



Republic of the Philippines
COMMISSION ON ELECTIONS
Intramuros, Manila

REVISED RULES AND REGULATIONS GOVERNING THE CONDUCT OF: 1) INITIATIVE ON THE CONSTITUTION; AND 2) INITIATIVE AND REFERENDUM ON NATIONAL AND LOCAL LEGISLATIONS.

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Parreño, A.A., *Commissioner*
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Promulgated: January 31, 2020

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RESOLUTION No. 10650

The Commission on Elections, by virtue of the powers vested in it by the Constitution, Batas Pambansa Blg. 881, Republic Act (R.A.) No. 6735, and other election laws, **RESOLVED**, as it hereby **RESOLVES** to promulgate the following **REVISED RULES AND REGULATIONS GOVERNING THE CONDUCT OF: 1) INITIATIVE ON THE CONSTITUTION; AND 2) INITIATIVE AND REFERENDUM ON NATIONAL AND LOCAL LEGISLATION.**

ARTICLE I
GENERAL PROVISIONS

Section 1. Restatement 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 is hereby affirmed, recognized and guaranteed.

Section 2. Power of Initiative. - Subject to the requirements hereinafter prescribed, the people may propose amendments to the Constitution, or propose and enact legislations through a plebiscite called for the purpose.

Section 3. Scope of the Power of Initiative. - The power of Initiative may be exercised to amend the Constitution, or to enact a national legislation, a regional, provincial, city, municipal or barangay law, ordinance, or resolution.

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Section 4. Power of Referendum. – Upon compliance with the requirements herein set forth, the electorate may approve or reject legislation through a plebiscite called for the purpose.

Section 5. Scope of the Power of Referendum. – The power of Referendum may be exercised to approve or reject a law or part thereof passed by Congress, or to approve or reject a law, ordinance, or resolution enacted by Local Legislative Bodies.

Section 6. Who May Exercise the Power of Initiative and Referendum. – The power of Initiative and Referendum may be exercised by all registered voters of the country, autonomous region, provinces, cities, municipalities and barangays, as the case may be.

Section 7. Definition of Terms. – For purposes hereof, the following terms are hereby defined, as follows:

- (a) *“Commission”* refers to the Commission on Elections;
- (b) *“Constitutional Amendment”* refers to any change in the Constitution that adds, reduces, or deletes without altering the basic principle involved and without affecting the substantial provisions of the Constitution. Revision is not included;
- (c) *“EO”* refers to the Election Officer;
- (d) *“ERSD”* refers to the Election Records and Statistics Department of the Commission;
- (e) *“Immediately Preceding Elections”* refer to the election of national and local officials, excluding barangay and sangguniang kabataan officials;
- (f) *“Local Chief Executive”* refers to the Chief Minister of the Bangsamoro Autonomous Region in Muslim Mindanao, Provincial Governor, City or Municipal Mayor or Punong Barangay, as the case may be;
- (g) *“Local Government Units”* refer to provinces, cities, municipalities and barangays, as the case may be;
- (h) *“Local Legislative Bodies”* refer to the Bangsamoro Parliament, Sangguniang Panlalawigan, Sangguniang Panglungsod, Sangguniang Bayan and Sangguniang Barangay, as the case may be;

- (i) "*PES*" refers to the Provincial Election Supervisor;
- (j) "*Petition*" refers to the written instrument containing the Proposition and the required number of signatures in the form to be prescribed by the Commission;
- (k) "*Petitioner*" refers to a registered voter who signs the Petition.
- (l) "*Plebiscite*" refers to the electoral process by which an Initiative or Referendum on the Constitution, and national or local laws, ordinances and resolutions, is approved or rejected by the people;
- (m) "*Proponent*" refers to any registered voter or group of registered voters, except those whose registration has been deactivated, proposing amendments to the Constitution, and approval or rejection of national or local legislations;
- (n) "*Proposition*" refers to the measure being advanced and introduced by the Proponent/s and Petitioners. It may be in question form, summarizing the suggested amendment/s to the Constitution or legislation which shall be submitted to the registered voters for approval;
- (o) "*RED*" refers to the Regional Election Director; and
- (p) "*Registered Voters*" refer to the qualified voters who have been registered in the permanent list of voters in a precinct of the city or municipality where they reside, per the data used in the immediately preceding elections, excluding those whose registrations have been deactivated.

Section 8. Prohibited Measures. - The following cannot be the subject of a Petition for Initiative or Referendum:

- a. Constitutional revision;
- b. A measure embracing more than one subject; and
- c. Statutes involving emergency measures, the enactment of which is specifically vested in Congress by the Constitution, until ninety (90) days after their effectivity.

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Section 9. Who Shall Shoulder the Expenses. - All expenses relative to the conduct of the Initiative or Referendum and the Plebiscite called therefor, except those pertaining to the gathering and verification of signatures until the filing of the Petition and the publication of the same after being declared by the Commission *En Banc* to be sufficient, shall be at the expense and for the account of the Commission.

Section 10. Supervision and Control Over the Conduct of Initiative and Referendum. - The Commission shall have supervision and control on the conduct of the Initiative or Referendum and the Plebiscite called therefor.

