

Towards a Federal-Parliamentary Philippines
An Analysis of the Viability and the Challenges of the Proposed
Constitutional Reforms Particularly on the Federal-Parliamentary Shift

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APPROVAL SHEET

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ABSTRACT

Nineteen years after the authoritarian rule of former President Ferdinand Marcos and the supposed restoration of democracy in the Philippine politics, there still exists the problem of how to effectively consolidate democracy that rests not only on the structures and the institutions of Philippine political system, but on the people as well. Attempts to instigate reforms on the institutions and the structure of the Philippine political administrative have been made with the purpose of coming up with a government structure that would efficiently cater and respond to the needs of the people and would give them greater degree of participation in the administration of the affairs that concern them, thus fulfilling the promise that democracy brings -a government of the people, by the people and for the people.

Two of the reforms put forward in the issues of charter change focus on changing the current structure of the Philippine government and involves a shift from the presidential to a parliamentary form of government and the dismantling of the unitary system of government that would pave way for the adoption of the federal system of government. These structural reforms, apparently, are made to make the democratic institutions work to provide the people a government and also policies that are pro-people, thus establishing that the political institutions of a country has a great impact in the promotion of democratic consolidation and in the enhancement of effective governance. There exists, however, an issue on the appropriateness of the proposed system of governance, parliamentarism and federalism, that would replace the current unitary – presidential systems of government that the Philippines has long adopted. This study attempts to contribute to other literature and studies made to look into the viability of the proposed systems of governance by identifying the strengths and

the flaws of the proposed systems, so as to see the practicability and/or the impracticability of applying it in the Philippines.

It has been found out that one of the main causes of inefficiencies in the government stems from the relation of the executive and the legislative branches of the government, where the former has been vested with much greater powers and authorities than the latter. Another problem focuses on the ineffective delivery of basic services and the solution of local level problems that were instigated by the protracted time spent on getting the resources from the central government, where almost all resources and decision-making are concentrated. The institutional reforms, which include a shift from the presidential to a parliamentary form of government, and the dismantling of the unitary system of government for a federal one, aim to if not completely put a stop to the problems mentioned above, at least reduce the impact of those to the society and in the administration of the government.

On a personal basis, the researcher believes that given the merits and demerits of the presidential and the parliamentary government, it will not be appropriate for the parliamentary system of government to be adopted in the Philippines. Although the parliamentary system is a better system of government than the presidential system that the Philippines has long been using since the birth of the Philippine Republic, the parliamentary government, with its dynamic processes of holding the officials accountable and replacing them, will only provide confusion and further instability to the Philippines, that is currently experiencing political and economic problems.

On the other hand, with the advantages and the disadvantages of both the unitary and the federal system of governments, the researcher regarded federalism as a better system for the Philippines than its current unitary system, especially when it comes

to making the government and its institutions respond effectively to the needs of the people on local basis. Under the federal system of governance, laws and policies are enacted in such ways that would require more participation from the citizens in policy-making and in governance as a whole, giving the people a more “hands-on” position in plotting their political, social and economic growth.

The study reflects that although the proposed systems, parliamentary and federal system of governments, exhibit good qualities that the Philippines is in dire need of, like the system of accountability and of empowering the local government units through decentralizing powers from the central government to the local governments, there are certain barriers that would defeat the idea of adopting the proposed systems in the country. First is the wariness of the Filipino people when a major change in the institutions of the government is proposed. The people seemed to be averse to change, as if afraid that changes in the form of government will bring another authoritarian rule that would snatch democracy from the hands of the people again. Another barrier to be considered is the current political and economic conditions in the Philippines that prove to be too unpredictable and unstable to guarantee an environment that would be strong enough for the dynamism that the proposed systems would bring. Considering the barriers, the researcher contends that there must be an initial transition period first, if and when it is decided that the proposals will be adopted, before the full implementation of whatever changes is decided. This is to ensure the people of not only the changes that will occur, but also their crucial role in the new systems as well.

The researcher acknowledged that the adoption of the proposed systems of government will ensure a better government and a better Philippines. There are no certainties, but risks must be taken and the choice is no one but ours to make.

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Introduction

Since the framing of the Philippine Constitution of 1935, the type of government of the Philippines has been a unitary-presidential one, having a two-house legislature and a Supreme Court, wherein power is vested and concentrated on the executive branch of the government, particularly the president. Only during former dictator Ferdinand Marcos' declaration of Martial Law and the adoption of a parliamentary form of government, did the Philippine government experience a major twist. After the fall of the Marcos regime, the Philippines again returned to the presidential form of government. Since then, proposals for a system change have been an issue in the government, especially as to which form of government will best consolidate democracy and bring greater efficiency in administration and in involving the representation and participation of the in the affairs of the government that, supposedly, must work for the people' advantage and welfare.

For the third time since the adoption of the 1987 Philippine Constitution, efforts towards charter change ("cha-cha") have intensified. If similar attempts for a constitutional reform under the administration of former Presidents Fidel Ramos and Joseph Estrada, were faced with huge opposition and past proposals have been dumped and rejected mainly for the reason that people are afraid that amending the Constitution will only be a prelude to another Martial Law, today's discussion of a possible Charter Change is in full swing, making its way to Congress and Senate.

Proponents of the constitutional reforms believe that there are provisions in the 1987 Constitution that are already outdated since the Constitution was drafted during an emotional period in our country's history, when the excesses of the Martial Law era were still fresh in the memory of its framers. They also believe that having changes in the Constitution, as well as in the government structures, will respond to end the widespread dissatisfaction of the people with the way the Philippine politics was and is being handled by elected officials in the government. However, talks on Constitutional Reforms are being opposed because of their untimeliness, as the Philippines is experiencing economic problems nowadays.

Research Question:

Looking through the merits, practicability and demerits of the proposed constitutional reforms, particularly that of the institutional changes that focused on the shift from a unitary-presidential form of government to a federal-parliamentary one, would the proposed reforms be suitable for the Philippines or not?

Sub-questions:

1. What are the institutional changes being proposed?
2. What are the merits and demerits, the strong points and the weaknesses of the current structure of the government? Are the flaws of the current system enough bases to entertain the possibility of having the constitution amended?
3. What are the merits, demerits, advantages and disadvantages of the proposed reforms?

4. Would the proposals for a federal-parliamentary government be appropriate for the Philippines? Will the parliamentary and federal form of government work in a country like the Philippines?

Tentative Answer:

The proposed constitutional changes, particularly that of the reconstruction of the government structure which involves the shift from the current unitary-presidential form of government to a federal-parliamentary one, are drafted with good intentions-to increase the faith of the Filipino in the government, and make the government really work for the people. The federal system of government, although will divide the Philippines into federal provinces, holds a great promise of success especially when it comes to the delivery of basic services to the smaller areas of the country, and in putting a stop to the problem of threats from the secessionist groups . In contrast, the parliamentary form of government, although provides an effective system of accountability of public officials, will not operate fully in a country like ours because of its instability in providing for a strong leadership. In the Philippines, with the country's current atmosphere of economic crisis, adoption of a major change in the structure of the Philippine government is uncalled for. What the country needs now is stability, particularly in the government so that the economic problems of the country will be addressed.

General Objective:

To study the viability as well as the merits and flaws, advantages and disadvantages of the proposed institutional reforms on government structure, particularly that of the shift from the current unitary-presidential government to a federal-parliamentary one to find out if these proposals would be suited for the Philippines.

Specific Objectives:

1. To provide a brief background of the changes in the charter which are being pushed for, and establish the proposals that involve the possible shift from the current unitary-presidential government to a federal-parliamentary one.
2. To point out the strengths and the demerits of not only the presidential system that is proposed to be changed, but also the strengths and the weaknesses of the parliamentary form of government so as to identify its suitability to the Philippines. The possible problems that would be met, if in case the parliamentary proposal is entertained, will also be identified.
3. To identify the salient features of both the unitary and the proposed federal form of government to show the viability of the federal and the unitary system of government
4. To summarize the salient features of the proposed systems of government so as to consider the viability and the applicability of both the parliamentary and the federal government if in case the Philippine charter will be changed. Recommendations will

also be given on the problems that the adoption of the proposed government structures might entail.

REVIEW OF RELATED LITERATURE

Before delving into the current proposals to change the 1987 Constitution, there is a need to establish first circumstances that led to the development and the adoption of the constitution under study, which can be done by looking into the history and the development of the Philippine government. Lourdes Ungson, in *Looking Back and Ahead: the Philippine History and Government* (1975), gave a detailed account not only on the development of the Philippine government but also of the case and the progress of the level of representation in the Philippine government. The author's account on the state of Philippine government, starting with the pre-Spanish colonization to the development of the Philippine Republic and eventually with the declaration of Martial Law, also gave the idea of how the Philippine representative government developed.

Carmelo Sison 's *Comparative Study of the 1987, 1973 and the 1935 Philippine Constitution: A Comparative Table* (1999) showed how the Philippine Constitution evolved into what it is now. Although full of details on the technical aspects of the constitution, the author highlighted the differences and the similarities of the three constitutions adopted in the Philippines. The comparative table made it easier to look into the evolution of the laws in the constitutions over the years.

The historical development of the Philippine government shows that Philippine politics involved an alternating pattern of the form of government

institutions. For a long time, since the Philippine independence from the American colonizers, the country has adopted the presidential form of government, largely patterned after the American government. The presidential form of government was altered when Ferdinand Marcos declared Martial Law and drafted and ratified a new constitution that adopted a parliamentary form of government, only to have democracy restored after the EDSA People Power that ended the authoritarian rule of former President Ferdinand Marcos.

Being one of the prominent delegates of the Constitutional Convention that framed the 1973 Constitution, Augusto Caesar Espiritu, in *Parliamentary Government Volume I of the Studies on the Evolution of Eighteen Fundamental Ideas in the 1973 Constitution* (1976), identifies the four major principles behind the 1973 Constitution and its adoption. The 1973 Constitution according to Espiritu, is democratic, parliamentary, republican and “prime ministerial”. The author also identified the circumstances that gave rise to the adoption of a parliamentary government for the Philippines. He then went on to determine what was wrong with the presidential structure of government that has been used for almost three generations before the adoption of a completely new form of government, the parliamentary government, which has been adopted only by Western European countries and the Commonwealth nations. He described how the slowness of the presidential type of government made it ineffective and highlighted the government’s inability to respond to public opinion. As according to the author, the parliamentary form of government would be more accountable than the presidential government since the prime minister and his Cabinet are accountable to the legislature and to public opinion as well. Espiritu also identified how the

Marcos parliamentary government works in practice. It particularly focuses on the accountability of the executive, the parliament and the judiciary, and the constitutional powers of the Prime Minister and his Cabinet. The author then concluded that a parliamentary government does not ensure a parliamentary democracy, as a parliamentary government might only be an instrument used by the privileged few to impose their will over the masses.

The Philippines' adoption of the parliamentary form of government during the Marcos regime has been a major turning point in the evolution of the Philippine constitution and government, as it departs from the presidential type of government that the Filipinos has been accustomed to since the American occupation. Filipinos then, did not fully understand why such change was being adopted. In this light, Gerardo Espina, an elected delegate of the 1971 Constitutional Convention and the chairman of the committee tasked to resolve issues as to what form of government is to be adopted under the new constitution, explained in his book, *Philippine Government* (1981), why the 1973 Constitution opted for parliamentarism after almost 70 years of presidentialism. During the 1971 Constitutional Convention, there were numerous debates that focused on the kind of government that would be adopted in the constitution that would be drafted. The author identified the flaws of the presidential government that the Filipinos patterned after the American colonizers. The weaknesses of the government system under the 1935 Constitution surpassed its benefits and in the end, the strengths of the parliamentary form of government made the members of the Constitutional Convention notice the practicability of the latter, if adopted in the Philippines. The reasons behind the adoption of the parliamentary

form of government in the 1973 Constitution were explained by the author, as well as the changes and adjustments in the government that the institutional change had brought about. The author also noted that aside from the shift from the presidential government to a parliamentary one, and other provisions that supported the major change, the 1973 Constitution, structurally had no other substantial changes. Gerardo Espina also discussed the grounds, justifications of the government, the constitutional basis, and the effects of former President Marcos' Proclamation 1081 that placed the country under Martial Law. It was a phase in our history that was considered as a dramatic break in the long democratic tradition of the Philippines.

Philippine politics and government have been characterized as having a pattern of continuity and change, of stability and transformations. The distinct phases of the alternating patten of stability and change in the Philippine politics were defined by David Timberman in his book entitled, *A Changeless Land: Continuity and Change in the Philippine Politics* (1991). Timberman (1991) enumerated that in the period between the early 1960s and 1988, the Philippines went under three major turning points in its history. First phase was when the "traditional" elite democracy declined. Elite democracy in traditional politics was when the political and economic power was possessed and controlled by only a few people who also possess the wealth.

The second phase happened when former President Marcos declared Martial Law and justified his "constitutional authoritarianism", and the third phase was when the authoritarian rule of former President Marcos ended and democracy was restored under the Aquino administration. It was Aquino's political and economic reforms that restored the main features of the pre-martial law democracy. If there were major

changes that shaped Philippine politics, there were also patterns of constancy in the Philippine society. Underlying the changes, there were unchanged cases of poverty, inequity and injustice in the Philippine society. Considering all these, Timberman(1991) discussed Philippine traditional politics, the patterns of continuity and changes in the Philippines particularly the three major changes in Philippine politics enumerated above, and the shortcomings and failures of Philippine politics.

After looking into the history and the development of the Philippine politics, government and constitution, the research will discuss the recent proposals for the amendment or the revision of the 1987 Philippine Constitution, particularly the institutional reforms that focus on the possible shift from our unitary-presidential system to a federal-parliamentary one.

The University of the Philippines Law Center's *U.P. Law Faculty Colloquium on Constitutional Change (1997)*, is a compilation of speeches by prominent law professors of the U.P. College of Law. Aside from identifying the historical changes that paved the way for the development of the Philippine Constitution, the speeches discussed mainly the legality and the constitutionality of having charter reforms. In one of the speeches, it was mentioned that changing the constitution is not merely amending or revising it, but this can also be done through a revolution. Accordingly, the legitimacy of it depends mainly on how it reflects the interest, not of the privileged few, but of the majority.

The issue of amending or revising the 1987 Philippine Constitution is not new, as it was debated upon during the Ramos and Estrada Administrations. In *Ibon Foundation's People's Policy and Advocacy Studies 1998 Special Release*, entitled "Globalizing

the Constitution: The Economic Basis of Charter Change”, Danilo Araña Arao identified the steps taken by various charter change proponents to advance the proposals for the amendment or the revision of the 1987 Constitution. The author also identified the historical context of charter change, and in the process enumerated the reasons why having a charter change is necessary. Arao (1998) stated that one of the main reasons why people oppose Cha-cha is because the real agenda of having charter change lies not on correcting the defects of the 1987 Constitution, but in the fulfillment of the plans of those in power to prolong their stay in authority. This was also mentioned in another *Ibon Foundation Special Release* dated May 2002, entitled “Cha-Cha’s Resurrection and the Globalization Agenda” by Arnold Padilla. Aside from identifying the economic dimension of charter change, its political dimension was also discussed. Aside from the shift from a presidential government to a parliamentary one, proposed political changes include the lifting of term limits of officials, extending the term of office of House members and local officials, and increasing the number of Senators. Other provisions in the Constitution that may be changed for political and economic reasons were tabulated.

To be able to clearly illustrate the practicability of the proposed institutional change and its suitability in the Philippine context, there is a need to distinguish the salient features of the federal and of the parliamentary systems of government. In exhibiting the strong points and the demerits of the federal and the parliamentary government, it is unavoidable that the salient features and the flaws of the current unitary-presidential form of government be discussed as it is what the proposals were aiming to change.

In an undergraduate thesis of Claudette de Castro, entitled “Towards a Philippine Federalist Experience: An Inquiry into the Effects of a Federal System of Government in the Delivery of Basic Services” (2003), federalism is viewed as an effective way of solving the problem of Moro secessionism in Mindanao, as it distributes power equally among the independent states of a nation under the central government. Although the research focused more on the relationship of federalism and the efficient delivery of basic services, the author provided a comparative analysis of the unitary and the federal systems of government, highlighting not only the advantages of each system of government, but also the demerits and disadvantages of each when set against the Philippine setting.

On the other hand, the salient features of the presidential and parliamentary form of government are highlighted in Vicente Sinco’s *Parliamentary Government for the Philippines* (1971). The presidential system was criticized because of the system’s inability to adjust to urgent civic, social and economic demands, however, the parliamentary government is viewed to elicit results of harmonious executive-legislative performance that would prevent delays and conflicts that normally exist between the two government departments.

Dr. Olivia Caoili’s *Views on the Parliamentary vs. Presidential Government* (1994) also provided the researcher not only the strong and weak features of the presidential and the parliamentary governments, but also the relationship that exists between the legislature and the executive branch, both in the presidential and parliamentary governments.

In *The Constitutional Frameworks and Democratic Consolidation – Parliamentary versus Presidentialism* (1993), Alfred Stepan and Cindy Skach focused on the discussions of democratic and political institutions, and held that the design of political institutions must also be considered in political democracy, and not only on economic and social conditions. After the reign of the Marcos dictatorship, the problem of restoring democratic institutions has been a serious problem. The authors provided the grounds and justifications on why “pure parliamentarism” better addresses the problem of consolidating democracy than “pure presidentialism” can.

In a paper entitled “A Study of the Problems Involved in the Establishment of a Parliamentary Government for the Philippines” (1956), William Buckley gave an analysis on the Philippine political situation, and in the process, identified various problems of the presidential form of government. The author also indicated the problems that probably would emerge if the proposed shift in government structures will be adopted in the Philippines.

In an attempt to clearly describe and effectively comprehend the current political reforms being pushed for, the researcher used as reference, the publication of the Liberal Party entitled, *Liberal Views on Constitutional Reform* (2003), a compilation of the accounts of nine respected Liberal personalities who argue that it is high time to amend the Philippine Constitution. Included in the book are discussions and debates on the issues concerning the constitutional reform, their justifications on why there is a need for the Philippine government and the Filipinos to give in to the demand for a shift from the current presidential to a parliamentary form of government. Dr. Jose Abueva, in *Towards a Federal Republic of the Philippines*

with a Parliamentary Government: A Reader (2002), provided the researcher an almost complete guide to the recent proposals for constitutional change, including a draft constitution. Abueva (2002) recognized the inherent need for structural reforms in the Philippine political system. He gave two major problems of the current political system, first is the lack of good governance because of the inefficiency of political leaders and institutions, and second, the centralized, unitary system is slow, inefficient and unresponsive to the needs of the people. The proposal for a shift from a unitary-presidential system of government to a federal-parliamentary one is believed to solve the structural problems of the Philippine political system, improve governance, empower the people, hasten development, and enhance democracy.

All the literatures mentioned will be very useful especially since the study is a descriptive one that focuses not so much on whether the proposals for charter change must be entertained or not, but on the viability and the applicability of the proposed institutional reforms, particularly that of a shift from a presidential to a parliamentary government and the dismantling of the unitary to be replaced by the federal system of government. As the paper is a descriptive one, the literature is essential in providing the background of the study.

THEORETICAL FRAMEWORK

In dealing with the systems of the government, it is almost impossible to set out an exact structure for a given government because each government operates rather differently in practice than the plan it is modeled after. Though it is possible to

analyze the constitutions of governments, no one can really predict how the government will operate in practice in the future.

The researcher, while in the process of reading and analyzing the materials and data gathered, found out that almost all the authors of the materials that the researcher used, acknowledge a common fact regarding the changes in constitution, of the existence of various government type, especially the parliamentary and presidential form of government, and the unitary and federal governments.

The transition period after the fall of an authoritarian rule towards that of democracy, was characterized by a phase of democratization, a phase when democratic institutions that were lost due to the authoritarian rule were restored and made to work for the people. G. Luis Igaya (1999) recognized that the struggle for democracy does not end with the restoration of democratic institutions, since political and individual rights are not the sole basis of democracy. According to him, democracy and democratization are not static processes. It is not enough that democratic institutions were restored, the institutions must work for the people. Democratic deepening and the adoption of a mass-based, broader, participatory democracy are some of the values inherent in all democratic societies that could lead to the principle of consolidation of democracy, which will be the principle that would be the guide of this paper, since the paper is about finding a viable and suitable form of government that would best consolidate democracy and making it work to the advantage of the people.

The principle of consolidation of democracy, one that guided the course of this study, does not only pertain to the creation and stability of the democratic

institutions, but focuses on the significant changes in the quality of performance of the democratic institutions. Democratic consolidation is needed for the survival of democratic regimes. Two of the elements that shape the performance of and the quality of democracy are the political-economic structures and the political institutions. (Igaya, 1999) Consolidation of democracy is a process wherein democracy is generally and intensely legitimate among the citizens. It involves the development of appropriate institutions so that democratic norms and practices take hold in the country, thus enhancing effective governance and ensuring greater participation from the people.

Another acknowledged fact in the literature implies a pattern of behavior of people around the globe, disregarding the differences in factors such as races, culture, custom, and tradition. Buckley (1956) and Caoli (1994) recognize that all forms of government are dependent on the political traditions and habits of the individual people. And one thing that stands out, when it comes to the adoption of any form of government is that any government will work most successfully if the people have some tradition for that form of government in past history.

The fact that government institutions are only as perfect as the men/ women appointed/elected to make the government function, is also recognized in the literatures. In the long run, if the electorate, who puts these persons in position, are not willing to support a change, and work to ensure that the objectives of the change, the government, whatever form will it be, would just continue its old ways.

CONCEPTUAL FRAMEWORK

The conceptual framework shows the relationship between variables as follows:

Dependent Variable: The researcher would really like to see a change in the current political system of the Philippines. The researcher believes that there is something wrong with the way politics was and is being handled by people in the government, and so a change, whether it be a modification of the current political system or a shift from a presidential to a parliamentary government, is called for.

Independent Variables: The researcher believes that it is not easy to bring forth any changes within the political system, but here are some ways that the researcher hypothesized as necessary in order to achieve the change that begets the kind of political system that the researcher yearns for the Philippines to have:

1. Reverse the Filipino people's frustration with politics, politicians and political parties. One of the reasons why political reforms and programs fail to work is because of the lack of support from the people. Many do not have confidence in government and its officials because of the inefficiencies and inaccuracies in it, and so, a culture of cooperation among political figures must be initiated to reverse the Filipinos' attitude of having low, or no, confidence in the government.
2. Remove the system of "elite dominance" in Philippine politics for better governance – Elites should not be the only ones who have control over the

government. The masses should also be represented, so that there will be a balance of people representation.

3. Entertain a shift toward a more institutionalized approach to politics. Political institutions are not just mere decorations in the political system. Political institutions must work for the people's welfare.

Intervening variables: The factors identified as independent variables (box A of the diagram), will not necessarily lead to the desired effect, identified as the dependent variable indicated in box B. With the presence of the independent variables, the desired effect will only be attained provided that:

1. Avoid the fractious and corrupt patterns of “traditional politics” – The traditional politicking of the elected people in the government usually, is the cause of corruption and inefficiency in the government, and so, this traditional politicking should be avoided. If corruption and other inefficiencies are lessened, the Filipino people will have greater faith in the government and its programs.
2. Enhance awareness of the people. People must be aware of the issues so that significant participation from them will be generated.
3. There be no more “padrino” system, red tape, nepotism and such in the government and its agencies. Often, the above-stated practices were the causes of corruption in the government, and also one of the main reasons why there are people in the government who are not doing their jobs efficiently.

Conceptual Framework Diagram

“under the condition of...”

1. avoid the fractious and corrupt patterns of “traditional politics”
2. enhance awareness of the people.
3. if there are no “padrino system”, redtape, nepotism and such in the the government and its agencies.

