
COMELEC RESOLUTION NO. 2300

IN RE: RULES AND REGULATIONS GOVERNING THE CONDUCT OF INITIATIVE ON THE CONSTITUTION, AND INITIATIVE AND REFERENDUM ON NATIONAL AND LOCAL LAWS

The Commission on Elections, by virtue of the powers vested in it by the Constitution, the Omnibus Election Code (B.P. Blg. 881); Republic Act No. 6735, and other related election laws, hereby resolves to promulgate, as it hereby promulgates, the following rules and regulations to govern the conduct of initiative on the Constitution, and initiative and referendum on national and local laws.

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 an election called for the purpose.

SECTION 3. Power of referendum. — Upon compliance with the requirements herein setforth the electorate may approve or reject a legislation through an election called for the purpose.

SECTION 4. Who may exercise. — The power of initiative may be exercised by all registered voters of the country, autonomous region, provinces, cities, municipalities and barangays, as the case may be.

SECTION 5. Scope of power of initiatives. — 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, resolution or ordinance.

SECTION 6. Scope of the power of referendum. — The power of referendum may be exercised to approve or reject an act or law, or part thereof, passed by Congress, or to approve or reject a law, resolution or ordinance enacted by regional assemblies or local legislative bodies.

SECTION 7. Definition of terms. — For purposes hereof the following terms are hereby defined as follows:

- (a) “Proposition” is the measure proposed by the voters:
- (b) “Plebiscite” is the electoral process by which an initiative on the Constitution is approved or rejected by the people;
- (c) “Petition” is the written instrument containing the proposition and the required number of signatories in the form to be prescribed by the Commission on Elections, hereinafter referred to as Commission.
- (d) “Local government units” refers to provinces, cities, municipalities and barangays, as the case may be.
- (e) “Local legislative bodies” refers to the Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan and Sangguniang Nayon or Barangay, as the case may be.

- (f) “Local executives” refers to Provincial Governors, City or Municipal Mayors or Punong Barangay, as the case may be.

SECTION 8. Contents of petition. — A petition for initiative or referendum shall state the following:

- (a) Contents or text of the proposed law sought to be enacted, approved or rejected, amended or repealed, as the case may be;
- (b) The proposition;
- (c) The reasons therefor;
- (d) That it is not one of the exceptions provided herein;
- (e) Signatures of the petitioners or registered voters;
- (f) A formal designation of their duly authorized representatives;
- (g) 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.

ARTICLE II

Local Initiative and Referendum

SECTION 9. Petition. — (a) The exercise of the power of initiative or referendum on local laws shall be commenced by the filing of a petition therefor with the Regional Assembly, Sangguniang Panlalawigan, Sangguniang Panlungsod, Sangguniang Bayan or Sangguniang Barangay, as the case may be. The petition shall be duly signed by not less than two thousand (2,000) registered voters in case of an autonomous region, one thousand (1,000) registered voters in case of a province or city, one hundred (100) registered voters in case of a municipality, and fifty (50) registered voters in case of a barangay.

SECTION 10. Notice of power of initiative or referendum. — If no favorable action is taken thereon by the Regional Assembly or local legislative body concerned within thirty (30) days from presentation of the petition, the proponents, through any or all of their duly authorized and registered representatives, may invoke their power of initiative or referendum, giving notice thereof to the Regional Assembly or local legislative body concerned, in accordance with the procedure herein set forth.

SECTION 11. Copies of petition and notice. — The proponents 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 legal power of a regional assembly to enact, the proponents shall furnish the Regional Election Director sufficient number of copies of the petition and notice for distribution to the Provincial Election Supervisors and the Election Registrars in his region.
- (b) If the subject is a law, ordinance or resolution pertaining to a Sangguniang Panlalawigan, the proponents shall furnish the Provincial Election Supervisor sufficient number of copies of the petition and notice for distribution to the Election Registrars in the province.
- (c) If the subject is a law, ordinance or resolution pertaining to a Sangguniang Panlungsod, the proponents shall furnish the City Election Registrar sufficient number of copies of the petition and notice for distribution to the barangays within the city.
- (d) If the subject is a municipal or barangay law, ordinance or resolution, the election registrar concerned shall be furnished sufficient number of copies of the petition and notice for distribution to the barangays within the municipality.
- (e) The proponents shall likewise furnish the Commission on Elections in Manila through the Executive Director and the

Election Records and Statistics Department copies of said petition and notice.

SECTION 12. Posting. — Upon receipt of the petition and notice, all election officers concerned shall cause copies thereof, to be posted conspicuously in public places in the autonomous region or local government unit affected, together with a notice of the dates of signing in accordance with the following section.

