

**MANILA**

**BY THE PRESIDENT OF THE PHILIPPINES**

**PROCLAMATION NO. 3**

**DECLARING A NATIONAL POLICY TO IMPLEMENT REFORMS MANDATED BY THE PEOPLE PROTECTING THEIR BASIC RIGHTS, ADOPTING A PROVISIONAL CONSTITUTION, AND PROVIDING FOR AN ORDERLY TRANSITION TO A GOVERNMENT UNDER A NEW CONSTITUTION**

**WHEREAS**, the new government was installed through a direct exercise of the power of the Filipino people assisted by units of the New Armed Forces of the Philippines;

**WHEREAS**, the heroic action of the people was done in defiance of the provisions of the 1973 Constitution, as amended;

**WHEREAS**, the direct mandate of the people as manifested by their extraordinary action demands the complete reorganization of the government, restoration of democracy, protection of basic rights, rebuilding of confidence in the entire government system, eradication of graft and corruption, restoration of peace and order, maintenance of the supremacy of civilian authority over the military, and the transition to government under a New Constitution in the shortest time possible;

**WHEREAS**, during the period of transition to a New Constitution it must be guaranteed that the government will respect basic human rights and fundamental freedoms;

**WHEREFORE, I, CORAZON C. AQUINO**, President of the Philippines, by virtue of the power vested in me by the sovereign mandate of the people; do hereby promulgate the following Constitution:

**PROVISIONAL CONSTITUTION  
OF  
THE REPUBLIC OF THE PHILIPPINES**

**ARTICLE 1  
ADOPTION OF CERTAIN PROVISIONS OF THE  
1973 CONSTITUTION, AS AMENDED**

SECTION 1. The provisions of ARTICLE I (National Territory), ARTICLE III (Citizenship), ARTICLE IV (Bill of Rights), ARTICLE V (Duties and Obligations of Citizens), and ARTICLE VI (Suffrage) of the 1973 Constitution, as amended, remain in the force and effect and are hereby adopted in *toto* as part of this Provisional Constitution.

SECTION 2. The provision of ARTICLE II (Declaration of Principles and State Policies), ARTICLE VII (The President), ARTICLE X (The Judiciary), ARTICLE XI (Local Government), ARTICLE XIII (Accountability of Public Officers), ARTICLE XIV (The National Economy and

Patrimony of the Nation), ARTICLE XV (General Provisions) of the 1973 Constitution, as amended, are hereby adopted as part of this Provisional Constitution, as amended, are hereby adopted as part of this Provisional Constitution, insofar as they are not inconsistent with the provisions of this Proclamation.

**ARTICLE II**  
**THE PRESIDENT,**  
**THE VICE-PRESIDENT, AND THE CABINET**

SECTION 1. Until a legislature is elected and convened under a New Constitution, the President shall continue to exercise legislative power.

The President shall give priority to measures to achieve the mandate of the people to:

- a) Completely reorganize the government and eradicate unjust and oppressive structures, and all iniquitous vestiges of the previous regime;
- b) Make effective the guarantees of civil, political, human, social, economic and cultural rights and freedoms of the Filipino people, and provide remedies against violations thereof;
- c) Rehabilitate the economy and promote the nationalist aspirations of the people;
- d) Recover ill-gotten properties amassed by the leaders and supporters of the previous regime and protect the interest of the people through orders of sequestration or freezing of assets of accounts;
- e) Eradicate graft and corruption in government and punish those guilty thereof; and,
- f) Restore peace and order, settle the problem of insurgency, and pursue national reconciliation based on justice.

SECTION 2. The President shall be assisted by a Cabinet which shall be composed of Ministers with or without portfolio who shall be appointed by the President. They shall be accountable to and hold office at the pleasure of the President.

SECTION 3. The President shall have control of and exercise general supervision over all local governments.

SECTION 4. In case of permanent vacancy arising from death, incapacity or resignation of the President, the Vice-President shall become President.

In case of death, permanent incapacity, or resignation of the Vice-President, the Cabinet shall choose from among themselves the Minister with portfolio who shall act as President.

