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

TEXT :

S. No. 17

H. No. 21505

Republic of the Philippines
Congress of the Philippines
Metro Manila

Second Regular Session

Begun and held in Metro Manila, on Monday, the twenty-fifth day of
July,
nineteen hundred and eighty-eight.

[REPUBLIC ACT No. 06735]

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:

SECTION 1. Title.-This act shall be known as "The Initiative and
Referendum Act".

SEC. 2. Statement of Policy.-The power of the people under a
system of initiative and referendum to directly propose, enact,
approve or reject, in whole or in part, the Constitution, laws,
ordinances, or resolutions passed by any legislative body upon
compliance with the requirements of this Act is hereby affirmed,
recognized and guaranteed.

SEC. 3. Definition of Terms.-For purposes of this Act, the
following terms shall mean:

(a) "Initiative" is the power of the people to propose
amendments to the Constitution or to propose and enact
legislations through an election called for the purpose.

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

a.1 Initiative on the Constitution which refers to a petition proposing amendments to the Constitution;

a.2 Initiative on statutes which refers to a petition proposing to enact a national legislation; and

a.3 Initiative on local legislation which refers to a petition proposing to enact a regional, provincial, city, municipal, or barangay law, resolution or ordinance.

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

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

c.1 Referendum on statutes which refers to a petition to approve or reject an act or law, or part thereof, passed by Congress; and

c.2 Referendum on local law which refers to a petition to approve or reject a law, resolution or ordinance enacted by regional assemblies and local legislative bodies.

(d) "Proposition" is the measure proposed by the voters.

(e) "Plebiscite" is the electoral process by which an initiative on the Constitution is approved or rejected by the people.

(f) "Petition" is the written instrument containing the proposition and the required number of signatories. It shall be in a form to be determined by and submitted to the Commission on Elections, hereinafter referred to as the Commission.

(g) "Local government units" refers to provinces, cities, municipalities and barangays.

(h) "Local legislative bodies" refers to the Sangguniang Panlalawigan, Sangguniang Panglungsod, Sangguniang Bayan, and Sangguniang Nayan.

(i) "Local executives" refers to the Provincial Governors, City or Municipal Mayors and Punong Barangay as the case may be.

SEC. 4. Who May Exercise.-The power of initiative and referendum may be exercised by all registered voters of the country, autonomous regions, provinces, cities, municipalities and barangays.

SEC. 5. Requirements.-(a) To exercise the power of initiative or referendum, at least ten per centum (10%) of the total number of the registered voters, of which every legislative district is

represented by at least three per centum (3%) of the registered voters thereof, shall sign a petition for the purpose and register the same with the Commission.

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

(e) The petition shall state the following:

c.1 contents or text of the proposed law sought to be enacted, approved or rejected, amended or repealed, as the case may be;

c.2 the proposition;

c.3 the reason or reasons therefor;

c.4 that it is not one of the exceptions provided herein;

c.5 signatures of the petitioners or registered voters; and

c.6 an abstract or summary proposition in not more than one hundred (100) words which shall be legibly written or printed at the top of every page of the petition.

(d) A referendum or initiative affecting a law, resolution or ordinance passed by the legislative assembly of an autonomous region, province or city is deemed validly initiated if the petition therefor is signed by at least ten per centum (10%) of the registered voters in the province or city, of which every legislative district must be represented by at least three per centum (3%) of the registered voters therein: Provided, however, That if the province or city is composed only of one legislative district, then at least each municipality in a province or each barangay in a city should be represented by at least three per centum (3%) of the registered voters therein.

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

(f) A referendum or initiative on a barangay resolution or ordinance is deemed validly initiated if signed by at least ten per centum (10%) of the registered voters in said barangay.

SEC. 6. Special Registration.-The Commission on Elections shall

set a special registration day at least three (3) weeks before a scheduled initiative or referendum.

SEC. 7. Verification of Signatures.-The Election Registrar shall verify the signatures on the basis of the registry list of voters, voters' affidavits and voters' identification cards used in the immediately preceding election.

II.-National Initiative and Referendum

SEC. 8. Conduct and Date of Initiative or Referendum.-The Commission shall call and supervise the conduct of initiative or referendum. Within a period of thirty (30) days from receipt of the petition, the Commission shall, upon determining the sufficiency of the petition, publish the same in Filipino and English at least twice in newspapers of general and local circulation and set the date of the initiative or referendum which shall not be earlier than forty-five (45) days but not later than ninety (90) days from the determination by the Commission of the sufficiency of the petition.

SEC. 9. Effectivity of Initiative or Referendum Proposition.-

(a) The proposition for the enactment, approval, amendment or rejection of a national law shall be submitted to and approved by a majority of the votes cast by all the registered voters of the Philippines.

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

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

(b) The proposition in an initiative on the Constitution approved by a majority of the votes cast in the plebiscite shall become effective as to the day of the plebiscite.