SECTION 13. Schedule of signing of petition. — Upon receipt of the notice and petition, the proper election officer in the autonomous region or local government unit affected shall schedule the signing of the petition in his region, province, city, municipality or barangay, as the case may be, on the first Saturday and Sunday following receipt thereof, and every Saturday and Sunday thereafter for a period of 120 days in case of an autonomous region, 90 days for a province or city, 60 days for a municipality, and 30 days for a barangay.

Signing may also be done on weekdays in the office of the proper election registrar.

SECTION 14. Signature stations. — Signing shall be conducted as far as practicable in public school buildings nearest the residence of the voters. For this purpose, the Election Registrar may cluster existing precincts into signature stations at a ratio of one (1) signature station for every ten (10) precincts. Each signature station shall be under the supervision of a public school teacher designated by the election registrar. The supervising teacher shall be entitled to a per diem of two hundred pesos for each day of service.

SECTION 15. Procedure for signing of petition. — 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. The petition shall be signed in the designated signature stations before the Election Registrar, or his designated representative, in the presence of the proponents or their representatives, and a representative of the regional assembly or local legislative body concerned.

The signature of the voters shall be affixed on the form prescribed by the Commission. Each voter shall affix his signature over his printed name and address. An illiterate or disabled voter, who is currently registered as such, shall be assisted by a person of his confidence. The Election Registrar shall have custody of all the forms used during the signing.

SECTION 16. Verification of signature. — The Election Registrar or his representative shall, during the period of signing, verify the genuineness and authenticity of the signatures by referring to the book of voters, voter's affidavits and voter's identification cards used in the immediately preceding election. The Election Registrar shall cancel any signature on the ground that it is forged or falsified, or that the signatory is not a registered voter, or that the signature of the voter appears more than once in the same or other forms. The determination by the Election Registrar of the genuineness and authenticity of the signatures shall be final.

SECTION 17. Certification of number of registered voters. — Upon receipt of its copy of the notice referred to in Section 11, paragraph (e) hereof, the Election Records and Statistics Department shall certify the total number of registered voters in the constituency to which the initiative or referendum pertains, and immediately send said certification to the highest local election officer of the local government units affected. For initiatives or referenda on local laws before the 1992 general elections, the Election Records and Statistics Department shall, wherever proper, use as basis the registration records for (a) January 18, 1988 local elections, (b) February 17, 1990 elections in the Muslim Mindanao Autonomous Region, or (c) January 30, 1990 Plebiscite for the Cordillera Autonomous Region.

Upon receipt of the certification from the Election Records and Statistics Department, the Regional Election Director, Provincial Election Supervisor or Election Registrar, as the case may be, shall post a copy of the certification on the bulletin board of his office.

SECTION 18. Number of signatures required. — (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 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 in said barangay.

SECTION 19. Determination of percentage and certification. — Upon lapse of the period provided for in Section 13 hereof, the Regional Election Director in the case of an autonomous region, the Provincial Election Registrar in case of a city, or the Election Registrar in the case of a municipality or component barangay, shall determine and certify whether or not the required number of signatures was obtained. He shall transmit the certification to the Commission, through the Executive Director, by the fastest means of communication, furnishing the proponents and regional assembly or the local legislative body concerned copies thereof. If the required number of signatures is obtained, the local election officer concerned shall also recommend to the Commission the date of the initiative or referendum, taking into consideration the periods prescribed in Section 21, paragraph (b) hereof.

SECTION 20. Action by the Commission. — At the first regular en banc session following receipt of the certification, the Commission shall act on the findings of sufficiency or insufficiency of the petition for initiative or referendum.

SECTION 21. Call for initiative or referendum by the Commission. — (a) If the required number of signatures has not been obtained, the proposition shall be considered defeated, in which case the initiative or referendum shall not be held.

(b) If the required number of signatures is obtained, Commission shall then set a date for the initiative or referendum 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 of the local election officer under Section 19 hereof in case of an autonomous region, sixty (60) days in case of a municipality, and thirty (30) days in case of a barangay. The initiative or referendum shall then be held on the date set, after which the results thereof shall be certified and proclaimed by the Commission on Elections.

SECTION 22. 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 taken by the local legislative body and local executive concerned. If it fails to obtain said number of votes, the proposition is considered defeated.

SECTION 23. Referendum initiated by local legislative body. — Notwithstanding the provisions of Section 4 hereof, a majority of all the members of a regional assembly or any 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 said legislative body.

The legislative body concerned shall submit a notice to hold the referendum to the Commission on Elections in Manila through its Executive Director which shall include a proposed date for the holding thereof.