For this purpose, the Commission may defer the conduct of the Plebiscite therefor until after an election, or may hold the same on, before, or simultaneously with an election.

ARTICLE II INITIATIVE ON THE CONSTITUTION

Section 11. Who May Commence or Initiate the Process. - Any registered voter or group of registered voters may act as Proponent/s to commence the process of Initiative to amend the Constitution, as defined herein. It may be exercised only after five (5) years from the ratification of the 1987 Constitution, and only once every five (5) years thereafter.

Section 12. Filing of the Petition. - (a) The Proponent/s shall secure a certification as to the total number of registered voters in each legislative district from the ERSD based on the data used in the immediately preceding elections, and shall append the same to the Petition under oath (see ANNEX "A"). On the other hand, the ERSD shall transmit to the Office of the Clerk of the Commission a certified copy of the certification issued to the Proponent/s.

The Petition under oath, and the thereto attached certifications from the ERSD and EO mentioned in the immediately preceding paragraph and in Section 15 (a), respectively, must be filed with the Office of the Clerk of the Commission after payment of required filing fee.

It must be alleged in the said Petition under oath, among others, that the required number of signatures was already collected and gathered by the Proponent/s, the signature sheets therefor were already submitted to the concerned Offices of the EO, and a certification therefor was duly issued by the EO.

(b) The Clerk of the Commission shall docket the Petition as **P.I.R.**, evaluate the same, and immediately thereafter, submit a recommendation to the Commission *En Banc* as to whether or not (1) the Proposition is an appropriate subject of the Petition and conforms with Section 8 hereof; and (2) the Petition under oath has:

- (a) The full text of the proposed amendment, which may either be:
 - i. Written on the face of the Petition; or
 - ii. Attached to the Petition, in which case, the Petition must state the fact of such attachment;
- (b) The Reason/s therefor;
- (c) An abstract or summary of the 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. The abstract shall include a clear description of the Proposition's essential content;
- (d) The required attachments mentioned in Section 12 (a) hereof; and
- (e) A statement affirming that before the signatures are affixed, the Proponent/s ensured that Petitioners have read and understood the Petition and the proposed amendment/s to the Constitution, and have known that the signatures constitute approval of the proposed constitutional amendment/s and consent to the filing of the Petition.

Section 13. Filing Fee. - No Petition shall be accepted unless the requisite filing fee in the amount of Thirty Thousand Pesos (₱ 30,000.00) is paid in full by the Proponent/s.

Section 14. Sufficiency in Form; Determination by the Commission. - (a) Within fifteen (15) days from receipt of the recommendation of the Clerk of the Commission, the Commission *En Banc* shall determine whether or not the formal requisites are met.

(b) If all formal requisites are met, the Commission *En Banc* shall direct the Proponent/s to:

- (1) Pay in full the necessary verification fee, as follows:

Combined Nationwide and Legislative District Required	Amount
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Signatures	
7,000,000	Fifty Thousand Pesos (₱ 50,000.00)
7,000,001 to 8,000,000	Seventy-Five Thousand Pesos (₱ 75,000.00)
Over 8,000,000	One Hundred Thousand Pesos (₱ 100,000.00)

- (2) Submit the official receipt issued therefor to the Commission *En Banc*, through the Office of the Clerk of the Commission.

Thereafter, the Commission *En Banc* shall direct the concerned EOs or Acting EOs to commence signature verification with the assistance of the authorized Election Assistant.

- (c) If the formal requisites are not met, the Commission *En Banc* shall dismiss the Petition without prejudice to its re-filing after payment of the required filing fee.

Section 15. Verification of Signatures. - (a) Upon receipt of the accomplished signature sheets submitted by the Proponent/s, the EO or Acting EO shall forthwith issue a certification therefor using ANNEX "B", and secure the said accomplished signature sheets until the Commission *En Banc* orders the verification of the same. On the other hand, the EO shall transmit to the Office of the Clerk of the Commission a certified copy of the certification issued to the Proponent/s.

- (b) Upon receipt of the order of the Commission *En Banc*, the EO or Acting EO shall immediately schedule the verification of the gathered signatures, with notice to the Proponent/s using ANNEX "H".

- (c) The EO or Acting EO, with the assistance of the authorized Election Assistant, shall, on the basis of the Voter's Registration System with data used in the immediately preceding elections, verify whether the signature is genuine and authentic and whether the Petitioner is a voter with active registration record.

The determination by the EO or Acting EO of the genuineness and authenticity of the signature and the status of registration record shall be final. For this purpose, the EO shall use the Verification Report Form, and Consolidated Verification Result Form, herein attached as ANNEXES "C" and "D", respectively.

In order to promote efficiency and accuracy in signature verification, the Commission may adopt and use the most suitable and available technology of demonstrated capability for the purpose.

(d) Unless the fact of illiteracy is indicated in the voter's registration record of the Petitioner, no thumbmark shall be considered as a signature.

In case the Petitioner is unable to write due to a disability or condition which may exist at the time of or subsequent to his/her registration as a voter, a thumbmark or any fingerprint will suffice, only if the fact of disability or existence of such condition is apparent.