B. DEPENDENT VARIABLES(Effects)

A change in the political system that would have a government and a constitution that would really be the embodiment of the ideals of the people, and would allow a greater participation from the Filipinos.

C. OUTCOME

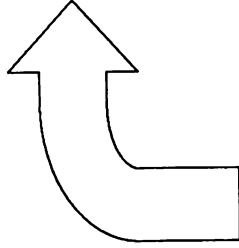
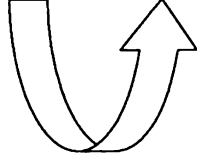
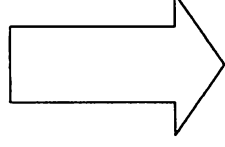
There will be an increased trust of the people to the government either a parliamentary or a presidential form. The government , with the support of the people will now be able to solve the long-inflicted ills of society

DEVELOPMENT

Improvement of the lives of the Filipino people

A. Independent Variables (Causes)

1. reverse the Filipino people’s frustration with politics, politicians and political parties.
2. remove the system of “elite dominance” in Philippine politics for better governance
3. entertain a shift toward a more institutionalized approach to politics.



DEFINITION OF TERMS

In the course of the research, there will be discussions on various political concepts. There is a need to have a specific definition of each concept so as to avoid confusion from arising.

1. Constitutional Change as stated in the *Primer on Constitutional Reform (2003)*, is the change in the constitution, either by reforms or amendments, which would bring about the best way of responding to the widespread dissatisfaction of people regarding the current trends in politics. Amendments, as defined by Arao (1998) are the “piecemeal” changes made in the Constitution. Revision, on the other hand, was the complete overhaul and the re-drafting of a new constitution, either through a Conventional Commission or Constituent Assembly. (Arao, 1998) There are various political reforms being pushed for to bring about the constitutional change that must be democratic and pro-people – changing the form of the government used which proposed the changing of the current presidential to a parliamentary system; the changing of the present unitary system to a federal system; and the changing of the present single-member district to a system of proportional representation. These concepts will be discussed in details on the later chapters of the paper.
2. According to the Article XVII of the 1987 Constitution, there are three modes of amending the Constitution, two of which will be mentioned in the course of the paper – the Constituent Assembly and the Constitutional Convention. The third mode of amending the constitution is through

people's initiative. There is a need to ensure that the amendment process should be fair, open, transparent and participatory. The Congress has the sole discretion to identify which of the three modes would be best in revising the Charter.

3. Constituent Assembly, as defined by J. Abueva (2003), is the Senate and the House of Representatives exercising special power to formulate a new constitution or just propose amendments for the revision of the constitution.
4. J. Abueva(2003) defined the Constitutional Convention as a body established by law to frame a new Constitution or revise an existing one, but it requires a direct election of the delegates by the people. A Con-con is not bound by the interest of the Congress, thus it is free from suspicions that the amendment will be leaning towards the interest of the politicians because the general public elects the members of the Constitutional Convention for the sole purpose of amending or revising the Constitution.

The concepts of parliamentary, presidential, unitary and federal governments will be discussed thoroughly in later chapters of the research paper.

RESEARCH DESIGN

Methodology

The research paper is more of a descriptive type of paper that requires a lot of in-depth analysis of the data gathered. For data gathering, extensive library research was conducted to acquire information regarding the theoretical requirements of the research. Since an essential part of the research is on the definition of key concepts

of a unitary, federal, presidential and parliamentary forms of government, the researcher used secondary references found in different libraries such as the National Library, the University of the Philippines Diliman Main Library, the University of the Philippines Manila Library, and the Library of the Philippine Congress. The archives section of the aforementioned libraries was checked for previously written papers or reports regarding the shift from a presidential to a parliamentary form of government, and other concepts related to the topic as well. Journals and articles from newspapers were also significant for the accumulation of necessary data. Since the topic is one that is still being debated upon nowadays, the researcher found it important to search the Internet for up to date information.

One of the objectives of this study is to determine and analyze the proposals and designs of the possible structural reforms, thus, conducting interviews with the authors or proponents of the structural reforms was necessary for the success of the research. The researcher attempted to schedule an interview with Senators Nene Pimentel and Francis Pangilinan, former Senator and DILG Secretary Jose Lina, and Representatives Antonio Nachura of Samar, Francis Escudero of Sorsogon, but as the offices of these very busy people are busy with other issues, debated on the Senate and the Congress, an interview was not granted, with apologies. As the researcher deemed it necessary to have an interview with a person of authority and with sufficient knowledge on the matter, the researcher asked for a brief interview with the writers of certain literatures on charter change, federalism, and parliamentarism, and authorities on Philippine or international government and politics in the academe like Dr. Jose V. Abueva, Dr. Olivia Caoili, Dr. Clarita Carlos

and Professors Alex Magno, Romulo Tuazon and Doroteo Abaya of the University of the Philippines but the efforts of the researcher seemed futile as an interview was not granted, although the staff from their offices extended to me all the help that they could, referring me to other knowledgeable persons as well. The Liberal Party of the Philippines and the National Institute for Policy Studies(NIPS) also provided the researcher with all the help that they could extend, referring me the Liberal Party members who have written a considerable amount of literatures in the past like Mr. Jonathan Malaya of the *Liberal Times* and Dr. Wilfrido Villacorta, but the researcher found out that they are out of the country as of the moment. Even groups that advocated for the institutional reforms like the Citizens Movement for Federal Philippines and Liberal Party's *Kusog Mindanao* were unavailable for interview, however staff from the offices provided the researcher with materials that they deemed useful for the study.

In the Office of the Secretary of the Department of Education, the staff of Secretary Florencio Abad, a known parliamentarist, was very helpful as they scheduled the researcher for a personal interview with the Secretary, but only after his arrival from his leave which came a little bit short of time to allow the researcher to complete the study in due time, and so, the researcher was referred to the office of Undersecretary Chito Gascon, a former student leader of the academe and the youngest member of the 1986 Constitutional Convention that framed the present constitution. The Undersecretary's informed consent was asked for interviews to be recorded or videotaped if possible, and transcribed for documentation purposes.

In a part of the study, the researcher used as reference the interviews of Ms. Claudette de Castro with Representatives Antonio Nachura and Francis Escudero, and of Senator Pimentel's Chief of Staff, Governor Lutgardo Barbo, regarding federalism and its role on the delivery of basic services in the Philippine administrative system. The researcher asked the owner of the transcribed interviews for permission to use the said interviews for this study, and Ms. De Castro has been so accommodating enough to grant her permission.

In the event that key informant interviews were not possible, a content analysis of an authority's published materials, pertinent media interviews or speeches were definitely used. Senator Pimentel's speeches in public conventions and the speeches of Dr. Clarita Carlos were some of the speeches that the researcher used to gather data, as their staff said, the contents of their speeches can already provided their views on particular matters, such as their stand towards charter change and adopting the proposed institutional reforms.

METHOD OF ANALYSIS

The research paper is a descriptive and exploratory kind of paper, thus needing a descriptive approach of analysis using the framework put forward and in accordance with the objectives of the research paper. The research involved a review of the past experiences and practices of the presidential and the parliamentary forms of government, as well as the degree of centralization and decentralization in the

country's present unitary system of government, and so there was a need to analyze not only historical accounts, but contemporary and up - to - date information as well.

The researcher recognized that skill in effective gathering of data needed is not enough for the accomplishment of the research objective. There is also a need for in-depth comprehension and analysis of the contents of the materials gathered since there was not enough key informant interviews to be able to identify themes and sub-themes, and so, the researcher will do a comprehensive analysis of the details of the materials provided by the accommodating staff of the authorities asked for an interview, for the success of the topic.

SCOPE AND LIMITATION

Basically, the study aims to determine the merits and demerits of the proposed structural reforms particularly the shift of the current government system, from a unitary – presidential government to a federal – parliamentary one. Definitions of basic concepts involved in the study of the mentioned forms of government were also included in the study. The proposal for a systems change is a pressing issue of national importance nowadays. The research is concerned on the proposed constitutional reforms, but will mostly focus on the merits and the demerits of the structural reforms particularly on the shift of government structures, from the unitary-presidential system to a federal-parliamentary one. The study aimed to investigate the possibilities and the challenges of the structural reform proposals and also the possible problems of federalism and the parliamentary government if adopted by the Philippines. The researcher is aware that considering, much more

implementing a major institutional transformation will bring forth immeasurable changes. This study did not delve into specifics, no more than is necessary for establishing the advantages and disadvantages, and the practicability of federalism and parliamentary form of government that can be considered if will be applied to the Philippines. The study, includes a chapter on the history and the progress of the charter change and the constitutional reforms, it did not elaborate, however, much details on the controversial issue of amending or revising the 1987 Constitution.

The researcher also contemplated on including a section of the paper regarding the reaction of the Filipino people towards the possibility of adopting the proposals of amending the constitution, but the in-depth analysis of the concepts of the proposals for constitutional reforms as complicated enough without the surveys and the interviews. The researcher also acknowledges that the target population of that kind of survey is so large and dispersed, and so, due to budget and time constraints, the researcher decided to just limit the research to the studies of the references gathered from archival works, key informant interviews, and if possible, form existing surveys of independent survey groups and just focus on the comprehensive analysis of the data gathered.

RELEVANCE OF THE STUDY

The present government of the Philippines is a presidential type of government, with a two-house legislature and a Supreme Court. In our current form of government, the Philippine Constitution entrusts executive power to a single

official – the president, making the president the most powerful political figure in the land. But the president, in turn, must make a vigorous use of the authority vested upon him to make the law be faithfully exerted, which is far from being an easy task since the president also has to ensure the economic stability and progress of the nation at the same.

In recent political discussions in the Philippines, there have been strong moves to change the current form of government from the presidential form of government to the parliamentary- federal system of government, patterned after the parliamentary government of Great Britain. The attainment of a system change can be in two forms, either through constitutional means, which happens when certain provisions in the Constitution is/ are amended, or through extra-constitutional means wherein change only concerns the interpretation of the Constitution. Issues regarding systems change started during President Ramos' administration, and until recently, the administration has not done anything to address the issues regarding the proposed constitutional change.

One of the purposes of the research paper is to find out the problems that would hinder the establishment of a new form of government if the proposal for charter change is actually pursued and approved. In the course of the paper, questions of great relevance to the future of the Philippine political system would be addressed and using the data gathered by the researcher, hopefully would be helpful in weighing the advantages, the disadvantages, and the inefficiencies of having a system change. The research paper, if done without biases and prejudices, would really be of great importance to the future of the political system of the Philippines

since the paper will attempt to predict what the future might the Philippines have if it changes its form of government from the presidential form of government that the people has been accustomed to, to a parliamentary form of government. The research paper, if properly done, offers a great deal of insight into the effects that can be brought about by a change in the form of government.

Chapter II
Changing the 1987 Charter: In Full Perspective
Imperatives, Agenda and Proposals

Eighteen years after the drafting and the ratification of the 1987 Philippine Constitution, there exist vast attempts for its amendment or revision. Constitutional reforms are being pushed through so as to make the already upright and commendable but imperfect 1987 Philippine Constitution, “keep up with the changing times”, so to speak. Clamor for changes in the institutions and the provisions stated in constitution did not arise out of the blue, nor did it happen for the first time since the ratification of the present constitution.

This chapter aims to trace not only the history and progress of the attempts to change the 1987 Charter, but also the reasons and the factors that inflamed the agitation of those who wanted to change the charter. In identifying the history of Charter change in the Philippines, it will be evident that the focus and the intensity of the moves to amend the charter are also changing as the government administration also changes. Also included in the chapter are the agenda and some of the pressing debates involved in the discussions of the possibility of changing the charter, but will not go into detailed specifics regarding these matters as the chapter only provides an overview of what the charter change is all about. It is important to note that the focus of the study is not on whether the moves to change the charter must be given credence or not, but on the viability and the practicability of the proposed federal and parliamentary government if in case it will be decided that institutional reforms will be made in the constitution, and the system of the government will be changed. Nor does the study attempt to provide answers to the raging issues that are still being

debated upon by the Senate, the Congress and the proponents of Cha-cha, as it will be another matter to be studied.

HISTORY OF THE CONSTITUTIONAL REFORMS

Before proceeding to the history of the attempts to change the charter, it is important to describe first the charter that the proponents of charter change are aiming to amend or revise, to establish the arguments for and against the possibility of a charter change.

After the fall of the Marcos dictatorial regime, the Aquino administration was faced with the problem of restoring democracy. The sudden regime changes after fourteen years under the authoritarian rule of Marcos caused instability not only in the politics of the Philippines, but on its economy as well. (Timberman, 1991) The Aquino government was also faced with the challenge of establishing a new order for Philippine politics that would not only restore democracy and revive the bankrupt economy, but also one that would restrain and prevent the rise of another fascist and authoritarian rule. To keep the Philippine government from further dividing, the Aquino administration tried its best to meet halfway and compromise with the demands of the various sectors of the society and of the other groups that had participated in the overthrowing of the Marcos regime. The Aquino administration, in an attempt to deviate from the idea of having another authoritarian rule, gave top priority to formally restore the pre-martial law democratic institutions such as the Congress and drafted a new constitution that would deliberately weaken the power of the presidency as compared to the Marcos regime. (Timberman, 1991)

The Constitutional Commission of 1986 drafted the 1987 Philippine Constitution that would fully restore the individual, political and press freedom under the Aquino Administration. The members of the 1986 Constitutional Commission were distinguished people coming from various sector of the society like the Church, the women and workers sector, members of the civil society, the business sector and the youth sector, all chosen and appointed by President Aquino herself. Although then President Corazon C. Aquino put together and involved the members of progressive social movements into the Constitutional Commission tasked to draft a new constitution, it is difficult to ignore the fact that most of the members of the constitutional commission were dominated by the elite. Representative Antonio Nachura (2003) also recognized that the members of the constitutional commission were mostly the same elite personalities in the dictatorship of Marcos. Nachura (2003) also noted that the Commission was not an embodiment of the mandate of the Filipino people since it is the President who directly appointed the members of the Commission.

The new Constitution was adopted and promulgated in February 2,1987. The1987 Constitution was aimed to build a just and humane society and highlights the fundamental principles and the independence of the state and civilian authority. Also established in the Constitution were the adoption of a unitary state and a separation of the powers of the executive, legislative and the judicial branches of the government. The Constitution also includes important provisions like the limit on the suspension period of the writ of habeas corpus that Marcos used to declare Martial Law during his term. (Timberman, 1991) Since the nation was then adjusting

to the return of democracy after fourteen long years of oppressive Martial Law, the presidential system of government was adopted. Florangel Rosario Braid (in Nachura, 2003) explains that the presidential government was most suitable form of government for the Philippines, after the remnants of Martial Law, since the people felt the need to participate directly in electing national leaders, thus reassuring them of their political freedom. Accordingly, Braid identified that the philosophy that guided the drafters of the 1986 Constitution was anchored on the concepts of social justice, human, social and economic rights, sovereignty, patrimony and people empowerment.

Although the 1987 Constitution is a very detailed document containing the foundations of the newly-restored Philippine democracy, it is far from being perfect as it was drafted during a time when the Philippine government was in transition from the aftermath of Marcos' authoritarian rule to the restoration of democracy. Roman Dannug (2003) argued that because of the great emotion of the people for the restoration of democracy, as reflected in the provisions of the constitution, the 1987 Constitution was believed to have slowed down the country' s progress, economically and politically. Rule making, administration and interpretation weaken the framework of the constitution and made it susceptible to abuse and manipulations of vested interests of sectors or individuals. (Dannug, 2003)

With the emotions that characterized the moment of the drafting of the Constitution now fading, there have been numerous moves to change the provisions of the Constitution since its ratification in 1987. Earlier attempts of which were met with public indignation since the people still fear that any change in the Constitution

that represents the democratic freedom of the people will lead to the re-birth of the Marcos experience.

Serious attempts to change the Charter only began during the term of President Fidel V. Ramos, when an advocacy group composed mostly of Makati Business Club members, said to endorse Ramos for an extended term of office, launched the “Project Marlboro Rally” of 1993. The project was intended to raise the acceptability of the administration’s aims to amend the charter through a plebiscite. The Marlboro Project inspired the People’s Initiative for Reform, Modernization and Action (PIRMA) of 1996, in seeking the people’s initiative for the possibility of extending the presidency of Fidel Ramos. (Arao, 1998)

The clamor to change the charter intensified when a 35-page draft constitution, entitled “Proposed Amendments to the Philippine Constitution”, was made by the National Security Council (NSC). Aside from proposing a change in the bill of rights, the draft also seeks to change the form of government to a parliamentary one, which will be to the advantage of the Speaker of the House, since he is to become the Prime Minister should the Philippines turn parliamentary. (Arao, 1999)

Charter change was supported by various groups like the Constitutional Change for Economic Reform Nationwide (CONCERN), Philippine Councilors League (PCL) and the Philippine People Power Foundation (PPPF). In 1997, PIRMA then gathered and presented to the COMELEC the 5.5 million signatures in support of their protest to change the Constitution, but COMELEC denied PIRMA’

s petition. The moves to change the charter were restrained by the public's hesitance and doubts that the charter change will not really benefit the country and its people, but only an attempt of those in power to prolong their claim to public office, and re-establishing once again a dictatorial government. Proponents of charter change were forced to terminate their plans to change the constitution. (Arao, 1998)

President Fidel Ramos' successor, Joseph Estrada also expressed his openness to the issue of charter change, thus created the Constitutional Correction for Development (Concord). He anchored his endorsement of the charter change on the premise that such change will make the basic law of the land more responsive to development, unmasking the real reason why he pursued to change the charter-Philippine economy in keeping up with globalization. The issue of charter change during Estrada's time centered on the lifting of the term limits, extension of the official's term of office, and increasing the number of Senators to 48. In 2001, the people not only rejected Estrada's attempts to change the constitution, they ousted him as well, due to massive corruption and incompetence. (Arao,1999)

When President Gloria Macapagal Arroyo assumed office after the ouster of former President Joseph Estrada, moves to amend the 1987 Constitution again rises from its grave. As early as 2001, a House Resolution No. 257 was submitted by the House Assistant Majority Leader Arturo Defensor of Iloilo, that called for the convening of a constitutional convention that would initiate changes in the constitution, but was not entertained since world politics during that time was disrupted by the 9/11 terrorist attacks. However, in 2002, pro-administration legislators reawakened the issues of Charter Change. Since it was reported that more

than 105 congressmen that comprises about 50% of the total House members, resolved that there must be amendments made to the Constitution, various legislative acts have been made to promote charter change. (Padilla,2002)

TABLE 1.
Legislative actions supportive of Cha-cha.

LEGISLATIVE ACTION	DATE	LEGISLATOR'S INVOLVED	SUMMARY
HR No. 257	Oct. 2001	Rep. Defensor	Calls for Cha-cha through a constitutional convention.
HJR No. 8	April 2002	Reps. Gonzales, Nachura, & Domogan & 35 members of House Committee on constitutional amendments	Converse barangay assemblies nationwide on May 6, 2002 to hear and discuss matters pertaining to proposed Cha-cha
HJR No. 12	April 2002	Reps. Teodoro, Gonzales, Andaya, Durano, Romualdo, Bondoc, Bautista, & Zubiri	Directs the Comelec to conduct a referendum simultaneously with the barangay elections on Jul. 15, 2002 to get the people's sentiments as regards Cha-cha.
HB No. 457	April 2002	Rep. Nachura	Amends RA 6735 or the People's Initiative and Referendum Act to provide for the manner of amendments through people's initiative.
Privilege Speech	April 2002	Rep. Albano	Asserts independence of Congress to pursue Cha-cha.
SR	April 2002	Sen. Pangilinan	Calls for a constitutional convention.

Sources: News reports, Congress documents

The matrix includes the legislative acts submitted in both the Congress and the Senate, which called for discussions of the proposals of amending the constitution. These attempts of the members of the legislature encouraged other sectors to consider and eventually agree to charter change. Multi-partisan support for Charter

change was gathered from a Political Summit of 2002, where 21 political parties agreed to support the moves to change the charter. (Padilla,2002)

During the Arroyo administration, the issues of charter change depart from its previous focus. Moves to change the constitution during the presidencies of Ramos and Estrada, were focused mainly on prolonging the term of office of the officials, but now, the focus is on the issues on lifting the legal impediments in the constitution that hinder total globalization of the economy. (Nachura,2003)

Imperatives of Charter Change

Looking through past attempts to change the charter, it has become evident that only the focus of the issue changed and not really the reasons behind the moves for amending or revising the charter. The motives, the agenda, the debates involved, the proposed changes in the charter, and even the reasons why changing the charter was rejected by the public remain the same.

Re-examining the Philippine Constitution, Nachura (2003) provided the basic reasons why the moves to amend the constitution exist. The Constitution, drafted by a Constitutional Commission not mandated by the people, was framed during a very emotional time in the history of the Philippines. People's anxiety and fear of being under another Martial Law, was reflected in the provisions of the constitution. Most of the limits imposed, like the lifting of the writ of habeas corpus, were stipulated in the constitution to prevent another intrusion in the democracy of the country. Nachura (2003) also recognized that since the Aquino government was striving to attain stability, the 1987 Constitution was a product of compromise among various

sectors of the society, which was believed to have worked during that time. But that time had transpired and now, the constitution must be adjusted to keep up with the fast-paced challenges of the millenium.

The 1987 Constitution was extensively a very long one since there are provisions that were put into details to avoid misinterpretation, like the bill of rights. Nachura(2003) agreed that the charter should be changed to make more readable and easily understandable to a common man.

The attempts to change the constitution were rejected and not given attention to mainly because, as Dr. Wilfrido Villacorta (2003) would put it, “public suspicion that the ulterior motive of its [charter change] proponents was to extend the terms of office of the incumbent president and other elective officials.” People see charter change as a prelude to another Marcos experience of authoritarian rule, and as they say, never again would that happen. Charter change has often been associated with the elected officials’ vested interests to stay in power and promote globalization to open the economy to foreign capitals.

Florangel Rosario Braid (2003) identified that moves towards charter change and future revisions must not be driven by the vested interest of the few. Future changes to the constitution must respond to the social, political and technological challenges of the changing times. It must address the most critical problems of the society, which she identified as that of governance, globalization, transparency and accountability of public officials, and that of ensuring that there is a sustainable development of the country’s resources.

Recent Proposals for Charter Change

Current proposals that would bring changes to the 1987 Constitution mainly focus on 2 major areas – the economic reforms and the institutional reforms that involve the changes in the form of government, particularly that of a shift from the current unitary-presidential to a federal-parliamentary one. (Nachura, 2003)

The economic reforms mainly focus on granting 100% foreign ownership of public lands and utilities, which, if adopted, will provide a liberalized economy for the country. Proposed economic amendments are pursued to remove the impediments to globalization, that were legalized in the Constitution under the provisions on National Economy and Patrimony. The constitutional restraints slowed down the government's ability to keep up with its commitment to globalization, but the government nevertheless, finds ways to make the constitution accommodate the interests of foreign capitals. (Padilla, 2003)

Of the 2 major areas for constitutional change, most of the proposed reforms made are political in nature. Most proposals pertain to the strengthening of the political institutions, since strong political institutions are needed to effectively rebuild the economy.(Abad, 2002) With the aim to provide solutions to the serious structural and systematic problems in the way the government is being managed, Dr. Jose Abueva (2002) and among other proponents of constitutional reforms, believed that the following reforms in the structure and the system of government will bring about changes in the values and attitudes of not only the political leaders, but also of

the citizens that would make them participate more in the democratic processes in the country:

1. A shift in the form of government, from the current presidential form of government, wherein powers are separated among the branches of the government, to a parliamentary one that would fuse and coordinate the powers separated in the presidential government. The most controversial of all the political reforms being proposed, the shift in the form of government is particularly projected to bring more accountability to public offices and officials, and to enhance a better relationship among the executive and the legislative branches of the government.
2. A restructuring in the Philippines political system through changes from the present centralized system of government to a federal system. The Philippines has a highly centralized unitary system of government. Under the proposed federal republic, the central government will only claim sole functions on matters of national importance, such as national defense, security, foreign affairs, and the monetary system. All other governmental functions, particularly on social, economic and cultural development, agriculture, and infrastructure, will be passed on to the regional governments.
3. Reforms affecting the political party system and the electoral system. Proposals guided by the purpose of having a more responsive, accountable, and a more representative political party system.

