

CALLING A REFERENDUM ASKING THE PEOPLE TO VOTE ON WHETHER OR NOT THE PRESIDENT SHOULD CONTINUE IN OFFICE.

PRESIDENTIAL DECREE NO. 1229, October 30, 1977

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WHEREAS, the Batasang Bayan in its Fourth. Special Session adopted Resolution No. 19 on October 30, 1977, as follows:

"WHEREAS, under the 1973 Constitution the incumbent President as Head of Government and Chief of State at the time of its ratification is vested with extraordinary powers during the transition period and can continue as incumbent President even after the interim Batasang Pambansa is organized and ready to discharge its functions;

"WHEREAS, President Ferdinand E. Marcos as incumbent President has repeatedly and resoundingly received the direct and decisive mandate from the people to continue in office, thus: "a. On January 17, 1973 the people overwhelmingly ratified the 1973 Constitution which provides in Article XVII, Section 3 (1) (Transitory Provisions) that the incumbent President shall continue to exercise his powers and prerogatives under the 1935 Constitution and the powers vested in the President and the Prime Minister under the 1973 Constitution;

"b. On January 31, 1973 in the case of Aquino, et al. vs. Comelec, et al., G. E. No. L-40004, the Supreme Court unanimously decided that the term incumbent President of the Philippines employed in the Transitory Provisions of the 1973 Constitution refers to no other person than President Ferdinand E. Marcos;

"c. In the July 27-28, 1973 referendum the people voted that President Ferdinand E. Marcos should continue in office beyond 1973 and finish the reforms he has initiated under martial law;

"d. In the February 27-28, 1973 referendum the people approved of the manner President Ferdinand E. Marcos has been exercising his powers under martial law and the 1973 Constitution; and

"e. In the October 16-17, 1976 referendum-plebiscite the people ratified the Amendments to the 1973 Constitution which mandate that President Ferdinand E. Marcos as incumbent President shall be the Prime Minister and shall continue to exercise all his powers even after the interim Batasang Pambansa is organized and ready to discharge its functions;

"WHEREAS, despite the people's decision expressed in various plebiscites and referenda endorsing the President's continuance in office, he has strongly expressed the feeling and repeatedly insisted that 'even in a crisis government, we should establish the precedent and tradition that the Leader or Head of Government, as well as, the Chief of State, must periodically submit himself to an accounting by the people, and announced a desire to submit, for contention in an election or referendum the position he now holds, if constitutionally feasible, preferably before the end of the year;

"WHEREAS, it is the unanimous view of the Batasang Bayan that the expressed desire of the President to submit again his continuance in office to the people's judgment is the highest act of statesmanship and contributes to making the precedent he has established in the previous plebiscites and referenda a tradition and permanent feature of Philippine constitutional practice;

"WHEREAS, it is also the unanimous view of the Batasan Bayan and authorities on Constitutional Law that no election is possible under the Constitution for the position he presently holds;

"WHEREAS, while the view has been expressed that is not necessary to submit again President Ferdinand E. Marcos continuance in office as incumbent President to the people's judgment because of the clear, categorical and continuing approval thereof by the people in various referenda and plebiscites, the latest of which was held on October 16-17, 1976, the holding of another referendum for that purpose, which the 1976 Amendments to the 1973 Constitution authorize, will institutionalize the precedent he has set and firmly perpetuate it into a political tradition that no future leader may ignore.

WHEREAS, it is also imperative that the decision of the people on that issue be made in view of recent developments, especially in Mindanao, in connection with which vital decisions affecting the integrity and sovereignty of the Republic may have to be made and before elections for the interim Batasang Pambansa are held;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby resolved, by the Batasang Bayan, in session assembled and by authority thereof:

"THAT IT AFFIRMS THE FACT THAT THE PEOPLE HAVE GIVEN THE PRESIDENT THE AUTHORITY TO CONTINUE IN OFFICE AND TO EXERCISE THE EXTRA-ORDINARY POWERS VESTED IN HIM UNDER THE CONSTITUTION;

"THAT IT RECOGNIZES AND ACKNOWLEDGES THE PRECEDENT ESTABLISHED BY THE PRESIDENT AS LEADER OR HEAD OF STATE OF PERIODICALLY SUBMITTING HIS CONTINUANCE IN OFFICE AND EXERCISE OF EXTRAORDINARY POWERS TO THE PEOPLE'S JUDGMENT AS WORTHY OF EMULATION;

"THAT IT RECOMMENDS THAT A REFERENDUM BE HELD TO DETERMINE THE PEOPLE'S WILL ON THE CONTINUANCE OF THE PRESIDENT IN OFFICE WHICH WILL FIRMLY INSTITUTIONALIZE THE PRECEDENT AND TRADITION OF THE CHIEF OF STATE OR HEAD OF GOVERNMENT SUBMITTING HIMSELF TO THE ACCOUNTING OF THE PEOPLE REGULARLY AND PERIODICALLY OR WHEN CIRCUMSTANCES SO REQUIRE;

"Resolved, Finally, that a National Referendum be called on December 17, 1977 under the 1976 Amendments to the Constitution on the question:

"DO YOU VOTE THAT PRESIDENT FERDINAND E. MARCOS CONTINUE IN OFFICE AS INCUMBENT PRESIDENT AND BE PRIME MINISTER AFTER THE ORGANIZATION OF THE INTERIM BATASANG PAMBANSA AS PROVIDED FOR IN AMENDMENT NO. 3 OF THE 1976 AMENDMENTS TO THE CONSTITUTION"

WHEREAS, the President concurs in the above Resolution of the Batasang Bayan;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree:

SECTION 1. A referendum shall be conducted throughout the Philippines on the 17th day of December, 1977, on the following question:

"DO YOU VOTE THAT PRESIDENT FERDINAND E. MARCOS CONTINUE IN OFFICE AS INCUMBENT PRESIDENT AND BE PRIME MINISTER AFTER THE ORGANIZATION OF THE INTERIM BATASANG PAMBANSA AS PROVIDED FOR IN AMENDMENT NO. 3 OF THE 1976 AMENDMENTS TO THE

CONSTITUTION?'

SEC. 2. The conduct of the referendum shall be under the supervision of the Commission on Elections. The Commission on Elections shall properly canvass the votes, and certify and proclaim the results.

SEC. 3. The laws, rules and regulations that governed past referenda shall be applicable to this referendum, particularly those providing for free discussion and debate.

SEC. 4. The Commission on Elections is hereby authorized to promulgate rules and regulations for the proper implementation of this Decree.

SEC. 5. The sum of Ten Million Pesos (P10,000,000.00) is hereby appropriated out of funds in the National Treasury not otherwise appropriated to carry out the purpose of this Decree.

Done in the City of Manila, this 30th day of October, in the year of Our Lord nineteen hundred and seventy-seven.

(SGD.) FERDINAND E. MARCOS
President of the Philippines

By the President:

(SGD.) JUAN C. TUVERA
Presidential Assistant

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