



Federalism and Multiculturalism

**Federalism Initiatives
in the Philippines**

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Many individuals and groups from different historical periods have tried to introduce federalism into the Philippine system of government. Initiatives could be traced to as early as 1898 during the framing of the Malolos Constitution. At almost every constitutional convention/commission, federalists have pushed for their agenda but to no avail. However, initiatives have also been pursued outside the constitutional process, as evidenced by the brief establishment of the Federal State of Visayas as well as the calls for the Republic of Mindanao and the Republic of Cebu.

It is then important to ask and outline briefly the recurring reasons for the federalist initiatives in the Philippines' political history. It seems that the federalist visionaries from the 1890s up to the present cite fundamentally similar grounds. As the Citizen's Movement for a Federal Philippines (CMFP) noted, a unitary system breeds inefficiency. Decisionmaking is detached from the people. Coordination is too complex and complicated. Communication lines are long and circuitous. There is over-concentration of powers in the central government. These combined resulted to the uneven development across the Philippine islands, insurgency, and dissatisfaction, among others.

Since attempts to incorporate federalism in the constitution had not been successful, two other modes of campaign have been explored. The first is through election platforms like former Cebu Governor Lito Osmeña's PROMDI and Senator Nene Pimentel's FREEDOM. The other is through a formal and institutional federalist movement/organization like the CMFP.

In today's Philippines, federalists have found the best ally in the Arroyo administration. Pres. Gloria Macapagal-Arroyo opened the discourse for constitutional changes and unlike her predecessors, who withdrew from their charter change proposals, she persistently pressed for it. She succeeded in

legitimizing the Consultative Commission on Charter Change which crafted detailed proposals on the new constitution which were presented to the president in December of 2005. However, other constitutional proposals exist while discussions for and against federalism continues.

The discussion of the issues faced by the various federalist proponents and their proposed draft constitutions reveals that the means and the mode by which charter change will take place will spell the big difference in the content and substance by which these changes will usher in the kind of federalism Filipinos aspire for.

Federalist Initiatives in Philippine History

Proposals to adopt a federal system of government in the country are not a recent phenomenon. Filipinos at different critical historical periods have made attempts to do this in various forms: 1) proposals in the constitution/s; 2) political campaign platforms; and 3) advocacy through the formation of an alliance for a federalist movement. This section elaborates on these forms, presents details on some relevant events, and provides the picture of the outcome of the initiatives, as maybe applicable.

The earliest discussion on federalism for the Philippines began in 1899 and has persisted through the 1946 Republic, Martial Law, and People Power.

Drafting of the Philippine Constitutions

The Malolos Constitution (1899)

As early as 1899, federalism has been in the consciousness of constitution writers. Quimpo (2000) wrote that in the process of framing the Malolos Constitution, Apolinario Mabini and Emilio Aguinaldo proposed before the convention 3 federal states representing the country's three island groups: Luzon-Visayas-Mindanao. Another proposal was not for 3, but 10 federal states still distributed according to the island groups. Luzon would have 4 federal states, Visayas 3, and Mindanao 3, one of which is a Bangsamoro state. The proposals were however dismissed to give way to the more critical issue of unification. At that period of war, it was agreed that the new Republic would not last nor would it present a unified front against the American colonizers if at the very start, the country is seen to be subdivided politically and administratively. The idea was to present a solid country with power firmly held at the center.

A year earlier, Resil Mojares (as cited by Coronel 2005) wrote that Iloilo leaders had initiated the formation of a Federal State of Visayas. On December

of 1898, a 'politico-military government' was instituted in Sta. Barbara, Iloilo by Gen. Martin Delgado, the Governor-General-President (Bin Abdulhaqq 2005). About a month before the birth of the Federal State of Visayas, another 'provisional revolutionary government' was set-up at Negros presided by Roque Lopez.

Coronel also mentioned Mojares' writings about the corresponding proposals for federalism in 1899. A group of Filipinos offered the Philippine Commission (the American colonial government in the Philippine islands) a constitution for a Federal Republic of the Philippines. This draft recommended 11 state subdivisions. Another attempt was made in 1900 by Isabelo de los Reyes, trimming the number of proposed states to 7. The Americans rejected the idea because deconcentrating power would make it difficult for them to secure their control over the country.

As it turned out, the Malolos Constitution did not contain the federal concept. The closest thing one could get to this was provided under Article 57 of Title VII (The Executive Power) where it was stated that the 'most liberal policy of decentralization and administrative autonomy' will be observed.

The 1935 Constitution

Stevens (1993) noted that a substantial portion of the ideas embraced in the Philippine Commonwealth Constitution were taken from the American Constitution. This is seconded by the results of the United States' country studies report on the Philippine government structure. The 1935 Constitution is said to have differed from the US Constitution only in 2 important respects, one of which is on the form of government. The Philippines adopted a unitary form instead of the US' federal system. Nonetheless, local governments were formalized though they were still subject to the supervision of the president. The 1935 Constitution supposedly instituted policies that support local autonomy but in reality, it simply preserved the concentration of authority in the central government (Brillantes and Moscare 2002).

