES, ROMULO,  
PIMENTEL, JR., AND LINA, JR.

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AN ACT PROVIDING FOR A SYSTEM OF INITIATIVE AND REFERENDUM, AND THE EXCEPTIONS THEREFROM, WHEREBY THE PEOPLE IN LOCAL GOVERNMENT UNITS CAN DIRECTLY PROPOSE AND ENACT RESOLUTIONS AND ORDINANCES OR APPROVE OR REJECT ANY ORDINANCE OR RESOLUTION PASSED BY THE LOCAL LEGISLATIVE BODY

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

1 SECTION 1. *Statement of Policy.*—The power of the  
2 people under a system of initiative and referendum to  
3 directly propose and enact resolutions and ordinances or  
4 approve or reject, in whole or in part, any ordinance or  
5 resolution passed by any local legislative body upon com-  
6 pliance with the requirements of this Act is hereby affirmed,  
7 recognized and guaranteed.

1 SEC. 2. *Definitions.*—Whenever used in this Act, the  
2 following words or phrases shall mean:

3 (1) “Initiative” is a popular and democratic device  
4 which permits a certain percentage of the voters to directly  
5 propose and enact legislation.

6 (2) “Referendum” allows voters the right to accept or  
7 reject legislation passed by a local legislative body.

8 (3) “Local government units” refer to provinces, cities,  
9 municipalities and barangays.

10 (4) “Local legislative body” refers to the Sangguniang  
11 Panlalawigan, Sangguniang Panglungsod, Sangguniang  
12 Bayan, and Sangguniang Nayan.

13 (5) “Proposition” is the legislation proposed by the  
14 voters.

15 (6) “Local executive” refers to the provincial governor,  
16 city or municipal mayor, and punong barangay, as the  
17 case may be.

18 SEC. 3. *Who May Exercise.*—(1) The power of initiative  
19 and referendum shall be exercised by the registered voters  
20 of provinces, cities, municipalities and barangays.

21 (2) Initiative shall be deemed validly initiated upon  
22 petition therefor signed by at least ten *per centum* (10%)  
23 of the total number of registered voters of a local govern-  
24 ment unit, of which every legislative district, in case of

1    representative shall extend assistance in the formulation of the  
2    "PROPOSITION".

3       (4) Proponents shall have ninety (90) days in case  
4    of provinces and cities, sixty (60) days in case of mu-  
5    nicipalities, and thirty (30) days in case of barangays  
6    from notice mentioned in paragraph (2) hereof to collect  
7    the required number of signatures.

8       (5) The "PROPOSITION" shall be in writing. A copy of  
9    said proposition shall be attached to the petition to be  
10   signed by the voters. An abstract or summary thereof  
11   in not more than one hundred (100) words shall be legibly  
12   written or printed at the top of every page of the petition.

13       (6) The petition shall be signed before the Election  
14   Registrar or his designated representative in the presence  
15   of a representative of the proponents and a representative  
16   of the local legislative body concerned in a public place  
17   in the province, city, municipality, or barangay, as the  
18   case may be. Signature stations may be established in  
19   as many places as may be warranted.

20       (7) The Election Registrar shall verify the signatures  
21   on the basis of the registry list of voters used in the  
22   election immediately preceding voter's affidavits, and voter's  
23   identification cards.

1 provinces or cities with more than one legislative district,  
2 must be represented by at least three *per centum* (3%)  
3 of the registered voters thereof.

4 (3) After one year following the first local elections  
5 under the Constitution as may be provided by law, the  
6 Commission on Elections shall set a special registration  
7 day at least three (3) weeks before a scheduled initiative  
8 or referendum to enable new voters to register in the  
9 locality concerned.

10 SEC. 4. *Procedure in Initiative.*—(1) Not less than five  
11 hundred (500) registered voters in case of provinces and  
12 cities, one hundred (100) in case of municipalities, and  
13 fifty (50) in case of barangays, may file a petition with  
14 a local legislative body proposing the adoption, enactment,  
15 repeal, or amendment, of any ordinance or resolution.

16 (2) If no favorable action thereon is made by the local  
17 legislative body within thirty (30) days from its presenta-  
18 tion, the proponents through their duly authorized and  
19 registered representative may invoke their power of initia-  
20 tive, giving notice thereof to the local legislative body  
21 concerned.

