

RECENT LEGISLATION

THE PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE PHILIPPINES

SECOND NATIONAL ASSEMBLY

First Special Session
Begun and held at the City of
Manila on Tuesday, the fif-
teenth day of August,
nineteen hundred
and thirty-nine

RESOLUTION NO. 38

RESOLUTION PROPOSING AMENDMENTS TO ARTICLES III, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, and XVII OF THE CONSTITUTION OF THE PHILIPPINES, AND TO THE ORDINANCE APPENDED THERETO; AND THE ADOPTION OF TWO NEW ARTICLES, ONE ESTABLISHING A COMMISSION ON ELECTIONS, AND THE OTHER FIXING THE EFFECTIVE DATE OF SAID AMENDMENTS AND ADOPTING CERTAIN TRANSITORY PROVISIONS.

Resolved by the National Assembly of the Philippines, by a vote of not less than three-fourths of all its Members, to propose, as it does hereby propose—

1. To amend Article VI of the Constitution of the Philippines by providing for the establishment of a bicameral legislature;

2. To amend Article VII of said Constitution by changing the tenure of office of the President and the Vice-President;

3. To add an article to the Constitution to be designated as Article X, establishing an independent Commission on Elections;

4. To amend Article III, section 1, sub-section (9); Article VIII, sections 2, 3, 5, 7, 8, 9, and 13; Article IX, sections 1, 2, and 3; Article X, sections 1 and 4; Article XII, sections 3 and 4; Article XIII, sections 3, 7, and 8; Article XIV; and sub-section (11) of section 1 and section 2 of the Ordinance appended thereto, so as to make them conform to the amendments herein proposed;

5. To change the numeration of Articles X, XI, XII, XIII, XIV, XV, XVI, and XVII, to Articles XI, XII, XIII, XIV, XV, XVI, XVII, and XVIII, respectively; and

6. To add an article to the said Constitution to be designated as Article XIX, fixing the effective date of the foregoing amendments and adopting certain transitory provisions—

So that the provisions of the Constitution and the Ordinance appended thereto, as herein amended, together with the new articles herein proposed, shall read as follows:

Article III.—BILL OF RIGHTS

Section 1. (9) No law granting a title of nobility shall be enacted, and no person holding any office of profit or trust shall, without the consent of the Congress

of the Philippines, accept any present, emolument, office, or title of any kind whatever from any foreign state.

Article VI.—LEGISLATIVE
DEPARTMENT

Section 1. The Legislative power shall be vested in a Congress of the Philippines, which shall consist of a Senate and a House of Representatives.

Sec. 2. The Senate shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law.

Sec. 3. The term of office of Senators shall be six years and shall begin on the thirtieth day of December next following their election. The first Senators elected under this Constitution shall, in the manner provided by law, be divided equally into three groups, the Senators of the first group to serve for a term of six years; those of the second group, for four years; and those of the third group, for two years.

Ses. 4. No person shall be a Senator unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least thirty-five years of age, a qualified elector, and a resident of the Philippines for not less than two years immediately prior to his election.

Sec. 5. The House of Representatives shall be composed of not more than one hundred and twenty Members who shall be apportioned among the several provinces as nearly as may be according to the number of their respective inhabitants, but each province shall have at least one Member. The Congress shall by law make an apportionment within three years

after the return of every enumeration, and not otherwise. Until such apportionment shall have been made, the House of Representatives shall have the same number of Members as that fixed by law for the National Assembly, who shall be elected by the qualified electors from the present Assembly districts. Each representative district shall comprise, as far as practicable, contiguous and compact territory.

Sec. 6. The term of office of the Members of the House of Representatives shall be four years and shall begin on the thirtieth day of December next following their election.

Sec. 7. No person shall be a Member of the House of Representatives unless he be a natural-born citizen of the Philippines and, at the time of his election, is at least twenty-five years of age, a qualified elector, and a resident of the province in which he is chosen for not less than one year immediately prior to his election.