The 1973 Constitution

Brillantes (2003) highlighted that the 1973 Constitution 'rhetorically' asserted local autonomy when it decreed that 'The State shall guarantee and promote autonomy of local government units, especially the barrio, to ensure their fullest development as self-reliant communities.' On the positive side, this constitution gave some taxing powers to the local government units. The Marcos administration was also responsible for the enactment of the first Local Government Code (Batas Pambansa 337), however, its implementation was not carried out effectively.

The 1973 Constitution may then be viewed simply as a scheme to legitimize the dictatorship of then President Marcos but it is still valuable to look into the federalism proposal presented at the constitutional convention. A draft constitution calling for the establishment of a Federal Republic of the Philippines after a period of 10-20 years was prepared by Salvador Araneta and proposed to the 1971-1972 Constitutional Convention. Araneta named the document the Bayanikasan Constitution from the words *Lakas ng Bayan*, referring to a strong nation concerned with the protection of the rights of each individual. The proposal puts forth a federal republic made up of 5 states: Northern Luzon, Southern Luzon, Visayas, Mindanao, and Christian Mindanao. It touched on critical issues like election, absolute power, parliamentary system, judiciary, martial law, participatory democracy, and even democratization of wealth (Araneta-Santiago, Inquirer, 28 July 2005).

The 1987 Constitution

The 1987 Constitution is a product of 48 delegates to the 1986 Constitutional Commission. Pressed for time, President Aquino opted to forego the election of Commission members and appointed them instead. Stevens (1993) notes that among the controversial issues debated upon were 1) Sabah claims; 2) land reform; 3) labor rights; 4) policy on foreign investments; 5) military base rights; and 6) presidential emergency powers. Strikingly, the discussion on the form of government was not breached. This is understandable since the prevailing opinion at that time was to stay as far as possible from the Marcos' model of government. Further attempts to amend the Philippine system of government were viewed with wariness because of the experience with the Marcos dictatorship. The delegates' consensus was to adopt most provisions from the 1935 Constitution. Campaigns for federalism did not surface except for the position of the now members of Citizen's Movement for a Federal Philippines who pushed for the adoption of a federal system in the series of public hearings conducted in Davao. Evidently, the idea did not generate strong support then.

Recent Campaign Platforms

Political party platforms have also included the federalist agenda for several decades already. Partido Demokrasya ng Pilipinas during the 1970s has already raised federalism as its platform of government. Like the others, it failed to win considerable support. During the 2004 elections two other political parties that prioritize federalism in their platform, PROMDI and PDP-Laban.

Partido Demokratikong Pilipino – Lakas ng Bayan (PDP-Laban) Platform

The Partido Demokratikong Pilipino - Lakas ng Bayan (PDP-Laban) was organized in 1982 in opposition to the dictatorship of then Pres. Marcos. One of its founders, Sen. Aquilino Pimentel, Jr. remarked that the restitution of democracy in 1986 led to the redefinition of the Party's objective. By 2002, Pimentel, in one of his speeches stated that the Party's new thrust is to fight for freedom, justice and peace. Consistent with this thrust is the call for federalism which he thinks, provides a solution to the lingering Muslim rebellion in the country.

PDP-Laban again made noise in 2002 when Pimentel started pushing for the creation of 10 federal states. In a paper he presented at a UNDP Paragon Regional Governance Program, he elaborated on this proposal. He envisioned the creation of 4 states from Luzon (Northern Luzon, Central Luzon, Southern Tagalog, Bicol); 3 from Visayas (eastern Visayas, western Visayas, and central Visayas); and 3 from Mindanao (northern Mindanao, northeastern Mindanao, and BangsaMoro state). Metro Manila maybe treated as a special federal administrative center. He even ventured into the power-sharing scheme where power of the federal republic may encompass foreign affairs, national defense, customs, immigration, federal taxes, basic justice, and basic education while constituent units would handle the rest.

During the 2004 elections, Pimentel proposed Fernando Poe, Jr., presidential candidate of the Koalisyon ng Nagkakaisang Pilipino (KNP), PDP-Laban's platform called FREEDOM. This stands for Federalism, Reforms, Economy, Education, Debt, Overseas Filipinos, and Mindanao. Poe accepted the platform except for the component on federalism (Cruz, Inquirer, 23 December 2003).

Promdi Platform

Promdi stands for Probinsya Muna (Province First) Development Initiative, sprouting from a regional political party. Promdi is a Tagalog colloquial term adopting the English phrase "~~from the~~ province." It is said to have a 'well-defined national constituency' (GR 147589). The main idea behind the platform is to redefine the center of power, moving it from the current capital - Metro Manila - to the less congested locations in the provinces.

Emilio Mario Osmeña, party chairman, founded the party on 1998 when it first participated in the national elections. It again became active in the recent 2004 elections. The core of the sphere of influence of PROMDI is

Cebu, one of the country's largest and richest provinces situated in the central part of the Philippines. He stands firm in campaigning for a Republic of Cebu. The Republic of Cebu plan calls for the province's declaration as an 'independent nation on its own.' This stems from his impression that Cebu does not need national government supervision. In fact, it could increasingly generate investments and resources upon its separation from the mother country (Wikipedia, April 2006).