In case the Petitioner has lost one or both hands and is unable to sign by reason thereof, the Petition may be signed by any relative within the fourth civil degree of consanguinity or affinity for and on behalf of the Petitioner and upon Petitioner's instruction and direction.

(e) The period for signature verification shall in no case exceed sixty (60) days from the initial date set therefor.

(f) Signature verification must be accomplished without compromising the other official functions of the EO, Acting EO or the authorized Election Assistant.

Section 16. Expenses. - All expenses relative to the signature gathering and verification shall be solely borne by the Proponent/s, and shall not be funded from public sources.

Section 17. Issuance of Certification. - Three (3) days after the sixty (60)-day signature verification, the Proponent/s shall secure one (1) original copy of certification, the cost of which shall form part of the verification fee, from, as follows:

- a. EOs in cities comprising a legislative district, who shall use herein attached ANNEX "E";
- b. EOs in cities with more than one legislative district, who shall use herein attached ANNEX "E" and submit the same to the EO designated by the RED who shall use the herein attached ANNEX "G" and issue within three (3) days from receipt of all certifications;
- c. EOs in provinces with legislative districts composed of several cities/municipalities, who shall use herein attached ANNEX "E" and submit the same to the PES who shall use the herein attached

ANNEX "F" and issue within three (3) days from receipt of all certifications; and

- d. EOs in provinces comprising lone legislative district, who shall use herein attached ANNEX "E" and submit the same to the PES who shall use the herein attached ANNEX "F" and issue within three (3) days from receipt of the certification.

The concerned EOs and PES mentioned in paragraphs (a), (b), (c), and (d) shall ensure that the required certification will be made available to the Proponent/s within three (3) days after the sixty (60)-day signature verification.

The EO shall retain another one (1) original copy of the certification in his/her office for record purposes, and another two (2) other original copies shall be transmitted to the Office of the PES as its file copy and to the Office of the Clerk of the Commission through the fastest and secure means available.

Section 18. Submission of Verified Signatures to the Commission *En Banc*.

- (a) The Proponent/s shall immediately submit to the Office of the Clerk of the Commission the original copy of the Petition previously approved under Section 14 hereof with the following attachments: original copies of signature sheets consecutively paginated; original copy of the certification from the ERSD mentioned in Section 12 (a); and original copy of the certification mentioned in Section 17 hereof. Likewise, the Proponent/s shall simultaneously submit one (1) duplicate original and additional seven (7) copies of the same documents.

(b) Three (3) days from receipt thereof, the Clerk of the Commission shall verify and certify whether the certifications appended to the Petition are the same certifications received by his/her Office in accordance with Sections 12 (a), 15 (a), and 17 hereof.

(c) Thereafter, the Clerk of the Commission shall distribute the copies of the Petition with attachments and his/her certification mentioned in Section 18 (b) hereof to the Offices of the Chairman and Commissioners. The Office of the Clerk of the Commission shall retain the following: original copy of the Petition with original copies of attachments and the certification mentioned in Section 18 (b) hereof; and the duplicate copy of the same documents.

(d) Unless ordered otherwise, the Petition may not be set for hearing and may be decided based on the submitted documents.

Section 19. Required Number of Signatures. - The Petition must be signed by at least twelve *per centum* (12%) of the total number of registered voters nationwide, of which every legislative district is represented by a least three *per centum* (3%) of the registered voters thereof.

Section 20. Determination by the Commission. - (a) Within thirty (30) days from receipt by the Office of the Clerk of the Commission of the Proponent/s' submission in accordance with Section 18 (a) hereof, the Commission *En Banc* shall determine its sufficiency or insufficiency.

(b) If it is satisfied that the required percentage of signatures has been obtained, the Commission *En Banc* shall direct the Proponent/s to publish the Petition, as well as the Proposition in Filipino and English, twice in at least two newspapers of general and local circulation, submit proof of publication, and set the date of the Plebiscite for the ratification of the proposed amendment in accordance with the succeeding Sections.

(c) If it should appear that the required percentage of signatures has not been obtained, the Petition shall be dismissed.

Section 21. Appeal. - The decision of the Commission *En Banc* on the findings of the sufficiency or insufficiency of the Petition under Section 20 hereof may be brought before the Supreme Court via an appropriate petition for *certiorari* within thirty (30) days from notice thereof.

Section 22. Call for Plebiscite. - The Commission *En Banc* shall set the date of the Plebiscite which shall not be earlier than sixty (60) days but not later than ninety (90) days from the determination of the sufficiency of the Petition under Section 20 hereof.

A special ballot shall be used for the Plebiscite. It shall contain the title of the Petition, the Proposition in clear and concise language, and a question to ascertain the voter's approval or disapproval of the Proposition.

Section 23. Effectivity of an Initiative Proposition. - (a) If, as certified to by the Commission *En Banc*, the Proposition is ratified by a majority of the votes cast in the Plebiscite, the amendment shall become effective and valid as of the date of the Plebiscite.

(b) If the majority vote is not obtained, the proposed amendment is disapproved.