Sec. 8. (1) Elections for Senators and Members of the House of Representatives shall be held in the manner and on the dates fixed by law.

(2) In case of vacancy in the Senate or in the House of Representatives, a special election may be called to fill such vacancy in the manner prescribed by law, but the Senator or Member of the House of Representatives thus elected shall serve only for the unexpired term.

Sec. 9. The Congress shall convene in regular session once every year on the fourth Monday of January, unless a different date is fixed by law. It may be called in special session at any time by the President to consider general legislation or only such subjects

as he may designate. No special session shall continue longer than thirty days and no regular session longer than one hundred days, exclusive of Sundays.

Sec. 10. (1) The Senate shall elect its President and the House of Representatives its Speaker.

Each House shall choose such other officers as may be required.

(2) A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner and under such penalties as such House may provide.

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, expel a Member.

(4) Each House shall keep a Journal of its proceedings, and from time to time publish the same, excepting such parts as may in its judgment require secrecy; and the yeas and nays on any question shall, at the request of one-fifth of the Members present, be entered in the Journal.

(5) Neither House during the sessions of the Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 11. The Senate and the House of Representatives shall each have an Electoral Tribunal which shall be the sole judge of all contests relating to the election, returns, and qualifications of their respective Members. Each Electoral Tribunal shall be composed of nine Members, three of whom shall be Justices of the Supreme Court to be designated by the Chief Jus-

tice, and the remaining six shall be Members of the Senate or of the House of Representatives, as the case may be, who shall be chosen by each House, three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein. The senior Justice in each Electoral Tribunal shall be its Chairman.

Sec. 12. There shall be a Commission on Appointments consisting of twelve Senators and twelve members of the House of Representatives, elected by each House, respectively, on the basis of proportional representation of the political parties therein. The President of the Senate shall be the Chairman ex-officio of the Commission, but shall not vote, except in case of tie.

Sec. 13. The Electoral Tribunals and the Commission on Appointments shall be constituted within thirty days after the Senate and the House of Representatives shall have been organized with the election of their President and Speaker, respectively. The Commission on Appointments shall meet only while the Congress is in session, at the call of its Chairman or a majority of its Members, to discharge such powers and functions as are herein conferred upon it.

Sec. 14. The Senators and the Members of the House of Representatives shall, unless otherwise provided by law, receive an annual compensation of seven thousand two hundred pesos each, including per diems and other emoluments or allowances, and exclusive only of traveling expenses to and from their respective districts in the case of Members of the House of Representatives, and to and from their places of resi-

dence in the case of Senators, when attending sessions of the Congress. No increase in said compensation shall take effect until after the expiration of the full term of all the Members of the Senate and of the House of Representatives approving such increase. Until otherwise provided by law, the President of the Senate and the Speaker of the House of Representatives shall each receive an annual compensation of sixteen thousand pesos.

Sec. 15. The Senators and Members of the House of Representatives shall in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the sessions of the Congress, and in going to and returning from the same; and for any speech or debate therein, they shall not be questioned in any other place.

Sec. 16. No Senator or Member of the House of Representatives may hold any other office or employment in the Government without forfeiting his seat, nor shall any Senator or Member of the House of Representatives, during the time for which he was elected, be appointed to any civil office which may have been created or the emoluments whereof shall have been increased while he was a Member of the Congress.

Sec. 17. No Senator or Member of the House of Representatives shall directly or indirectly be financially interested in any contract with the Government or any sub-division or instrumentality thereof, or in any franchise or special privilege granted by the Congress during his term of office. He shall not appear as counsel before the Electoral Tribunals or before any court in any civil case wherein the Government or any subdivi-

sion or instrumentality thereof is the adverse party, or in any criminal case wherein an officer or employee of the Government is accused of an offense committed in relation to his office, or collect any fee for his appearance in any administrative proceedings, or accept employment to intervene in any cause or matter where he may be called upon to act on account of his office. No Member of the Commission on Appointments shall appear as counsel before any court inferior to a collegiate court of appellate jurisdiction.

