

AN ACT TO SUBMIT TO THE FILIPINO PEOPLE, FOR RATIFICATION OR REJECTION, THE AMENDMENTS TO THE CONSTITUTION OF THE PHILIPPINES, PROPOSED BY THE BATASANG PAMBANSA, SITTING AS A CO...

BATAS PAMBANSA BLG. 122, March 10, 1981

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Be it enacted by the Batasang Pambansa in session assembled:

SECTION 1. A plebiscite shall be held on April 7, 1981, at which amendments to the Constitution of the Republic of the Philippines proposed by the Batasang Pambansa, sitting as a Constituent Assembly, during its Third Regular Session shall be submitted to the electorate for their consideration.

SEC. 2. The said amendments shall be published at least once in each of the English and Pilipino newspapers of nationwide circulation, the last publication to be made not later than March 17, 1981. Printed copies of the amendments shall be posted in a conspicuous place in every municipal, city and provincial office building not later than March 17, 1981. Sufficient copies of the proposed amendments shall be furnished each polling place to be available for examination by the qualified voters during the day of the plebiscite. Whenever practicable, copies in the principal dialects as may be determined by the Commission on Elections shall also be printed and used. The Commission on Elections is hereby empowered to promulgate rules and regulations to assure widest dissemination of information on the proposed constitutional amendments through the broadcast and print media and the barangays.

SEC. 3. The ballots to be used in the plebiscite shall be printed in English, and in appropriate cases, in Arabic as provided by the Election Code of 1978, in a form to be prescribed by the Commission on Elections which shall include the questions hereinafter stated.

OFFICIAL BALLOT

The Batasang Pambansa, sitting as a Constituent Assembly, in Resolution No. 2, No. 3 and No. 1 has proposed that the Constitution of the Philippines be amended in the particulars hereinbelow stated.

To vote for the approval of each of the questions covering the amendments proposed, write the word "Yes" or its equivalent in the blank space provided for the purpose.

To vote for the rejection thereof, write the word "No" or its equivalent.

QUESTION NO. 1

Do you vote for the approval of an amendment to the Constitution and to Amendment No. 2, as proposed by the Batasang Pambansa in Resolution No. 2, which, in substance, calls for the establishment of a modified parliamentary system, amending for this purpose Articles VII, VIII and IX of the Constitution, with the following principal features:

(1) The President is the head of state and Chief Executive of the Republic of the Philippines, elected by direct vote of the people for a term of six years. He has control of the Ministries. He formulates the guidelines of national policy. He nominates the Prime Minister and the Deputy Prime Minister to be elected by the Batasang Pambansa. Upon the advice of the Prime Minister in writing, whenever the need arises for a vote of confidence on a fundamental issue, the President may dissolve the Batasang Pambansa and call for an election on a date set by him. However, the Batasang Pambansa may not be dissolved: 1) within eighteen (18) months preceding a regular election of the Batasang Pambansa; 2) within eighteen (18) months immediately following such election; 3) during the pendency of impeachment proceedings against the President; or 4) when the Executive Committee or the Speaker, in appropriate cases, exercises the powers or discharges the duties of the President. The President shall be immune from suit during his tenure. Thereafter, no suit whatsoever shall lie for official acts done by him or by others pursuant to his specific orders during his tenure. This immunity shall apply to the incumbent President referred to in Article XVII of this Constitution.

(2) The legislative power is vested in the Batasang Pambansa to be composed of not more than 200 members unless otherwise provided by law, including regional and sectoral representatives, and members of the Cabinet chosen by the President. The regional and sectoral representatives shall have a term of six years. The regular election for the members of the Batasang Pambansa shall be held on the second Monday of May, 1984, and every six years thereafter. The Batasang Pambansa elects the Prime Minister upon nomination by the President. It may withdraw its confidence from the Prime Minister, in which case, the President may within ten days from advice of the adoption of the motion of non-confidence, submit to the Batasang Pambansa a nominee for Prime Minister. It calls for the election of President in case of permanent disability, death, removal from office or resignation of the President. In addition to the existing disqualifications, its Members may not appear as counsel in any criminal case wherein a government officer or employee is accused of an offense committed in relation to his office

(3) The Executive Committee is composed of not more than 14 members designated by the President, at least half of whom shall be members of the Batasang Pambansa. It is headed by the Prime Minister. The Executive Committee assists the President in the exercise of his powers and functions and in the performance of his duties as he may prescribe. The Executive Committee shall exercise the powers and discharge the duties of the President until a President is elected and qualified in the following cases: (a) if the President-elect dies; or (b) fails to qualify before the beginning of his term; or (c) if the President has not been chosen before the start of his term. In case of permanent disability, death, removal from office or resignation of the President, the Executive Committee headed by the Prime Minister as hereinafter provided shall exercise the powers of the President until a President shall have been elected and qualified. If the permanent disability, death, removal from office or resignation of the President occurs earlier than eighteen (18) months before the expiration of his term, the Batasang Pambansa shall, within thirty days from the time the vacancy occurs, call a special election to be held not earlier than forty-five days nor later than sixty days from the time of such call, to elect a President to serve the unexpired term. In the absence of the Executive Committee, the Speaker of the Batasang Pambansa shall act as President until a President shall have been elected and qualified.