4. Reforms on the constitutional commissions. To make the Civil Service Commission, the Commission on Elections, and the Commission on Audit more efficient, there is a need to reexamine the powers and functions of the aforementioned constitutional commissions.
5. Changes in the Philippine Judicial system. This would concern reforms on adding powers to and the widening of the jurisdiction of the Supreme Court.

Dr. Abueva (2002), with the above-mentioned proposed reforms in the Constitution in case issue of Charter Change will be entertained, recognized that these proposals are not the lone remedy for the ills of the society that changes as the time changes, but the reforms will gradually improve governance, empower the people, and hasten development.

Of the following proposed reforms specified above, the focus of the study will be on the first two- the shift in the form of government from a presidential one to a parliamentary government, and the dismantling of the present unitary system to a federal one. Again, it must be noted that the study will not attempt to provide arguments on whether efforts to change the Constitution must be entertained or not, nor does the study attempt to predict if the proposed reforms will be adopted or not. The study focuses on the viability, the practicability and/or impracticability, and the challenges of the systems of governments proposed in the reforms in Charter Change, and whether these systems of governments are appropriate to be adopted in the Philippines, if in case the efforts towards the amendment or the revision of the Constitution will be given serious attention.

Chapter III
In Search of a New Constitutional Framework:
The Case of Parliamentarism

The presidential form of government has long been adopted by the Philippines. Not only did the Philippines pattern the provisions of its 1935 Commonwealth Constitution after the American Constitution, it also opted for one thing that the Americans were known for, their model of presidential government. Like many other newly emerged democratic nations, the Philippines has patterned its government after the American presidential model of government, like what Mexico, South Korea and other states in South America did. (Riggs, 1998)

Current proposals to change the Constitution include the possibility of a shift from the Philippines' current presidential to a parliamentary one. The move is an attempt to find a more suitable constitutional framework of government for the Philippines, since its current presidential system of government is seen as a venue of corruption of elite officials thus, making it unsuitable for the country.

The probable dismantling of the American-inspired presidential form of government and the possibility of adopting a parliamentary one, as proposed in the issues of charter change, has been faced with controversy and public distrust. The people were not exactly receptive to the idea of turning the Philippine government into a parliamentary one, mainly because of two reasons – the Philippines' experiences of today, and of yesterday. People reasoned out that a major change in the framework of government would be detrimental, if not downright destructive, to the economic reforms that the government has implemented as a measure of saving the failing economy of the country. Also, the possibility of a shift in the form of

government was faced with intensified public disapproval because of the public's anxiety of repeating a nightmare of Martial Law. The people sees charter change as a tool manipulated by the elite to maintain the reigns of power within their sphere, and so attempts to change the charter would only be a prologue for another authoritarian rule. The Philippines' experience with Marcos' authoritarian rule was so abusive and degrading that the people was now weary of repeating it again, "never again", as they would say. Never again will one man have supreme control over the country and its people. Never again will a constitution be changed to tailor-fit into the socio-economic plans of an authoritarian ruler. Because of this, the people readily reject any attempts towards institutional changes. (Timberman, 1991)

Constitutional frameworks of government are important provisions in the Philippine Constitution, as they define what kind of government the country has adopted. Now, with the talks on charter change, the part that concerns the changes in the form of government, receives too much attention and causes further debates. This chapter aims to establish the salient features of the presidential and parliamentary form of governments, predominantly on the viability of the parliamentary government as a possible constitutional framework of government in case the majority agreed and decided that the constitution be changed. Discussions will involve, but not go into specific details on matters regarding elections and party politics in the parliamentary system, since the focus is more on the relationship of the executive and the legislative branches of the government, where the major differences of the presidential and the parliamentary systems are evident.

On Presidentialism

The Presidential system has long been adopted by the Philippines since the birth of its Republic. Like many newly democratic countries, the Philippines, after the grant of its independence by the American colonizers, opted for the presidential government and embodied it in the 1935 Philippine Constitution. The form of government, among other institutions like the constitution and other democratic structures, was supposedly patterned after that of the Americans'. However, with the course of events in the history of the Philippines which include a long period of democracy under the presidential system, an authoritarian rule that dismantled the democratic processes to justify a dictatorial reign over the country and its people, and the restoration of democracy after the fall of the dictatorial regime through a relatively peaceful revolution by the people, the presidential system of the Philippines now has a president with more powers vested in him/her than that of his/her American counterpart.

Recently, the Philippine presidential system has again been under pressure and threat of being dismantled and replaced by another form of government that was adopted by former President Ferdinand Marcos to be the machinery for his socio-economic reforms during his authoritarian rule that caused a major twist in the history of the country but was mostly characterized by human rights violations and the destruction of democratic institutions. Whenever the issue of revising the Philippine charter, one of the issues debated upon was the shift from the presidential to a parliamentary form of government.

Before turning the discussion on the features of the proposed system to replace the presidential government, there is a need to discuss first the features of the presidential system of government, identify its weak points that need to be improved and its strengths that could be used as arguments against the possibility of dismantling it to be replaced by the parliamentary form of government.

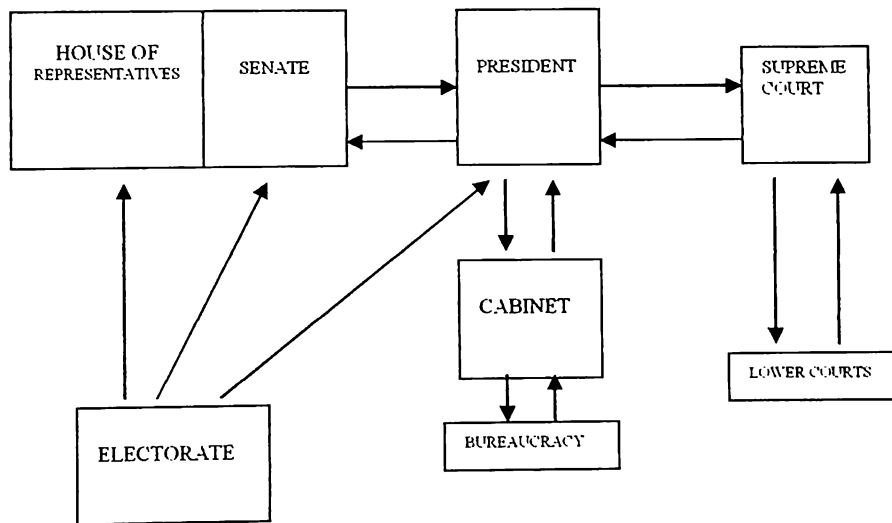
Essential to the presidential form of government is the principle of “mutual independence” that exists not only between the executive and the legislative branches of the government, but on the judiciary as well. As it is, the three branches of government, under the theory of separation of powers, are assigned with functions and powers specific to the nature and role of a branch of government that cannot be encroached upon by the other two branches, thus making each branch of government independent of each other. (Espina, 1981)

There are certain characteristics that are inherent in the presidential form of government, particularly when it comes to the relation of executive and legislative branches of the presidential government. The American system of presidential government was often regarded as the universal form of the presidential governments, as in Caoili (1993), referring to Richard Neustadt (1986), the essential features of the American system was described, thus also describing the other presidential governments as follows:

“in the sense that its presidency occupies the vital, central place among public institutions at the national level. This office serves at once as the central source of judgment and the initiative and as the only object of national elections in a government legitimated by popular sovereignty. An American president is also the embodiment of sovereignty in external relations. He is besides the government’s chief spokesman in internal relations with interest groups and citizens at large. A president of the United States both reigns and rules.”

Under the presidential form of government, the principle of separation of powers of the three coequal branches of the government is central to the government. Legislative power is vested in the bicameral legislature composed of the Senate and the House of Representatives, while the executive power is vested in the President who appoints the members of his/her Cabinet who in turn controls the bureaucracy. Judicial power was vested in a Supreme Court and the lower courts provided by law. The relationship of the executive and legislative branches of the presidential government is best shown in the figure below:

Figure 1.
Executive-Legislative Relations
Presidential Government



Source: Caoili, Olivia. *Parliamentary vs. Presidential Governments*. UP Press:Quezon City. 1994

In the figure above, it is shown that the President and the bicameral legislature composed of the Senate and the House of Representatives are directly elected by the electorate, making them directly accountable not to other branches of government but to the electorate. Since the president and also the legislature are

elected for a fixed term of office, the only way to remove an official from office, other than the end of his/her term is through voluntary resignation, and or, in the case of the president, through impeachment grounded on gross misdemeanor. (Espina,1981)

The president in the presidential government is unipersonal and always assumes an active role in the political process, meaning not only is he/she the Head of the State and the Head of the Government, he/she is also the Commander in Chief of the Armed Forces and the Chief diplomat with broad powers to conduct foreign relations.(Caoili,1994) Added to the aforementioned powers vested to the president, with the unitary system that characterizes the national and local relations here in the Philippines, it is inevitable that the president is at the focal point of the Philippine politics and is the dominant branch of the government.

Perceived Advantages and Disadvantages of the Presidential Government

There are four major advantages of the presidential system, namely, the possession of the direct mandate of the people, the separation of powers among the three coequal branches of the government, speed and decisiveness of changes, and stability.

The president is generally elected directly by the electorate, making the president's rule legitimate since he/she is mandated by the people. Directly electing the executive and the legislative somewhat empowers the electorate, the common people who believes that democracy is effectively showcased through elections of public officials. In a personal interview with the researcher, Department of

Education Undersecretary Juan Miguel Gascon, a one of the drafters of the 1987 Constitution, acknowledged what direct elections can make common people feel, as if they are empowered and that democracy is really within their realm. [See Appendix for the transcript of the interview.]

Another advantage of the presidential system is its central principle of separation of power among the three branches of the government, namely the executive, legislative and the judiciary. It must be noted that while the principle of separation of power allows each government branch to perform functions designated to them without overlapping with the functions of other branches, the three branches of government are not exactly isolated from each other. Instead, the separation powers among the executive, legislative and the judiciary branches, provided for the system of checks and balance, where one branch can “correct” the mistakes of another branch by “calling” its attention. Although this strength of the presidential system can well be its weakness as well, the specialization of the functions under the principle of separation of powers is overrides the weakness it brings.

Supporters of the presidential system claim that the presidential system can respond more rapidly to situations and enact changes quickly. This is especially true during times of state emergencies and calamities that require fast decisions to be made to respond more quickly to the immediate needs of the people. Lastly, the presidential system with a president having a fixed term of office, provide more stability that the country needs in pursuant of the programs and policies enacted, than the constant changing of leaders that the parliamentary system brings.

Although the presidential system is seen with good qualities, it is not a perfect system though, for there are perceived disadvantages that weaken the presidential system too. For instance, the concentration of power and authority in the hands of an individual, gives the president full control of the machineries of the country, thus increasing the threat of having another authoritarian rule, and because the executive and the legislative branches of the government are directly elected by the people, and both having a fixed term of office, there is a great tendency that gridlocks between the executive and legislative branches of government. These gridlocks hinder the effective functioning of the said branches of government. The very principle of the separation of power among the three branches of the government is sometimes regarded as a weakness, when gridlocks arise due to the “misunderstandings” and inability of the officials to reach a point of consensus that result to confusion on the matter of accountability as the branches of the government exchange blames to with each other.

The presidential system is also seen as an impediment to the leadership change since the officials under the presidential system are vested with a fixed term of office, it is far from easy to remove one from his/her position before his/her term expires, especially the president who can only be removed from position through impeachment. The presidential system was also criticized because of its alleged slowness in responding to needs of the citizens.

Because of the inherent weaknesses of the presidential system, there are moves towards the adoption of the parliamentary system to replace the presidential system, long been instituted in the Philippine administrative system. With the

tendency of the presidential system to create gridlocks in the executive-legislative relations, and the lack of system of accountability of the system, the parliamentary, a system that allegedly provides for the shortcomings of the presidential government, is projected to be a better system than the presidential one, especially when adopted in the Philippines. Most importantly, the parliamentary system is viewed as a better system since the presidential system has greater difficulty than the parliamentary system in solving the problems of democracy particularly on granting representation among citizens and in maintaining legitimacy, since the presidential system has a strong executive, but a weakened bureaucracy that undermine the sense of legitimacy of the sovereignty of states essential to encourage people to respect the laws and policies.

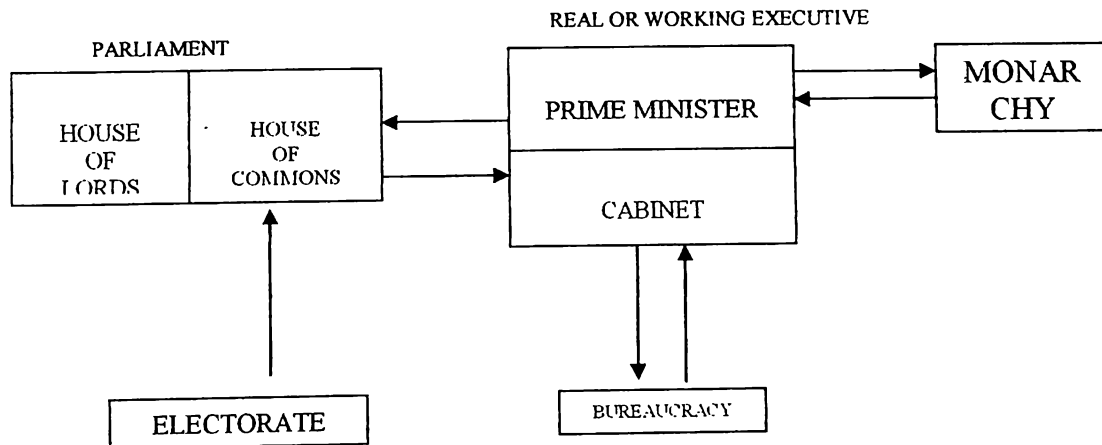
On Parliamentarism

The parliamentary form of government was being proposed as a possible replacement for the presidential system that was believed to fail in putting the acts of the executive and the legislative branches of government in tune with the other. With the current debates that seem to be in favor of the parliamentary form of government, there exists a question on why is the parliamentary system a more appropriate framework of government as compared to the presidential form of government in improving the capacity of the government to function effectively in providing a means of representation to the people and to facilitate the consolidation of democracy in the Philippines. To be able to answer the above stated question, there is a need to look into the salient features of the proposed parliamentary system

of government, as well as its disadvantages and the problems that would probably arise if and when the proposals regarding the parliamentary shift are entertained.

The parliamentary form of government is also called the cabinet government, and is usually defined as a form of constitutional democracy wherein the executive authority is responsible to the legislative authority, since the former emerged from the latter. The parliamentary government takes a lot of form, but is usually characterized by the fusion of powers of the executive and legislative branches into one branch called the parliament. The relationship between the executive and legislative in a parliamentary government is best described in the organizational chart of the British Parliamentary government below which is considered as the model for parliamentary governments in other parts of the world:

Figure 2.
Executive- Legislative Relations
Parliamentary Government
(British Model)



Source: Caoili, Olivia. *Parliamentary vs. Presidential Governments*. UP Press:Quezon City. 1994

In the chart above, the electorate elects the members of the House of Commons, the half of the bicameral parliament where legislative authority is vested

which is composed of elected members from various constituencies. The other half of the bicameral parliament is the House of Lords which is composed of the archbishops and bishops of the Church of England, and the hereditary and life peers and peeresses. (Caoili,1994) The House of Commons selects the Prime Minister who, in turn, chooses his/her Cabinet members. The Prime Minister and the Cabinet are part of the legislative but when they perform executive functions, they are the Executives and comprise the government. The Prime Minister and the Cabinet, theoretically are appointed by the Monarch, the ceremonial executive and symbol of the state, but only after the House of Commons has chosen the Prime Minister. In the same way that it is the Monarch who formally dissolves the Parliament, but only after the Prime Minister has advised the Monarch. A government retains ministerial office unless they have the majority support in Parliament. The defeat of the government indicates the lack of support of the House of Commons, thus requiring the resignation of the government or a general election to secure a new parliamentary majority. (Caoili,1994)

Parliamentary government exemplifies popular representation and responsible government since the executive is directly part of, and accountable to the legislative that is responsible to the electorate that elected its members.

Perceived Advantages and Disadvantages of the Parliamentary Government

As compared to the presidential system deemed to be slow and inefficient in providing the needs of the people and in enhancing democracy, the parliamentary system is seen as a form of government which makes for good government in theory

and in philosophy since it allows greater representation from the people and greater accountability of public officials. Parliamentary government is regarded to promote and hasten economic development of a country since it is more dynamic, responsive to the needs of the people, and accountable.

One of the strong points of the parliamentary system is its principle of “mutual dependence” that characterizes the relationship of the executive and legislative branches of the government. The government and the parliament are somewhat forced to cooperate with each other in order to prevent the defeat of the government and ensure the continuance of the policies to be implemented. Under the parliamentary system, the two powers of the state, the executive and the legislative, are fused into one, which would be effective in preventing problems on policy implementation from arising. Because of this, the parliamentary system has a better ability to prevent gridlocks and political squabbles among legislators and between the government and the Congress that arise whenever there are deliberations of issues regarding major policies. This is the main argument of the proponents of parliamentarism, as they argued that under the presidential government, power is distributed independently among the three coequal branches of the government. Also, the executive and the legislative are directly elected by the people, making them accountable to no one else but the electorate. The fixed term of office that comes with the positions of the public officials make the executive and the legislative survive without the fear of having a branch of government be dissolved by the other. The problem inherent in the presidential set-up became evident, when Abad (1997), referring to Lijphart, mentioned that “*the real problem is...that everyone—*

including the president, the public at large, and even political scientists—feels that the president's claim (to legitimacy) is much stronger than the legislature's. Consequently, ...the feeling of superior democratic legitimacy may make the president righteously unwilling and psychologically unable to compromise.” , but the problem does not only stem from the president's perceived supremacy of his/her position. As mentioned again in Abad(1997), “*...the legislature is intransigent and refuses to compromise or bow down to political pressure and a serious crisis threatens to embroil the country, the administration—stalemated, powerless and deeply frustrated—is often left with no other choice but to resort to extra-constitutional measures...*” The principle of mutual dependence in the parliamentary system promotes a cooperative relationship between the executive and the legislative branches of the government, which prevents the inherent structural weakness of the presidential system especially when it comes to policy-making. (Abueva,2002)

The parliamentary system also has a greater capacity to ensure stability and continuity in the government as it prevents military coups and extra-constitutional action by the executive. Despite of the attacks on the alleged instability brought by the constant changing of the government under the parliamentary government, it is also seen in a different light. The removal of government and its heads is easier done in a parliamentary government than in a presidential government wherein fastest way to remove public officials from office, especially the president, is through impeachment or through unconstitutional measures. Parliamentary democracies has greater capacity of ensuring a continuous democratic government since it is argued that its rate of survival is three times higher than presidential democracies, as shown by the table below:

Table 2.
 Regime Type of 53 Non-OECD Countries
 That Experimented With Democracy Between 1973 & 1989
 Regime Type During Democracy

	Pure Parliamentary	Pure Presidential	Semi-Presidential or Mixed
Parliamentary years	28	28	0
Presidential years	17	5	0
Democratic Survival Rate	61%	20%	NA

Source: Stepan and Skach, p.11. According to Stepan and Skach, criteria for inclusion in this universe of countries, non-Organization of Economic Cooperation and Development (non-OECD), is based on the Gastil Democracy Scale and the Coppedge Remnicke Polyarchy Scale, which is their attempt to operationalize the eight institutional guarantees for a polyarchy as defined by Robert Dahl, based on their assessment of political conditions as of mid-1985.

Similarly, as shown in the table below, the parliamentary government, with its greater ability to accommodate conflicts and crises in government without the absolute denunciation of the regime, is a better system of government than the presidential government in resisting breakdown through military takeover or *coup d' etats*.

Table 3.
 Regime Type of Non-OEDC Countries That
 Experienced Military Coups During Democracies, 1973-1989

	Regime Type at Time of Coup		
	Pure Parliamentary	Pure Presidential	Semi-presidential or mixed
Countries that were democratic for at least one year during 1973-1989	28	25	0
Countries that experienced military coups while democracies	5	10	0
Military coups susceptibility rate	18%	40%	NA

Source: Stepan & Skach, p.12. A military coup is defined as an unconstitutional removal of the executive by or with aid of active duty members of the domestic armed forces.

One of the advantages of the parliamentary governments lies on its capacity to strengthen accountability in governance. Under the parliamentary governments, passing of blame or avoiding accountability cannot be done because of strong party discipline. The people, is unsatisfied with the way politics is being handled, can hold

the Prime Minister and his Cabinet accountable and remove them from office through the parliament's vote of no confidence.

In the following words of Walter Bagehot found in Riggs(1998), another strength of the parliamentary government, that is, the transfer of power especially during emergencies, is identified:

“...under the cabinet constitution at a sudden emergency the people can choose a ruler for the occasion. It is quite possible and even likely that he would not be ruler before the occasion. The great qualities, the imperious will, the rapid energy, the eager nature fit for a great crisis are not required-are impediments-in common times...by the structure of the world we want, at the sudden occurrence of a grave tempest, to change the helmsman-to replace the pilot of the calm by the pilot of the storm...but under a presidential government you can do nothing of the kind...at a quick crisis, the time when a sovereign power is most needed, you cannot find the supreme people. You have got a congress elected for one fixed period, going out perhaps by fixed installments, which cannot be accelerated or retarded-you have a president chosen for a fixed period, and immovable during that period...there is no elastic element...you have bespoken your government in advance, and whether it is what you want or not, by law you must keep it...”

As mentioned, the president under the presidential government is elected with a fixed term of office, thus making it hard to remove him/her from position, even when certain situations call for it, unlike under the parliamentary government where the Prime Minister and his Cabinet who remain in power so long as they have the support of the people through the parliament, can easily be removed from office through a vote of no confidence of the members of the parliament. The vote of no confidence can well be a toll to bring changes in the leadership, but only when conflicts regarding basic issues of politics and programs are concerned, not because of the personality of the government. The vote of no confidence, as it had been argued, makes the parliamentary sensitive to public opinion. Sensitivity and responsiveness to public opinion are essential features of the parliamentary government.

Although the parliamentary government, as compared to the presidential government, is praised because of its flexibility and accountability, it is being criticized for various reasons as well, paramount of which is very well reflected in the opinion of Dr. Gabriel Iglesias in Caoili(1994) which stated that, "...the very strength of a parliamentary form of government, its responsiveness and sensitivity to the will and the opinion of the people as interpreted by or expressed by their representatives in Parliament, could very well be the source of its own weakness, a built-in instability..." This built-in instability of the parliamentary form of government is grounded on the dynamism of the government under the parliamentary system. The government positions do not come with any fixed term of office and could very well be defeated within a relatively short time depending on the vote of no confidence of the parliament. After the vote of no confidence had been cast, an election could be held to find a new set of officials. This process might happen several times within a month, since there were instances that a government only lasted a week before it was defeated.

Related to the instability in the executive that the system of accountability under the parliamentary government brings, the executive also, does not have any real independence and that the legislature can interfere with the administration. With the constant changing of the government and its officials, there is a great tendency that the programs and policies implemented will be delayed and sidetracked by the sweeping changes in the leadership of the government, which in turn can lead or add to the confusion of the people regarding the dynamic processes involved in the parliamentary government.