Sec. 18. All appropriation, revenue or tariff bills, bills authorizing increase of the public debt, bills of local application, and private bills, shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments.

Sec. 19. (1) The President shall submit within fifteen days of the opening of each regular session of the Congress a budget of receipts and expenditures, which shall be the basis of the general appropriation bill. The Congress may not increase the appropriations recommended by the President for the operation of the Government as specified in the Budget, except the appropriations for the Congress and the Judicial Department. The form of the Budget and the information that it should contain shall be prescribed by law.

(2) No provision or enactment shall be embraced in the general appropriation bill unless it relates specifically to some particular appropriation therein; and any such provision or enactment shall be limited in its operation to such appropriation.

Sec. 20. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to

the President. If he approve the same, he shall sign it; but if not, he shall return it with his objections to the House where it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by *yeas* and *nays*, and the names of the Members voting for and against shall be entered on its Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Congress by adjournment prevent its return, in which case it shall become a law unless vetoed by the President within thirty days after adjournment.

(2) The President shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. When a provision of an appropriation bill affects one or more items of the same, the President cannot veto the provision without at the same time vetoing the particular item or items to which it relates. The item or items objected to shall not take effect except in the manner heretofore provided as to bills returned to the Congress without the approval of the President. If the veto refers to a bill or any item of an appropriation bill which ap-

propriates a sum in excess of ten *per centum* of the total amount voted in the appropriation bill for the general expenses of the Government for the preceding year, or if it should refer to a bill authorizing an increase of the public debt, the same shall not become a law unless approved by three-fourths of all the Members of each House.

(3) The President shall have the power to veto any separate item or items in a revenue or tariff bill, and the item or items vetoed shall not take effect except in the manner provided as to bills vetoed by the President.

Sec. 21. (1) No bill which may be enacted into law shall embrace more than one subject which shall be expressed in the title of the bill.

(2) No bill shall be passed by either House unless it shall have been printed and copies thereof in its final form furnished its Members at least three calendar days prior to its passage except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the Journal.

Sec. 22. (1) The rule of taxation shall be uniform.

(2) The Congress may by law authorize the President, subject to such limitations and restrictions as it may impose to fix, within specified limits, tariff rates, import or export quotas, and tonnage and wharfage dues.

(3) Cemeteries, churches, and parsonages or convents appurtenant thereto, and all lands, buildings, and improvements used ex-

clusively for religious, charitable, or educational purposes shall be exempt from taxation.

Sec. 23. (1) All money collected on any tax levied for a special purpose shall be treated as a special fund and paid out for such purpose only. If the purpose for which a special fund was created has been fulfilled or abandoned, the balance, if any, shall be transferred to the general funds of the Government.

(2) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

(3) No public money or property shall ever be appropriated, applied, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, sectarian institution, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary as such, except when such priest, preacher, minister, or dignitary is assigned to the armed forces or to any penal institution, orphanage, or leprosarium.

Sec. 24. The heads of departments upon their own initiative or upon the request of either House may appear before and be heard by such House on any matter pertaining to their departments, unless the public interest shall require otherwise and the President shall so state in writing.

Sec. 25. The Congress shall, with the concurrence of two-thirds of all the Members of each House, have the sole power to declare war.

Sec. 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it

may prescribe, to promulgate rules and regulations to carry out a declared national policy.

Article VII.—EXECUTIVE DEPARTMENT

Section 1. The Executive power shall be vested in a President of the Philippines.

Sec. 2. The President shall hold his office during a term of four years and, together with the Vice-President chosen for the same term, shall be elected by direct vote of the people. The returns of every election for President and Vice-President, duly certified by the board of canvassers of each province or city, shall be transmitted to the seat of the National Government, directed to the President of the Senate, who shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The persons respectively having the highest number of votes for President and Vice-President shall be declared elected; but in case two or more shall have an equal and the highest number of votes for either office, one of them shall be chosen President or Vice-President, as the case may be, by a majority vote of the Members of the Congress in joint session assembled.