(4) The Cabinet, headed by the Prime Minister, shall be composed of Ministers with or without portfolio appointed by the President. At least a majority of the Cabinet who are heads of ministries shall come from the Regional Representatives of the Batasang Pambansa.

(5) The Prime Minister is the head of the Cabinet and of the Executive Committee. He is elected by the Batasang Pambansa upon nomination by the President from among the Members. The Prime Minister and the Cabinet shall be responsible to the Batasang Pambansa for the program of government approved by the President.

The Deputy Prime Minister, elected by the Batasang Pambansa, upon nomination by the President from among the Members thereof, performs functions assigned to him by the Prime Minister.?

QUESTION NO. 2

Do you vote for the approval of an amendment to the Constitution of the Philippines, as proposed by the Batasang Pambansa in Resolution No. 3, which, in substance, institutes electoral reforms, namely:

- (1) Except as member of the Executive Committee, no elective official shall be eligible for appointment to any office or position during his tenure, unless otherwise provided by law, amending for this purpose paragraph (1), Section 4 of Article XII-B;
- (2) Accreditation of political parties whose candidates for President obtained the first and second highest number of votes in the last preceding presidential election under this Constitution if each has obtained at least ten percent (10%) of the total number of votes cast, amending for this purpose Section 8 of Article XII-C;
- (3) Grant to accredited political parties the right to be represented in the registration board, board of election inspectors, board of canvassers, or similar bodies; as well as grant to accredited political parties of other rights or privileges as may be provided by law; amending for this purpose paragraph (2), Section 9, Article XII-C; and
- (4) Change of political party affiliation by an elective public officer during his term of office, or by a candidate for an elective office within six months immediately preceding or following an election shall be prohibited, unless otherwise provided by law, amending for this purpose Section 10, Article XII-C?

QUESTION NO. 3

Do you vote for the approval of an amendment to the Constitution of the Philippines, as proposed by the Batasang Pambansa in Resolution No. 1, which, in substance, provides that a natural-born citizen of the Philippines who has lost his Philippine citizenship may be a transferee of private land, for use by him as his residence, as the Batasang Pambansa shall provide, amending for this purpose Section 14 of Article XIV of the Constitution?

SEC. 4. The Citizens Election Committees that functioned in the local elections of January 30, 1980 are hereby reappointed to serve in the same polling centers, subject to the power of the Commission on Elections to make new appointments or transfers whenever the need arises.

SEC. 5. The Citizens Election Committees shall prepare and sign three copies of the returns of the plebiscite in their respective voting centers on a form to be prescribed by the Commission on Elections. One copy shall be deposited in the ballot box for valid ballots, and two copies shall be delivered to the Municipal Election Registrar who shall immediately deliver the original copy to the Provincial Election Officer and forward the other to the Commission on Elections.

SEC. 6. Upon the completion of the canvass, the Provincial or City Board of Canvassers as the case may be shall prepare a certificate of canvass in duplicate. The original shall be delivered to the Commission on Elections in Manila by the fastest possible means, one copy to be filed in the Office of the Provincial Election Officer.

SEC. 7. The Commission on Elections, sitting en banc, shall canvass and proclaim the result of the plebiscite using the certificates, submitted to it, duly authenticated and certified by the Board of Canvassers of each province or city.

SEC. 8. The Commission on Elections shall promulgate rules and regulations to carry out the provisions of this Act.

SEC. 9. The expenses for such plebiscite shall be charged to the appropriations of the Commission on Elections authorized for the purpose in the current annual General Appropriations Act. In case of deficiency, the appropriations herein provided may be augmented from funds currently authorized in the General Appropriations

Act under the Special Activities Fund.

SEC. 10. The plebiscite shall be conducted and supervised by the Commission on Elections and shall be governed by the pertinent provisions of the 1978 Election Code and other applicable laws.

SEC. 11. This Act shall take effect upon its approval.

Approved, March 10, 1981.

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