The Republic of Cebu plan could be treated as reflective of PROMDI's belief on local autonomy and faith on the capacity of the local governments to competently govern themselves. On a larger scale, the party goes for the decongestion of Metro Manila to promote its urban renewal and 'add value to the provinces.' To be able to do this, PROMDI finds its imperative to move government offices and support services from the private sector out of Manila (Tecson, 2004).

Actually, PROMDI's sentiments coincided with the intensified federalist call of the Cebu local leaders in the 1970s. The call was further heightened by the rush of developments in the province during the late 1980s. This demand was a result of the Cebuanos belief that the province's economic development is impaired by its link to Metro Manila (Coronel 2005).

The Federalist Movement

Citizen's Movement for a Federal Philippines (CMFP)

The Mindanao people, specifically the Moro (Muslim) population, are one of the strong proponents of federalism. It is somehow viewed as a panacea to the deteriorating relationship between Muslim groups with the Philippine government. According to CMFP, 'there is a resurgence of the federal question brought about by the Mindanao conflict.' No other than the Chair of the Mindanao Coalition of Development NGOs noted that federalism 'offers a considerable promise for peace-making,' (Okinlay-Paraguay, MindaNews, 5 September 2004).

CMFP is roughly 6 years old and at present, have organized at practically all regions in the country. Some of its first members are Kusog Mindanaw and the Philippine Community Organizer's Society. CMFP relies on expanding the coalition to further the advocacy for federalism. It maintains connections with various political groups. It even lauded the current administration (Pres. Arroyo) for 'publicly articulating in her platform her intention to lead the country in the establishment of a federal system of government,' (Inquirer, March 2004).

CMFP's aggressive push for federalism is further strengthened by the results of the May-June 2003 survey by the Social Weather Station. The results show that 50% of Filipinos were said to favor a shift of power to regional governments (Deang, *Inquirer*, March 2004).

Since the 1970s, Mindanao has been the hotbed of secessionist movements clamoring for a Republic of Mindanao or a separate Moro state (Coronel 2005). However, CMFP, particularly members from Mindanao, believes that having an autonomous Moro homeland would be enough.

Status and Prospects of Federalism Proposals

The Consultative Commission on Charter Change

On July 25, 2005, President Gloria Macapagal-Arroyo announced in her State Of The Nation Address the creation of the *Consultative Commission on Charter Change (ConCom)*. The ConCom was tasked to propose the revision to the 1987 Constitution and submit the proposal to the President before turning it over to Congress for consideration. The proposals for constitutional reform will be considered part of the fulfillment of the public commitment the President made in 2003-2004 (Consultative Commission, 2005).

Executive Order No. 453 (2005) defined the ConCom's principal mandate which is to conduct consultations and studies and propose amendments for a shift from the Philippine's present presidential-unitary system to a parliamentary-federal form. Also among the ConCom's mission is to refocus and review economic policies in the Constitution to further the country's goal of global competitiveness. To do this, the ConCom will hold nationwide consultations with various Sectors such as farmers, fishermen, workers, students, lawyers, professionals, business, military, academic, ethnic, including the different leagues of local government units and members of Congress and the Judiciary. The President believes that there is a need to "bring the great debate on charter change to the people" and to involve them in the study and formulation of amendments to the 1987 Constitution (SONA, 2005).

Originally, ConCom members were intended to be "not more than" fifty (50) national, regional and sectoral representatives whom the President will appoint. Two months after, the President signed Executive Order No. 453-A, adding five more members to the commission. By 7 November 2005 (Consultative Commission, 2005), there were 54 official ConCom members (Appendix A).

The ConCom's work began on 15 September 2005 and ended on 15 December 2005 with the submission of the proposals to the President before passing on to Congress, and eventually to the Senate, for ratification.

ConCom Proposals: Majority Report

Completing their work in three months, the Consultative Commission for Charter Change submitted to the President the proposal signed by majority of its members headed by its chairman, former UP President Jose V. Abueva on 15 December 2005. The 64-page report that pushes for the adoption of the parliamentary-federal system contained revisions that are mostly structural in nature. The proposed revisions can be seen in articles with headings such as *Parliament, The Prime Minister and the Cabinet, The President, The Judiciary, and The Constitutional Commissions*.

According to Article VII (*Parliament*) the legislative and executive powers will be vested upon in a unicameral legislature (Sec. 1). Parliament will be composed of members chosen by political parties, parliamentary districts, and vital sectors such as labor, peasant, urban poor, veterans, indigenous peoples, women, youth and differently-able (Secs. 1-2). The proposed term duration for Parliament shall be five years, without term limits.

Parliament shall choose the Prime Minister who will choose his Deputy Prime Minister and Cabinet (Article VIII, Secs. 2-3). The Prime Minister takes on the current powers of the President to appoint government officials and nominate judges (Sec. 11). On the other hand, the President retains the role of head of state and commander-in-chief of the Armed Forces. The President will also be chosen by Parliament for a term of 5 years. The President also retains the power to suspend the writ of *habeas corpus* and declare martial law upon consultation with the Prime Minister and later authorization of Parliament (Article IX, Secs 1-3, 8).

