

NOTE: All succeeding pages of the petition below must bear the same top header of the first page of the petition as required in RA 6735, Sec. 5(c)(c.6).

We, The People, hereby propose a **National Statute** titled "**People Empowerment Initiative**" for enactment under Republic Act 6735 and Article II, Section 1, of the Constitution. This Initiative shall establish the Philippine Jury Systems to enable private citizens to partake in justice. The citizens shall serve as jurors in a Grand Jury composed of 23 members in every congressional district to secretly investigate serious crimes and file court indictments without prior government approval or serve in a Trial Jury composed of 12 members to hear and decide court cases for trial with judicial supervision.

REPUBLIC OF THE PHILIPPINES
COMMISSION ON ELECTIONS
M a n i l a

In re Petition for enactment by initiative process under R.A. 6735 of A Proposition entitled:

"PEOPLE EMPOWERMENT INITIATIVE"

as a national statute.

The People of the Philippines, Petitioners.

THE NAMES OF THE LEADING SPONSORS AND CO-SPONSORS IN THIS PETITION ARE PRINTED IN THE SIGNATURE PAGE HEREOF AND IN THE ATTACHED SIGNATURE SHEETS IN VIEW OF THE ENORMOUS NUMBER OF SIGNATORIES REQUIRED BY LAW FOR THIS TYPE OF PETITION.

CASE NO. _____

P E T I T I O N

(A suggested format only. Ask COMELEC if it has an official format before finalizing)

COME NOW the petitioners before the Honorable Commission on Elections, by and thru their counsel, hereby present and respectfully request for the approval of this petition under the authority of Republic Act 6735, the "Initiative and Referendum Act" as an implementing statute for Article II, Section 1, of the Philippine Constitution.

We, The People, hereby propose a **National Statute** titled "**People Empowerment Initiative**" for enactment under Republic Act 6735 and Article II, Section 1, of the Constitution. This Initiative shall establish the Philippine Jury Systems to enable private citizens to partake in justice. The citizens shall serve as jurors in a Grand Jury composed of 23 members in every congressional district to secretly investigate serious crimes and file court indictments without prior government approval or serve in a Trial Jury composed of 12 members to hear and decide court cases for trial with judicial supervision.

Petitioners are citizens and registered voters of the Philippines and they hereby propose for the enactment of the attached measure as a national legislation.

Petitioners further state that:

1. Their proposed Initiative is entitled: The "**PEOPLE EMPOWERMENT INITIATIVE**" and shall serve as an implementing statute for Article II, Section 1, of the Philippine Constitution. It is intended as a practical means for the Filipino people to exercise, practice and enforce their constitutional sovereign authority over their government and their public servants, through the direct participation of the common people in the private sector in the governance of the Philippine Justice System just as much as they directly participate in the exercise of their sovereign authority in electing their public officials. Attached to, and made part of, this petition are the following:

(a) The entire text in English of this Initiative, consisting of _____ pages for its detailed provisions, all printed in an 8-1/2" by 11" (or 8-1/2" by 14"?) bond paper and sequentially arranged; and

(b) A translation into Filipino, the national language in the Philippines, of the English text of this initiative, and consisting of _____ pages.

2. This proposition seeks to establish a procedure by which the people can participate and independently decide under judicial guidance for the peaceful enforcement of their penal laws within the courts system in their respective local districts through the creation

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of a two-fold jury system, namely: (a) the "GRAND JURY" and (b) "TRIAL BY JURY." These juries are the most important pillars of the people's Bill of Rights which the Filipino people have the power to adopt to enable them to effectively exercise their sovereign power as declared in Article II, Section 1, of the Philippine Constitution and to closely partake in their democratic republican government for the protection of their political and bill of rights:

I - The GRAND JURY

3. This measure will establish one (1) Grand Jury in each congressional district, to be composed of 23 private citizens who will act 'en banc' as a single unified independent self-autonomous confidential investigative body and given the power (a) to secretly investigate and examine or review evidence presented by government prosecutors and investigators or by crime victims on complaints of serious offenses; (b) to issue subpoena, exclusively on its own decision in behalf of the sovereign people of its district; (c) to file indictments directly in court against suspected offenders without the need of prior government approval. The term of its members will be limited to six months only beginning January through June and from July through December each year and will be regularly succeeded by a new and different set of members thereafter. Its members will be chosen from interested applicants each of whom shall be possessed with a bachelor's degree from a reputable college or university who shall have not been a member of a fraternity or sorority in each congressional district and through a lottery system under exclusive judicial supervision as set forth in the proposed law.