Although parliamentary system is viewed to be a better system of government than the presidential government in ensuring a more democratic processes, and accountability of officials, there are still concepts that defeat the idea of the practicability of adopting the parliamentary system here in the Philippines. As it is, there are two main reasons why the parliamentary system of government should not be adopted here in the Philippines. First, is the inability of the current Philippine government to meet the preconditions necessary to make the parliamentary system a success in a country like the Philippines, preconditions such as a strong political party system with disciplined members that would ensure the dynamism of the parliamentary government, and a strong bureaucracy that would be able to continue on with the implementations of programs despite of the frequent changes in the political system, so that even if there will be numerous leadership changes, the citizens will not suffer the consequences of the turmoil and instability that the strict sense of accountability of public officials in their government bring. What the Philippines has right now is far from the preconditions mentioned. The current political party system of the Philippines is characterized not by discipline among party members and the platform of the party that carries the members but by the personality of the members, and because of this, party members can easily switch from one party to another. The Philippines also does not have a strong bureaucracy that can withstand the dynamism of the changes in the parliamentary system.

The second thing that would defeat the idea of a parliamentary system here in the Philippines is people's perception on the matter. A survey by the Social Weather Stations (SWS) during the 2nd quarter of 2002 included a question on the people's

views regarding the proposed bill to adopt a parliamentary system of government here in the Philippines. The survey findings yielded a 30% affirmative response from the respondents (with only 8% of which were strongly in favor of the proposal), but 33% of the respondents asked were not in favor of having a parliamentary system in the Philippines. The other 37% of the respondents were undecided on the matter at hand. Mahar Mangahas of the Social Weather Stations contends that the division of opinion, as shown in the findings of the survey, demonstrated that the public was not altogether receptive on the idea of shifting the form of government towards parliamentarism, since the public agree on certain features of the proposed system like the coordination of the executive and the legislative branches of the government, but reject some of its features such as the indirect election of the executive, as well. [See Appendix for the result of the SWS survey]

The Filipinos have an emotional tie with the presidential system as it allows them to practice their democratic rights. There is also the people's skepticism that the moves towards the adoption of the parliamentary system are ways of those in power to manipulate the people into legally promoting their stay in power. Unless the people changed their perception on the dismantling of the presidential government, any attempts towards adopting a parliamentary system will seem futile and will be met with nothing but disapproval.

Chapter IV Towards a Federal Philippines

The Philippines has a long history of having a unitary system of government, which can be traced even before the arrival of the Spanish colonizers. Early dwellers in the islands of the Philippines were organized into small groups called *barangays*, independent “socio-economic units” were the early political institutions that served as their form of government. The *barangays* were very centralized system of government that was headed by a *datu*, where all authority and powers - executive, legislative, judicial as well as military, were vested. (De Guzman, Reforma & Panganiban, 1988)

The unitary system of government was strengthened with the Spanish colonizers’ efforts of establishing a better way of administering, and controlling their prized colony. The Spaniards’ feudal institution known as the *encomienda* system, was employed not only to establish a firm control over the Philippines, but also functioned as a political unit headed by an *encomendero*. (Constantino,1975)

With three hundred thirty-three years that the Spanish colonizers ruled over the Philippines, it is no wonder that the centralized system imposed by the colonizers as a way of ensuring firm control over its colony, has become deeply instituted within the Philippine administrative system. Even when the Americans came and subjugated the Philippines, the centralized system, with a government hierarchy that instituted the national government at the head and with the provinces acting as conciliator between the central government and the municipalities, was retained as the colonial administrators deemed it as the best way to rule the colony. (Tapales,1995)

Brillantes and Moscare (2002), recognized that even if the colonial government maintained a highly centralized politico-administrative system, there were still policies in support of local autonomy. There were also declarations, like that of US President McKinley's "*Instruction to the Philippine Commission*" which granted that "*municipal government[s]...shall be afforded the opportunity to manage their own local affairs to the fullest extent of which they are capable, and subject to the least supervision and control...*", that opted for a relatively decentralized government, but was deferred due to the military objectives of the colonizers.(De Guzman, Reforma & Panganiban, 1988)

As compared to the Spanish administration, the American colonial administrators implemented more democratic measures, since provinces and municipalities were allowed to elect their own officials and enact their own ordinances, but still, the practice of centralism was not altered, as the ultimate control of actions was still fixed in Manila. The degree of centralization in the governance increased during the Commonwealth years, when, as according to De Guzman and associates(1988), President Quezon followed to the letter, what was stated in Article VII, Section 10 of the 1935 Constitution that "*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...*", when "*He[Quezon] believed that under the unitary system, the national chief executive does and should control all local offices. As a result, central supervision rapidly increased and was personally exercised by the President to a degree previously unheard of.*"

The period of 1946-1972 was characterized by a pattern of decentralization in public administration, as congressional enactments, like the Barrio Charter Act of 1972 and the Republic Act 2264 of 1959 or "An Act Amending the Laws Governing

Local Governments By Increasing their Autonomy and Reorganizing the Provincial Governments” which empowered provincial governments in budgeting, planning and implementation of public projects, and the Republic Act 5185, or the “Decentralization Act of 1967”, bestowed greater autonomy to local government units by either granting additional powers or by reduction of national control of local affairs.(De Guzman, Reforma & Panganiban,1988)

Article IX, Section 5 of the 1973 Constitution imparted that the local government units “*shall have the power to create its own sources of revenue and to levy taxes, subject to such limitations as may be provided by law*”, thus not only establishing the financial self-sufficiency of the local government units, but also increasing the role of the local governments – the province, the city, the municipality, and the barrio- in nation building.

With President Marcos’ declaration of Martial Law, local autonomy in the Philippines experienced a major setback as it was indispensable that the Marcos’ dictatorial regime retain a strong and centralized type of government. (Brillantes & Moscare,2002)

After the fall of Marcos’ dictatorial regime, one of the concerns of the Aquino Administration was to veer away from authoritarian rule and guarantee democratization by ensuring that people participated and were empowered through decentralization. The Aquino administration continued its progressive decentralization measures, and decentralization was one of the principles behind the reorganization of the bureaucracy. (Brillantes,1989)

Republic Act 7160 also known as the Local Government Code of 1991 was enacted to provide for a more responsive and accountable local government structure under the system of decentralization, thus, is considered an answer to the problems of a highly-centralized politico-administrative system long instituted in the Philippine administrative system.(Brillantes,2002)

The long history of the Philippine administrative system reflects an alternating pattern of centralization and decentralization, degrees of which vary depending on the political, economic and military interests of those seated in power. Other factors that affect the level of centralization and decentralization in governance include the threat to national security, personalities of presidents, national integration, national development and the perception of the central government on local governments' administrative and financial capabilities. (Manasan,1992) De Guzman, Reforma and Panganiban (1988) believe that in adopting arrangements for governmental institutions, there is a need to determine whether the advancement of development is a responsibility of the central government or of the local governments together with the non-governmental agencies. Also, they highlighted the justifications of the alternatives presented - a "strong centralized government" and a "citizen power and decentralization", when they stated that:

"The first alternative argues that since development requires unity of vision, comprehensiveness of planning, societal coordination of effort, rational allocation of resources to meet competing needs, and speed in policy decision-making, the powers of the government must be centralized. The second alternative counters that the crucial issue of development is the generation of widespread initiative, effort and social responsibility throughout the society and, thus, political and governmental power must be decentralized. These alternatives refer no less than to the distribution of power in society."

Indeed, the Philippines has a highly centralized unitary system of governance that has long been instituted in its administrative system, but there were efforts to decentralize the consolidated power and authority in the central government. Over the years, there developed an increased petition for more decentralization in governance through federalism.

Federal Proposals

The clamor for decentralization has become so intensified that it became a demand to federalize the country in order to ensure the political decentralization of governmental system's control of power and authority among the local government units. The moves to federalize the country involve that of efforts coming from the Senate and the Congress, and that of a drafted Federal Constitution that highlighted the would-be functions and operations of the proposed Federal Republic for the Philippines.

Imbedded in Senator Aquilino Pimentel's Senate Resolution 212 or the *"Resolution Calling for a Constitutional Convention to Revise the Constitution by Adopting a Federal System of Government and for other Purposes"* are the justifications on why should the Philippines adopt a federal form of government. Senator Pimentel believe that federalism would benefit the country, if adopted as a form of government in the Philippines, mainly because of two reasons. First, it is believed that a federal government will accelerate the economic development of the country through the allocation of the power, usually concentrated in the central government, to local units or federal states. Federal states will be given the power to mobilize their own

resources for the development of their state, without being impeded by the central government. Second, federalism would bring a peaceful solution to the age-old problem of Moro secessionism in Mindanao, since a federal system of government will provide the Moros in Mindanao a federal state of their own, which will be called the Bangsamoro federal state, wherein they can preserve and develop their own culture.(Pimentel,2002) In support of Senator Pimentel's arguments, Dr. Clarita Carlos (2003) of the University of the Philippines Diliman contends that:

"...since unitary systems are undemocratic at the bottom because it kills the very principle that governs democracy, which is that sovereignty resides in the people and all government authority emanates from them. A highly centralized system is good for colonization but has no place in a liberal democratic setting like ours where the right of the individual is paramount vis- a-vis the right of the state...the federal system is more likely to bring about not only more social equity but more importantly, it will imbue in each of us the competitive spirit that will bring about the full flowering of everything that is good in the Filipino, his industry, his ingenuity, his innate nurturing spirit and his ability to rise to the challenges that confront him."

Included in the proposal to federalize the Philippine Republic is the division of the country into federal units based on economic viability, geographical contiguity and ethno linguistic factors.(Carlos,2003) The proposal for a Federal Republic for the Philippines calls for the establishment of 10 Federal States, 4 of which will be established in Luzon (Northern Luzon, Central Luzon, Southern Tagalog and Bicol), 3 Federal States in Visayas (Eastern, Central and Western Visayas), and the other 3 for Mindanao (Northern and Southern Mindanao and the Bangsamoro Federal State). [See Appendix for the proposed federal map]

Aside from matters concerning monetary and foreign policy, defense, basic education, national taxation, national public works and telecommunications, and

national suffrage that were put under the powers of the central government, other matters are to be put under the jurisdiction of the federal states. The Federal States will be granted with power over matters concerning local development, mineral, marine and aquatic resources, forest and other natural resources, trade and commerce, police, local taxation and education. By allowing the federal states to control their own affairs, development will be “tailored” to the conditions distinctive of the federal state. (Pimentel,2002)

The clamor for federalism has been widely supported not only by representatives and officials of the government, but also by various non-government organizations and academics. NGOs such as the Mindanao Congress of Non-Government Organizations, Women’s Network Group, the Moro Islamic Liberation Front and the Moro National Liberation Front, *Libok Pideral - Kusog Mindanao* and the Citizens Movement for Federal Philippines led by academics like Dr. Jose V. Abueva, Dr. Clarita Carlos, Gaudencio Sosmena Jr, etc., are in support of federalizing the Philippines.(www.nenepimentel.org)

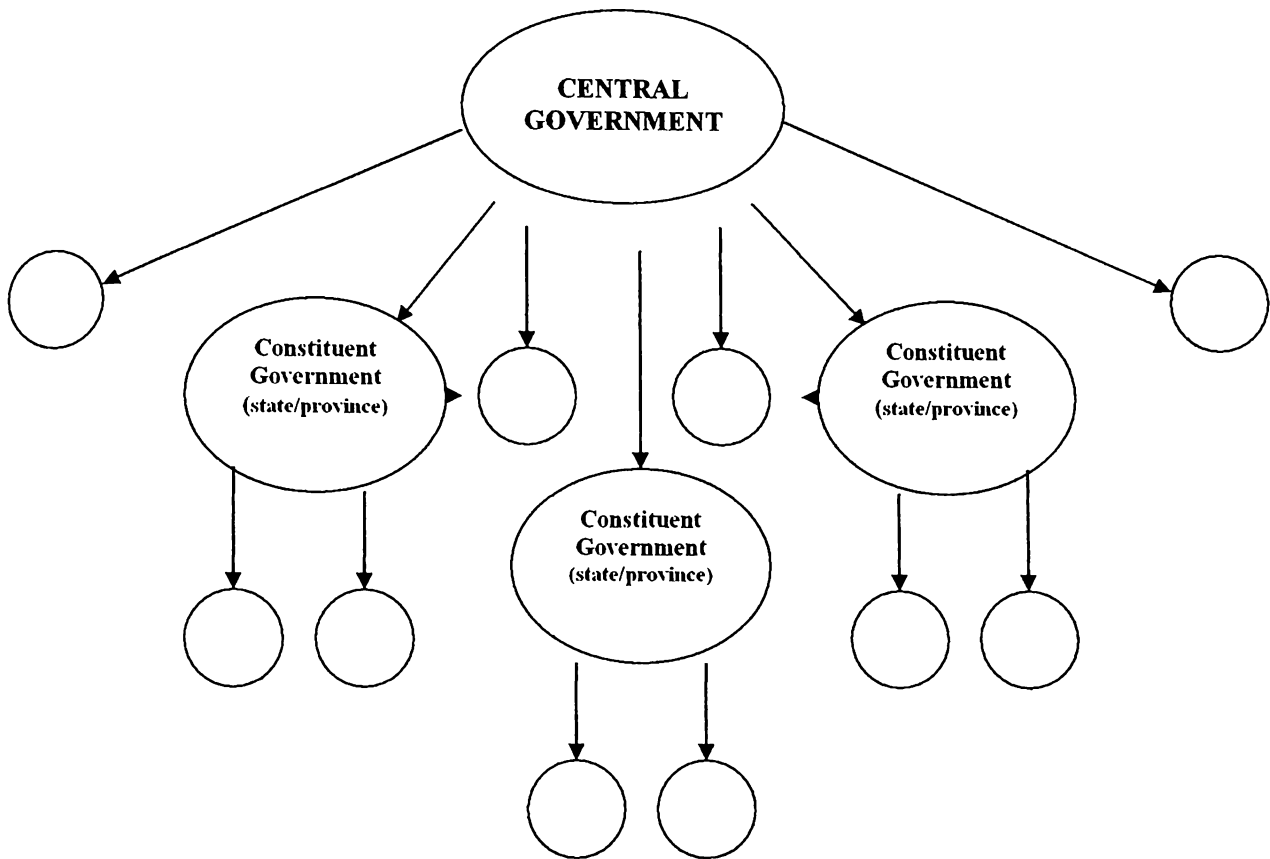
Aside from the ten-year action plan for the transition period beginning 2004, towards the full adoption of a federal government in 2010, devised by Alex Brillantes of the University of the Philippines, together with Dr. Jose V. Abueva, a constitution for a federal system with a parliamentary government was also drafted. (Abueva, 2002)

The Federal System of Government

It seems that the clamor for federalism is continuously intensifying. Since this study focuses on the viability of the federal system of government and its suitability if it is to be adopted in the Philippines, there is first and foremost a need to establish what a federal system is, and identify its merits and flaws before looking at it in the light of the Philippine experience.

Federalism is a political system wherein two levels of the government, the central government and that of the local political units- have control over the territory and the citizens. Although the balance of power between the two levels of government, under the federal system varies in practice of different countries, the federal system is characterized mainly by the division of power and resources between the central and regional governments. This kind of political system grants “substantial” autonomy to the state governments while the central government is still tasked to decide on matters that concerns the whole country such as foreign policy and national security. Because of this relationship that exist between the central government and the local political units, the federal system of government, thus unites separate political entities, but still allows the entities to retain its independence (Encarta 2004). The delegation of power and jurisdiction between the central government and the independent state can be better illustrated as follows:

Figure 3.
Federal System of Government



The Central Government delegates power and jurisdiction to the relatively independent states given that state programs and laws does not violate/ come into conflict with overall national programs and laws. The federal government has jurisdiction over its citizens (regardless of state), in the same manner that the state has jurisdiction over its citizens regardless of province or municipalities. (The above illustration was taken from Skidmore & Wanke; American Government; A brief Introduction; 1981; p.34)

Most of the federal states in the world (refer to Appendix for a list of federal countries) are patterned after that of the United States of America which is

considered as the universal federal form, since the US has adopted the political system when the US Constitution of 1789 was enacted.(Encarta 2004) The table below shows the division of functions in a federal government which reflects the complexity of the structure and functions of the federal system as compared to the unitary form of government.

Table 4.
The Distribution of Policy and Function in American Federalism

<p><i>Monopolized by the national government</i></p> <p>Macroeconomics, defense, immigration, social security, labor-management disputes, civil rights, workplace safety, regulation of monopolies and banking wilderness areas and land conservation, atomic power and waste, airlines, railroads, broadcast licensing, outer-space exploration, international trade, foreign aid, foreign relation, postal service, counter intelligence</p>
<p><i>Shared rather evenly by the national government and the states</i></p> <p>Medical care for elderly, and disadvantaged, welfare benefits, environment protection, social order, scenic recreation facilities, farm subsidies, industrial incentives, taxing highways, civil liberties (although supremacy lies in the national constitution and the judicial review)</p>
<p><i>Monopolized by the state</i></p> <p>Welfare administration, control of insurance, regulation of professions, nursing, higher education, regulation of utilities, definition of crime, justice administration, marriage, property rights, powers of municipalities</p>
<p><i>Shared rather evenly by state government and local municipalities</i></p> <p>Primary and secondary education, public finance, roads and highways, public transportation, airports, welfare administration</p>
<p><i>Monopolize by local municipalities and jurisdictions</i></p> <p>Most important aspects of primary and secondary education (personnel, curriculum, programs, facilities, etc.), city growth and zoning land use, public sanitation, fire and water service, parks, recreation, libraries, maintenance and provision of streets and roads, crime control, cultural life, political party organization and participation, property taxes</p>
<p><i>Shared rather evenly by all governmental jurisdictions</i></p> <p>Taxes, housing, urban growth and services, highways</p> <p>Source: Taken from Hamilton & Wells; Federalism, Power, and Political Economy: A New Theory of Federalism's Impact on American Life; 1990; Prentice Hall, New Jersey; p. 59</p>

Essential to the federal government is the principle of “divided sovereignty” since the political system is characterized by the division of power between the two independent tiers of authority- the national government and the intermediate on state level which are independent of each other. K.C. Wheare (1947) defines the

relationship between the two tiers of government under the federal system as one of coordination rather than subordination.

Aside from the decentralization of powers and governmental functions between two independent political entities, the basic essence of federalism is that of subsidiarity. Grounded on the premise that administrative level must be empowered and equipped with means to directly deal with the problems within its own level, federalism grants authority and power to the local levels so they can assess, plan and implement programs of their own to address the problems that directly affect the people in the local level.(Abueva,2002)

Christian Rieck (2001) contends that federalism functions best in four ways: in ensuring integration, integrity and political stability by settling disputes not by the brute force but by allowing greater participation and representation in strengthening democracy, in guaranteeing human values of dignity, freedom and respect through upholding the rule of law and in reflecting the nation's inner cultural diversity.(Abueva,2002)

The Merits and Flaws of the Federal form of Government

The salient feature of the federal system of government can best be described in the words of Gaudioso C. Sosmeña, Jr. (2001):

“federalism is a highly efficient system of government to the extent that functions can be discharged more efficiently by smaller units than by larger ones. Particularly, the point is made that smaller units are better suited to experiment with new problem solutions. Federalism, it is said, facilitates competition, which is one element on which the efficient allocation of resources as well as the openness of the system depends...”

The federal form of government, as mentioned in earlier, is characterized by the division of powers and administrative functions between the national and the state governments. By granting certain governmental functions, like that of the local taxation, education and the allocation of natural resources, to the local, state governments, the national government can focus on matters of national interest like national security and peace, foreign policy and national taxation, without having to deal with the problems that directly affect the people in local level. The main advantage of the federal system of government lies in the decentralization of powers and governmental functions between the national government and the governments in the local level that allows a greater chance of subsidiarity to the local government. Under the federal system of government, the intermediate local governments are given the powers and the authority to plan and implement their own programs to solve the problems that were directly experienced by the people in the local level, without much interference from the national government, thus making it more responsive to the needs and demands of the people in a certain district. The national government, on the other hand, can direct its attention and efforts, as well as its resources in solving matters of national importance.

The federal form of government fosters greater sensitivity to regional concerns, thus by allowing federal states a degree of control over their own affairs, developments are “tailor-made” to the unique conditions of each state.

Since the people are allowed to participate and are given the chance to govern over their own districts, and there is easy access to resources that will cater to needs of the people, the federal system of government brings the government closer to the

people. Federalism best facilitates the citizen's legitimization of the democratic order as it provides more opportunities for its citizen to effectively exercise their electoral and / or political franchise. In support of the aforementioned idea, Gaudioso C. Sosmeña, Jr. (2001) contends that:

“One of the existential problems of any democratic order is the legitimation it requires from its citizens. The measure of consent of these citizens to fundamental elements of democracy, their preparedness to engage in politics to a certain extent, and their ability to identify with the democratic system in principle are problems that are vital to the survival of the system. The more chances to democracy affords both institutionally and procedurally, to arrive at a consensus, to show commitment, and to identify personally with democracy, the greater are the chances of achieving functionality, stability, and permanency. Compared to the unitarian system, the federative system enhances these chances considerably...”

More importantly, the main reason why there are moves to federalize the country is because of the flexibility of the federal system of government to allow greater measure of autonomy that ensures linguistic, religious and cultural diversity of communities, thus reducing the possibility of secessionism. Under the federal system of government, the country is to be divided into states according to, not only its geographical location and its capability to develop itself, but also based on the geographical and the ethno-linguistic components within the area. By granting a degree of autonomy to the federal states, the cultural minorities within that area are given the chance to develop and promote their own identity and culture, without much pressure from the national government. The autonomy granted to the states, although not absolute, was enough to give room for the cultural groups to progress. Also, since under the federal system of government the country is divided into states, and so, attempts of belligerent groups to topple the federal government would seem to be futile since aside from the federal national government, each federal state has a government of its own.

Other benefits of the federal system of government were outlined by David Nice, as quoted by Tenorio (2000).

- Allows localities to adopt national policy according to their peculiar needs
- Prevents the abuse of power by national as well as regional government owing to the existence of other [powerful] autonomous units to countercheck abuses
- Encourages innovation as far as the multiplicity of autonomous governments affords experimentation of different social policies at the same time
- Encourages citizens to demand more efficient and responsive governments
- Enables government to manage a set of growing demands from their constituents
- Relieves central and national government from public resentment owing to the dispersals of tension across different jurisdictions
- Foster greater participation of citizens in governance
- Encourages self – reliance on the part of local governments
- Strengthens the state’s military and diplomatic front given the large resource pool afforded by autonomous and self reliant local governments

The federal system of government has many redeeming qualities, as it is seen as a system that promotes greater stability of political system, greater accountability and transparency, and the enhancement of the quality of political decisions through subsidiary. However, because of the complexity of the structure, organization and function of the federal system, it is inevitable that the system faces institutional and structural problems.

Within a federal system, there exists a complex system of relations between and among governments, since other than the national-local government relations, there are also inter-state relations, sub-state relations and the inter-local relations, which can become causes of tensions and conflicts. (Hamilton and Wells, 1981)

In a federal system, there are 2 governments, one in the national level and the other one, operating on the intermediate level. From this arrangement, arise a variety of problems particularly on the matter of jurisdiction. Overlapping jurisdiction arise when there is duplication of administrative functions of the federal and state governments, creating delays on the implementation of the government` s programs. (Rodeo, 1997)

David Nice cited that one of the imperfections of the federal system of government is that localistic bias may develop since there is a tendency for the regional governments to neglect externalities because of state loyalty. (Tenorio,2000) Another flaw of the system of government under study that must not be overlooked is that the equal standing of the regional governments might result in problems regarding coordination among the state governments.

Disregarding the flaws of the federal system of government, the Philippines nowadays, is considering the possibility of adopting the federal form of government, but the long history of the unitary system of government in the Philippines makes it difficult for the federal project to prosper.