The establishment of a federal government was mentioned only in the latter part of the Transitory Provisions of the report (Sections 15 and 16). After the adoption of a parliamentary system of government, autonomous territories will be created. These will eventually become federal states in what will later be called the "Federal Republic of the Philippines." The ConCom foresaw this happening within a year or "after sixty percent of the provinces, highly urbanized cities and component cities shall have joined in the creation...upon petition of majority of these autonomous territories through their respective regional assemblies. (Article XX Sec. 15) " Such a law that will realize all these will be passed by Parliament preceding the creation of a constitutional Preparatory Commission, to be composed of not

more than 11 members duly appointed by the Prime Minister, that will be tasked to study, determine and recommend to Parliament the necessary requirements (constitutional, legal, financial, organizational, administrative, et.al.) to assist in the enactment of a basic law for a "smooth and orderly transition of the country towards a Federal Republic of the Philippines." Although the powers that will be given to these autonomous territories (states/regions) had not been specifically listed, it stressed, however, that all those powers not granted by the Constitution or by law to them are reserved to the national (or federal) government. In the proposal, powers over defense, foreign relations, currency and monetary policy, human rights, Supreme Court and the Court of Appeals are all reserved to the federal government.

ConCom Proposals: The Minority Report

The minority report was signed by seven dissenting commissioners. The group cited three major reasons for their reservations to sign the ConCom's proposals. They said that the arguments upon which the majority based their decision were 'deeply flawed and faulty.' Their arguments are as follows: First, the proposed amendments should be 'reasonable and logical responses' to problems and concerns that can be attributed to deficiencies in the system. Second, such changes should 'logically and reasonably accelerate the pace of economic development, improve the people's standard of living and promote the general good.' Lastly, constitutional reforms must have been based on a full understanding of the real problems that the reforms seek to solve with an honest and serious effort to conduct genuine consultations with as many Sectors of the Filipino society as possible. On those three counts, they said, the Commission failed and even 'cavalierly brushed aside' their objections. Also, the system of consultations as conducted was inadequate thus the results cannot be considered as reflective of the "informed opinions of those consulted." This, therefore, rendered the Commission's interpretation of the results as 'highly questionable'. The contention was that changing the Constitution per se is not a trivial matter but that such change has preconditions to it that should not be overlooked (Acevedo et al., 2005: 1).

However, the group recognized that amending the constitution is necessary to address real problems. They submitted a working draft which they said aims to encourage further active discussions and consultations with the people. Generally, they proposed the retention of the existing presidential form of government with a unitary structure but with some modifications that includes among others the prerogatives of public officials, electoral reforms, judicial reforms, economic reforms, clearer definition of people's rights, enhanced local autonomy and a more powerful Ombudsman (Acevedo, et al., 2005: 7).

Other Proposals for Charter Change

President Arroyo promptly endorsed the ConCom proposal (majority report) to Congress for consideration in the drafting of constitutional amendments under the House Committee on Constitutional Amendments. On their first regular session, the committee, chaired by Rep. Constantino G. Jaraula, attached a new set of amendments filed as *House Concurrent Resolution No. 004* (2006). The committee adopted this by a vote of 29-10 and had served as a working draft of the proposed changes (Interfaith for Peace, 2006). According to Rep. Jaraula, this will serve as the basis of discussion if Congress will be converted into a constituent assembly (Pabico, 2006).

Two major groups also emerged to bring to the attention of the public their own proposals for amending the Constitution. These are the Citizens' Movement for a Federal Philippines (CMFP) and the Coalition for Charter Change Now! (CCCN). Topping the list of the amendments proposed by these groups is the shift to a parliamentary system with a federal structure of government. They have prepared a draft constitution for the states, provided for the timetable for the needed legislations and conceptualized how resources will be divided among the regions or states (Go, 2005).

CCCN includes House Speaker Jose De Venecia as one of its strongest supporters. The group advocates charter change through a constituent assembly (ConAss). The ConAss involves the passing of amendments to the Constitution through the Congress instead of a constitutional convention. Lead convener, Marietta O. Goco argues that the presence of Senator Aquilino Q. Pimentel and Senator Joker Arroyo in the ConAss would ensure integrity to the Constitution (Pañares, Manila Standard Today, 2005). CCCN also vies for a unicameral parliament and the abolition of the Senate.

The CMFP is a group that started organizing in Mindanao but now stemmed in most of the regions in Luzon and the Visayas (CMFP website, 2004). Its partner organizations include the Balay Mindanaw Foundation Inc. (BMFI), Caucus of Development NGO Network (CODE-NGO), People's Alternative Study Center for Research and Education in Social Development (PASCRES), Institute for Political and Electoral Reform (IPER), Kalayaan College, Institute for Popular Democracy (IPD), and the Technical Assistance Center for the Development of Rural and Urban Poor (TACDRUP). Dr. Jose V. Abueva, member and chair of CMFP advisory body, published CMFP's draft constitution. He was also chair of the ConCom.

Under Dr. Abueva's proposed set up, the Philippine Federal Republic would have federal and state governments each with their own judiciary, executive and legislative bodies. However, it differs with CCCN as it advocates changing the charter through a constitutional

convention. Unlike CCCN, Dr. Abueva proposed that simultaneous with the change to a parliamentary system is the mandatory shift to federalism. This, according to Dr. Abueva, will ensure that federalism will not be sidetracked as a new parliament is established because a federal set up would lead to a more accountable leadership and more equitable development (Go, 2006).