Sec. 3. No person may be elected to the office of President or Vice-President unless he be a natural-born citizen of the Philippines, a qualified voter, forty years of age or over, and has been a resident of the Philippines for at least ten years immediately preceding the election.

Sec. 4. Elections for President and Vice-President shall be held once every four years on a date to be fixed by law.

The terms of the President and Vice-President shall end at noon

on the thirtieth day of December following the expiration of four years after their election, and the terms of their successors shall begin from such time.

Sec. 5. No person shall serve as President for more than eight consecutive years. The period of such service shall be counted from the date he shall have commenced to act as President. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of the service of the incumbent for the full term for which he was elected.

Sec. 6. If, at the time fixed for the beginning of the term of the President, the President-elect shall have died, the Vice-President-elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President-elect shall have failed to qualify, then the Vice-President shall act as President until a President shall have qualified, and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

Sec. 7. Before he enters on the execution of his office, the President shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully and conscientiously fulfill my duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate myself to the service of the Nation. So help me God."
(In case of affirmation, last sentence will be omitted.)

Sec. 8. In the event of the removal of the President from of-

fice, or of the termination of his right thereto under the provisions of the Constitution, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President. The Congress shall by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Sec. 9. The President shall have an official residence and receive a compensation to be ascertained by law which shall be neither increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Government or any of its subdivisions or instrumentalities. Until the Congress shall provide otherwise, the President shall receive an annual salary of thirty thousand pesos. The Vice-President, when not acting as President, shall receive fifteen thousand pesos until otherwise provided by law.

Sec. 10. (1) The President shall have control of all the executive departments, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that the laws be faithfully executed.

(2) The President shall be commander-in-chief of all armed forces of the Philippines and, whenever it becomes necessary, he may call out such armed forces to prevent or suppress lawless violence, invasion, insurrection, or rebellion. In case of invasion, insurrection or rebellion, or immi-

ment danger thereof, when the public safety requires it, he may suspend the privileges of the writ of *habeas corpus*, or place the Philippines or any part thereof under martial law.

(3) The President shall nominate and, with the consent of the Commission on Appointments, shall appoint the heads of the executive departments and bureaus, officers of the Army from the rank of colonel, of the Navy and air forces from the rank of captain or commander, and all other officers of the Government whose appointments are not herein otherwise provided for, and those whom he may be authorized by law to appoint; but the Congress may by law vest the appointment of inferior officers in the President alone, in the courts, or in the heads of departments.

(4) The President shall have the power to make appointments during the recess of the Congress, but such appointments shall be effective only until disapproval by the Commission on Appointments or until the next adjournment of the Congress.

(5) The President shall from time to time give to the Congress information of the state of the Nation, and recommend to its consideration such measures as he shall judge necessary and expedient.

(6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the Congress.

(7) The President shall have the power, with the concurrence

of two thirds of all the Members of the Senate, to make treaties, and with the consent of the Commission on Appointments, he shall appoint ambassadors, other public ministers, and consuls. He shall receive ambassadors and other public ministers duly accredited to the government of the Philippines.

Sec. 11. (1) The executive departments shall continue as now authorized by law until the Congress shall provide otherwise.

(2) The heads of departments and chiefs of bureaus or offices and their assistants, and the Chairman and Members of the Commission on Elections, shall not, during their continuance in office, engage in the practice of any profession, or intervene, directly or indirectly, in the management or control of any private enterprise which in any way may be affected by the functions of their office; nor shall they, directly or indirectly, be financially interested in any contract with the Government or any subdivision or instrumentality thereof.

(3) The President may appoint the Vice-President as a member of his cabinet and also as head of an executive department.