(c) A national or local initiative proposition approved by majority of the votes cast in an election called for the purpose shall become effective fifteen (15) days after certification and proclamation by the Commission. SEC. 10. Prohibited Measures.-The following cannot be the subject of an initiative or referendum

petition:

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

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

SEC. 11. Indirect Initiative.-Any duly accredited people's organization, as defined by law, may file a petition for indirect initiative with the House of Representatives, and other legislative bodies. The petition shall contain a summary of the chief purposes and contents of the bill that the organization proposes to be enacted into law by the legislature.

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

SEC. 12. Appeal.-The decision of the Commission on the findings of the sufficiency or insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof.

III.-Local Initiative and Referendum

SEC. 13. Procedure in Local Initiative.- (a) Not less than two thousand (2,000) registered voters in case of autonomous regions one thousand (1,000) in case of provinces and cities, one hundred (100) in case of municipalities, and fifty (50) in case of barangays, may file a petition with the Regional Assembly or local legislative body, respectively, proposing the adoption, enactment, repeal, or amendment, of any law, ordinance or resolution.

(b) If no favorable action thereon is made by local legislative body within thirty (30) days from its presentation, the proponents through their duly authorized and registered representative may invoke their power of initiative, giving notice thereof to the local legislative body concerned.

(c) The proposition shall be numbered serially starting from one (1). The Secretary of Local Government or his designated representative shall extend assistance in the formulation of the proposition.

(d) Two or more propositions may be submitted in an initiative.

(e) Proponents shall have one hundred twenty (120) days in case of autonomous regions, ninety (90) days in case of provinces and cities, sixty (60) days in case of municipalities, and thirty (30)

days in case of barangays, from notice mentioned in subsection (b) hereof to collect the required number of signatures.

(f) The petition shall be signed before the Election Registrar, or his designated representatives, in the presence of a representative of the proponent, and a representative of the regional assemblies and local legislative bodies concerned in a public place in the autonomous region or local government unit, as the case may be. Signature stations may be established in as many places as may be warranted.

(g) Upon the lapse of the period herein provided, the Commission on Elections, through its office in the local government unit concerned shall certify as to whether or not the required number of signatures has been obtained. Failure to obtain the required number is a defeat of the proposition.

(h) If the required number of signatures is obtained, the Commission shall then set a date for the initiative at which the proposition shall be submitted to the registered voters in the local government unit concerned for their approval within ninety (90) days from the date of certification by the Commission, as provided in subsection (g) hereof, in case of autonomous regions, sixty (60) days in case of provinces and cities, forty-five (45) days in case of municipalities, and thirty (30) days in case of barangays. The initiative shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the Commission on Elections.

SEC. 14. Effectivity of Local Propositions.-If the proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification by the Commission as if affirmative action thereon had been made by the local legislative body and local executive concerned. If it fails to obtain said number of votes, the proposition is considered defeated.

SEC. 15. Limitations on Local Initiatives.-(a) The power of local initiative shall not be exercised more than once a year.

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

(c) If at any time before the initiative is held, the local legislative body shall adopt in toto the proposition presented, the initiative shall be cancelled. However, those against such action may, if they so desire, apply for initiative in the manner herein provided.

SEC. 16. Limitations Upon Local Legislative Bodies.-Any proposition or ordinance or resolution approved through the system of initiative and referendum as herein provided shall not be repealed, modified or amended, by the local legislative body concerned within six (6) months from the date therefrom, and may

be amended, modified or repealed by the local legislative body within three (3) years thereafter by a vote of three-fourths (3/4) of all its members: Provided, however, That in case of barangays the period shall be one (1) year after the expiration of the first six (6) months.

SEC. 17. Local Referendum.-Notwithstanding the provision of Section 4 hereof, any local legislative body may submit to the registered voters of autonomous region, provinces, cities, municipalities and barangays for the approval or rejection, any ordinance or resolution duly enacted or approved.

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

The Commission shall certify and proclaim the results of the said referendum.

SEC. 18. Authority of Courts.-Nothing in this Act shall prevent or preclude the proper courts from declaring null and void any proposition approved pursuant to this Act for violation of the Constitution or want of capacity of the local legislative body to enact the said measure.

IV.-Final Provisions

SEC. 19. Applicability of the Omnibus Election Code.-The Omnibus Election Code and other election laws, not inconsistent with the provisions of this Act, shall apply to all initiatives and referenda.

SEC. 20. Rules and Regulations.-The Commission is hereby empowered to promulgate such rules and regulations as may be necessary to carry out the purposes of this Act.

SEC. 21. Appropriations.-The amount necessary to defray the cost of the initial implementation of this Act shall be charged against the Contingent Fund in the General Appropriations Act of the current year. Thereafter, such sums as may be necessary for the full implementation of this Act shall be included in the annual General Appropriations Act.

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

SEC. 23. Effectivity.-This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

RAMON V. MITRA
Speaker of the House of
Representatives

JOVITO R. SALONGA
President of the Senate

This Act which is a consolidation of Senate Bill No. 17 and House Bill No. 21505 was finally passed by both the Senate and House of Representatives on June 8, 1989.

QUIRINO D. ABAD SANTOS, JR.
Secretary of the House of
Representatives

HONORATA M. ORQUIOLA
Acting Secretary of
the Senate

Approved: August 4, 1989

CORAZON C. AQUINO
President of the Philippines