The main features of the different Charter Change proposals are comparatively presented in Table 7.

Issues and Challenges to the Federalist Agenda in the Philippines

The possibility of federalizing the country is not a far-fetched idea especially since pro-charter change moves are backed up by the Arroyo administration (Dolor, 2006) as well as by large grass-roots organizations.

A tally of the top five proposed amendments to the Constitution (Avendaño, 2006) by a prominent group of researchers of Newsbreak Magazine identified 'going parliamentary' as topping the list. The other four includes: abolishing the Senate; *adopting federalism (italics ours)*; endless reelection, and; letting foreign capital in. Two out of the five proposed amendments can affect the federalist agenda in the country: directly, by adopting federalism *per se*, and indirectly, by shifting to a parliamentary form of government.

As pointed in the preceding discussion the federal republic would be materializing either simultaneously with the shift to a parliamentary form or within a maximum period of ten years after a law has been enacted by Parliament to create the federal states. However, the transitory provisions in the proposed charter, which will identify how the shift will actually take place, will spell the difference in realizing the federal dream. Coronel (2005) argues that some of the most problematic in the ConCom proposals are those that have to do with the shift to a federal form of government.

The Con-Com says that "autonomous territories" may be formed by "contiguous, compact and adjacent provinces, highly urbanized and component cities, and cities and municipalities in metropolitan areas."

But first, the legislative bodies of these local government units must petition parliament if they wish to form an autonomous territory. Parliament is given one year to act on such petitions. With parliament's approval, the autonomous territory would then be able to exercise powers over administrative organization, planning, budget, and management in its area.

Table 7. Matrix of proposals for charter change*

Consultative Commission	Committee on Constitutional Amendments	Coalition for Charter Change Now!	CMFP/ Jose V. Abueva
A. Parliament			
Unicameral Parliament.	Unicameral Parliament called by the National Assembly, all seats to be elected by single-member districts.	Unicameral Parliament	Bicameral Parliament, with the 1 st chamber as <i>Balay Sambalagat</i> (House of the People) and the 2 nd chamber as <i>Balay Estados</i> (House of the States).
70% of about 300 seats elected by single-member districts, 30% by proportional representation as chosen by the winning political parties.	Assembly members to serve 5-year terms, no term limits.	300 seats in Parliament, 240 for district representatives, 60 for party-list representatives	
Term of 5 years, no term limits	No party-list, Sectoral or proportional representation	5-year terms.	Not more than 350 seats in Parliament, 60 more members to be elected nationwide by the party list duly accredited by the Federal Commission on Elections as a political party
Election through Sectoral or proportional representation.		No party-switching 1 year before election. Only those who are members of a political party for at least 1 year qualified to run.	5-year term
Bars candidates without a college degree.			Election by proportional representation.

* The idea for this matrix, and modifications herein, was an inspiration from the original work of Mr. Alecks Pabico's article [Philippine Center for Investigative Journalism (PCIJ)] entitled "Proposals for Charter Change: A Comparison", posted online on 06 November 2005.

Consultative Commission	Committee on Constitutional Amendments	Coalition for Charter Change Now!	CMFP/ Jose V. Abueva
B. Role of the Prime Minister			
Prime minister as head of government	Prime Minister as head of government	Prime Minister as head of government	Prime Minister as head of government and commander-in-chief of the Armed Forces.
Elected by Parliament	Elected by Parliament	Elected by Parliament	Elected by Parliament through a system of elimination and subsequent voting appointed by the President after 3 days.
Forms Cabinet, mostly from members of Parliament	Forms Cabinet, majority of which should be from Parliament	Forms Cabinet, majority of which should be from Parliament	Forms Cabinet $\frac{3}{4}$ of which must come from Parliament.
C. Role of the President			
President as symbolic head of state and commander-in-chief of the Armed Forces.	President as symbolic head of state	President as symbolic head of state	President as symbolic and ceremonial head of state
Elected by Parliament from among its members	Elected by Parliament from among its members	Elected by direct vote for a 5-year term	Elected by the Parliament and State Assembly for a 5-year term without re-election.

Consultative Commission	Committee on Constitutional Amendments	Coalition for Charter Change Now!	CMFP/ Jose V. Abueva
<p>D. Shift to Federalism</p> <p>Federal government to be installed 5-10 years, with 11 states.</p>	<p>Federal government to be installed in 10 years, with the National Assembly to decide how many independent states there would be.</p>	<p>Parliament to enact a law 1 year after new constitution, to create 11 states, most of which will be established within 5-6 years which may mean that some regions may not be granted statehood immediately.</p>	<p>The Constitution, not the Parliament, will create the 10 states (Federalism) simultaneous with the adoption of a parliamentary form of government.</p>
<p>E. Powers of the Government</p> <p>Federal government to have powers over defense, foreign relations, currency and monetary policy, human rights and Supreme Court and Court of Appeals. All other powers, including taxation, to be devolved to states.</p>	<p>National Assembly will decide as to the distribution and kinds of powers that will be given to the federal government and the states.</p>	<p>Federal government to have powers over defense, foreign affairs, currency, foreign trade, public debt, transport and communications. All other powers, including taxation, given to states.</p>	<p>Supremacy of Federal Law in cases of conflict with the State Assembly and the Parliament Powers of the government divided into 3 types: enumerated powers and concurrent powers for the Federation and the states, reserved (and residual) powers for the Parliament.</p>

Consultative Commission	Committee on Constitutional Amendments	Coalition for Charter Change Now!	CMFP/ Jose V. Abueva
F. Transitory Provisions			
Cancellation of the scheduled 2007 national and local elections and creation of an "Interim Parliament"	President Arroyo to remain the transition head of government with powers to appoint new members of parliament and the power to dissolve parliament.		
President Arroyo to remain the transition head of government, with powers to appoint new members of parliament (2007-2010) but not to dissolve the interim parliament composed of house members and senate.			