Article VIII.—JUDICIAL DEPARTMENT

Section 2. The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts, but may not deprive the Supreme Court of its original jurisdiction over cases affecting ambassadors, other public ministers, and consuls, nor of its jurisdiction to review, revise, reverse, modify, or affirm on appeal, certiorari, or writ of error, as the law or the rules of court may provide, final judgments and decrees of inferior courts in—

(1) All cases in which the constitutionality or validity of any

treaty, law, ordinance, or executive order or regulation is in question.

(2) All cases involving the legality of any tax, impost, assessment, or toll, or any penalty imposed in relation thereto.

(3) All cases in which the jurisdiction of any trial court is in issue.

(4) All criminal cases in which the penalty imposed is death or life imprisonment.

(5) All cases in which an error or question of law is involved.

Sec. 3. Until the Congress shall provide otherwise, the Supreme Court shall have such original and appellate jurisdiction as may be possessed and exercised by the Supreme Court of the Philippines at the time of the adoption of this Constitution. The original jurisdiction of the Supreme Court shall include all cases affecting ambassadors, other public ministers, and consuls.

Sec. 5. The members of the Supreme Court and all judges of inferior courts shall be appointed by the President with the consent of the Commission on Appointments.

Sec. 7. No judge appointed for a particular district shall be designated or transferred to another district without the approval of the Supreme Court. The Congress shall by law determine the residence of judges of inferior courts.

Sec. 8. The Congress shall prescribe the qualifications of judges of inferior courts, but no person may be appointed judge of any such courts unless he is a citizen of the Philippines and has been admitted to the practice of law in the Philippines.

Sec. 9. The members of the Supreme Court and all judges of

inferior courts shall hold office during good behavior, until they reach the age of seventy years, or become incapacitated to discharge the duties of their office. They shall receive such compensation as may be fixed by law, which shall not be diminished during their continuance in office. Until the Congress shall provide otherwise, the Chief Justice of the Supreme Court shall receive an annual compensation of sixteen thousand pesos, and each Associate Justice fifteen thousand pesos.

Sec. 13. The Supreme Court shall have the power to promulgate rules concerning pleading, practice, and procedure in all courts, and the admission to the practice of law. Said rules shall be uniform for all courts of the same grade and shall not diminish, increase or modify substantive rights. The existing laws on pleading, practice, and procedure are hereby repealed as statutes, and are declared Rules of Courts, subject to the power of the Supreme Court to alter and modify the same. The Congress shall have the power to repeal, alter, or supplement the rules concerning pleading, practice, and procedure, and the admission to the practice of law in the Philippines.

Article IX.—IMPEACHMENT

Section 1. The President, the Vice-President, the Justices of the Supreme Court, the Chairman and Members of the Commission on Elections, and the Auditor General, shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, or other high crimes.

Sec. 2. The House of Representatives, by a vote of two-thirds of all its members shall have the sole power of impeachment.

Sec. 3. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, the Senators shall be on oath or affirmation. When the President of the Philippines is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of three fourths of all the members of the Senate.

Article X.—COMMISSION ON ELECTIONS

Section 1. There shall be an independent Commission on Elections composed of a Chairman and two other Members to be appointed by the President with the consent of the Commission on Appointments, who shall hold office for a term of nine years and may not be reappointed. Of the Members of the Commission first appointed one shall hold office for nine years, another for six years and the third for three years.

Until the Congress shall provide otherwise, the Chairman of the Commission shall receive an annual salary of twelve thousand pesos, and the other Members, ten thousand pesos each. Their salaries shall be neither increased nor diminished during their term of office.

Sec. 2. The Commission on Elections shall have exclusive charge of the enforcement and administration of all laws relative to the conduct of elections and shall exercise all other functions which may be conferred upon it by law. It shall decide, save those involving the right to vote, all administrative questions, affecting elections, including the determination of the number and location of polling places, and the appointment of election inspectors and of other election officials. All law enforcement agencies and instru-

mentalities of the Government, when so required by the Commission, shall act as its deputies for the purpose of insuring free, orderly, and honest elections. The decisions, orders, and rulings of the Commission shall be subject to review by the Supreme Court.