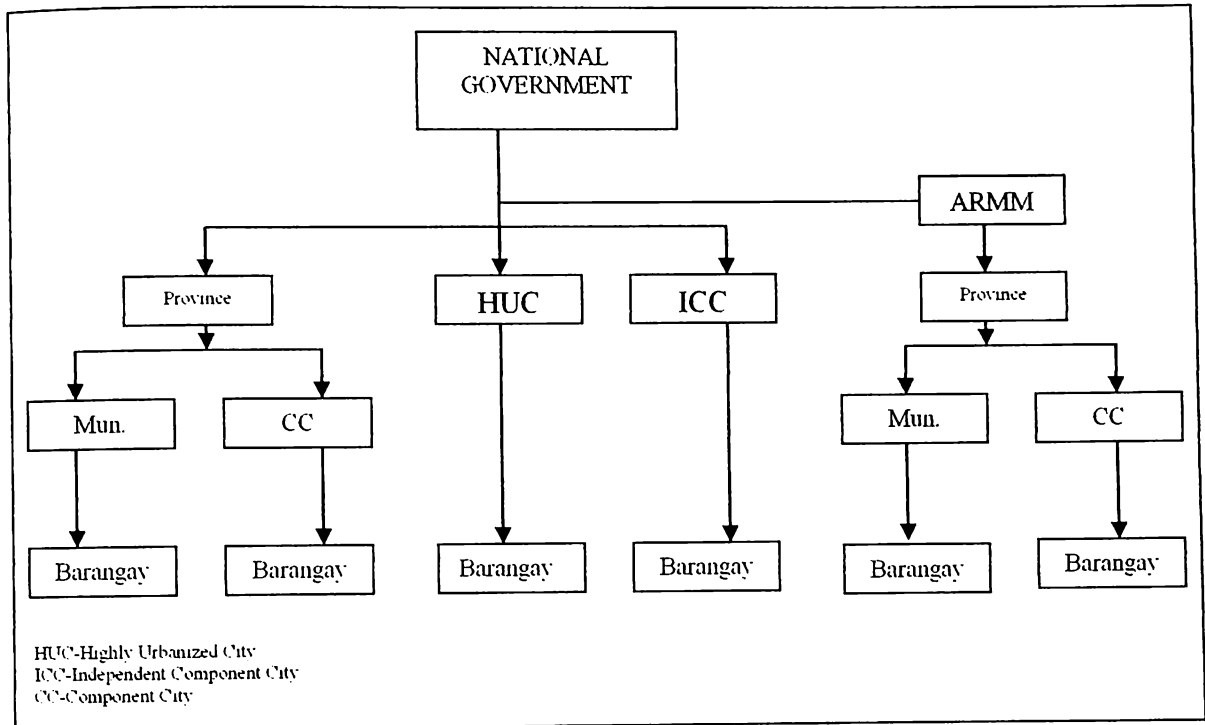
Majority of the countries in the world apply the unitary form of government as their institutional arrangement. The Philippines is a unitarist country, along with France, United Kingdom, and China. As mentioned earlier in the chapter, the unitary form of government has long been established within the country`s administrative history, as it is adopted and practiced even before the colonizers came.

Philippine Unitary System of Governance

If under the federal system of government, the relationship between the national government and the intermediate-level government is characterized by the principle of “divided sovereignty”, the unitary system of governance is characterized by the opposite principle. The central principles of unitary system of government are the “undisputed and undivided sovereignty”, made legal by “supreme constitutional authority. The relationship between the national and local government units is best described as one of “subordination and dependency” since the supremacy of the decisions of the national government is uncontested, thus, making the unitary form of government a strong centralized system of government, the authority to direct and control matters and issues, whether of national or local importance such as taxation, policy-making and local development planning, is rested only in the national government. The local government units are dependent to the decision of the national government. If and when the local government units were given powers, it must be explicitly provided by the constitution. (Ocampo-Salvador, 1999)

The Philippine Local Government system, as according to Ocampo-Salvador(1999), is compressed of four tiers namely the Province, the city, the municipality and the *barangay*. The structure of the local government in the Philippines is best illustrated in the figure below.

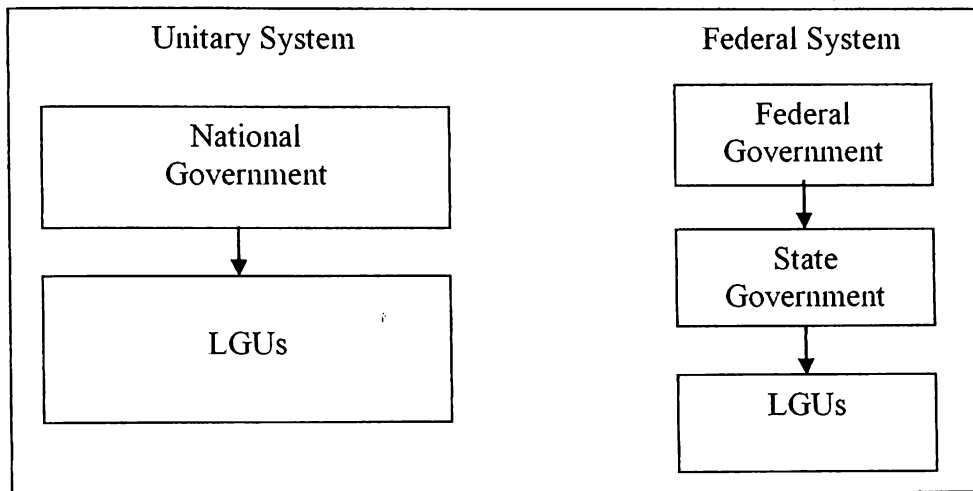
Figure 4.
The Structure of Local Government in the Philippines



Taken from Celestino, Malvar & Zipagan; Handbook for Fiscal Administration in the Philippines; UP NCPAG; 1998, p. 36

In a unitary system, since power and authority are concentrated in the national government and there is no division of power from the national government to the state's government, there are no tiers or intervening layers of authority between the national government and the local government units, while in the federal system where there is a division of powers, regional government or state governments act as intervening layer between the federal court and the local government units. This organization is better shown in the diagram below.

Figure 5.
Organization of LGUs in a Unitary System vis-a -vis a Federal System



Taken from Celestino, Malvar and Zipagan; Handbook for Fiscal Administration of the Philippines: UP NCPAG: 1998, p.34

Advantages and Disadvantages of the Unitary System

The unitary system as according to Ocampo-Salvador (1999) is effective in areas where “vast size and insularity of territory” exists, since there is an inherent quality in the unitary system to establish unity, uniformity and equality. The main edge of the unitary system to the federal system of government is the formers inherent mechanism towards the uniformity of laws, thus, ensuring the protection of human rights and delivery of basic services.

Under a federal system, states are allowed to enact laws of their own, as long as it does not violate the federal constitution which is the supreme law of the federal government. There exists a lack of uniform legislation since individual states’ laws might be more progressive or antiquated than other states.

Although the unitary system brings uniformity in laws, its disadvantages make it a rather weak form of government. The primary problem of a unitary system of

governance is its tendency to over centralize the administrative authority and power over local affairs.

As according to Ayson and Reyes (2000), over centralizing the administrative control of local affairs burdens the central government with not only matters of national importance, but with local problems as well. Since there is a over centralization of powers and authority in the central government, national officials lack knowledge of the local conditions and local problems, which might lead to the formulation of inadequate policies. Lastly, the unitary system with its inherent task of having a unified laws and legislation will not work best in a large country having a heterogeneous cultural population that seeks to preserve and promote its own unique culture and identity.

Prospects of Federalism in the Philippine Setting: Some Issues and Concerns

With the problem of overcentralization in the current Philippine unitary system of power, provides the basis of that the federal system of government can be a better system of government for the Philippines, and that the possibility of dismantling the unitary form of government and of federalizing the country is being considered.

In a previous interview with Governor Lutgardo Barbo, chief-of-staff of Senator Pimentel, he recognized the fact that the current unitary form of government in the Philippines is one that is highly centralized and that this is one of the reasons why the Philippines is lagging behind our Asian neighbors. He mentioned that, *“practically, all powers, functions and obligations, and authorities are lodged in one central form of*

government, that is why we are not moving as fast as we should...". As it is, everything is centered in Manila, thus making it the center of bureaucracy. Consequently, the concentration of power in the government makes it very difficult, not to mention, very time-consuming, to turn over resources and resolve issues and other matters in the countryside. Local officials have to flock to Manila just to be able to get "decisions" and concessions from the national government centered in Manila. Representative Francis Escudero of the House Committee on Government Reorganizations highlighted a primary problem of having an overly centralized form of government, and that is "kung sino ang may hawak sa Manila, siya ring may hawak ng buong Pilipinas, since the very government itself, who and what comprises it, is decided upon Metro Manila..."

Federalism is seen as a possible solution to the problems that overcentralization bring. With the "divided sovereignty" principle that guides the federal form of government, the inefficient way of distribution of goods and the unequal allocation of resources due to the concentration of powers, functions and resources in a central government, will be avoided since there would be decentralization of powers and functions. Governor Barbo recognizes also that, '*...if we go federal, we have to decentralize since we're going to be talking of government division of powers, obligations and authorities. We are going to devolve several function, powers and resources to the regional state governments. While we will allocate powers to the central government, there will be more for the state governments...*' Accordingly, the idea of decentralization would be good for the country and its people since those who are directly experiencing the problems

would be given the means and the necessary assistance to provide solutions to their problems.

On the question of whether the federal form of government will work in a country as diverse as the Philippines, the answer was provided by Carton Rodee (1977) statement that ‘the federal system of government is particularly well adapted to states embracing wide areas, with sectional diversities due to geography...well as to the heterogeneity of race, nationality, language, or religion.’ The Philippines, certainly is a country with a diversity of language, culture and customs, laws, norms and practices, caused by geographical obstacles such as large areas separated by water, mountain or poor infrastructure that leads to poor transportation and communication between the separated areas. The Philippines is composed of 80 provinces, 113 cities and 1494 municipalities and with some eleven languages and eighty-seven dialects spoken by the large population, dispersed across the archipelago. (www.nenepimentel.org)

Accordingly, Dr. Jose V. Abueva (2002), referring to Rizal G. Buendia’s “*The Prospect of Federalism in the Philippines: A Challenge to Political Decentralization*”, describes the main advantages of adopting a federal structure in the Philippine administrative system, which are as follows with only minor editing:

1. the federal structure ensures equal status and treatment when it comes to the needs of all parts of the country, notwithstanding the ethnic, religious, linguistic or geographical conditions;
2. it brings the government closer to the people and makes it sensitive to their problems and needs;
3. enhances national integration and unity;
4. leads to less pressure for separation from the nation–state as peculiar needs of various cultural groups are defined in accordance with their own customary religious practices, and enhances the development of their resources based their identified priorities and;

5. serves as an equalizing factor as it promotes a more balanced socio-economic and political development attuned to the needs of the region, thus allowing greater participation of the people in the decision-making process.

Indeed federalism, with its salient features, will be able to solve many problems of the Philippine administrative system, but it will not guarantee that there would not be any problems yet to arise. Recognizing that the federal idea is quite good for a country as diverse as the Philippines, Representative Antonio Nachura of Samar still is uncertain on the matter since in a federal government, small economically depressed areas, if made into states, will not be able to stand on its own and propel its own development since under the federal government, these areas will have to rely on their own resources. Governor Barbo also recognized the problem that under a federal government, regionalism would be heightened and might lead to some states' secessionism and demand for their independence and be dismembered from the national government, but he contends that this could be prevented if the federal constitution would specifically state that, "under a federal form of government, any state cannot simply secede and get away from the republic".

Another problem that would have to be dealt with if the federal structure is to be adopted in the country, is one that concerns the officials of the local government. Under the federal system of government, the function of the local government's officials is increased and their powers are strengthened since the local governments were granted with relative autonomy to deal with problems that directly affect them. Representative Francis Escudero attested to the responsibility of the chief local executive in making the federal structure work, in making the local government

function more efficiently in the delivery of the basic services to the local units. He also mentioned the need for a strong civil service system to back up the local and the national government in administering and securing the continuity of the policies. Added to the need for a strong civil service system, Abueva (2002) also emphasized the need for a merit-based bureaucracy and a responsible electoral system.

The main problem that would defeat the idea of federalism would probably face is not on cultural diversity nor on the possibility of dismembering of states from the national government, but on the people's perception that dismantling the current unitary system of the Philippines and replacing it with the federal form of government would bring more problems than what it aims to solve.

In a survey of the Social Weather Station (SWS), conducted from May 17 to June 3, 2002 to 1,200 representative households regarding the people's receptivity towards charter change, where one of the questions formulated concerns the creation of regional governments to replace provincial governments and federating them, yielded a result of 20% responded favorably, 20% unfavorably, 20% were undecided and the other 40% contends that what they know of the federal system is not enough for them to respond favorably. Despite of the results, Mahar Mangahas of the Social Weather Stations reported that the 2002 results of the survey regarding charter change and the possibility of federalizing the country was an improvement from the 2000 survey where only 14% responded favorably, as against the 28% who responded unfavorably. [See Appendix for the survey results]

The SWS survey only shows that the people reject the idea of charter change, one that would be a prologue to the adoption of the federal system of government,

not because of they do not believe that the proposed system would not be suited for the country, but their opposition is due because of the lack of the people's knowledge on matters regarding the proposals to change the charter, particularly that of a relatively new concept of the federal system that was seen as a better system than the unitary government that the Philippines has. Thus, there is a need to educate the people on the concepts, functions and advantages of the proposed systems, and let them decide afterwards.

Chapter V
Summary, Conclusion and Recommendation

There has been an increasing call to dismantle the Philippines' current unitary-presidential system of government and adopt a federal-parliamentary system of government through institutional reforms in a charter change.

Embedded in the history of the Philippines, is a long practice of a highly centralized system of government that vested and concentrated power and authority, not only to the central government but most especially to the president of the Republic, which makes the president a very powerful and influential personality in Philippine politics. The highly centralized unitary system of the Philippines has been used for so long that it has become an institution in the Philippine administrative system. The presidential system, on the other hand was replaced with a parliamentary system, through revising the American inspired 1935 Philippine Constitution, to provide basis for the authoritarian rule of former President Ferdinand Marcos which caused turmoil and chaos in the society. The people was not without opposition to the Marcos regime which they believed to obliterate the democratic running of the nation, thus depriving the people their right to be heard and participate in the government, as well as in the administration of the country.

With the long years that the Philippines was under the control of foreign colonizers, the Filipinos give much importance to democracy and their participation, however little it is, in the decision-making and other processes in the government, as they believe that democracy must entail a government of the people, by the people and for the people. With the fall of the Marcos regime and the start of the rule of

Corazon Aquino through the EDSA People Power Revolution, democracy was supposedly reinstated and the running of the government, returned to the people. Yes, democratic institutions that existed during the pre-Marcos period were reinstated, but there exist the problem of making the institutions work properly for the benefit of the people and at the same time veer away from any form of authoritarian rule, thus creating the need to consolidate democracy. Consolidation of democracy would supposedly bring a government system that is not to be used by power-grabbing officials for their own good, but one that would really cater to the needs of the Filipino people.

Eighteen years after democracy was restored, consolidating democracy was still not achieved, since the government focuses not on the arrangement of the structures and institutions of the government and making those work, but on struggling to find solutions to the long inflicted problems of society like poverty, corruption and crimes.

Recent proposals to amend the 1987 Constitution, which accordingly was drafted during a very emotional period in the history of the Philippines, thus reflecting the intensity of emotion of the people that never again would democracy be taken away from the people. Current proposals to change the charter include not only economic reforms, but also institutional and structural reforms to not only consolidate democracy, but strengthen it as well and bring forth a government structure that would ensure greater participation from the people.

Political institutions are essential in strengthening governmental effectiveness, and so reforms in towards changing the political institutions must not be taken for

granted, instead institutional reforms must be integrated with the social, economic and political reform programs. Two of the most talked about institutional reforms are the shifting from the current presidential government to the parliamentary system of government, and the dismantling of the unitary system of governance to be replaced by a federal system. What this study aims to achieve is to find out if the federal and parliamentary systems of government, if to be adopted through a charter change, are better administrative system than the current unitary and presidential system that the Philippines have right now. The study also aims to look into the merits and demerits of adopting the proposed systems in the Philippines.

Considering the data gathered, the researcher tested the hypothesis that with the faults and the flaws of the unitary system of government, the federal system has a great possibility to be a success in the Philippines, on the other hand, recognizing the weaknesses of the presidential system of government, the parliamentary system of government will not entirely be received by the Filipinos as a possible system that would replace the presidential system if ever the charter is to be revised.

The essential difference between the presidential and the parliamentary system is in the relationship of the executive and the legislative branches of the government. Under the presidential system of government, the principle of separation of powers among the three co-equal branches of the government is highlighted and given much credence. Each branch of the government is independent of each other when it comes to the performance of their functions. Since the officials, both in the executive and the legislative branches of the government are directly elected by the people, making them accountable only to the

electorate, one branch of government cannot hold the other branch accountable for its actions, moreover for the failure of their actions. The system of accountability is through the checks and balance system only, thus making it hard to remove an official, especially the president from his mandated position. On the other hand, under the parliamentary government, one of its salient features is its system of accountability. Usually, it is easier to eradicate the prime minister from its position. If the members of the parliament moved for a vote of no confidence, the prime minister will be out of power.

If the system of accountability will be used as basis for the applicability of the parliamentary system of government here in the Philippines, the system will definitely provide greater accountability and an easier way to remove an official from power. Here in the Philippines, one of the main problems of the institutions of the government is that the officials, knowing that their positions came with fixed term of office, tend to be inefficient and corrupt. When it comes to the effects of this strict system of accountability of the parliamentary system, the researcher contends that the parliamentary system will only bring further confusion and instability in the country, since every instance that the members of the parliament will make a vote of no confidence, there will be another election and the prime minister will be replaced. What the country needs right now is stability and a strong yet honest executives who would ensure stability. Also, the preconditions for the success of the parliamentary system are quite not yet achieved by the Philippines. For instance, for the parliamentary system to really succeed, there must exist a strong political party system, since the members of the parliament and the prime minister are not elected

based on personality but on the platforms and programs of the party where they belong. What the Philippines have right now is a sham of a political party system. Officials are not really elected for the platforms that they present, but mostly by the personality of the candidates. There also exists a not so disciplined “party discipline” among the members of the political parties, since an individual can easily change parties. Another requisite for the success of the parliamentary system of government is a strong bureaucracy that can withstand the frequent change in leadership. This is necessary for the efficient continuation of programs implemented. Here in the Philippines, the bureaucracy is not as strong as what is needed for the success of the parliamentary system, as the bureaucracy is still dependent to the executive branch of the government.

Even if the parliamentary system is generally regarded as a better system of enhancing the effectiveness of the government, of effectively consolidating democracy, and of providing the people with greater chance to participate, the researcher still stand by what is hypothesized, that any attempt towards parliamentarism will not be that good for the Philippines right now. The problems of the Philippine government and society require a strong leadership, a strong executive to acquire stability, and this will not be achieved through the very dynamic, often changing processes of the parliamentary government. Another important thing that the presidential system has but what the parliamentary system lacks, is the ability to provide the people the triumphant feeling of directly electing the highest official of the country. For the Filipinos, electing government officials is as important as it signifies that democracy is still vested in the people.

In contrast to the fate of the viability of the parliamentary government if set against the Philippine setting, the practicability of adopting a federal system for the Philippines in replacement of the unitary system of government, in case the institutional reforms are to be considered and implemented, was highlighted. The federal system, with its principle of “divided sovereignty” that delegates to the state governments a certain degree of autonomy and power, that were usually centralized and vested in the central government under the unitary system. The decentralization of power and authority allows the federal states, which are divided according to ethnical, linguistic and geographical contents of a place, and according to the economic capability of the area, to develop itself and sustain its development without much interference from the national government. Aside from the fact that federalism can address the problem of providing means of development closer to the people who are culturally and geographically dispersed, federalism can be a better system to end the problem of over centralization that contributes greatly to the underdevelopment and is what characterizes the unitary system of government in the Philippines.

As compared to the unitary system of the Philippines where almost all means for development, whether political or economic, are concentrated in the administrative and industrial centers, particularly in Metro Manila, and with the other areas dependent on the center to provide them with benefits and concessions, the federal system can better address the problems that existed not only at the national level, but on the local level as well. Granting autonomy and power to the local government units is tantamount to empowering the local government and their

officials, as the delegated powers and authority and how these are utilized will depend on the discretion of the local officials. Under a supervision of a good and honest leader, federal states will be a bandwagon for greater political socialization among its people since people in a federal state will have to cooperate for the success of whatever developmental efforts that their system implemented. Federalism will encourage participation from the citizens and can give people an increased sense of self-importance, self-consciousness and self-assertiveness. The equal redistribution of power in local governments is a clear manifestation of democratizing process which can be seen as an accessible and effective channel for participation from the people since the government that used to be so distant from the common man is now within their reach.

A federal system of government in the Philippines has the potential to be a better system than the current unitary form of government, especially when it comes to the delivery of basic services to the people and encouraging greater citizen participation. The idea of empowering the local administration and bringing the government closer to the people by allowing them to assess, plan and implement programs to solve problems that directly affect them, is very promising. The researcher thus, recommends that the federal system of government is a better system of government than the unitary one that the Philippines has right now.

The researcher only has a few reservations regarding the adoption of the federal system in the Philippines. First and foremost, the federal system of government highlights the crucial role of the local officials. These officials were vital to the success of the policies and programs of the local government. The only

problem would be when the officials elected in the local level are negligent of the needs of the people in the area, corrupt and incompetent, there is a great possibility that the local government will suffer and development in that area will be lagged, and thus there is a need to ensure that the locally elected officials are driven not by self interest but by service to his constituents. Second, as the same is also true for the shift towards a parliamentary government, with the present national situation, the people could not afford to be in a harsher political, societal and economic condition that the initial period of implementation of the federal and parliamentary system of government would bring. The relatively new ideas and processes, in which the people would have to adjust to, might cause instability, disorder and confusion to the society. To appease the impact of, in case the charter change is to be adopted, embracing completely the concepts of federalism and parliamentarism, the researcher sees the need to have a transition period that would be used to educate the people of the hows and whys as well as the processes involved in the system that is to be adopted. This is necessary to avoid confusion among the citizens and thus, will ensure that people will participate in the policy-making and other processes of whatever system is to be adopted, but while educating the people, the researcher believed it would be best for the country to opt for more decentralization of powers from the central government to the local government units which can also be done through strict implementation of the Local Government Code of 1991.

The proposed systems of government, as the researcher acknowledged, will not ensure that after its adoption, the lives of the Filipinos will be better, or that the Philippines will be I the same league as the United States or Japan when it comes to

economic success. The federal and the parliamentary system of governments are not miracle dug that can immediately cure the long-inflicted ills of the society. There are no guarantees, no assurances. In the long run, the success of any form of government, be it the presidential, the parliamentary, unitary, or federal, will depend on the attitude of people towards participation and representation in the processes of the government, and so, the people must realize their worth and their crucial role in the success of the system of government and its policies. We can remain ignorant and oblivious to new developments because of our fear of suffering again from experiences that left a bad taste to our mouths, or be educated, vigilant, open to change and assertive of our rights. The choice is ours to make.