The autonomous territories can impose their own taxes and will be entitled to a greater chunk of revenues from their natural resources.

The formal shift to a federal government, however, can only take place after at least 60 percent of the country's provinces and cities have joined autonomous territories consequently their regional assemblies should petition the Parliament to enact a basic law creating a Federal Republic of the Philippines. When this law is enacted, the autonomous territories shall become federal states (Coronel, 2005).

In another article in the Manila Standard Today, Pañares (2005) cites:

As for the failure to pass the adoption of a federal structure during their plenary meeting, ConCom Commissioner Pedro Romualdo explained that most of their members favored the gradual transition to federalism.

"We agreed that if two-thirds of all local government units nationwide decide to transform themselves into autonomous territories, our new name for the country's regions, then people concerned can file with Parliament a petition covering that matter," Romualdo said.

The ConCom proposal and other proposals of other groups are serving as guides or reference for the House Proposed Amendments to the 1987 Constitution that continues to undergo revisions as of this writing. The end-result of the debates in Congress will eventually be presented to the Filipino people for ratification – but that is still a long way from the present.

To be able to effect charter change, the 1987 Constitution enumerates three ways to legally amend or revise the Constitution. One is by convening Congress into a constituent assembly, the other is by the election of delegates to the constitutional convention, and lastly, by the people directly proposing changes through a people's initiative where 12% of the voting population (at least 3% for each voting district) will sign a petition for this purpose (CPBM, 2003). What mode will finally prevail is still a contentious issue at present.

ConCom or ConAss?

The move being spearheaded by the majority coalition in the House of Representatives is to convert Congress into a constituent assembly (ConAss) to enact constitutional amendments. According to the 1987 Constitution, Congress needs to gather two-thirds vote of all its members to be able to

convene a constituent assembly. The issue, however, is it is not clear whether the House of Representatives and the Senate would vote separately or jointly. The pro-administration majority in the House of Representatives have already gathered 160 signatures which is 35 signatures shy of the required number.¹ Senators have aired opposition to the opinion of voting jointly; arguing that 'if the interpretation of the constitutional provision would mean a joint counting, then the Senate would virtually be ignored and overwhelmingly be outvoted' (Felipe and Romero, 2006).

The 24 senators have expressed preference over the election of national delegates that would compose a constitutional convention because a ConCom would 'be devoid of or less prone to the self-serving interests of otherwise ConAss proponents who stand to gain from the changes' (Barrios, 2006). The election of delegates to the constitutional convention, however, seems far-fetched because this mode is the costliest and most time consuming among the three modes identified. Barrios also cited the argument that the current power elite has strong personal motives over charter change thru ConAss which would seek the abolition of term limits and that the present elective incumbents (in Congress and the local government units) whose terms ends in 2007 will have an automatic three-year renewal of their tenure under the charter's transitory 'No-election' provision.

Information Dissemination and Peoples' Initiative

From the time the ConCom has submitted its report to the President, the daunting task for the present administration seems to be that of ensuring that the general public is well informed of what charter change is all about, what are the changes that will take place and how these will affect the ordinary Filipino's life. This is why immediately after the initial draft of the Majority Proposal of the ConCom had been submitted, Pres. Arroyo issued Executive Order No. 459 or the Charter Change Advocacy Commission (CCAC) also known as the AdCom. Together with the Office of the Press Secretary (OPS) and the Philippine Information Agency (PIA), the AdCom was tasked to disseminate information and promote the shift from the presidential to a parliamentary form of government² from January to September 2006. The purpose of the AdCom, according to Abueva, is to continue the public information and consultation aspect of the ConCom and will focus on three main issues, namely: '(1) that charter change is imperative and cannot be delayed any longer, (2) that charter change will reform our highly centralized unitary system to a much more decentralized structure of the Republic, and (3) that charter change will allow the liberalization of the economy...' (OPS, 2006) Most of the AdCom members appointed were also commissioners of the ConCom (Maglalang, 2006), listed as Appendix B of this article.

Just recently the AdCom ended a series of nationwide rallies in support of the move for Charter Change (Manila Bulletin Online, 2006). AdCom efforts, complemented by a similar information campaign nationwide by the Union of Local Authorities of the Philippines (ULAP) and that of the recently launched *Sigaw Ng Bayan* movement, have gathered the estimated 8-million signatures purportedly supportive of charter change under the people's initiative mode. This is over the required 5 million signatures mandated by the Constitution. The problem, however, lies not on the question of whether the required number of signatures can be gathered but that of the ruling passed by the Supreme Court in 1997 on the *Defensor Santiago vs. Commission on Elections* case which states that without an enabling law that must first be passed by Congress, any move to allow charter change via the people's initiative or referendum mode will become stagnant.