No pardon, parole, or suspension of sentence for the violation of any election law may be granted without the favorable recommendation of the Commission.

Sec. 3. The Commission on Elections shall submit to the President and the Congress, following each election, a report on the manner in which such election was conducted.

Article XI.—GENERAL AUDITING OFFICE

Section 1. There shall be a General Auditing Office under the direction and control of an Auditor General, who shall hold office for a term of ten years and may not be reappointed. The Auditor General shall be appointed by the President with the consent of the Commission on Appointments, and shall receive an annual compensation to be fixed by law which shall not be diminished during his continuance in office. Until the Congress shall provide otherwise the Auditor General shall receive an annual compensation of twelve thousand pesos.

Sec. 4. The Auditor General shall submit to the President and the Congress an annual report covering the financial condition and operations of the Government, and such other reports as may be required.

Article XIII.—CONSERVATION AND UTILIZATION OF NATURAL RESOURCES

SEC. 3. The Congress may determine by law the size of private agricultural land which individ-

uals, corporations, or associations may acquire and hold, subject to rights existing prior to the enactment of such law.

SEC. 4. The Congress may authorize, upon payment of just compensation, the expropriation of lands to be subdivided into small lots and conveyed at cost to individuals.

ARTICLE XIV.—GENERAL PROVISIONS

SEC. 3. The Congress shall take steps toward the development and adoption of a common national language based on one of the existing native languages. Until otherwise provided by law, English and Spanish shall continue as official languages.

SEC. 7. The Congress shall not, except by general law, provide for the formation, organization, or regulation of private corporations, unless such corporations are owned or controlled by the Government or any subdivision or instrumentality thereof.

SEC. 8. No franchise, certificate, or any other form of authorization for the operation of a public utility shall be granted except to citizens of the Philippines or to corporations or other entities organized under the laws of the Philippines, sixty *per centum* of the capital of which is owned by citizens of the Philippines, nor shall such franchise, certificate, or authorization be exclusive in character or for a longer period than fifty years. No franchise or right shall be granted to any individual, firm, or corporation, except under the condition that it shall be subject to amendment, alteration, or repeal by the Congress when the public interest so requires.

Article XV.—AMENDMENTS

SECTION 1. The Congress in joint session assembled, by a vote of three fourths of all the Members of the Senate and of the House of Representatives voting separately, may propose amendments to this Constitution or call a convention for that purpose. Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people for their ratification.

Article XIX.—EFFECTIVE DATE AND TRANSITORY PROVISIONS

SECTION 1. The foregoing amendments to the Constitution shall be known as the 1939 amendments, and shall become effective upon the termination of the term of office of the officers elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five, if, before that time, they shall have been approved by the majority of the votes cast at an election at which they have been submitted for ratification pursuant to Article XIV of said Constitution and thereafter approved by the President of the United States in accordance with subsection (18), section 1, of the Ordinance appended thereto, except the article creating the Commission on Elections, which shall take effect immediately upon its approval by the President of the United States; and the provisions which refer to the election and qualifications of the officers to be elected under the Constitution as herein amended which shall, likewise, take effect immediately upon such approval, but only for the purpose of permitting their election and their qualification upon the effective date of said amendments to the

Constitution; *Provided*, that the officers elected under the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five, shall continue to act until the election and qualification of their successors under the Constitution as herein amended, and shall exercise all the powers and perform all the functions upon them conferred by said Constitution, including the power to enact legislation necessary to give effect to the amendments herein provided.

SEC. 2. The provisions of Article VII, section 5, of this Constitution as amended shall apply to every incumbent of the office of President of the Philippines since the establishment of the Commonwealth.

SEC. 3. All laws in force on the effective date of this Constitution as amended, unless inconsistent with the Constitution adopted on the eighth day of February, nineteen hundred and thirty-five, shall remain operative until amended, altered, modified, or repealed by the Congress.