**ARTICLE III
NATIONAL INITIATIVE AND REFERENDUM**

Section 24. Who May Commence or Initiate the Process. – Any registered voter or group of registered voters may act as Proponent/s to commence the process of Initiative or Referendum.

Section 25. Filing of the Petition. – (a) The Proponent/s shall secure a certification as to the total number of registered voters in each legislative district from the ERSD based on the data used in the immediately preceding elections, and shall append the same to the Petition under oath (see ANNEX “A”). On the other hand, the ERSD shall transmit to the Office of the Clerk of the Commission a certified copy of the certification issued to the Proponent/s.

The Petition under oath, and the thereto attached certifications from the ERSD and EO mentioned in the immediately preceding paragraph and in Section 28 (a), respectively, must be filed with the Office of the Clerk of the Commission after payment of required filing fee.

It must be alleged in the said Petition under oath, among others, that the required number of signatures was already collected and gathered by the Proponent/s, the signature sheets therefor were already submitted to the concerned Offices of the EO, and a certification therefor was duly issued by the EO.

(b) The Clerk of the Commission shall docket the Petition as **P.I.R.**, evaluate the same, and immediately thereafter, submit a recommendation to the Commission *En Banc* as to whether or not (1) the Proposition is an appropriate subject of the Petition and conforms with Section 8 hereof; and (2) the Petition under oath has:

(a) The full text of the proposed amendment, which may either be:

- i. Written on the face of the Petition; or
- ii. Attached to the Petition, in which case, the Petition must state the fact of such attachment;

(b) The Reason/s therefor;

(c) An abstract or summary of the 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. The abstract shall include a clear description of the Proposition's essential content;

- (d) The required attachments mentioned in Section 25 (a) hereof; and
- (e) A statement affirming that before the signatures are affixed, the Proponent/s ensured that Petitioners have read and understood the Petition and the proposed amendment/s to the Constitution, and have known that the signatures constitute approval of the proposed constitutional amendment/s and consent to the filing of the Petition.

Section 26. Filing Fee. - No Petition shall be accepted unless the requisite filing fee in the amount of Thirty Thousand Pesos (₱ 30,000.00) is paid in full by the Proponent/s.

Section 27. Sufficiency in Form; Determination by the Commission. - (a) Within fifteen (15) days from receipt of the recommendation of the Clerk of the Commission, the Commission *En Banc* shall determine whether or not the formal requisites are met.

(b) If all formal requisites are met, the Commission *En Banc* shall direct the Proponent/s to:

- (1) Pay in full the necessary verification fee, as follows:

Combined Nationwide and Legislative District Required Signatures	Amount
7,000,000	Fifty Thousand Pesos (₱ 50,000.00)
7,000,001 to 8,000,000	Seventy-Five Thousand Pesos (₱ 75,000.00)
Over 8,000,000	One Hundred Thousand Pesos (₱ 100,000.00)

- (2) Submit the official receipt issued therefor to the Commission *En Banc*, through the Office of the Clerk of the Commission.

Thereafter, the Commission *En Banc* shall direct the concerned EOs or Acting EOs to commence signature verification with the assistance of the authorized Election Assistant.

(c) If the formal requisites are not met, the Commission *En Banc* shall dismiss the Petition without prejudice to its re-filing after payment of the required filing fee.

Section 28. Verification of Signatures. - (a) Upon receipt of the accomplished signature sheets submitted by the Proponent/s, the EO or Acting EO shall forthwith issue a certification therefor using ANNEX "B", and secure the said accomplished signature sheets until the Commission *En Banc* orders the verification of the same. On the other hand, the EO shall transmit to the Office of the Clerk of the Commission a certified copy of the certification issued to the Proponent/s.

(b) Upon receipt of the order of the Commission *En Banc*, the EO or Acting EO shall immediately schedule the verification of the gathered signatures, with notice to the Proponent/s using ANNEX "H".

(c) The EO or Acting EO, with the assistance of the authorized Election Assistant, shall, on the basis of the Voter's Registration System with data used in the immediately preceding elections, verify whether the signature is genuine and authentic and whether the Petitioner is a voter with active registration record.

The determination by the EO or Acting EO of the genuineness and authenticity of the signature and the status of registration record shall be final. For this purpose, the EO shall use the Verification Report Form, and Consolidated Verification Result Form, herein attached as ANNEXES "C" and "D", respectively.

In order to promote efficiency and accuracy in signature verification, the Commission may adopt and use the most suitable and available technology of demonstrated capability for the purpose.

(d) Unless the fact of illiteracy is indicated in the voter's registration record of the Petitioner, no thumbmark shall be considered as a signature.

In case the Petitioner is unable to write due to a disability or condition which may exist at the time of or subsequent to his/her registration as a voter, a thumbmark or any fingerprint will suffice, only if the fact of disability or existence of such condition is apparent.

In case the Petitioner has lost one or both hands and is unable to sign by reason thereof, the Petition may be signed by any relative within the fourth

civil degree of consanguinity or affinity for and on behalf of the Petitioner and upon Petitioner's instruction and direction.