In its majority decision, the Supreme Court declared that 'the people are not accorded the power to directly propose, enact, approve or reject, in whole or in part, the Constitution through the system of initiative' (Pabico, 2006) In addition, Fr. Joaquin Bernas, one of the framers of the 1987 Constitution and dean emeritus of the Ateneo Law School said that initiative and referendum may be used only to introduce amendments to the charter, not revisions and that a people's initiative referring only to simple 'changes' would deem the move unconstitutional (Barrios, 2006). He cited that a change in the framework of government is a major revision as against changing the requirements for those who wish to run for presidents, for example (Datinguino, 2006).

Other issues concerning the people's initiative mode had been raised by the media with respect to the motives behind the use of such option.

Most of the commentaries that came out charged President Arroyo as the utmost beneficiary of the constitutional amendments. An article that came out in the internet listed several negative commentaries that accused the Malacañang of starting, funding, and directing the initiative calling it an 'expensive and divisive distraction' that would allow Arroyo to stay on as President until 2010 if the initiative fails, and as interim President if the initiative succeeds and a parliamentary system is adopted, and that deception and cheating was said to be rampant during the signature campaign.³

Political motives aside, the people's initiative also faces another hurdle. For the people's initiative to be successful, it still needs to undergo two processes: (1) the verification of signatures by the Commission on Elections, and (2) the Supreme Court reversal of its 1997 decision against the People's Initiative as a means of amending the Constitution. Several analysts say the initiative could be successful but more believed a reversal of the SC ruling is

very unlikely (Countrywatch Forecast, 2006). De Venecia, on the other hand, commented that with the glaring evidence of people's support for charter change, the SC would likely reconsider its decision stressing that, in the end, the will of the people will prevail over any other institution.

Meanwhile, on 29 April 2006, twenty two senators signed Senate Resolution 478 which reiterated their opposition to the people's initiative due to the absence of an enabling law and criticized the Interior Department for allegedly enjoining barangay leaders to conduct assemblies for the purpose of soliciting signatures for the people's initiative mode (Sunstar, 2006).

Survey Says...

Two major polling agencies in the Philippines have been active at gathering people's responses on issues concerning charter change since 2005. Both the Social Weather Stations (SWS) and Pulse Asia, have released results of their surveys from March 2005 to March 2006.

In its 8-14 March 2006 survey, SWS claimed that 56% of Filipinos do not favor charter change if this would be done now. Of the four proposed major amendments, only two got favorable responses namely: forming regional governments (41%) and lessening restrictions on foreign participation in the economy (35%). The items that received a negative response from the respondents are: cancellation of the 2007 elections and the extension of terms of incumbents to 2010 (50%), election of head of government by legislators instead of directly by voters (56%), Pres. Arroyo to become prime minister in a parliamentary government (55%), removing the present term limit of chief executive (76%), unicameral parliament (38% against 25% in favor). Finally, the item on *knowledge of the Constitution* showed that only 13% know at least the most important parts of the charter, 40% know a little and 46% do not know anything (Mangahas, 2006).

On the other hand, Pulse Asia, Inc., in its March 2006 (February 18 to March 4) survey reported that there is a considerable increase in the people's willingness to consider charter change. The 29% favorable response in March 2005 rose to 36% in October and finally at 43% in its latest survey. The survey was conducted prior to the launching of the campaign for charter change by Pres. Arroyo in mid-March (Llorito, 2006).

But the bottomline is, despite increasing public support for shifting to a parliamentary government, majority of Filipinos (54%) still favor retaining the present presidential and unitary system (Tabunda, 2006). Llorito cited Mario M. Taguiwalo, a political consultant for Pulse Asia, as saying that 'the

credibility and trustworthiness of advocates for or against charter change will matter in the Filipino people's decision should there be a plebiscite on the government's proposal to change the Constitution.' Mr. Taguiwalo added that the complexity of the issue of charter change is compounded by the fact that this is the first time the country is going to have a 'people's initiative' and that people's unfamiliarity with the parliamentary system and unclear connections between charter change and the people's immediate concerns, make informed judgment harder for them (Llorito, 2006).

Other highlights of the report showed that respondents are **not** in favor of: a unicameral legislature (64%), unlimited terms of office (62%), the no election or 'No-el' proposal in 2007 (64%), economic liberalization (79%), the shift to a federal system (55%) (Tabunda, 2006).

Conclusion

Under the current circumstances, the federalist agenda is intertwined with the shift to a parliamentary system of government. What current proponents offer is the package of federalism and parliamentary system without necessarily presenting the two as distinct systems that could exist without the other. Furthermore, charter change is often linked to ulterior motives, Mrs. Arroyo's legitimacy crisis, and elite interests. The personalities involved and the methods employed to legitimize Cha-cha divides, and even polarizes, even those in the federalist advocacy movements. The looming fear that the shift to a federal structure of government, with the current balance of power, will 'only empower the big landowners, local political dynasties and local warlords' may be considered legitimate (BAYAN, 2006).