BIBLIOGRAPHY

- Abueva, Jose, et.al., *Towards a Federal Republic of the Philippines with a Parliamentary Government in 2010*. Marikina City: Center for Social Policy and Governance Kalayaan College Marikina City, Local Government Development Foundation, 2002.
- Arao, D.A. "Globalizing the Constitution: The Economic Basis of Charter Change" Ibon-People's Policy and Advocacy Studies Special Release No. 40, December 1998.
- Aruego, Jose M., *The Framing of the Philippine Constitution*. Manila: University Publishing Co. Inc., 1954.
- Aruego, Jose M., *Philippine Government in Action*, Manila: University Publishing Co. Inc., 1937, Vol. I.
- Ayson F.& A. Reyes. *Fundamentals of Political Science*. 2nd ed. Philippines: National Bookstore, 2000.
- Baldoria, Pedro L., *The Philippines: Elections and Electoral Systems in the Development of Representative Government*. A paper submitted to the Southeast Asia Conference at Rangoon, October 25, 1955.
- Beukema and associates in government. *Contemporary Foreign Governments*, New York: Rinehart and Co. Inc., 1942.
- Brillantes, A. *Local Autonomy in the Philippines: Myth or Reality?*. Report of the Jaime V. Ongpin Institute of Business and Government, UP-CPA Occasional Paper No. 89-1, January 1989.
- Buckley, William W., *A Study of the Problems Involved in the Establishment of a Parliamentary Government for the Philippines*. (A research paper submitted for the completion of the author's Masteral degree) 1956.
- Caoili, Olivia, et.al., *Views on the Parliamentary vs. Presidential Government*. Quezon City: UP Center for Interactive and Development Studies. 1994.
- Carlos, Clarita, "*Challenging the Present Structure: In defense of Parliamentary and Federal Forms of Government*". A paper presented at the Consultative Assembly of Barangay Officials on Charter Change at the Club Filipino, College of Social Sciences and Philosophy, University of the Philippines Diliman, Quezon City. July 11, 2003.
- Cuaresma, J.& S. Ilago. Local *Fiscal Administration in the Philippines*. Diliman, Quezon City: Up CPA, 1996.
- Dannug, R.R. *Philippines Democracy in Transition*. The Manila Bulletin. February 23, 2002.
- De Castro, Claudette. *Towards A Philippine Federal Experience: An Inquiry into the Effect of a Federal System of Government in the Delivery of Basic Services*. An Undergraduate Thesis: University of the Philippines Manila. April 2003.

- De Guzman, R., M. Reforma & E. Panganiban. *Government and Politics in the Philippines*. De Guzman, R. & Reforma M. (eds.) Singapore: Oxford University Press, 1988.
- Doronila, Amado, *The State, Economic Transformation and Political Change in the Philippines, 1946-1972*. Oxford University Press: Oxford New York, 1992.
- Espina, Gerardo. Philippine Government. Panamao Publishing House: Quezon City. 1981.
- Espiritu, Augusto Caesar. *Parliamentary Government*. Vol.1. A joint project of the Philippine Constitutional Association and the UP Law Center:UP Press. 1996.
- Hamilton, C. & D. Wells. *Federalism, Power and Political Economy: A new Theory of Federalism's impact on American Life*. Englewood Cliffs, New Jersey: Prentice-Hall, 1990
- Malcolm, George A., *First Malayan Republic*, Boston: The Christopher Publishing House, 1954.
- Nachura, Antonio Eduardo and Jonathan Malaya., *Liberal Views on Constitutional Reform*. National Institute for Policy Studies, 2003.
- Ocampo-Salvador, "A. Philippine Local Governments: Towards Local Autonomy and Decentralization" in *Politics and Governance: Theory and Practice in the Philippine Government*. Philippines: Ateneo de Manila University Press, 1999.
- Ogg, Frederic A., *European Government and Politics*, New York: The MacMillan Co., 1943.
- Pareja, Inocencio B., *Parliamentary Guidebook for the Constitutional Convention*. 1992.
- Pollard, Alfred Frederick. *The Evolution of Parliament*. New York: Russell and Russell, 1964.
- Riggs, Fred W. "Presidentialism vs. Parliamentarism: Implications for the Triad of Modernity" *International Political Science Review*. 1998.
- Rodee, C., et.al., *Introduction to Political Science*. National Bookstore, Philippine Copyright, 1977.
- Roche and Stedman. *The Dynamics of Democratic Government*. New York: McGraw-Hill Book Co. Inc., 1954.
- Ross, James Frederick Stanley. *Parliamentary Representation*. New Haven: Yale University Press, 1944.
- Ruiz, Navarro V., *The Philippines Constitutional Convention*. Manila:General Print Press, 1934.
- Sinco, Vicente Guzman. *Parliamentary Government for the Philippines*. Manila: Community Publication.1971.

Skidmore, M. & M. Wanke, *American Government: A Brief Introduction*, 3rd ed. New York: St. Martin's Press, 1981.

Stepan, Alfred and Cindy Skach. *Constitutional Frameworks and Democratic Consolidation (Parliamentarianism vs. Presidentialism)*. World Politics. Vol. 46. October 1993.

Tapales, P. Devolution and Empowerment: The Local Government Code of 1991 and Local Autonomy in the Philippines in *Public Administration by the Years 2000: Looking Back into the Future*. Tapales, P. & Pilar, N. eds. Diliman, Quezon City: UP College of Public Administration, 1995.

Timberman, Davis G. *A Changeless Land: Continuity and Change in the Philippine Politics*. Institute of Southeast Asian Studies: Singapore, 1991.

Wercester, Dean C., *The Philippines: Past and Present*, the MacMillan Co., 1919, 2 Vols.

Wheare, K.C. *Federal Government*. London: Oxford University Press; 1947.

INTERNET ARTICLES:

A Primer on Constitutional Reform/FAQ.2003

http://www.ipd.ph/chacha/primer/chacha_primer.html

KAKAMMPI

<http://www.sunstar.com.ph/static/net/2004/07/07/aroyo.sets.meet.to.tackle.charter.change.html>

www.nepimentel.org

www.decentralization.org

APPENDICES

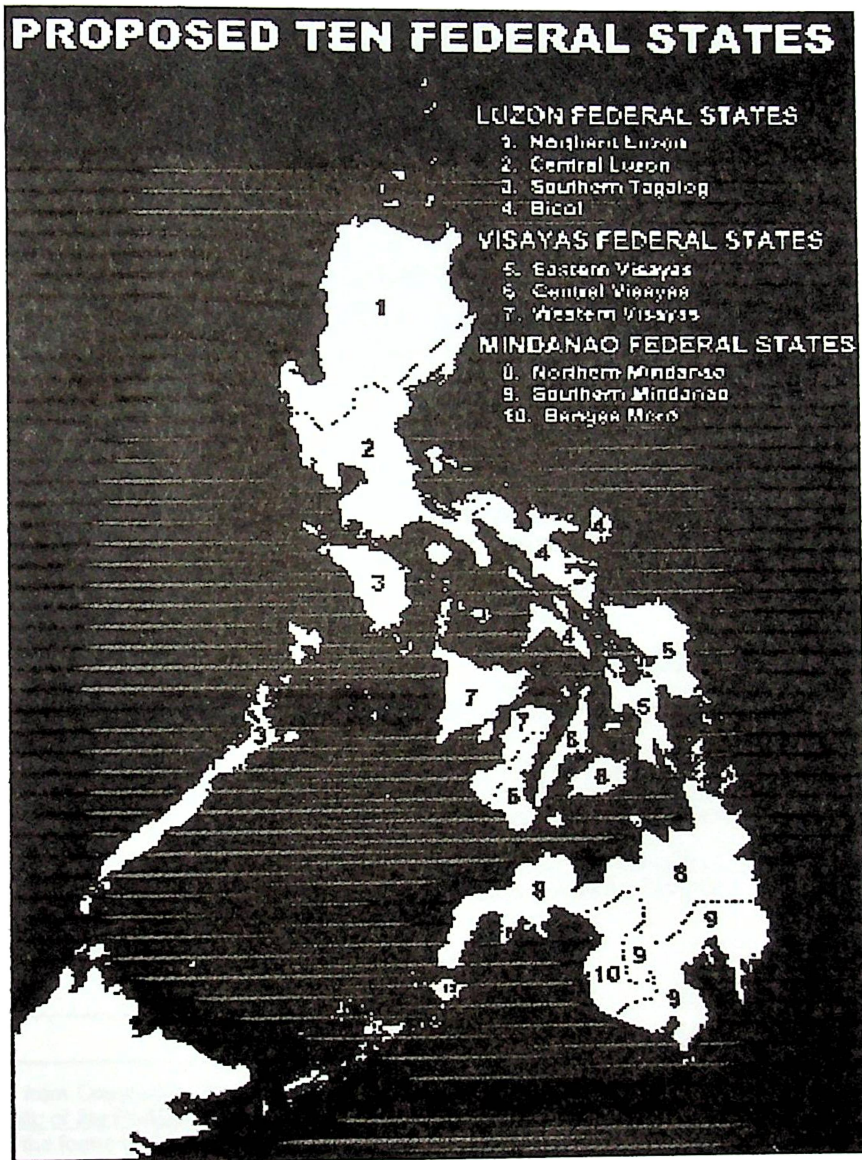
Appendix A
Indicative Ten Year Plan for the Adoption of a Federal Government
2001-2010

YEAR	ACTION
ONE	<ul style="list-style-type: none"> • Setting up an institution (may be based in an academic institution, or maybe a network or consortia of institutions) that will serve as the base of information related on federalism (data bank of models of federal governments, facts and figures on proposed states, and current local governments, proceedings on local and international conferences on federalism, devolution and local autonomy, policy papers and position papers on federalism, etc. • Design of a web-page of the Federal Movement of the Philippines • Laying the groundwork for a network on federalism (civil society, academe, "politicians", etc. • Full implementation of decentralization as defined by the Local Government Code that is fundamental in laying the ground for local autonomy of sub-national institutions which is the lynchpin of federalism
TWO	<ul style="list-style-type: none"> • Formalization of the Network of Federalism • ID Cards issued to member of the Movement of the Federal Republic of the Philippines • Recruit of members to MFRP • Organize local chapters of the MFRP • Network with international organization supportive of Federalism (such as the Canada-based International Forum of Federations) to harness their support • Launching the web page of the MFRP • Conduct of public consultations on amendments to the Local Government Code • Begin the massive information dissemination campaign for federalism
THREE	<ul style="list-style-type: none"> • Organize local chapters of FMP • Conduct of public consultations on amendments to the Local Government Code • Conduct of seminars, workshops, conferences on federalism
FOUR	<ul style="list-style-type: none"> • Implementation of amendments to the Local Government Code within the context of full devolution • Conduct of seminars, workshops, conferences on federalism
FIVE	<ul style="list-style-type: none"> • Conduct of seminars, workshops, conferences on federalism
SIX	<ul style="list-style-type: none"> • Election of delegates to the Constitutional Convention • Conduct of seminars, workshops, conferences on federalism
SEVEN	<ul style="list-style-type: none"> • Holding of Constitutional Convention that would consider the shift from a unitary to federal form of government • Conduct of seminars, workshops, conferences on federalism
EIGHT	<ul style="list-style-type: none"> • National government agencies affected by federalism will conduct an inventory of resources and equipment that will be affected by the federalism process • Conduct of consultation with personnel of national and local government agencies that will be affected by federalism • Conduct of seminars, workshops, conferences on federalism
NINE	<ul style="list-style-type: none"> • Conduct of seminars, workshops, conferences on federalism
TEN	<ul style="list-style-type: none"> • Adoption of the Constitution of the Federal Republic of the Philippines • Conduct of seminars, workshops, conferences on federalism

Lifted from Brillantes, A., *Laying the Groundwork for Sustainable Federalism: A Ten Year Transition Action Plan for Federalism for Good Governance* in Abueva, Jose's Towards a Federal Republic of the Philippines with a Parliamentary Form of Government by 2010; Kalayaan College; 2002

¹ The preparatory action plan has two major tracks. The first track pertains to the continued implementation of the Local Government Code through the devolution of powers to the local governments. This is necessary in order to sustain decentralization process initiated in 1991, also prime to the structures and processes at the local level (consistent with capacity building) to enable them to absorb more powers and functions that would be inevitable under a federal set up. The second parallel track is massive information dissemination and advocacy for federalism.

Appendix B
Map of the Proposed Federal States
By Senator Aquilino Pimentel



**APPENDIX C
CONTEMPORARY FEDERATIONS¹**

NAME	CONSTITUENT UNITS
Argentine Republic	22 provinces+ 1 National Territory + Federal District
Commonwealth of Australia	6 States + 1 Territory + 1 Capital Territory + 7 Administrative Territories
Federal Republic of Austria	9 Lander
Belgium	3 Regions + Cultural Communities
Brazil	26 States + 1 Federal Capital District
Canada	10 Provinces + 3 Territories + Aboriginal Organizations
The Federal and Islamic Republic of Comoros	4 Island
Ethiopia	9 States + 1 Metropolitan Area
Federal Republic of Germany	16 Lander
Republic of India	25 States + 7 Union Territories
Malaysia	13 States
United Mexican States	31 States + 1 Federal District
Federated States of Micronesia	4 States
Federal Republic of Nigeria	36 States + 1 Federal Capital Territory
Islamic Republic of Pakistan	4 Provinces + 6 tribal Areas + 1 Federal capital
Russian Federation	89 Republics and various Categories of Regions
St. Kitts and Nevis	2 islands
South Africa	9 provinces
Spain	17 Autonomous Regions
Swiss Confederation	26 Cantons
United Arab Emirates	7 Emirates
United States of America	50 States + 2 Federacies + 3 Local Home-Rule Territories + 3 Unincorporated Territories + 130 native American domestic dependent nations
Republic of Venezuela	20 States + 2 Territories + 1 Federal District + 2 Federal dependencies + 72 Islands
Federal Republic of Yugoslavia	2 Republics

¹ Table Taken from *Comparing Federal System* by Ronald Watts (2nd edition, 1999) found in Abueva's *Towards a Federal Republic of the Philippines with a Parliamentary Government by 2010*. Kalayaan College, 2002, p. 155, with few editions in the forma of the table's structure

APPENDIX D
 Constitutional Amendments? It Depends*
 Social Weather Stations Survey
 August 23, 2002
 Mahar Mangahas

OPINION ON PROPOSAL FOR PARLIAMENT TO CONTROL THE EXECUTIVE

	<u>RP</u>	<u>BAL</u>				<u>ABC</u>	<u>D</u>	<u>E</u>
		<u>NCR</u>	<u>LUZ</u>	<u>VIS</u>	<u>MIN</u>			
Agree	30%	28%	25%	27%	44%	24%	31%	31%
<i>Strongly agree</i>	8	9	4	4	18	8	8	7
<i>Somewhat agree</i>	22	20	21	22	26	16	22	24
Undecided	37	27	38	35	43	28	36	43
Disagree	33	44	37	38	13	49	34	26
<i>Somewhat disagree</i>	17	21	24	12	5	27	17	13
<i>Strongly disagree</i>	16	23	13	27	8	21	17	13
*Net agree	-3	-16	-12	-12	+30	-25	-3	+5

* % Agree minus % Disagree correctly rounded.

Sa ngayon, ang isang panukalang-batas ay kailangang ipatubuhan ng Senado, ng Kapulungan ng mga Kinatawan o House of Representatives, at ng Pangulo. Kung magkaila ang partidong kontrolado sa Senado, ang partidong kontrolado sa House, at ang partido ng Pangulo, ay magkakaroon ng nararaming pagtatalo na maaaring humadlang sa mga programa ng administrasyon. May nagpapaukale na gawing isa na lamang ang kapulungan sa Batasan, at ang partidong kontrolado sa batasan ay gawing pinuno rin ng gobyerno; ang tauag nito ay Sistemang Parlyamentaryo.

PR, Q10E. Kayo po ba ay... (Lubos na sang-ayon, Medyo sa ng-ayon, Hindi tiyak kung sang-ayon o hindi sang-ayon, Medyo hindi sang-ayon, Lubos na hindi sang-ayon)... sa kanilang panukala?

APPENDIX E
 Constitutional Amendments? It Depends*
 Social Weather Stations Survey
 August 23, 2002
 Mahar Mangahas

OPINION ON PROPOSAL TO FEDERATE THE REGIONAL GOVERNMENTS

	<u>RP</u>	<u>BAL</u>				<u>ABC</u>	<u>D</u>	<u>E</u>
		<u>NCR</u>	<u>LUZ</u>	<u>VIS</u>	<u>MIN</u>			
Agree	20%	24%	15%	21%	28%	28%	20%	19%
<i>Strongly agree</i>	6	7	3	7	10	6	6	6
<i>Somewhat agree</i>	14	17	11	14	18	22	13	13
Undecided	20	14	12	19	37	17	19	24
Disagree	20	31	14	27	16	32	21	11
<i>Somewhat disagree</i>	7	9	8	4	7	15	7	3
<i>Strongly disagree</i>	13	22	7	23	8	17	14	8
*Net agree	+1	-7	0	-7	+12	-5	-2	+8
Don't know enough	40	31	59	33	19	24	40	45

*% Agree minus % Disagree are correctly rounded.

PR, Q104. Halimbawa po na mayroon nang pamahalaang pang-rehiyon sa buong bansa, kayo po ba ay... (Lubos na sang-ayon, Medyo sang-ayon, Hindi tiyak kung sang-ayon o hindi sang-ayon, Medyo hindi sang-ayon, Lubos na hindi sang-ayon)... na gawin FEDERAL ang sistemang gobyerno sa Pilipinas, o KULANG po ba ang pagkakaalam ninyo tungkol sa sistemang FEDERAL?

OPINION ON THE PROPOSAL TO CREATE REGIONAL GOVERNMENTS

	<u>RP</u>	<u>BAL</u>				<u>ABC</u>	<u>D</u>	<u>E</u>
		<u>NCR</u>	<u>LUZ</u>	<u>VIS</u>	<u>MIN</u>			
Good	42%	37%	43%	37%	47%	40%	42%	41%
<i>Definitely good</i>	15	9	13	15	25	8	16	15
<i>Probably good</i>	27	28	31	22	22	32	26	26
Undecided	36	33	34	36	43	31	35	43
Not good	22	30	22	28	10	29	23	16
<i>Probably not good</i>	12	12	17	9	5	13	13	10
<i>Definitely not good</i>	10	18	5	18	6	16	11	6

FOR NCR:

Sa ngayon, ang pinakamataas na pamahalaang lokal sa Metro Manila ay ang pamahalaang lunsod at munisipyo, na ang kapangyarihan, kumpara sa pamahalaang pambansa, ay napakaliit. Kaya't may nagpapauukala na gumawa ng pamahalaang pang-rehiyon ng Metro Manila, at magkakaroon ng hatahan para sa mga opisyal na mamamahala at gagawa ng batas para sa Metro Manila bilang isang rehiyon.

FOR OUTSIDE NCR:

Sa ngayon, ang pinakamataas na pamahalaang lokal ay ang pang-probinsya; sa itaas nito ang mga pamahalaang lunsod at munisipyo. Dahil sa daming probinsya, ang kapangyarihan ng pamahalaang probinsya ay napakaliit kumpara sa pamahalaang pambansa. Kaya't may nagpapauukala na gumawa ng pamahalaang pang-rehiyon ng (R'S REGION), na hahati sa mga pamahalaang probinsya. Samakatuwid magkakaroon ng hatahan para sa mga opisyal ng (R'S REGION) na mamamahala at gagawa ng batas para sa buong rehiyon.

PR, Q103. Para sa inyo, ito po bang panukala ay... (Talagang makabubuti, Malamang na makabubuti, Di-makapagpasya kung makabubuti o hindi, Malamang na di-makabubuti, Talagang di-makabubuti)... para sa ating bansa?

* Survey Background: The report is based on the 2nd Quarter 2002 Social Weather Survey of 1,200 statistically representative households, conducted from May 17 to June 3, 2002, for an error margin of +/- 3% at the 95% confidence level. Taken from www.sws.org.ph



UNIVERSITY OF THE PHILIPPINES MANILA
COLLEGE OF ARTS & SCIENCES

Padre Faura Street, Ermita Manila

Mr. Jose Luis Martin C. Gascon
Undersecretary
Department of Education
DepEd Complex, Meralco Avenue
Pasig City

Dear Sir:

Greetings of peace!

As a requisite for graduation, Political Science senior undergraduates of the University of the Philippines Manila are required to take up Political Science 200, a subject that trains the students on effective research analysis and writing. I am currently working on my thesis regarding the possibility and the viability of having institutional reforms in the government particularly the shift from our current unitary-presidential system to a federal-parliamentary one. I hope that you will be able to provide me with a great deal of information needed for the completion of my thesis.

If it is not too much to ask, I would like to request from your good office to have a personal interview with you because I feel that an interview is the most satisfactory way of obtaining your personal view regarding the aforementioned topic, and if it is possible to have the interview recorded for documentation purposes. I have affixed my contact number and my e-mail address. Please feel free to contact me for any question. I wish to extend in advance, my gratitude for any help that your good office will extend.

Again, thank you and good day!

Respectfully yours,

Jeizel DJ. Silvestre
Bachelor of Arts in Political Science
College of Arts and Sciences, UP Manila
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Appendix G

Gist of the interview with Undersecretary Jose Luis Martin C. Gascon of the Department Of Education, a former member of the academe, is an active member of the Liberal Party of the Philippines.

Question: Are you in favor of the constitutional reforms proposed nowadays?

Answer: On a personal level, yes. You see, I have been involved with the Constitutional Reform Movement of the Political Science Association for nine years now. I have been a member of the 1987 Constitutional Convention, being the youngest delegate to it. I believe that the 1987 Constitution is a good constitution, but it is not a perfect one., as there are flaws to some of the stipulations of the constitution. When the Constitution was drafted, *a mga bata pa kyo noon*, you probably wouldn't remember it, but when Marcos was ousted and former President Cory Aquino was put in power, it was a very emotional time for the country and the people, and most of the framers of the constitutions were bent on making a Constitution that gives lesser machineries for the president to use to impose another authoritarian regime. And so, many of the articles of the constitution are about the individual, the state and how would their rights be protected, and such matters. However, before we can go through with the constitutional reforms, there must be a process followed. The original plan sana was to have the election of the delegates of the Constitutional Convention kassabay nung last election ng 2004 so by mga 2007 sana, a new Constitution would have been drafted. Pero talks on charter change were put on the back seat na, as matters regarding foreign policies, structural programs, tax reforms and other agenda included in the SONA of PGMA, were held as matters of great importance. In my opinion, the window of opportunity has already lapsed after the 2004 elections. I believe that if the Constitution should be changed, it should be done through a Constitutional convention and not through a Constitutional Assembly na Senators and Congressmen lang ang nagdedecide dun, as Joe de Venecia and his ilk would propose, it is important that the people's voice is heard after all, the provisions of the constitution are for their security, empowerment and progress. Whatever good intentions the proponents of Constitutional Assembly has, I am totally against it.

Question: What are the merits and the flaws of the Unitary-Presidential system of government that we have now?

Answer: That's a very good question. You see, while I am saying that the 1987 constitution is a good constitution, it still has its flaws since hindi naman perfect yun. In the system we now have, one that is mandated by the constitution, there is a strong executive kung saan concentrated sa kanya ang power and authority like ung sa foreign relations, tapos Commander-in-Chief pa siya ng Armed Forces. So you see, our country has a very strong, powerful and influential president, even powerful than the president of the United States kung ikukumpara natin in terms of vested powers to an individual. You see, the people look at the president as a symbol of the country's sovereignty, or pwede rin namang, yung mga tao, mas gusto na vested lahat sa isang individual, which in this case, the president, ang powers especially when it comes to the decision-making regarding the country's sake, para if by chance something went wrong, mayroon silang masisisi at in a way yes, someone to put the blame on and be held responsible for it. If it is the parliamentary form of government, I'm all for it. Ang maganda kasi dun, it is easier for the people to remove an official, especially the president or the prime minister if under the parliamentary government. Kapag ayaw ng majority ng mga tao sa pamamalakad ng isang leader, madali lang resolutionan. Yun nga lang, one thing that is bad in the country is that we have parties that are not program or platform oriented but rather personality oriented. Do you have an idea why people voted for say, Bong Revilla? Loi Estrada or even Jinggoy Estrada for that matter? I don't think people voted them for their platforms or the programs they are putting forwards. And hangga't ganito ang lagay ng political party system natin, any attempts toward

parliamentarism will definitely not flourish, since essential ang role ng mga political parties sa parliamentary government.