Said referendum shall be conducted under the control and direction of the Commission and shall be held within sixty (60) days from receipt by the Commission of said notice in case of an autonomous region, province or city; forty-five (45) days in a case of a municipality; and thirty (30) days in case of a barangay.

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

SECTION 24. 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 canceled. However, those against such action, may, if they so desire, apply for an initiative in the manner herein provided.

SECTION 25. 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 regional assembly or 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, 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 III

National Initiative and Referendum

SECTION 26. Registration of petition. — Proponents for the adoption, enactment, repeal or amendment of a national law shall register with the Commission through the Law Department their petition containing the signatures of registered voters duly verified with the Election Registrar in accordance with Section 30 hereof.

SECTION 27. Required number of signatures. — A petition for initiative or referendum on a national law shall be deemed validly initiated if 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 28. Certification on the number of registered voters. — At the instance of the proponents, the Election Records and Statistics Department shall issue a certification on the total number of

registered voters in each legislative district. Before the 1992 general elections, the Election Records and Statistics Department shall, wherever proper, use as the basis the registration records for the (a) January 18, 1988 local elections, (b) February 17, 1990 elections in the Muslim Mindanao Autonomous Region, or (c) January 30, 1990 plebiscite for the Cordillera Autonomous Region.

SECTION 29. Signature stations. — Signature stations may be established by the proponents with the assistance of the Election Registrar in as many places in the municipality as may be warranted.

SECTION 30. 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.

SECTION 31. Determination by the Commission. — The Commission shall act on the findings of the sufficiency or insufficiency of the petition for initiative or referendum.

If it should appear that the required number of signatures has been obtained, the Commission shall set the initiative or referendum in accordance with the succeeding sections.

SECTION 32. Appeal. — The decision of the Commission on the findings of the sufficiency and insufficiency of the petition for initiative or referendum may be appealed to the Supreme Court within thirty (30) days from notice thereof.

SECTION 33. Publication of proposition. — Within thirty (30) days from receipt of the petition containing the required number of signatures, the Commission shall publish the petition in Filipino and English at least twice in newspapers of general and local circulation.

SECTION 34. Call and supervision of initiative or referendum. — The Commission shall set the date of the initiative or referendum not earlier than forty-five (45) days but not later than ninety (90) days from the determination of the sufficiency of the petition, in which the proposition for the enactment, approval, amendment or rejection of a national law shall be submitted to all registered voters for their

consideration. The Commission shall supervise and control the conduct of the initiative or referendum called for the purpose.

SECTION 35. Effectivity of initiative and referendum proposition. — (a) 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.

(b) 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.

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

SECTION 36. Prohibited measures. — The following cannot be the subject of an initiative or referendum petition:

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

ARTICLE IV

Indirect Initiative on Local or National Law

SECTION 37. Indirect initiative. — The power of initiative may also be exercised by the people through a proposition sent to Congress, to a regional assembly or a local legislative body for action.

SECTION 38. Procedure in indirect initiative. — Any duly accredited people's organization as defined by law, may file a petition for indirect initiative with the House of Representatives or other

legislative bodies, as the case may be. The petition shall contain a summary of the chief purposes and contents of the proposed bill.

The procedure to be followed in the initiative bill shall be the same as the enactment of any legislative measure before the House of Representatives or before the legislative body concerned.

In every case, the initiative bill shall have precedence over the other pending legislative measures in the committee.

ARTICLE V

Initiative on the Constitution

SECTION 39. Initiative on the Constitution. — Initiative to amend the Constitution may be exercised by the electorate only after five (5) years from its ratification on February 2, 1987, and only once every five (5) years thereafter.

SECTION 40. Requirements. — A petition for an initiative on the Constitution shall 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.

SECTION 41. Procedure. — An initiative on the Constitution shall be conducted under the control and supervision of the Commission in accordance with Article III hereof.

SECTION 42. Effectivity of proposition. — The proposition in an initiative on the Constitution approved by a majority of the votes cast in the plebiscite shall become effective as of the day of the plebiscite.

ARTICLE VI

Final Provisions

SECTION 43. Special registration. — The Commission shall set a special registration day at least three (3) weeks before a scheduled initiative or referendum.

SECTION 44. Applicability of the Omnibus Election Code and other relevant election laws. — The Omnibus Election Code (B.P. Blg.

881), Republic Act No. 6735 and other relevant election laws shall apply to all initiatives and referenda.

SECTION 45. Effectivity. — This Resolution shall take effect on the seventh day following its publication in the Official Gazette or in two newspapers of general circulation in the Philippines.

Promulgated this 16th day of January, 1991 in the City of Manila.

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