Academicians always claim that federalism is not a panacea to the country's perennial problems of poverty and political crises, but it is a possible means to resolve the age-old disparities in the country, especially that of the 'war and development problems in Mindanao' (Brillantes, 2002).

The issues identified above may slow down movements for federalism in the Philippines. However, continued talks about charter change may be an opportunity to refine proposals towards the most suitable model of federalism. If federalism is to be adopted, it should be practicable as much as it is acceptable to all sectors of Philippine society.

* * * *

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* * * *

Endnotes

¹ As of 31 March 2006.

² In a press release from the Office of the Press Secretary dated 06 February 2006. Available at <http://www.news.ops.gov.ph/archives2006/feb06.htm>

³ SEAVAP in countrywatch.com, cited from *Philippine Star's* Federico Pascual's article dated 26 March 2006.

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**Appendix A: Official Consultative Commission on
Charter Change Members**
(As of November 7, 2005)

1. Angelico Abarico
2. Alfredo E. Abueg
3. Jose V. Abueva
4. Atty. Anthony E. Acevedo
5. Ronald L. Adamat
6. Omar U. Amin
7. Emmanuel Y. Angeles
8. Atty. Sergio A.F. Apostol
9. Rene B. Azurin
10. Andres D. Bautista
11. Jose C. Bello, Jr.
12. Ma. Romela M. Bengzon
13. Jarius Bondoc
14. Jesus B. Calisin
15. Noel Toti M. Cariño
16. Francis Chua
17. Donald G. Dee
18. Gilberto M. Duavit
19. Gerardo S. Espina, Jr.
20. Alipio Vittorio Ramon D. Fernandez
21. Pablo P. Garcia
22. Nelia T. Gonzales
23. Joji Ilagan-Bian
24. Atty. Rita Linda V. Jimeno
25. Gonzalo M. Jurado
26. Amadeo S. Lagdameo, Jr.
27. Raul L. Lambino
28. Liberato P. Laus
29. Jose P. Leviste, Jr.
30. James Marty L. Lim
31. Lito Monico C. Lorenzana
32. Alexander R. Magno
33. Dr. Emily M. Marohombsar
34. Jose Sonny G. Matula
35. Democrito T. Mendoza
36. David C. Naval
37. Victor F. Ortega
38. Sergio R. Ortiz-Luis, Jr.
39. Vicente T. Paterno
40. Carmen N. Pedrosa
41. Fernando Martin O. Peña
42. Mayor Oscar S. Rodriguez
43. Gov. Pedro P. Romualdo
44. Mayor Mel Senen Sarmiento
45. Cecilio T. Seno
46. Luz Emmanuel Soriano, R.A.
47. Betty Lourdes F. Tabanda
48. Bishop Efraim M. Tendero
49. Rey M. Teves
50. David B. Tirol
51. Miguel B. Varela
52. Atty. Antonio T. Villar
53. Jose D. Villanueva
54. Amb. Alfonso T. Yuchengco

CONCOM Committees

Committee on Form of Government: 33 members
Emmanuel Angeles (*Chair*), Rene Azurin (*Co-chair*)

Committee on Structure of the Republic: 36 members
Rey Teves (*Chair*), Alexander Magno (*Co-chair*)

Committee on National Patrimony and Economic Reforms: 36 members
Vicente Paterno (*Chair*), Sergio Ortiz-Luis (*Co-chair*)

Committee on Suffrage and Electoral Reforms/Political Party Reforms:
Cecilio Seno (*Chair*), David Naval (*Co-chair*)

Committee on Accountability of Public Officers/Civil Service:
Antonio Vilar (*Chair*), Joji Ilagan-Bian (*Co-chair*)

Committee on General Provisions, Amendments, and Transitory Provisions:
Jose Leviste, Jr. (*Chair*), Jose Bello, Jr. (*Co-chair*)

Committee on Preamble, National Territory, Declaration of Principles and Policies, Citizenship, Bill of Rights, Political Rights:
Francis Chua (*Chair*), Miguel Varela (*Co-chair*)

Committee on Judiciary:
Omar Amin (*Chair*), Rita Linda Jimeno (*Co-chair*)

Committee on Style:
Gilberto Duavit (*Chair*), Jarius Bondoc (*Co-chair*)

‘Concom members are only allowed a maximum of 4 committees each. Committee members are only those that are allowed to vote for their respective officers. Commission officers are also disqualified to be elected as chair and co-chair of the committees.’

Appendix B: Advocacy Commission Members

1. Ronaldo Adamat
2. Andres Bautista
3. Joji-Ilagan Bian
4. Jarius Bondoc
5. Rita Linda Jimeno
6. Raul Lambino
7. Liberato Laus
8. Lito Monico Lorenzana
9. Carmen Pedrosa
10. Efraim Tendero
11. Richard Alvin Napulta
12. Ma. Romela Bengzon
13. Jose V. Abueva

Appendix C: Seven Major Lakas Party Proposed Amendments

1. Transformation from the presidential to the parliamentary system
2. Establishment of a unicameral legislature and abolition of the senate
3. Lifting the term limits of elected officials
4. Providing for a five-year term of office for all elected officials
5. Ban on 'political turn-coatism'
6. Creation of autonomous regions towards the establishment of a federal system
7. Easing of restrictions on foreign investments in the country