SECTION 5. The Vice-President may be appointed Member of the Cabinet and may perform such other functions as may be assigned to him by the President.

SECTION 6. The President, the Vice-President, and the Members of the Cabinet shall be subject to the disabilities provided for in Section 8, Article VII, and in Section 6 and 7 Article IX, respectively, of the 1973 Constitution, as amended.

### **ARTICLE III GOVERNMENT REORGANIZATION**

SECTION 1. In the reorganization of the government, priority shall be given to measures to promote economy, efficiency, and the eradication of graft and corruption.

SECTION 2. All elective and appointive officials and employees under the 1973 Constitution shall continue in the office until otherwise provided by proclamation or executive order or upon the designation or appointment and qualification of their successors, if such is made within a period of one year from February 25, 1986.

SECTION 3. Any public office or employees separated from the service as a result of the reorganization effected under this Proclamation shall, if entitled under the laws then in force, receive the retirement and other benefits accruing thereunder.

SECTION 4. The records, equipment, buildings, facilities and other properties of all government offices shall be carefully preserved. In case any office or body is abolished or reorganized pursuant to this Proclamation, its funds and properties shall be transferred to the office or body to which its powers, functions, and responsibilities substantially pertain.

### **ARTICLE IV EXISTING LAWS**

SECTION 1. All existing laws, decrees, executive orders, proclamations, letters of instruction, implementing rules and regulations, and other executive issuances not inconsistent with this Proclamation shall remain operative until amended, modified, or repealed by the President or the regular legislative body to be established under a New Constitution.

SECTION 2. The President may review all contracts, concessions, permits, or other forms of privileges for the exploration, development, exploitation, or utilization of natural resources entered into, granted, issued, or acquired before the date of this proclamation and when the national interest requires, amend, modify, or revoke them.

### **ARTICLE V ADOPTION OF A NEW CONSTITUTION**

SECTION 1. Within sixty (60) days from date of this Proclamation, a Commission shall be appointed by the President to draft a New Constitution. The Commission shall be composed of not less than thirty (30) nor more than fifty (50) natural born citizens of the Philippines, of recognized probity, known for their independence, nationalism and patriotism. They shall be chosen by the President after consultation with various sectors of society.

SECTION 2. The Commission shall complete its work within as short a period as may be consistent with the need both to hasten the return of normal constitutional government to draft a document truly reflective of the ideals and aspirations of the Filipino people.

SECTION 3. The Commission shall conduct public hearings to insure that the people will have adequate participation in the formulation of the New Constitution.

SECTION 4. The plenary session of the Commission shall be public and fully recorded.

SECTION 5. The New Constitution shall be presented by the Commission to the President who shall fix the date for the holding of a plebiscite. It shall become valid and effective upon ratification by a majority of the votes cast in such plebiscite which shall be held within a period of sixty (60) days following its submission to the President.

## **ARTICLE VI HOLDING OF ELECTIONS**

SECTION 1. National elections shall be held as may be provided by the New Constitution.

SECTION 2. Local elections shall be held on a date to be determined by the President which shall be held on a date to be determined by the President which shall not be earlier than the date of the plebiscite for the ratification of the New Constitution.

## **ARTICLE VII EFFECTIVE DATE**

SECTION 1. This Proclamation shall take effect upon its promulgation by the President.

SECTION 2. Pursuant to the letter and spirit of this Proclamation, a consolidated official text of the Provisional Constitution shall be promulgated by the President and published in English and Pilipino in the official Gazette and in newspapers of general circulation to insure widespread dissemination.

DONE in the City of Manila, the 25<sup>th</sup> of March, in the year of Our Lord, Nineteen Hundred and Eighty-Six.

(Sgd.) **CORAZON C. AQUINO**

By the President:

**(SGD.) JOKER P. ARROYO**

Executive Secretary

*Reference: Javante-De Dios, Daroy, Kalaw-Tirol (1988). Dictatorship and Revolution. Conspectus Foundation Inc.; pp. 764-7625*