4. Among others, the Grand Jury also aims to protect innocent citizens against warrantless arrests and politically motivated accusation and speculative or discriminatory

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indictment based on political party or religious or ethnic affiliation of certain segments of society, or malicious vindictiveness of any person in authority or anyone who has special influence or connection with any person in authority in making use of the justice system for his or their dissolute personal advantage.

5. The Grand Jury is patterned after the United States Grand Jury System which is found in Amendment 5th of the United States Bill of Rights from which the Philippine Bill of Rights have been substantially copied. Similar to the U.S. grand jury system, the Philippine grand jury will operate with strict secrecy and without publicity except where circumstances so warrant and with due prudence in accordance with Article XI, Section 13, Paragraph 6 of the Philippine Constitution, and no indictments of any serious crime will be tried in court unless upon prior approval by a grand jury in the form of an indictment.

II - The TRIAL JURY

6. The "PEOPLE EMPOWERMENT INITIATIVE" shall mandate the use of Trial By Jury in serious crimes which will consist of an impartial group of private citizens with average intelligence who shall be chosen, also initially by lottery, from the registered voters within the territorial jurisdiction of the court wherein they will be called upon to serve. Each trial jury will be composed of 12 members whose fitness for jury duty will be jointly determined and impaneled in court under court supervision in the presence of a presiding judge by the opposing parties or their counsels in a case. The function of the trial jury is to determine the facts in court trials. This proposed law shall require the courts to adhere to the finding of facts by the trial jury's finding of facts. The main intent of adopting trial by jury is to free the

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judges from the burden of resolving conflicting interests between what the facts are and what law he shall apply in a case whenever he is subjected to the pressures of friends, appointing officials, "compadres" or "comadres", politicians and even by his own personal prejudice. It is also intended to speed up criminal trials as required by the constitution and to ease the backlog of cases that have afflicted the Philippine court systems. The herein proposed system of trial by jury has been patterned after the trial by jury system in Amendment 6 to the U.S. Bill of Rights from which the Philippine Bill of Rights have been substantially copied.

7. Petitioners request, pursuant to Section 8 of Republic Act 6735, for the official publication of the proposed measure both in Filipino and in English at least twice in newspapers of general and local circulation within 30 days from the receipt of this petition and further request that the date of the initiative or referendum be set not earlier than forty five (45) days but not later than ninety (90) days from the determination by the Commission of the sufficiency of the this petition for its approval by the voters and to provide the funds for this purpose as mandated by said Act which Petitioners will augment from private sources as stated in Paragraph 9 of this Petition. It is requested that this measure be printed in the ballot for this initiative as shown in the following boxed page as if written in and made part of, of this page.

INITIATIVE BALLOT

"The title of this proposition is "PEOPLE EMPOWERMENT INITIATIVE".

"This initiative is intended to enable us, the people, to exercise our sovereign will in the governance of justice with supervision and protection by court presiding judges.

"Its principal purpose is to stop government corruption, to improve efficiency and decency in the public service, to bring peace and unity among ourselves as Filipinos, regardless of religion, color, education, profession, ethnicity, wealth, poverty or gender.

"Appropriately mark your approval or disapproval of this measure at the end of this ballot.

"This measure shall establish the Philippine Jury Systems in which private citizens will be empowered to decide and vote on the accusation and conviction of a guilty (or acquittal of an innocent) criminal defendant for committing a serious crime.

"The jury system shall become a procedural device to create a Grand Jury and a Trial Jury and for which the people shall be called upon by invitation or summons to serve as members in these juries and to act as a united group as follows:

"(a) The grand jury shall be composed of 23 members to secretly investigate and indict upon the finding of a probable cause of crime offenders who commit a serious offense punishable by imprisonment in jail for one (1) year or more; or

"(b) The trial jury, which will be presided by a judge, shall be composed of 12 members to hear and try criminal or civil cases brought to court. The presiding judge shall enforce court discipline, issue jury instructions, and determine or rule on the admissibility of evidence during the trial.

"Jurors shall reach their collective judgment by majority rule by writing their votes secretly in their individual ballots.

