

COMMITTEE REPORT NO. 55

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COMMITTEE REPORT NO. 55

Submitted by the Committee on Amendments
to the Constitution on October 15, 1934.

The President
Constitutional Convention
Manila

Sir:

Your Committee on Amendments to the Constitution has the honor to submit herewith a draft of the provisions regarding the procedure or methods of effecting amendments to the Constitution, with the recommendation that the same be embodied in the Constitution.

It will be noted that under the proposed constitutional provisions, there are two methods provided for amending the Constitution in ordinary cases, namely, when no immediate necessity exists for amendment, and when there is such necessity another process is suggested.

The initiation of any amendment may be made in one or two ways—by a majority of both Houses of the Legislature or by a majority of the members of the municipal councils of the organized municipalities and cities. There are also two ways provided for ratification. In ordinary cases, by at least two-thirds of the members of both Houses of the ensuing Legislature or of the electors voting in the ensuing general elections. In urgent cases, the initiation of any amendment to the Constitution may be made with the affirmative vote of not less than three-fourths of the members of each House of the Legislature, and the ratification by the affirmative vote of at least two-thirds of the members of the municipal councils of the organized municipalities and cities.

It is deemed advisable to provide two ways for initiating any amendment, because if the Legislature should for any reason fail to act, the municipal councils, which are more representative bodies than the Legislature in the sense that they are local bodies and are nearer the people, may do so. Two ways are also provided for the ratification, because if the Legislature chooses not to ratify or neglects to ratify any proposed amendment, recourse may be had to another way of ratification. The opinion of the people—the supreme authority in a democracy—may also be brought to bear on the proposed amendment. There may also be cases in which the Legislature may prefer to have the people express their opinion on any proposed amendment at the polls.

As to the first method of ratification, that is, by at least two-thirds of the members of both Houses of the ensuing Legislature, the Committee believes that its adoption is not only advisable but also to some extent necessary. It is the ensuing Legislature that is called upon to ratify. In this way the question of amending or not amending may become an issue at the ensuing election of the members of the Legislature. This is the same idea for the other method of ratification. The people, in casting their ballots at the election, should be given an opportunity to voice their opinions on the necessity of any proposed amendment. Thus, issues on principles will be created and

encouraged, thereby minimizing the bad practice generally existing at present, which is, that elections are fought on personalities and not on public issues or principles.

During the life of the nation there may arise immediate necessities of amending the Constitution or certain parts thereof. Should such a case arise, a method is provided for effecting the urgent amendment. It is believed that the vote of three-fourths of the members of each House will be a sufficient assurance for the urgency of any amendment and that the ratification by at least two-thirds of the municipal councils will be an ample safeguard against hasty and ill-advised amendments.

Respectfully submitted,
(Sgd.) JOSE OZAMIS
Committee on Amendments
Chairman

AMENDMENTS

Art. 1. Amendments to this Constitution may be proposed by a majority of the members of both Houses of the Legislature or by a majority of the municipal councils of the organized municipalities and cities and, to be effective, shall be ratified by no less than two-thirds of the members of each House of the ensuing Legislature or by at least two-thirds of the electors voting at the ensuing general election. In urgent cases, which shall be determined by the affirmative vote of at least three-fourths of the members of both Houses of the Legislature, the ratification of any proposed amendment may be made by the affirmative vote of at least two-thirds of the municipal councils of the organized municipalities and cities.

Art. 2. Any proposed amendment shall be deemed rejected if, as the case may be, the amendment is not ratified by the Legislature before the expiration of its first regular session or by the municipal councils within one year after the amendment is initiated or by the voters at the general election. Proposed amendments, once rejected, will have to be re-initiated before it may be ratified.

TRANSITORY PROVISION

Notwithstanding the above provisions, all amendments to the Constitution before the final and complete withdrawal of American sovereignty over the Philippines, shall be subject to the approval of the President of the United States.

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