Question: What makes the federal and parliamentary government work in other countries?

Answer: That's a very loaded question. What do you exactly mean when you say work? There are actually several types of Parliamentary Government, the Thai model, the German model, the Italian model, and the Japanese model among others, If you're asking whether we should learn from the mistakes of other parliamentary government, I wouldn't want what happened in the post World War II Italy to happen in our country! Well, their government was very unstable and often changes leadership, *dabil koting conflict lang, vote of no confidence na agad, e considering na bumabawi pa lang sila nun sa mga effects and remnants ng war.* Their government was so unstable that there was a point in time when their government only lasted not more than a week after it was formed! And normally, the average stay of government in power was just about 11 months. Imagine having that kind of unstable government in our country. Not only will it wreak havoc with the economic and political programs and policies that the country has, it will definitely confuse the people. We still need stability, in light of all divisive things that hobble the country.

Question: Do you think the Philippines is ready for a constitutional change?

Answer: I think I've already answered that in the first question. Yes, I think that the Philippines is ready for a constitutional change, despite what others are saying about it. I do however believe that if and when the country should change its constitution, it should change its constitution, it should be through a Constitutional Convention and not through the Constitutional Assembly, whatever reason Joe de Venecia would give. I really think that we should change the constitution because the country needs it and not because of the selfish and vested interest of some politicians.

An interview through e-mail with Professor Bobby Tuazon of the University of the Philippines Manila

1. What are the political, economic and social conditions that serve as the impetus for the growing demand for a constitutional reform in the country today?

Political impetus: Some politicians are using the pretext of constitutional amendment to revive authoritarian rule (Ramos time) or to seek the seat of Prime Minister (in the case of Jose de Venecia). Some want to change the government system into a parliamentary or federal system on the illusion that this will address the country's basic problems.

Economic impetus: Mainly to 1) do away with the remaining protectionist provisions of the constitution; 2) to formalize the participation of foreign investment in the exploitation of the country's national patrimony (such as mining or ownership of strategic industries or services) by 100 percent; 3) to institutionalize the country's neo-liberal policies (privatization, deregulation, liberalization and contractualization) which are patently unconstitutional today if based on the present charter.

2. What are the merits and the flaws, the strengths and the weaknesses inherent in a unitary system of government and a presidential form of government? Are the flaws enough bases for us to recognize the need for a shift to a federal-parliamentary government?

I don't believe that constitutional change is the end-all, and be-all of the country's ills. The country's problems run deeper than the perception that the basic problem is because of constitutional flaws or in the country's unitary system. Look, we've had 3 constitutions since 1935 – are we better than what we were then?

The basic solution is to dismantle the elite political and economic power that is in control of the government. This means radical political reforms. Constitutional change or changing the government is at best a palliative – at worse, providing the illusion to the people that a constitutional change will make their lives better. Will it?

3. What are the salient features of the unitary-presidential government? What about the federal-parliamentary form of government?

(I think just do a research on this.)

4. Do you think that the federal-parliamentary form of government is best suited for a country like the Philippines? Why or why not?

It will only deepen the systemic problem of political dynasties and warlordism – that are mainly based in the rural provinces. The mindset that just because parliamentary system seems to work in some countries like Europe it will certainly work in the Philippines is a fallacy. In these countries – despite the constraints and limitations of parliamentary system – at least they have real political parties, leaders who are chosen based on political platforms, and so on. We don't have these in the Philippines – and not even waiting for eons of years for these conditions to grow is suicidal.

5. Are you in favor of having a constitutional reform that would bring about a shift from our present unitary-presidential system to a federal-parliamentary system of government? Why or why not?

(Refer to #2)

6. Is the federal-parliamentary system of government better than the unitary-presidential government for the Philippines? Why?
7. What do you think are the major problems that will defeat the idea of having a constitutional reform in our country?

Recent opinion surveys even show that the Filipino people do not desire for a constitutional change. The initiative to amend the constitution should come from the people to be able to gain their support. Furthermore, this business of constitutional reform should be conducted in public debates and consultations. As it is, only the traditional politicians are salivating for this plan.

8. Do you think that the Philippines is ready for a major change in the system of government in case the constitutional reforms are pursued? Why or why not?

A genuine constitutional reform can only come about in a state that is ruled by people power – or, at the very least, a coalition government representing all the poor and oppressed sectors of the society. A constitutional reform that is being sought today is biased for the political elite – and, mark my word, nothing will come out of it.

A transcript of the interview with Congressman Eduardo Antonio B. Nachura, Representative of the 2nd District of Samar, also the Chairman of the House Committee on Constitutional Amendments. Conducted at the House of Representatives, on the 27th day of January, 2003.
(Nachura is a lawyer and also a former member of the academe)

Claudette De Castro: Sir, thank you very much for accepting my request...

Rep. Eduardo Nachura: Ok. Sorry for the delay. Nagtagal kami dun sa meeting kasi.

CDC: Sir, kasi I am currently making my thesis, it is about Federalism. I am going to investigate if federalism is possible for the Philippine setting given the current political as well as economic conditions in the country. Sir, I have been interested in this topic largely because of Senator Pimentel's resolution.

EN: I'm sure you have a copy of the book of Dr. Jose Abueva and his proposed constitution?

CDC: Yes sir, I have.

EN: Ang Konstitusyon ng Pederal na Republika ng Pilipinas. Ako, you will have to ask me about my personal views, yung personal na opinyon ko?

CDC: Yes sir. Sir, are you in favor of considering federalism?

EN: I am seriously considering. I am very, very seriously considering the proposal to change the present unitary into a federal system of government. Mainly because of the problems in Mindanao, these have not been solved for almost... a hundred years, a hundred years. But I have certain reservations, and so I am not yet completely sold to the idea of federalism.

CDC: For instance, that would be?

EN: My reservation stems from the fact that I am a Congressman of a depressed, economically depressed area, Samar. I feel that if we change to federalism, depressed areas such as my province, which for a long time had been, if not attracted any investments at all, will suffer from virtual inability to stand up and propel its own economic development. Since it will then, in a federal system of government, it will have to rely on its own endemic resources. From our experience, we have been unable to really attract capital. Many of our people have left the province because they feel that there are not enough opportunities in the province. And so, if we should become part of an independent state, if the present regional configuration will be the basis of the creation of regional or states, of the independent states which will compose the federation, we have to have a transition period of maybe not less than 10 years before we can probably stand on our own feet. Of course, we can perhaps rely on the national government, the federal government to assist us. Perhaps during the transition there should be some kind of a program that will allow for equalization, that will make poor and depressed areas such as ours, to cope. Otherwise, we will be left behind by the already developed areas, especially those in Luzon.

CDC: So the IRA, the taxes of the people cannot sustain the development of the region?

EN: Impossible. Impossible. Especially considering also the present attitude of our people in Samar after their experience again from mining and logging companies operating in Samar. These mining companies and logging companies that operated in Samar have already gone, leaving the province or virtually the parts of the province, devastated. And what? Except for the minimum benefit of employment perhaps, the people did not really benefit from these. And so the attitude of the people now is against any form of mining and any form of logging, especially in what remains at the virgin forest in Samar.

CDC: Sir, what do the people in Samar think of the charter change movement?

EN: In fact over the last weekend, I was there. I spoke in a symposium, I spoke over the radio. I think many of our constituents when they see what the real issues are, and when these are discussed intelligently, are convinced that we should have changes in the constitution. But there were questions raised for example, also in the matter of economic provisions. Here in Manila a number of businessmen are proposing that if there will be an constitutional change, we should change the economic provisions so that we can allow foreigners full ownership of land, full ownership of corporations engaged in public services, ownership of the mass media, full ownership of corporations engaged in the exploitation of natural resources. These economic provisions which were really intended to protect Filipinos are still very much, very, very important to our people, to our constituencies. They refuse to acknowledge the benefits of trade liberalization and allowing foreigners to... That is perhaps because of their experience. Malalaking kompanya yan ha, malalaking kompanya ang nag-mine, malalaking kompanya ang nag logging. At tapos nung iwanan ang Samar nitong mga ito, dala-dala din nila ang kavamanan nakuha nila sa Samar. Hindi nagsceep-in hanggang sa grass-roots ang benefits. So they are shall we say reluctant, in accepting the idea that allowing foreigners to own lands, and to have full ownership of these corporations will benefit them

They refuse to see that. Ang nakikita nila by their experience, since wala din namang nangyari sa amin, lalong wala pa ring magyari kung pupuntahan lang tayo duo ng mga foreigners.

CDC: Sir, going back to the federal idea, what positive benefits can you see out of applying federalism in the Philippines?

EN: In terms of the delivery of public services, ang experience talaga, sa amin halimbawa lang. The experience that almost everything you need for development comes from the national government. And when you speak of the national government, you talk of Manila. Almost all the offices of the departments are in Manila. While there may be regional offices in the provinces, the powers in the regional offices are very, very limited. And so decisions have to be made in Manila.

CDC: Despite the 1991 Local Government Code sir? So, decentralization had not that much affected the system of administration and governance in the Philippines?

EN: Itong local autonomy as a national policy initiated in the Constitution and supposed to have been fleshed out in the Local Government Code does not really work. Issues on devolution which agencies devolved their offices to Local government units. DSWD, Department of Health, Department of Agriculture. All the employees of these national agencies who were devolved to the local government units are now asking that they should be returned to the national. Again, maybe, maybe the concept of decentralization, of full decentralization, of full local autonomy will work very well if the LGU's are fully empowered, capable, and developed. Ang health workers, hindi masweldohan ng local government units ng tama. Ang mga agricultural technologists halos wala na. While there is a Municipal Agricultural Officer in a municipality, sya na lang mag-isa halos. Yung technologist na yun, hindi naman. Wala eh. Kami because we are really an agricultural province we see the difference between noon, na national pa, at ngayon, na devolved na itong services ng agriculture.

CDC: So it has worsened?

EN: It has worsened. Mabuti lang kung mahusay ang local executive. May mga mayors na talagang mahusay at may mga dine-design talaga na mga agricultural program. Even with those agricultural programs, the mayor must, because the municipality working alone cannot fund all of these agricultural programs, naghahanap pa rin ng funds. The mayor has to come to Manila again and solicit funding assistance from national agencies, from their congressmen, and from national agencies para lang na maituloy ang kanilang agricultural programs. So yun, ang ibang mga mayors na tamad, na hindi na magpupunta dito, na hindi na magpafollow-up, at paulit-ulit yun. Kailangan na makulit na makulit ka eh. Para makulitan sayo! (Laughs)

CDC: Para pagbigyan ka na ...

EN: Oo, para pagbigyan ka na lang! At para umuwi na ito at para hindi na ito balik nang balik dito. That is what happens. So perhaps, these difficulties and the problems that arise from the "Imperial Manila" Syndrome, will be solved if ever there will be a federal system of government. After all, well siguro the most number of benefits will go to Mindanao, especially the peace and order problem that flows from the diversity in culture between the Muslim areas in Mindanao and "Imperial Manila". These problems will probably be addressed best if we have a federal system of government.

CDC: Sir considering cultural diversity as well as linguistic differences, do you think these factors support or will make a statement supporting federalism?

EN: The proponents of the federal system are perhaps thinking that when a particular geographical area is given full independence, full autonomy it will have by force of circumstance, the people will really have to work hard, so that they can stand on their feet and develop. And siguro, second yang diversity na yan. There is an unkind criticism against Muslims, na mga tamad...then perhaps they can show, itong regional grouping na ito, they can show that they can be competitive and that they can develop themselves better than others. Perhaps the competition that will arise out of this, might help...although...(Laughs again)

CDC: It will take years to develop?

EN: It will take years, it will take years. If we must shift to a federal system, we should provide for a relatively long period of transition for our people to really, imbibe the concept, the principles behind federalism and for them to really understand what is required of them when their places become independent states. Wala akong problema doon sa powers that will be given to the national government, yung national defense federal government yun, ang foreign affairs, maybe ang taxes may areas ang taxation na national. And siguro education.

CDC: It will be given to the states?

EN: Oo. Although I am convinced that eventually, these should also become devolved to Local Government Units. In number of places, the local government takes care of the basic services. Then ano pa ang concerns? Yung health services. Yung health services, marami ang hindi pa makaka-kayang magprovide nyan. Sa amin, sus dios ko. Nakakaawa ang aming mga tao.

CDC: Sir, I am also from Bicol po.

EN: Oo. Ganun. Namarginalize talaga ang tao. Ang problema pa namin sa amin, kasi now that health has been devolved, ang aming provincial hospital is not even accredited by PhilHealth. Ang aming mga government employees who regularly pay premiums for membership in PhilHealth, pag nagkaka sakit at pumunta sila sa aming provincial hospital, hindi nagagamit ang kanilang PhilHealth membership. And then walang-wala in terms of facilities, etc. Ang nagagamit lang lagi na facility sa aming provincial hospital ay ang ambulances. Dahil pag may pasyente na dumadating, inaa-advise ng hospital na 'pumunta ka ng Tacloban, at maaasikaso ka agad dun' at doon ang merong mga. Ito pwede mong gamitin ang ambulansya, magbabyad ka lang ng ganyan. So ganun.

CDC: Sir, do you think the Charter Change movement will have a chance this 2004?

EN: Before 2004? I don't know. But here in the House, we are sure that the majority of members are in favor of charter change, which should really be done immediately before 2004. Sana sana. If this materializes then, the elections in 2004 will be election of the officials who will preside over the transition sana. If we must change into a federal, then iyon na, mag-uumpisa na ang transition from 2004. If we are changing from presidential to parliamentary also, then doon na sa 2004 mag-uumpisa. Those who are saying that it should be a ConCon, kamukha nitong natanggap kong ito. ConCon must really feel that the need is NOT urgent. So kung 2004 palang mag-elect ng ConCon delegate magtrabaho sila sa 2004 palang. Even if we assume that they work only for one year, the amendment, even if approved by the people would only take effect in 2010, ever there are changes in the government. Those of us who are in favor of immediate constitutional change, say that 2010 is too far away. Maybe we no longer have a Philippines... (Laughs)... by 2010. Pero ewan ko. Mukhang mahirap, the Senate has come out with a statement for the charter change only in 2004 through a ConCon.

CDC: But don't you think that it is a more expensive choice?

EN: It is very expensive. We are requesting the COMELEC to give us figures of how much we will need.

CDC: And what is the estimated amount sir?

EN: Mga 6B for one year. Sa election kasi, wala nang gastos dahil isasabay na sya sa 2004 elections. But when this people are elected, if you go by the Senate Resolution, ang representation will be 2 delegates per congressional district. There are almost 200 congressional districts. Now, we are talking of 400 people. You will have to pay them honoraria for 1 year. You will have to rent offices for them. You will have to provide them with staff. You have to provide them with computers, etc. So mga 6B ang kanilang estimate.

CDC: So ConAss is the preference of the House?

EN: Yes, ConAss ang amin dito. That's what we're saying.

CDC: The Senate is asking for a ConCon?

EN: Yes. ConCon daw. There are those that really do not want charter change now. Pero mukhang kokonti lang ito. Those who are against charter change now are even, many of them are willing to have charter change kapag 2004 daw mag-uumpisa. I am in favor of ConAss because that is the only way we can immediately address what we feel are the urgent demands of the people in respect to provisions of the Constitution that require change.

CDC: So, sir amendment lang or revision?

EN: Amendment lang ang tingin namin, amendment lang. We can amend altogether Articles 6, 7, 8 of the Philippine Constitution. Yung form of government, yung legislative, executive and judiciary branches. Maybe the Article on Local Government. We just change some of the provisions there, kasi kung magfederal din naman... baka ichange na naman yung constitution.

CDC: If federalization is considered, total revision po ba ng constitution ang kailangan?

EN: Well, it is possible. In my opinion, I feel that we can still call this merely an amendment. We do not touch Article 1, perhaps amend only a few provisions in Article 2. We do not touch Article 3. We need not touch Article 4. We do not even have to touch Article 5. Of course, we change Articles 6, 7, 8; maybe 9. And then Article 10, on Local Government, perhaps 11, parts of 11 on accountability and impeachment dahil kung matuloy yung Parliamentary, wala na yun. Then Article 12, the economic provisions. The others paisa-isa siguro in so far as they affect the form of government. Ayun.

CDC: Sir, yun na lang po. Thank you very much sir.

A transcript of the interview with Congressman Francis G. Escudero III, Representative of the First District of Sorsogon. Done on the 29th of January 2003 at the House of Representatives

(Escudero is a graduate of UP College of Law and is currently the Vice-Chairperson of the Oversight Committee and a member of the House Committee on Government Reorganizations)

Claudette De Castro: Good Afternoon. Sir, kasi po, my interest for this study is fueled by Senator Pimentel's proposal for a federal government. I'm investigating the viability and the prospects for applying federalism for the Philippines. So sir, to begin with, what do you think of the current unitary system of government. In terms of... (Phone call interruption)

Francis Escudero: As you have said, Federalism was proposed by Senator Pimentel. It is being tried at present in accordance with the Local Government Code of 1991 or RA 7160, which in a sense, devolves certain powers to local government units. I would surmise given the fact that Senator Pimentel was the author of that law that it was in preparation for a full-blown federalism. However, we have encountered some problems regarding the devolved functions given to the LGUs. Like that in agriculture and that in health. If a study is conducted, and some have been conducted, it would show that if and when the governor or the mayor for that matter or the local chief executive is interested in agriculture, then if and when it is devolved, it will flourish in that area. However, if there is little or no interest on the part of the local chief executive insofar as those two aspects are concerned, namely health and agriculture, these two services will suffer a whole lot or a great deal. Given that, for example if the mayor or the governor was formerly a farmer, agriculture could definitely get a boost. If the mayor or the governor was formerly a doctor prior to his running for office, health service will definitely get a boost. However, if the local chief executive has no background on these fields or has no or little interest in those two fields, these two devolved fields will suffer a great deal insofar as this local government unit is concerned. Comparing the new Local Government Code with the former local government code, a lot of powers were devolved. And this will be a good measure or a gauge if indeed federalism will be good for our country.

CDC: And so far, it hasn't?

FE: And so far we have had mixed signals. As I've said, it depends on the interest of the local chief executive concerned and his own priorities. In other countries, given the fact that they have a strong civil service to back them up, regardless of the local chief executive's interests, there are certain basic minimums that are done insofar as these sectors and aspects are concerned. However, given the fact that we do not, as of yet have a strong civil service either at the national or the local level, to back up, that is, our local officials. I seriously doubt, if indeed there will be continuity of programs insofar as these are concerned, if and when full blown-federalism is implemented in this country.

CDC: So instead it will be a major hindrance?

FE: It might. It might be a hindrance instead of a help. It might be good for other areas. It might not be good for other areas. It all depends, as I said, in the local chief executive concerned. If we take for example the United States, if we take up their elected officials, so much so that continuity is not affected nor discouraged. Certain policies are continued on after the term of the given governor or president is over and done with.

CDC: So I assume that, according to your words, I surmise that you are an anti-federalist?

FE: Not really anti. As it is yet, I would want to wait for the figures to come in and I would want to get a definite, a more definite basis to make a decision. All I'm saying is, it is too erratic at this point in time, to judge the merits or the demerits of Federalism. Hopefully, this might be the study that would be able to do it. You will want to compare or evaluate the present LGUs given this much power, comparing it to the amount of power they have prior to the Local Government Code of 1991. Compare it now and let's see how far we've gone. If indeed these areas devolved progressed, grew, shrank, or diminished. And depending on the findings on those areas covering more or less 1,500 municipalities, more or less 50,000 barangays, 78 provinces and 84 cities, we would know if it is indeed a success.

CDC: Sir, what about the views of our fellow Sorsogonans on the idea of federalism? Are they in favor of federalism? Are there sectors that would support the call?

FE: Public hearings have not been formally conducted on the matter neither is there a formal proposal concerning the matter, pending either in the Congress or in the Senate. Hence, there is no need at this point in time, to really consult them or formally get their pulse aside from the usual conversations in side streets.

But other than that we have no formal data regarding the sentiment of my constituency in the First District of Sorsogon.

CDC: I also belong to

FE: Saen ka? Saen ka sa Sorsogon? (Where in Sorsogon?)

CDC: Sa Casiguran po

FE: Aw, iyo? (Oh, really?)

CDC: Sir, supposing that federalism is implemented in the Philippines what do you think are the problems that can be better addressed by federalism than the current unitary system can ever do?

FE: Well, one of the clearest problem areas that will be resolved will be the problem with overcentralization and what we call the "Imperialist Manila", where all the decisions are made. Officials have to flock to Manila to be able to get this and that decision or concession. Officials cannot do things on their own, in their respective areas. Take for example the EDSA's we've been having. We've had about EDSA III. We might reach EDSA 15 before our lifetime, our respective lifetime ends. It seems that changes in government are decided upon, within Metro Manila.

(Phone call interruption, conducted a short radio interview in Tagalog)

The very government itself, who and what comprises it, is decided upon Metro Manila. Which I don't think is fair. Kahit na sabihin mo pang tatlo-limang milyon pa ang nandoon, wala pa ring boses tayong naririnig mula sa ibat-ibang munisipyo, ibat-ibang lalawigan at barangay sa labas ng Metro Manila. Subalit tila iyon ang nagiging practice. Kung sino ang may hawak ng Maynila, siya rin ang may hawak ng buong Pilipinas. Hindi ito patas sa mga kababayan natin sa labas ng Metro Manila. Ganun din, kung mapapansin mo, lahat ng media outlets natin nasa Metro Manila. Kaya magkaroon lang ng lubak sa isang maliit na eskinita at niradyo, dyinadyo, tinibi, kinaumagahan ay ipapagawa na kaagad dahil ayaw nilang ma-media. Samantalang sa mga lalawigan, maglulundag ka na, hanggang mamatay ka, ika nga, sa kakareklamo, hindi pa rin ipapagawa ito dahil wala namang nagbibigay ng pansin. Yan siguro ang maaring maresulba ng pideralismo. Magkakaroon ng mas malaking atensyon ang ika nga, maliliit, "maliit" para sa mga taga-Maynila subalit malaking problema sa mga taga-nayon.

CDC: Sir, di'ba po for federalism to come through there will have to be a constitutional change in order to pursue a federal path...

FE: Definitely. Hindi pwedeng padaanin lamang iyan sa isang batas. Kailangan tayong mag-amyenda ng ating Saligang Batas.

Sorry, Englishin natin...

We have to amend our charter in order to indeed pursue federalism. You might have to amend Articles 6 and 10 of the 1987 Constitution pertaining to the executive and the local governments.

CDC: Siguro last question na lang po: What will be the major factor or the major element that will defeat Federalism?

FE: The major factor that will defeat federalism at this point in time, or not even be near to federalism, is if the people would continue to resist charter change. If the people continue to resist, any attempts to restudy and look at the Constitution once more, given their basic fears that this might be done, that might be done. If at all, that would be the basic, the biggest factor that will defeat not only Federalism, but also any attempts towards changing our system.

CDC: Sir, that would be all. Thank you po.

A transcript of the interview with Governor Lutgardo Barbo, Governor of the 2nd District of Samar and Chief of Staff to Senator Aquilino Pimentel Jr. Done on the 14th day of January 2003, 1 PM at the Philippine Senate.

(Barbo finished his law degree in the University of Santo Tomas, and teaches part-time in at the Ateneo de Manila University. He had been twice nominated for the Aurora Aragon Peace Foundation Award for his peace initiative experiment in Eastern Samar)

Claudette De Castro: Good afternoon. Sir, first of all I'd like to thank you for accepting my request even at such a short notice

Governor Barbo: It is my privilege.