(e) The period for signature verification shall in no case exceed sixty (60) days from the initial date set therefor.

(f) Signature verification must be accomplished without compromising the other official functions of the EO, Acting EO or the authorized Election Assistant.

Section 29. Expenses. – All expenses relative to the signature gathering and verification shall be solely borne by the Proponent/s, and shall not be funded from public sources.

Section 30. Issuance of Certification. – Three (3) days after the sixty (60)-day signature verification, the Proponent/s shall secure one (1) original copy of certification, the cost of which shall form part of the verification fee, from, as follows:

- a. EOs in cities comprising a legislative district, who shall use herein attached ANNEX "E";
- b. EOs in cities with more than one legislative district, who shall use herein attached ANNEX "E" and submit the same to the EO designated by the RED who shall use the herein attached ANNEX "G" and issue within three (3) days from receipt of all certifications;
- c. EOs in provinces with legislative districts composed of several cities/municipalities, who shall use herein attached ANNEX "E" and submit the same to the PES who shall use the herein attached ANNEX "F" and issue within three (3) days from receipt of all certifications; and
- d. EOs in provinces comprising lone legislative district, who shall use herein attached ANNEX "E" and submit the same to the PES who shall use the herein attached ANNEX "F" and issue within three (3) days from receipt of the certification.

The concerned EOs and PES mentioned in paragraphs (a), (b), (c), and (d) shall ensure that the required certification will be made available to the Proponent/s within three (3) days after the sixty (60)-day signature verification.

The EO shall retain another one (1) original copy of the certification in his/her office for record purposes, and another two (2) other original copies

shall be transmitted to the Office of the PES as its file copy and to the Office of the Clerk of the Commission through the fastest and secure means available.

Section 31. Submission of Verified Signatures to the Commission *En Banc*.

- (a) The Proponent/s shall immediately submit to the Office of the Clerk of the Commission the original copy of the Petition previously approved under Section 27 hereof with the following attachments: original copies of signature sheets consecutively paginated; original copy of the certification from the ERSD mentioned in Section 25 (a); and original copy of the certification mentioned in Section 30 hereof. Likewise, the Proponent/s shall simultaneously submit one (1) duplicate original and additional seven (7) copies of the same documents.

(b) Three (3) days from receipt thereof, the Clerk of the Commission shall verify and certify whether the certifications appended to the Petition are the same certifications received by his/her Office in accordance with Sections 25 (a), 28 (a), and 30 hereof.

(c) Thereafter, the Clerk of the Commission shall distribute the copies of the Petition with attachments and his/her certification mentioned in Section 31 (b) hereof to the Offices of the Chairman and Commissioners. The Office of the Clerk of the Commission shall retain the following: original copy of the Petition with original copies of attachments and the certification mentioned in Section 31 (b) hereof; and the duplicate copy of the same documents.

(d) Unless ordered otherwise, the Petition may not be set for hearing and may be decided based on the submitted documents.

Section 32. Required Number of Signatures. - The Petition must be signed by at least ten *per centum* (10%) of the total number of registered voters nationwide, of which every legislative district is represented by at least three *per centum* (3%) of the registered voters thereof.

Section 33. Determination by the Commission. - (a) Within thirty (30) days from receipt by the Office of the Clerk of the Commission of the Proponent/s' submission in accordance with Section 31 (a) hereof, the Commission *En Banc* shall determine its sufficiency or insufficiency.

(b) If it is satisfied that the required percentage of signatures has been obtained, the Commission *En Banc* shall direct the Proponent/s to publish the Petition, as well as the Proposition in Filipino and English, twice in at least two newspapers of general and local circulation, submit proof of publication,

and set the date of the Initiative or Referendum in accordance with the succeeding Sections.

(c) If it should appear that the required percentage of signatures has not been obtained, the Petition shall be dismissed.

Section 34. Appeal. - The decision of the Commission *En Banc* on the findings of the sufficiency or insufficiency of the Petition under Section 33 hereof may be brought before the Supreme Court via an appropriate petition for *certiorari* within thirty (30) days from notice thereof.

Section 35. Call for Plebiscite. - Without prejudice to the application of Section 29 of R.A. No. 6646 and Section 28 of R.A. No. 8436, as amended, the Commission *En Banc* shall set the date of the Plebiscite which shall not be earlier than forty-five (45) days but not later than ninety (90) days from the determination of the sufficiency of the Petition under Section 33 hereof.

A special ballot shall be used for the Plebiscite. It shall contain the title of the Petition, the Proposition in clear and concise language, and a question to ascertain the voter's approval or disapproval of the Proposition

Section 36. Effectivity of an Initiative or Referendum Proposition. - (a) If, as certified to by the Commission *En Banc*, the Proposition is approved by a majority of the votes cast in the Plebiscite, the national law proposed for enactment, approval, or rejection shall become effective fifteen (15) days following its complete publication in the Official Gazette or in a newspaper of general circulation in the Philippines.