"The ultimate purpose of creating the jury system is to enable the people in the private sector to fully exercise their sovereign power and authority over their servants in the government and in order that justice shall be meted according to the sovereign wisdom of the people according to their constitutional authority in Article II, Section 1, of the Constitution.

"Mark your vote below:

YES, I approve-() NO, I disapprove-()"

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8. The other reasons for this proposition are:

(a) This proposition is intended to establish an enabling act for Article II, Section 1, of the Philippine Constitution to preserve, invigorate and enforce the sovereignty and dignity of the common Filipino people and their bill of rights against abuses and corruption in their governments or by public officials and employees. It is intended to break the monopoly of justice in the three great branches of the government wherein powerful corrupt officials and their close relatives and friends more often than not are mysteriously exonerated from their criminal acts and abuses in office.

(b) The greater part of the wealth in this country is increasingly going into the hands of few influential citizens, often under unexplainable circumstances, while a great majority of the Filipino people are suffering from endless worsening poverty, hunger, and continuing deterioration of educational and employment opportunities for the common and ordinary citizens.

(c) The people, especially the poor, have no direct effective remedy or procedural guide within the current court system in seeking redress for their legitimate grievances and, for this reason, they become easy preys and recruits by anti-government armed rebel groups who wish to impose government reforms by force or violence.

(d) By the enactment of the "PEOPLE EMPOWERMENT INITIATIVE", the people will have a peaceful alternative remedy over those being offered by rebels in correcting the social evils and injustices in this country.

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(e) The common and poor people are forced to seek dangerous employment in foreign countries even though in many instances that there are no job openings upon the enticement by employment and recruitment agencies in connivance with government agents for foreign employments and tricked to pay travel and employment placement fees in thousands of dollars only to find out later that they have been swindled of their hard earned funds and with no jobs in the foreign countries they were directed to supposedly obtain their jobs.

(f) By the enactment of the "PEOPLE EMPOWERMENT INITIATIVE", the people will have a self-help alternative remedy to vindicate their sufferings against corrupt and predatory elements of Philippine society as well as in the government who have been fooling and in tricking them to part with their moneys in their desire to find ways of getting employment overseas or locally. (g) This measure shall serve as a permanent solution to the problems of graft and corruption, constant treats of rebellion, human rights abuses and military coup on the presidency.

(h) In a truly protective bill of rights, like the American Bill of Rights from which the Philippine Bill of Rights were substantially copied, the Filipino people shall become the prime movers of justice in their society. Currently with their present government monopolized justice system, the common and ordinary Filipino people have been totally deprived of that prerogative.

(i) Philippine justice in its present form and substance has looked upon the common and ordinary people merely as second class citizens with no direct right and personality to set their foot in their halls of justice. The common private or ordinary citizens

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are nothing but beggars of justice because they have not been provided with the system that would allow them to directly enforce laws through the courts for their protection.

(j) When the common people elect the officials they choose to lead them, they cannot protect in court their ballots when miscounted, tampered or stolen by election cheaters and corrupt candidates for public office.

(k) The legitimate desires of the common people to impose decency in the government are often held hostage or frustrated by government prosecutors who owe more loyalty to, or are afraid to file criminal charges against, powerful corrupt officials for fear of losing their job or promotion because the people cannot simply act without the cooperation or representation in their behalf by inefficient or cowardly government prosecutors.

(l) The asserted people's power to participate in their justice system in this measure is implied from, if enacted into law will implement, Article II, Section 1, of the Philippine constitution that will recognize and vitalize the people's sovereignty over their governments and public officials. It will further acknowledge the majority rule of the common people as the fountain of justice because they comprise the absolute majority of the Filipino people.

(m) God, the Supreme Creator, created the people, and the people created their constitution and government. In the natural order of power, the government must of necessity bow to its creator, the people, and this can only be implemented with the establishment of a jury system through which the people can directly act to judicially control the abuses of their government or their public officials.

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(n) The enactment of this proposition will create an effective check and balance of power between the people and their government officials through the judicial system. In the absence of this judicial device, law enforcement and administration of justice of this country will continue to operate like a business monopoly for the exclusive control and benefit of those who are entrusted with the powers of government at the expense of the people's rights.

(o) Establishment of the jury systems will most importantly remove arbitrariness in deciding criminal cases that often results where a judge, or a set of appointed judicial officials, is subjected to political pressures from other powerful public officials from whom they owe their appointments to the bench.