ORDINANCE APPENDED TO THE
CONSTITUTION

SECTION 1. (11) All acts passed by the Congress of the Philippines shall be reported to the Congress of the Philippines shall be reported to the Congress of the United States.

SEC. 2. Pending the final and complete withdrawal of the sovereignty of the United States over the Philippines, there shall be a Resident Commissioner of the Philippines to the United States who shall be appointed by the President of the Commonwealth of the Philippines with the consent of the Commission on Appointments. The powers and duties of the Resident Commissioner

shall be as provided in section seven, paragraph five, of Public Act Numbered One hundred and twenty-seven of the Congress of United States, approved March twenty-four, nineteen hundred and thirty-four, together with such other duties as the Congress may determine. The qualifications, compensation, and expenses of the Resident Commissioner shall be fixed by law.

Adopted, September 15, 1939.

RESOLUTION NO. 39

RESOLUTION PROPOSING AMENDMENTS TO SUBSECTION (5) OF SECTION ONE AND SECTION THREE OF THE ORDINANCE APPENDED TO THE CONSTITUTION OF THE PHILIPPINES, PURSUANT TO SECTION SEVEN OF PUBLIC ACT NUMBERED THREE HUNDRED OF THE CONGRESS OF THE UNITED STATES APPROVED AUGUST SEVEN, NINETEEN HUNDRED AND THIRTY-NINE, ENTITLED "AN ACT TO AMEND AN ACT ENTITLED 'AN ACT TO PROVIDE FOR THE COMPLETE INDEPENDENCE OF THE PHILIPPINE ISLANDS, TO PROVIDE FOR THE ADOPTION OF A CONSTITUTION AND A FORM OF GOVERNMENT FOR THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES' "

Resolved by the National Assembly of the Philippines, by a vote of three fourths of all its Members, to propose, as it does hereby propose, the following amendments to subsection (5) of section one and section three of the Ordinance appended to the Constitution of the Philippines, pursuant to section seven of Public Act Numbered Three hundred of the Congress of the United States approved August seven, nineteen hundred and thirty-nine, entitled "An Act to amend an Act entitled 'An Act to provide for the complete independence of the Philippine Islands, to provide for

the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes' ”;

Subsection (5) of Section 1 of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

“(5) Trade relations between the Philippines and the United States shall be upon the basis prescribed in section six of Public Act Numbered One hundred and twenty-seven of the Congress of the United States approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine.”

Section 3 of the Ordinance appended to the Constitution of the Philippines is amended to read as follows:

“SEC. 3. All other provisions of Public Act Numbered One hun-

dred and twenty-seven of the Congress of the United States, approved March twenty-four, nineteen hundred and thirty-four, as amended by the Act of Congress of the United States, approved August seven, nineteen hundred and thirty-nine, applicable to the Government of the Commonwealth of the Philippines are hereby made a part of this Ordinance as if such provisions were expressly inserted herein.”

These amendments shall be valid as part of the Constitution when approved by a majority of the votes cast at an election at which they are submitted to the people for their ratification pursuant to Article XIV of the Constitution and thereafter approved by the President of the United States in accordance with subsection (18), Section 1, of the Ordinance appended to the said Constitution.

Adopted, September 15, 1939.

COMMONWEALTH OF THE PHILIPPINES
Department of Public Works and Communications
Manila

SWORN STATEMENT
(Required by Act 2580)

The undersigned, College of Law, University of the Philippines, owner or publisher of the PHILIPPINE LAW JOURNAL, published monthly, July to March inclusive, in Manila, Philippines, after having been duly sworn in accordance with law hereby submits the following statement of *ownership, management, etc.*, as required by Act 2580 of the Philippine Legislature:

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(Owner or Publisher)
By V. G. Sinco

Subscribed and sworn to before me this 30th day of October, 1939, in the city of Manila.

(Sgd.) C. M. Picache
Notary Public

[Seal]

My Commission expires on Dec. 31, 1940