(b) If, as certified to by the Commission *En Banc*, the Proposition to reject a national law is approved by a majority of the votes cast, the existing national law shall be deemed repealed, and the repeal shall become effective fifteen (15) days following the complete publication of the Proposition and the certification by the Commission *En Banc* in the Official Gazette or in a newspaper of general circulation in the Philippines.

(c) If the majority vote is not obtained, the national law sought to be rejected shall remain in full force and effect.

ARTICLE IV
INDIRECT INITIATIVE ON NATIONAL LAW

Section 37. Filing of 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, as the case may be.

The Petition shall contain a summary of the chief purposes and contents of the proposed Bill that the organization proposes to be enacted into law.

Section 38. Procedure. - 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 and before other legislative bodies.

Section 39. Precedence of the Initiative Bill. - In any case, the Initiative Bill shall have precedence over other pending legislative measures in the Committee of the legislative body concerned.

ARTICLE V
LOCAL INITIATIVE AND REFERENDUM

Section 40. Commencement. - The exercise of the power of Initiative or Referendum on local laws shall be commenced by the filing of a Petition therefor with the Bangsamoro Parliament, Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan or Sangguniang Barangay, as the case may be.

Section 41. Form of Petition. - Petitioners may use as reference the Petition hereto attached as ANNEX "A", which should include a statement of a summary of the Proposition on each and every page thereof, and the people themselves, to be the signatories.

Section 42. Contents of the Petition. - A Petition for Initiative or Referendum shall state the following:

- (a) Full text of the proposed local law sought to be enacted or repealed which may either be:
 - 1. Written on the face of the Petition; or
 - 2. Attached to the Petition, in which case, the Petition must state the fact of such attachment;

- (b) The reasons therefor;

- (c) It is not one of the exceptions provided herein;
- (d) Signatures of the petitioners or registered voters;
- (e) A formal designation of their duly authorized representatives; and
- (f) An abstract or summary of the 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. The abstract shall include a clear description of the Proposition's essential content.

Section 43. Required Number of Signatures. - The Petition shall be duly signed by:

- (a) Not less than two thousand (2,000) registered voters in case of an Autonomous Region;
- (b) Not less than one thousand (1,000) registered voters in case of a Province or City;
- (c) Not less than one hundred (100) registered voters in case of a Municipality; and
- (d) Not less than fifty (50) registered voters in case of a Barangay.

Section 44. Who Shall Shoulder the Expenses. - All expenses relative to the signature gathering and verification shall be solely borne by the Petitioners, and shall not be funded from public sources.

Section 45. Notice of Power of Initiative or Referendum. - (a) If no favorable action is taken by the Local Legislative Body concerned on the Petition within thirty (30) days from its filing, the duly authorized representative/s of the Petitioners may invoke their power of Initiative or Referendum by giving notice thereof to the Local Legislative Body concerned using ANNEX "I", in accordance with the procedures herein set forth.

(b) The duly authorized representative/s of the Petitioners shall seek the assistance of the Secretary of the Interior and Local Government or his/her designated representative in the formulation of the Proposition.

The Secretary of the Interior and Local Government or his/her designated representative shall certify whether or not the Proposition is within the concerned Local Legislative Body's power to enact or repeal.

Section 46. Copies of the Petition and Notice. - The duly authorized representative/s of the Petitioners shall furnish copies of their Petition and notice, as follows:

- (a) If the subject of the Initiative or Referendum is a law, ordinance or resolution within the power of the Bangsamoro Parliament to enact, the Proponent/s shall furnish the RED sufficient number of copies of the Petition and notice for distribution to all the PES and EOs in the region.
- (b) If the subject is a law, ordinance or a resolution pertaining to a Sangguniang Panlalawigan, the Proponent/s shall furnish the PES sufficient number of copies of the Petition and notice for distribution to all the EOs in the province.
- (c) If the subject is a law, ordinance or resolution pertaining to a Sangguniang Panlungsod, the Proponent/s shall furnish the EO sufficient number of copies of the Petition and notice for distribution to all the barangays within the city.
- (d) If the subject is a law, ordinance or resolution pertaining to a Sangguniang Bayan, the Proponent/s shall furnish the EO sufficient number of copies of the Petition and notice for distribution to all the barangays within the municipality.
- (e) The duly authorized representative/s of the Petitioners shall likewise furnish the Commission in Manila through the Office of the Clerk of the Commission and the ERSD ten (10) copies of said Petition and notice.

Without the certification from the Secretary of the Interior and Local Government or his/her designated representative under Section 45 (b) hereof, the RED, PES, EO, ERSD, and Office of the Clerk of the Commission shall not receive the Petition and notice.

Section 47. Evaluation of the Petition; Filing Fee and Verification Fees. - If the Petition is compliant with Sections 42 and 45, the RED, PES or EO shall require the duly authorized representative/s of the Petitioners to pay the filing fee in the amount of Ten Thousand Pesos (₱ 10,000.00) and verification fee, as follows:

Number of Required Signatures	Amount
Not more than 50,000	Twenty Thousand Pesos (₱ 20,000.00)
50,001 to 100,000	Thirty Thousand Pesos (₱ 30,000.00)
100,001 to 500,000	Fifty Thousand Pesos (₱ 50,000.00)

Over 500,000	One Hundred Thousand Pesos (₱ 100,000.00)
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Official receipt shall be issued therefor.