CDC: Thank you po Sir, I'd like to start by asking the historical precedents of the bill Of Senate Resolution 212. Sir from what I gather po, Senate Resolution 212 has its precedent in the form Senate Resolution 26? The one that was concurrently introduced by Senators Tatad, Osmena and Pimentel. So, sir aside from these two resolutions, has there been any other precedent bills filed before?

LB: I am not aware of any, except for a resolution filed by Senator Pangilinan calling for a Constitutional Convention, to you know, change the Constitution. But it does not speak specifically of federalism

CDC: Ok Sir, what is the current status of SR 212?

LB: Well, it was filed the last Congress...ah. it is good as dead (Laughs)

CDC: Na-archive?

LB: Yes. It has to be refilled again this present Congress

CDC: Did Senator Pimentel start the process of refilling the bill?

LB: Yes. I think so. And not only that he has been going around the country speaking on Federalism. I remember that I was with him in the Visayas, we went around the Region VIII, Samar and Leyte, and he talked extensively of Federalism. As a matter of fact, I have a compilation of the speeches of Senator Pimentel. I can give it to you. Ah, there are several of them and let it be so recorded that I am giving it to you now.

CDC: Thank you po! Meron din po silang...They made these one available sa internet po. Yung sa website po ni Senator Pimentel.

LB: The same speeches?

CDC: I am not sure kung lahat po. Pero madami pong related speeches on federalism. Thank you very much for these sir. So generally, what is Senate Resolution 212 about?

LB: Well it's principally anchored on changing the structure of the Philippine government from Unitary to a Federal system of government. In fact perhaps as a background... In PDP-LABAN, the political party where Senator Pimentel and myself belong, in the constitution and by-laws of that political party, which constitution and by-laws were drafted way back in the 1980's, it makes mention of federalism as a form of government for the Philippines.

CDC: So it's an idea that has taken its roots long before...

LB: Yes. It's an idea that we would like to sustain and hopefully it may bear fruits later.

CDC: So, sir aside from Senators Pimentel, Osmena and Pangilinan, who are the other pro-federalists in the Senate?

LB: I think the two Osmenas, John Osmena and Sergio Osmena. At one time, I heard Senator Biason. Of course, the former Senator Kit Tatad, your kababayan. There are a few of them who are pro federalists

CDC: Sir, how about in the House of Representatives, who are the most active supporters of federalism?

LB: And the most vocal? I am not very familiar in the House. I have some friends there, especially those who were former congressmen. But I am not sure where they stand. Without meaning to degrade them, but sometimes Congressmen do not know where they speak from and what ideas they would like to espouse...But had I been, you know, I would have espoused federalism.

CDC: Sir, you might want to run?

LB: Well, yes. There are some people who are asking me, the bishops and the priests and the nuns in my province are asking me to go back or at least to run for Congress. Well, I'm thinking about it but my wife is vehemently against the idea. (Laughs) Although two of my three kids are pushing me to run again. I would like to take a rest. I would have to support Nene Pimentel in whatever political ambitions he has

CDC: Sir, looking at the other side, who are the ones who are anti federalists? The ones most vocal and active?

LB: I really cannot speak for them. I'm not sure, assuming there are, and I would assume that there are. I have a feeling that they can be convinced given the facts and circumstances surrounding the idea of federalism. Because I think that Federalism is an idea whose time has come. And talking about an idea whose time has come, I remember the French author, was it Victor Hugo, who said that you may have the capability to stop a battalion of tanks but you do not have the ability to hold or stop an idea whose time has come. And I think that Federalism is an idea whose time has come.

CDC: Sir, in the Office of the President, what do you think is the position of President Gloria Macapagal-Arroyo on federalism?

LB: The President has been saying, in fact lately, she said, "I let us stop all these talk about Charter Change and focus our attention and energy in uplifting the quality of life in the Philippines". And she has also said, "I'll leave the talks or discussions of Charter Change to the congressmen and the senators. I am not going to talk about it." Senator Joker Arroyo said that the President should not remain silent of the ideas on Charter Change. She should take sides and let the people know where she stands. That is part of leadership. I think the President is still trying to collect her thoughts and the things that she's going to do about the things that she will not do in the remaining 18 months or so. So perhaps, one of these days Claudette, let us listen to her, on what she'll have to say if she's for federalism or not. So let's wait for the time.

CDC: Sir, we know that we are currently applying the unitary type of government in the country, what then are the problems and the merits as well as the flaws that you see, in this system of government?

LB: Right now, we are currently applying the unitary system of government. When we talk of the unitary system of government we are referring to the present one. It is a highly centralized form of government. Look at what is happening in this country, everything is centered in the so-called "imperial city of Manila". And so there is very small trickle down in the countryside because Manila is considered as the center of the bureaucracy. That is the problem of a highly and an overcentralized system of government. Practically all the powers, functions and obligations and authorities are lodged in one central form of government. That is why we are not moving as fast as we should. If we look around us, let us not go far to Europe or to the United States because they are highly decentralized and most of these countries are federalized, or they have embraced the federal system of government. Here in Asia, we can look at Malaysia, we can look at Thailand and they are getting ahead of us. Look at what happened to us and what happened to them. Leaders in Southeast Asia used to come here and learn from us, to study in our schools. But now they are far, far away. If it is a race, if it is running, they are almost in the finish line and we are just barely starting. I think it is because of the concentration of powers in a highly centralized system of government. That is why if we go federal, we have to decentralize, because in a federal system of government we are going to talk about the government of division of powers, obligations and authorities. We are going to devolve several functions, powers, and resources to the so-called regional state governments. While we will allocate powers to the central government, there will be more for the state governments.

CDC: Sir, what do you think will be the division of the internal revenue allotment if ever federalism pushes through?

LB: Well that can be discussed. The IRA which comes from taxes, customs duties, from the use of ports and wharves, that can be discussed among the state governments. There should be sharing. Perhaps, one criticism against the federal form of government is this, if we will subdivide the country into state governments is that there might be state governments which are underdeveloped or do not have as much potential as the other state governments. The answer to that can be found perhaps by looking at the experience of federal government. Like in Australia. In Australia, there is what you call the equalization fund. So that there's a common fund and perhaps the common fund can come from the Internal Revenue Allotment or the internal Revenue Allocation, as Senator Pimentel would like to call it. Then perhaps we should allocate more to those who have less and perhaps it will have to equalize.

CDC: But will that be a source of argument between states?

LB: It could be. It could be a source of conflict, but they will have to understand that if it is the law... Well the law should be followed and it may happen that the impoverished or the poor state governments are not always that poor. They can make use of their potentials, they can improve. And then perhaps later on, they can develop on their own. By then the allocation can be little bit different. So that the allocation should not be permanent.

CDC: It would have to depend on their potentials as well.

LB: Yes, their potentials, and their needs.

CDC: ...and their contributions?

LB: Yes, and then perhaps, yes their contributions in the wealth of the country.

CDC: Sir aside from that, how will federalism become a better system of government for the Philippines?

LB: It will become a better system of government. I am not saying that a unitary system of government is bad. I'm saying that a federal system of government is a much better system of government than a unitary system. There is a built-in mechanism in the idea of federalism. It is that you will have to devolve so much powers, functions and resources to the state governments. Meaning it will be in the law, it will be in the Constitution that will say that these are the powers, the functions, the resources, the authorities and the responsibilities that should be allocated to the central government. These are the powers, the functions, the resources, the authorities and the responsibilities that should be allocated to the state government. For example the military, or the monetary system, the foreign affairs, the justice system will remain in the central government. But the social welfare, the health services, the police will go to the state government. They will have their own laws to govern their own jurisdiction. But there is going to be a federal law that would cover all the state governments under the leadership of course of the central government.

CDC: But among themselves, can the state government make their own laws?

LB: Yes, definitely.

CDC: But it would have to be in accordance with the national government.

LB: Yes, with the national or the federal law of the federal government. Just like in the US. The United States is applying a presidential form of government, and it also subscribes to a federal form of government. The state of California can make its own laws, several laws. New York can pass different laws or similar laws as that of California. California can have its own Supreme Court, as well as New York. But there is one Federal Supreme Court that will supervise and cover all the states in the US.

CDC: So sir, in a way, it is a possible source of contentious issue among states if they have differing laws. If one state, say for example, passes a law legitimizing abortion and the other does not, what will be the solution to this dilemma?

LB: Well, perhaps in the matter of abortion there could be some federal guideline for that. Now the matter of states having different or contentious laws, nothing is wrong with that, for as long as they are not violative of the Federal law. For example, in the state of say, Bicol region. The state government of Bicol region they may pass a law saying that all cigarettes, all liquors should be taxed by say, 10% more than the present. That is all right for the state government of Bicol to do that.

CDC: But sir, would it be not equal?

LB: It would not be equal. And nothing's wrong with that. There would be competition. For example, Metro Manila. Metro Manila in the idea of Senator Pimentel would be a Special Regional Administrative Government, just like Washington D.C., Kuala Lumpur or Canberra. For example, the state government of NCR will say that real estate here will cost this much per square meter and non-payment of real estate taxes will mean forfeiture or something of the sort. Nothing is wrong with that. And then the ARMM, the state government of the Muslim Mindanao, will say, we will not confiscate those real estate with unpaid taxes. They will have to put up some kind of an industrial center and we will not tax them. You know things like those. So that there is going to be competition of ideas. And you know, when there's competition, it's good. It's good for the country and for the state government.

CDC: How about the appropriateness of applying federalism in the local setting. Considering that our country is an archipelago and that there is within us different linguistic as well as cultural divisions, how will these factors fit in with the federal system?

LB: For example is Eastern Visayas, you're talking about cultural divisions and linguistic differences, in Region 8, for example is composed of 6 provinces. There are three in Samar, and three in Leyte. That can compose of one state government, and I think there is no problem about it.

CDC: So sir, do you believe for a fact that there are indeed cultural divisions and linguistic differences?

LB: Yes, and that should always be taken into consideration whenever the federalization proposal is taken up.

CDC: Sir, concerning its effectiveness, if applied to the current political condition, say for instance, the political maturity of the people. Are the people and the leaders themselves ready for such a change?

LB: We will have to make them ready. We will have to bite the bullet, so to speak. Since it is good for them, I think that they must understand that they must adjust to the idea of federalism. For example in Eastern Visayas, my province. Did you know that I had to argue with President Cory Aquino so that I could buy typewriters, so that I could buy a second hand automobile? And there was money. You

know...there was money in the provincial government, but we have to seek permission from the central government to spend our own money. And to me, that was lousy. I could not understand that kind of situation. We had to seek prior authorization from NEDA to push through with some projects. To me that was crazy. I was telling my fellow governors, "Look we have our own money. Do we have to seek permission from Manila to use our own money? That's none of their business. Why do they have to meddle and interfere with our own money?" For as long as the duly elected public officials, say the Sangguniang Bayan, approved of such an appropriation, and the expenditures is not against the rules of the COA, then if it is our own money, then we could spend that according to our own needs. To me that was crazy. I had to tell the President Cory Aquino that "I hope you understand Mrs. President, but would you believe there is no vehicle in the Office of the Governor? I had to travel several kilometers to catch a plane if I had to go to Manila to attend to a conference." At one time I was riding a motorcycle, no, not a motorcycle, a tricycle, and sometimes a dump truck for there was no other vehicle. So when we were elected after being appointed as OIC governor, those of us who were the so-called progressive thinking governors, especially those who were new to the government, we were telling ourselves, if we cannot make a change, if we cannot make a dent, we have no business staying in this government. Let us get out and look for another job. So, we have to push for the local government code. We were fighting for decentralization and devolution.

CDC: Sir, considering that the resolution of Senator Pimentel passes through, diba he was asking for a constitutional convention? What would be the legal processes and procedures that will follow out of considering changing the structure of the government?

LB: Now, there are 3 ways to amend the constitution, as you are aware. Number one is Congress amending the Constitution. Number two is Congress filing a resolution, a joint resolution calling for the election of delegates to constitute the Constitutional Convention and this Constitutional Convention will amend or revise the Constitution. The third is, as you know, the people's initiative. The people can change the Constitution. But that is very difficult. So, we are talking about the so-called ConAss or ConCon. Now, assuming that it is going to be a ConAss or the Constitutional Assembly, Congressmen and Senators, voting separately, will amend or revise the Constitution. Now if it's going to be the ConCon, it is going to be the delegates who will amend the Constitution. These delegates are going to be elected by the people in a plebiscite. Now, whatever amendments passed by either ConAss or ConCon will have to be finally approved by the people in what you call a referendum. Only then can these amendments be considered as approved, and a part and parcel of the new Constitution.

CDC: Sir, what if the people are not in favor of some provisions in that amendment?

LB: In a referendum, there is only one question, a yes or a no, do you favor or not, or do you approve or not. So, it may happen that some provisions are, you know, objectionable. But they have no choice. The people have no choice. Either they will have to lump all the provisions and say we approve or disapprove, or we vote no or we vote yes. So that will be a problem.

CDC: If for example, federalism will be included, and a provision calling for a parliamentary form of government will be included as well along with the federal proposal. Would that not be a difficulty sir?

LB: Yes. That will be a difficulty. But the COMELEC is under obligation to go out and campaign and inform the people about the validity of the proposed amendments and the need to amend the Constitution. And of course, the delegates, assuming that it is a ConCon and the senators and the congressmen, assuming it is a ConAss, will have to go around the country and say that this is good for us, therefore you vote for it. But of course, there will be people who will say, "This is not good. Let's retain the original, the former constitution. Let us vote no." But I think that it will be farfetched to say that the proposed amendments will be rejected, because I think the whole government machinery will be tapped to have the proposed amendments approved.

CDC: So the more important question should be if there would be a charter change in the first place? Because we are not so sure if indeed charter change can ever take place.

LB: So, ganun ang systema nun, it's either ConAss or ConCon.

CDC: That is, kung pumayag ang tao, in the first place.

LB: Yes, that is right. The first step. Tsaka kapag ayaw ng President din. Because you will have to fund, you will have to put some appropriations, especially if it is going to be a ConCon. And they say that it is estimated to be 4 or 5 billion to fund a ConCon.

CDC: not to mention the changes that will be made if ever federalism will be approved, specifically the cost considerations of changing structures

LB: If we would like it to be faster, it should be a ConAss. Now there are several pros and cons to that. If it is going to be a ConAss.. It is not a secret the congressmen and senators, being politicians that they are, may have their own personal, selfish political agenda that could easily be tacked into the proposed amendments. And personally, with due respect to some senators and congressmen, I have high respect for some senators. I cannot trust some congressmen and some senators to be drafting the highest law of the land that will govern us. I would rather have a Constitutional Convention, elected democratically.

CDC: So, sir given that federalism will be passed, what will be the necessary local and national preparations that will have to be made in order to ensure a smooth as well as a popularly accepted change from a unitary to a federal system?

LB: I think one preparation should NOT to implement it immediately.

CDC: So there's a timeframe..

LB: Yes, a timeframe. So perhaps assuming there will be a constitutional change this 2001, perhaps we can make it effective by 2010. Immediately prior to the full blast implementation of federalism, we shall have informed and enlightened the stakeholders, the constituencies, especially the future public officials, and more importantly, the people themselves.

CDC: Given such as case, what would be the form and the structure of the state governments? What would be the hierarchy of officials who will head the state governments?

LB: The state government can still be headed by a state governor. Then, perhaps the provincial governor can be called the provincial governor, and the municipal mayors, the same. I think it is a matter of nomenclature and to me that is not so important anymore.

CDC: What structures should be formed in order to cater to the needs of the new system of government? Since we know that federalism entails a moving away from the relationship of subordination to that of coordination...

LB: Yes. For example, there should be continuous education of the bureaucracy. The Civil Service should be extended. I think there should be a continuing education and enlightenment, letting the people know the different changes in the handling of functions, powers and authorities. The structure should be enshrined in such a manner that is clearly understood. There is a federal government that is headed by the federal president and then under that office and structure there will be state governments which will be headed by state governors or state ministers, whatever you'll call that. Then perhaps below the state governors will be the same structures as there is now, the provinces, cities, municipalities, up to the last barangays.

CDC:What is the worst problem that you can foresee out of passing the federal proposal?

LB: The first thing that we have to brace ourselves against is the idea that normally, human beings are often averse to change. They might say, "teka muna! We are not used to that idea eh! 'Wag na lang yan! Mahirap pala, di pala maintindihan yan eh. 'Wag na yan. Balik na lang tayo sa dati." That can very well happen. But for as long as there is a continuous barrage of information and enlightenment... And letting them know that we do not have to go to Manila begging for funds, typewriters, vehicles and all that. Let me give an example. Here is Samar and Leyte (points to the map). This will constitute one state government. This is Eastern Samar. Imagine if we have to go all the way, all the way to Manila (traces through the map from the Visayas area to Metro Manila) to get our projects approved! Whereas, if we have a state government, we can easily discuss it there among ourselves. So that we only have to go to this place and have the state legislature to approve our plans. We do not have to be flying every now and then to Manila. That is very costly. Sometimes, if we do not fly to Manila, we have to pass all the way to this very, very long process! (Laughs while traces through the map again). Ang tagall! It will take several hours and days to travel. Imagine the lost time! So faster development that is more democratic, that is federalism.

CDC: It gives more autonomy to the people...

LB: Yes, more autonomy. The rationale behind is, give us the wherewithal, and give the powers, the rights the obligations to the people who are near the problems. Who look at the problems face to face... You know, when I was new as a governor, because I was a student activist long before I was a governor, I was always, I did not have, I did not have sympathies for those who would say that, "Look, we are here in Manila. We were educated abroad. We know your problems and we give you your solutions". To me that is, that is very arrogant. Simply because they were staying in their air-conditioned rooms in Manila did not mean that they were brighter than us. We knew what were our problems. We knew what were the solutions, give us the where with us. Give us the necessary assistance, we will solve our problems. We do not want you to solve our problems. So I think that was what is wrong with an overcentralized system of

government. They call the shots in Metro Manila. They decide for us in the provinces and they believe that what they think is what is good for us. They do not feel our sentiments in the provinces. And yet, simply because they were educated, some of in Harvard and in London, and they think that they are smarter than us. The idea of decentralization is that those who are near the problems or those who see and comes face-to-face with the stark reality of poverty should be given all the necessary assistance. That is also behind the idea of a federalism system of government. That is why the US is very progressive, Europe is very progressive because of that.

CDC: Sir, what about the possibility of the abuse of power?

LB: Well, there's always the possibility, you cannot take that away. In any exercise of power, there is always a possibility of abuse. But that possibility should not make us believe and make us say that since there is a possibility, let us therefore not go into that. It is a case of paralysis by analysis and analysis by paralysis. Simply because you know that there is a possibility that it is abused, wag na lang! Well, that is, that is very myopic. Well then let us strengthen the institutions and the agencies, law enforcement to curtail and to control possible abuses. And then let the chips fall as they may. Meaning, those that are guilty must be punished. Those who have abused their power should be held accountable. One thing good about the American system of government is, but I do not subscribe to everything American. Some of my friends consider me anti-American. I am not anti-American. But what I believe in the American system of government is in their Justice system. You were wrong, you made some mistakes, then you have to suffer for it! You violated the law, and since you are liable for that, you have to get penalized for that. And within a short period of time. Here in this country we have to decide cases for several years. Justice is not only delayed, justice is also denied. Kaya ako'y tuwang-tuwa nung nakulong si Erap. This country should get the big fish. But I'm not content with his staying in the hospital. He should go to the detention cell where he properly belongs. Hopefully, with a federal system of government, because we will improve economically, our sense of justice will also improve. Kasi ang nangyayari pag mahirap and sitwasyon ng mga tao, and utang na loob... nakautand ng loob eh, syempre ang bayad din nyan ay utang na loob din.

CDC: Sir, in connection to that don't you think that federalism can curb, in some ways, graft and corruption?

LB: To some extent, yes it can. It can! Kasi and kuwan dyan eh, kasi magkakakilala na yan. Kasi isang region sila eh. Yeah it can curb graft and corruption faster.

CDC: ...they will be more accountable to the people?

LB: More accountable, yes. Although of course, meron ding mga tauhan yan. But palagay ko, mas and chansa na ma-curb ang criminality, corruption. Mas malaki ang chansa. You know, I remember when we were discussing decentralization and devolution and local autonomy sa Malacanang, and that was in 1987 or 1988, Cory Aquino used to preside meetings monthly among governors and cabinet members. Especially kani, I was always in the Office of the League of Governors. Sabi ni Cory Aquino, "You know, I would like to consider decentralization and local autonomy as a centerpiece of my administration". Sabi nyang ganyan. That is why if you can develop the countryside, we give more autonomy, and we give more powers and perhaps more obligations to the local officials. And I remember there was one cabinet member, sabi nya, "Mrs. President, wag na munang yang local autonomy, kasi pag binigyan natin ng powers yang mga local officials na yan, mga corrupt yan eh", sabi nyang ganun. I was really surprised ng ganyang salita ng isang cabinet member. I had no respect for that guy. I will not mention his name. Mrs. President, if we give local autonomy, there will be more corruption in the countryside. And then there was one guy, he was the Secretary for DOTC, nakalimutan ko ung pangalan. He's a good guy. And he stood up, sabi nya, "Mrs. President, it is very disappointing that my fellow cabinet member will say that. If he is against decentralization because of corruption, then Mrs. President, let us decentralize corruption!" sabi nya. Eh di nagtawanan! Sabi nya, "Mrs. President, I am not kidding. I am not making any joke here. What I am saying is that, you know in the countryside, almost everyone know one another. So, if one is making some monkey business, everybody will know. Pagraralihan ang bahay nyan. I-rerecall sya. Baka di na sya makalabas sa bahay nya kasi kilala sya. Samantalang dito ang corruption natin dito, grabe. Dahil nandito tayo sa central government, milyon-milyon, walang nakakaalam. So, sabi ko, this guy, Fuliosco. The name is Fuliosco. Secretary Fuliosco, DOST. I liked that guy. So let us decentralize, sabi nya. Kasi ang corruption nalalaman kaagad sa small setting. Pero pag dito sa big setting, wala, bilyon-bilyon. I liked that guy. So there are two reasons for federalism. Number one is stronger democracy and two, faster development.

CDC: Do you think that federalism will be a just solution to the Mindanao problem?

LB: I believe so. Yes. Yes, because even Hashim Salamat and Nur Misuari have been saying that, according to Senator Pimentel. That they really do not want a separate state, independent state from the Republic of the Philippines. They only want self-government among themselves, where they can preserve their own culture, their own traditions. But there should be, in a Federal Constitution, it should mention that the Philippines is a republic, and while we are a federal state and under a federal form of government, any state cannot simply secede and get away from the republic. There should be constitutional provisions. So that if they do that, for example they want to dismember the country then the federal army can come in and will be asked to tow the line.

CDC: So there will still be unity amidst the disunity?

LB: Yes, right. That would be called perhaps, unity in diversity?

CDC: Yes. Sir, what do you think... will federalism really have a chance?

LB: Right now, we will have to sell the idea to the public. Some Senators are already selling the idea to the public. The governors, many of them believe in federalism, but many of our constituencies and many of our people are not familiar with the idea of federalism. My wife, for example, is a lawyer CPA but she has several misconceptions about the federal system of government. So there should be a continuing series of information campaign.

CDC: That would be your recommendation sir?

LB: Yes. And perhaps, perhaps ultimately, you know, if we can convince you to ah, campaign with us, we will ask your assistance. So perhaps we can ask you after you shall have graduated to work with us!

CDC: That would be, uhm... that would be very welcome sir!

LB: Yeah. But finish your studies first. (Laughs)

CDC: Yes, sir. I'll have to finish my thesis first. Sir, that's the last of my questions na po. Thank you very much po for the information and the time you shared.