22 (3) The proposed legislation shall be called "PROPOSI-  
23 TION" to be numbered serially starting from one. The  
24 Secretary of Local Government or his designated repre-

1 (8) Upon the lapse of the period herein provided, the  
 2 Commission on Elections, through its office in the local  
 3 government unit concerned shall certify as to whether or  
 4 not the required number of signatures has been obtained.  
 5 Failure to obtain the required number is a defeat of the  
 6 "PROPOSITION".

7 (9) If the required number of signatures is obtained,  
 8 the Commission on Elections shall then set a date for the  
 9 initiative at which the "PROPOSITION" shall be submitted  
 10 to the registered voters in the local government unit con-  
 11 cerned for their approval or disapproval within sixty (60)  
 12 days from the date of certification by the Commission on  
 13 Elections as provided in paragraph (8) hereof in case  
 14 of provinces and cities, forty-five (45) days in case of  
 15 municipalities, and thirty (30) days in case of barangays.  
 16 The initiative shall then be held on the date set, after which  
 17 the results thereof shall be certified and proclaimed by  
 18 the Commission on Elections.

19 (10) If the "PROPOSITION" is approved by a majority  
 20 of the votes cast, it shall take effect fifteen (15) days  
 21 after certification by the Commission on Elections as if  
 22 affirmative action thereon had been made by the local  
 23 legislative body and local executive concerned. If it fails

1 to obtain said number of votes, the proposition is con-  
2 sidered defeated.

3 (11) Two or more "PROPOSITIONS" may be submitted  
4 in the same initiative.

5 (12) The power of initiative shall not be exercised  
6 oftener than once every year.

7 (13) Initiative shall extend only to subjects or matters  
8 which are within the legal powers of the local legislative  
9 bodies to enact.

10 (14) If at anytime before the initiative is held, the  
11 local legislative body shall adopt *in toto* the "PROPOSITION"  
12 made, the initiative shall be cancelled. However, those  
13 against such action may, if they so desire, apply for  
14 initiative in the manner herein provided.

15 SEC. 5. *Referendum*.—Any local legislative body may  
16 submit to the registered voters of a province, city, mu-  
17 nicipality, or barangay, for approval or rejection any  
18 ordinance or resolution duly enacted or approved by it.

19 Said referendum shall be held under the control and  
20 direction of the Commission on Elections within sixty (60)  
21 days in case of provinces and cities, forty-five (45) days  
22 in case of municipalities, and thirty (30) days in case of  
23 barangays.

1 The Commission on Elections shall certify and proclaim  
2 the results of the said referendum.

3 SEC. 6. *Applicability of the Omnibus Election Code.*—

4 The Omnibus Election Code and other election laws, if  
5 not inconsistent with the provisions of this Act, shall  
6 apply to all initiatives and referendums.

7 SEC. 7. *Limitation upon Local Legislative Bodies.*—Any  
8 “PROPOSITION” or ordinance or resolution approved through  
9 the system of initiative and referendum as herein pro-  
10 vided shall not be repealed, modified or amended by the  
11 local legislative body concerned within six (6) months from  
12 the date therefrom and may be amended, modified or  
13 repealed by the local legislative body within three (3)  
14 years thereafter by a vote of three-fourths (3/4) of all  
15 its members: *Provided, however,* That in the case of  
16 barangays the period shall be one (1) year after the  
17 expiration of the first six (6) months.

18 SEC. 8. *Rules and Regulations.*—The Commission on  
19 Elections and the Secretary of Local Government shall  
20 jointly adopt and promulgate rules and regulations to  
21 carry out the purposes of this Act.

22 SEC. 9. *Authority of Courts.*—Nothing in this Act shall  
23 prevent or preclude the proper courts from declaring null

1 and void any "PROPOSITION" or ordinance approved pur-  
2 suant to this Act for violation of the Constitution or  
3 want of capacity of the local legislative body to enact the  
4 said measure.

5 SEC. 10. *Funding*.—It shall be the mandatory duty of  
6 the local legislative body concerned to appropriate the  
7 necessary funds for the conduct of initiative and refer-  
8 endum. The National Government shall extend financial  
9 assistance to the local legislative units in meritorious cases  
10 so that the people's power of initiative and referendum  
11 may be exercised.

12 SEC. 11. *Effectivity*.—This Act shall take effect upon  
13 its approval.

Approved,

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