Section 48. Certification of Number of Registered Voters. - Upon receipt of its copy of the Petition and notice, the ERSD shall certify, based on the data used in the immediately preceding elections, the total number of registered voters in the constituency to which the Initiative or Referendum pertains, and immediately send said certification to the RED, PES or EO, as the case may be.

Section 49. Posting of the ERSD Certification. - Upon receipt of the certification of the ERSD, the RED, PES or EO, as the case may be, shall post a copy of the certification on the bulletin board of his/her office.

Section 50. Schedule of Signing of the Petition and Verification of Signatures. - Upon receipt of the Petition and notice, the concerned RED, PES or EO in the autonomous region or local government unit affected shall schedule the signing and verification of signatures of the Petition in the region, province, city, municipality or barangay, as the case may be, for a period of:

- (a) one hundred and twenty (120) days for Autonomous Region;
- (b) ninety (90) days for Provinces or Cities;
- (c) sixty (60) days for Municipalities; and
- (d) thirty (30) days for Barangays.

Said signature gathering and verification shall not compromise other official functions of the RED, PES or EO, as the case may be.

Section 51. Posting of the Petition and Notice with Schedule of Signing of the Petition. - Upon receipt of the Petition and notice, all concerned EOs shall cause copies thereof to be posted conspicuously in at least two (2) public places in the autonomous region or local government unit affected, together with a notice of the dates of signing of the Petition in accordance with the following Section.

Section 52. Signature Station/s. - A signature station in the Office of the EO or in any public school building nearest the residence of the Petitioners shall be established for the purpose.

Section 53. Signing of the Petition and Signature Verification. - The following shall be the procedure for the signing of the Petition:

- (a) On any of the days scheduled for the signing of the Petition, any voter currently registered in the City, Municipality or Barangay, as the case may be, may sign the Petition.
- (b) The Petition shall be signed in the designated signature station/s before the EO or the authorized Election Assistant, and in the presence of the duly authorized representative/s of the Petitioners and a representative of the Local Legislative Body concerned.
- (c) After a signature has been affixed to the signature sheets, the EO or the authorized Election Assistant shall, on the basis of the Voter's Registration System with data used in the immediately preceding elections, verify whether the same is genuine and authentic and whether the Petitioner is a voter with active registration record.

The determination by the EO or Acting EO of the genuineness and authenticity of the signature and the status of registration record shall be final. For this purpose, the EO or Acting EO shall use the Verification Report Form, and Consolidated Verification Result Form, herein attached as ANNEXES "C" and "D", respectively.

- (d) Unless the fact of illiteracy is indicated in the voter's registration record of the Petitioner, no thumbmark shall be considered as a signature.

In case the Petitioner is unable to write due to a disability or condition which may exist at the time of or subsequent to his/her registration as a voter, a thumbmark or any fingerprint will suffice, only if the fact of disability or existence of such condition is apparent.

In case the Petitioner has lost one or both hands and is unable to sign by reason thereof, the Petition may be signed by any relative within the fourth civil degree of consanguinity or affinity for and on behalf of the Petitioner and upon Petitioner's instruction and direction.

- (e) The duly authorized representative/s of the Petitioners shall ensure that before the signature is affixed, the Petitioner must have read and understood the Petition and the proposed enactment, approval or rejection of a local legislation, and must have known that the signature constitutes approval of the proposed enactment, approval or rejection of a local legislation and consent to the filing of the Petition.

Section 54. Number of Signatures Required. - The number of signatures required shall be, as follows:

- (a) In cases affecting an Autonomous Region, Province or City, the Petition shall be signed by at least ten *per centum* (10%) of the registered voters in the autonomous region, province or city, of which every legislative district must be represented by at least three *per centum* (3%) of the registered voters therein.

If the Province or City is composed of only one legislative district, each Municipality in the province or each Barangay in the City must be represented by at least three *per centum* (3%) of the registered voters therein.

- (b) In cases affecting a Municipality, the Petition shall be signed by at least ten *per centum* (10%) of the registered voters in the Municipality, of which, every Barangay must be represented by at least three *per centum* (3%) of the registered voters therein.
- (c) In cases affecting a Barangay, the Petition shall be signed by at least ten *per centum* (10%) of the registered voters in said Barangay.

Section 55. Determination of Percentage and Certification. - Within three (3) days upon the lapse of the period provided for in Section 50 hereof, the RED in the case of an Autonomous Region; the PES in the case of a Province; the EO in the case of a City or Municipality or component Barangay, shall determine and certify whether or not the required number of signatures was obtained, utilizing the Certification Form hereto attached as ANNEX "E".

The certification shall be transmitted to the Commission, through the Office of the Clerk of the Commission, within three (3) days from issuance by the fastest and secure means available, furnishing the duly authorized representative/s of the Petitioners and the Local Legislative Body concerned copies thereof.

If the required number of signatures is obtained, the concerned RED, PES, or EO, as the case may be, shall also recommend to the Commission *En Banc* the date of the Plebiscite for the Initiative or Referendum, taking into consideration the periods prescribed in Section 61 hereof.