(p) To foster unity among the Filipino people regardless of creed, color, gender, and wealth. When the people all over the country come to their courts upon the summons by the court to stand or sit side by side on the good side of the law to confront a person who is in serious violation of a law regardless of his rank, political or economic power, royalty or social position in the community, such an act of the people in their halls of justice serves as a demonstration of their unity behind their laws to preserve peace and order in their respective localities and ultimately all over the country.

9. No provision in this proposed measure is prohibited by the Initiative and Referendum Act in that:

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(a) It does embrace no more than one subject; and

(b) None of its provisions involve emergency measures that are specifically vested in Congress by the Constitution.

10. This petition is signed by at least ten (10%) per centum of the total registered voters nationwide of which every legislative district is represented by at least three (3%) per centum of their respective registered voters in this petition.

11. The signature sheets containing the petitioners' signature have been exhibited to, examined in the offices of, and verified and authenticated by, the respective Local Election Registrars having jurisdiction over the legislative district from which said signatures were obtained. The Certification of said Election Registrars certifying to the authenticity of the signatures of the petitioners to this petition and their signature sheets are herewith attached and made part of this petition.

12. For a brief preview of this petition, an abstract or summary of this proposition is legibly printed at the top of every page of this petition in compliance with the requirement of Sec. 5(c)c.6 of the Initiative and Referendum Act.

13. To minimize the expense in the enactment of the herein initiative, it requested that the Special Registration of Voters as required in Section 6 of Republic Act 6735, the Initiative and Referendum law, be waived and in lieu thereof, the list of the Registered Voters in the immediate preceding general elections shall be used to determine the

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qualified voters for the said proposed initiative, the "People Empowerment Initiative". This request shall not contravene, even minimally, the purpose and spirit of Article VI, Section 32, of the Philippine Constitution to prevent suppression of the will of the people to exercise their sovereign power and authority as declared in Article II, Section 1, of the Constitution.

14. The Initiative and Referendum Law, Republic Act 6735, provides in Section 21 thereof that funds shall be appropriated for the purpose of carrying out the purposes of this Act. Petitioners are mindful of the financial difficulties of the government at this time and they, therefore, will endeavor to seek financial aid from the private sector and the general populace to augment whatever funds this Honorable Commission will grant and appropriate in order to fulfill the will of the people to enact this proposed legislation by their initiative.

PRAYER

PETITIONERS respectfully pray pursuant to Republic Act 6735 for:

(1) Approval of this petition.

(2) The granting utilization of the list of registered voters in the last immediate preceding election to determine the name and number of qualified voters who shall vote for the proposed "PEOPLE EMPOWERMENT INITIATIVE as a waiver of setting the special

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registration of at least (3) weeks before the scheduled initiative under Section 6 of the Initiative Law, RA 6735.

(2) The setting of the voting date to approve the herein initiative by the people on the same date of the election of public officials in the year 2010 elections;

(3) The provision of funds to underwrite the expenses in presenting the initiative for approval by the people up to such amount of money this Honorable Commission will allot. Being aware of the precarious financial predicament of the government, the petitioners shall raise funds from private resources of the people to augment the funds this Honorable Commission may provide;

(4) The publication in a newspaper with nationwide circulation of the proposed PEOPLE EMPOWERMENT INITIATIVE both in the English Language and in the Filipino Language;

(5) The inclusion of the Initiative in the printing of ballots as an item to be voted upon by the people to approve the herein initiative along with the names of the candidates to be voted for public office during the 2010 election; and

(6) The form of the ballot shown in the next page and made part of this page as if written in this page be printed in the format as shown in said page

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Manila, Philippines, _____, _____.

RESPECTFULLY SUBMITTED:

Signature _____

Printed Name _____

Address _____

Telephone _____

Signature _____

Printed Name _____

Address _____

Telephone _____

Signature _____

Printed Name _____

Address _____

Telephone _____

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Signature _____

Printed Name _____

Address _____

Telephone _____

Signature _____

Printed Name _____

Address _____

Telephone _____

All signatures of other Co-Petitioners to this People's Initiative are affixed in the attached Signature Sheets numbered from Page No. _____ through Page No. _____ with total _____ signatures including the foregoing signatures.

- END OF PETITION -