Section 56. Call for Plebiscite. - (a) If the required number of signatures is not obtained, the Proposition shall be considered defeated, in which case, the Plebiscite shall not be held.

(b) If the required number of signatures is obtained, the Commission *En Banc* shall set the date of the Plebiscite at which the Proposition shall be submitted to the registered voters in the Local Government Unit concerned for their approval within:

1. ninety (90) days from the date of certification under Section 55 hereof, in case of an Autonomous Region;
2. sixty (60) days, in case of a Province or City;
3. forty-five (45) days, in case of a Municipality; and
4. thirty (30) days, in case of a Barangay.

The Plebiscite shall then be held on the date set. After which, the results thereof shall be certified to and proclaimed by the Commission.

Section 57. Appeal. – The decision of the Commission *En Banc* on the Petition for Initiative or Referendum may be brought before the Supreme Court via an appropriate petition for *certiorari* within thirty (30) days from notice thereof.

Section 58. Effectivity of Local Propositions. – (a) If the Proposition is approved by a majority of the votes cast, it shall take effect fifteen (15) days after certification by the Commission *En Banc* as if affirmative action thereon had been taken by the Local Legislative Body and Local Chief Executive concerned.

(b) If it fails to obtain said number of votes, the Proposition is considered defeated.

Section 59. 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 power 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 an Initiative in the manner herein provided.

Section 60. Limitations upon Local Legislative Bodies. – Any Proposition or ordinance or resolution approved in an Initiative or Referendum shall not be repealed, modified or amended by the Local Legislative Body concerned within six (6) months from the date of effectivity.

Within three (3) years thereafter or in the case of Barangays, within one (1) year after the expiration of the first six (6) months of effectivity, it may be amended, modified or repealed by the Local Legislative Body by a vote of three-fourths (3/4) of all its members.

ARTICLE VI REFERENDUM INITIATED BY LOCAL LEGISLATIVE BODY

Section 61. Procedure. - Notwithstanding the provision of Section 6 hereof, the concerned Local Legislative Body may submit to the registered voters of the Autonomous Region, Province, City, Municipality or Barangay, for approval or rejection, any ordinance or resolution duly enacted or approved by the said Local Legislative Body.

The Local Legislative Body concerned shall submit a notice to hold the Referendum to the Commission, through the Office of the Clerk of the Commission, which shall include a proposed date for the holding of Plebiscite therefor.

Said Plebiscite shall be conducted within:

- a. sixty (60) days from receipt by the Commission of said notice, in case of an Autonomous Region, Province or City;
- b. forty-five (45) days, in case of a Municipality; and
- c. thirty (30) days, in case of a Barangay.

Section 62. Proclamation and Certification. - The Commission *En Banc* shall certify and proclaim the results of said Plebiscite.

ARTICLE VII FINAL PROVISIONS

Section 63. Applicability of Election Laws. - The Omnibus Election Code, Republic Act No. 6735 and other relevant election laws shall apply to all Initiative and Referenda.

Section 64. Applicability of this Resolution to Petitions Filed Prior to its Effectivity. - The Petition/s filed with the Office of the EO prior to the date of effectivity of this Resolution shall be returned to the Proponent/s for compliance with the rules set forth herein.

Section 65. Authority of Courts. - Nothing in this Resolution shall prevent the proper courts from declaring null and void any Proposition approved

pursuant to this Resolution for violation of the Constitution or want of capacity of the Local Legislative Body to enact the said measure.

Section 66. Repealing Clause. - COMELEC Resolution Nos. 2300, 7796 and all other rules and regulations promulgated by the Commission *En Banc* which are inconsistent with this Resolution are hereby repealed.

Section 67. Separability Clause. - If any part or provision of this Resolution is held invalid or unconstitutional, the other parts or provisions thereof shall remain valid and effective.


Section 68. Publication and Dissemination. - The Education and Information Department of the COMELEC shall cause the publication of this Resolution in two (2) daily newspapers of general circulation in the Philippines.

Section 69. Effectivity. - This Resolution shall take effect on the seventh (7th) day following its publication in two (2) newspapers of general circulation in the Philippines.

SO ORDERED.

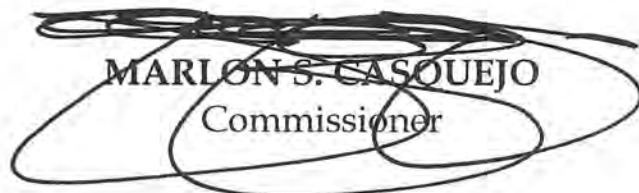

SHERIFF M. ABAS
C000105057
Chairman


AL A. PARRENO
Commissioner

 w/ reservation on the sufficiency of RA 6731 on constitutional amendment.
LUITITO F. GUIA
Commissioner


MA. ROWENA AMELIA V. GUANZON
Commissioner


SOCORRO B. INTING
Commissioner


MARLON S. CASQUEJO
Commissioner


ANTONIO T. KHO, JR.
Commissioner