



Federalism and Charter Change

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discussion series

- 4** Are we there yet? Charter Change 4.0
- 7** On Federalism and multilevel politics
- 12** Federalism and security arrangement in armed conflict areas
- 15** Considering the role of voice and choice in Charter change
- 18** It's complicated: The Relationship between Federalism, Development, and Democracy
- 22** Unintended consequences and the proposed federal government
- 25** Constitutional change and transitory provisions: Lessons from history
- 28** The federalism discourse
- 32** Where's the 'local' in federal?
- 35** Is charter change the game changer in the next Congress?

FEDERALISM AND CHARTER CHANGE

SERIES 03-2020

Charter change is not new. The move to change our form of government to federalism in order to equalize the locus of power has been part of the Philippines' experimentation at institutional change since 1991 (Mendoza 2018).

Under Duterte, attempts at reformulating the narratives of the federal shift, have only unearthed deep seated issues and struggles for indigenous peoples' representation in the Bangsamoro region, and equitable politico-economic power distribution against serfdoms at the local level (Oreta 2018; Candelaria 2018). Yet what is consistent with the current and emerging discourses is charter change, conflated with the contending issues on foreign ownership (Lao 2018), terms of office and possibly, the "hidden agenda" of transitory provisions (Lim 2018).

The paradox of our age has not been more evident: Firstly, federalism is "shaped by the political needs of ... the policy elites" and "local predatory powers" (Candelaria 2018) versus than "definitive demand" (Lao 2018); secondly, the clutches of global and transnational (security) networks inevitably blur traditional national and local lines of power sharing (Oreta 2018) and thirdly, the attempts at tinkering with the constitution is not without unintended consequences (Lao 2018).

Our task in academia is to push for reforms towards "genuine polyarchic democratic conditions at the local level" (Juliano 2018). As Juliano (2018) points out, "to assume pure decentralization and strengthening local autonomy as our panacea is an unsupported idea...". What we need are tried and tested means for a "coming together project": accountable and independent local bureaucracies and political offices; continuing political education and engagement (Candelaria 2018; Lao 2018).



Are we there yet? Charter Change 4.0

By Maria Elissa Jayme Lao

26 August 2014 - <http://ateneo.edu/news/research/are-we-there-yet-charter-change-40-blueboard-maria-elissa-jayme-lao>

Every post-EDSA President has had their attempt at Charter Change. And, for each iteration, there has always been the fear of slipping back into the pre-EDSA scenario of an authoritarian leader: a strong executive with vast powers over the other branches of government. There are concerns that a change in our Charter will grant the sitting President more power, and more time to use it. This is, after all, an institution that has already been subject to much modification and abuse.

Another concern is that the timing is

suspect: why now? When the President is locking horns with the judiciary over the DAP, and the legislature is burdened by the loss (?) of the PDAF. There is money held hostage that used to churn the wheels of a smooth relationship between executive, legislative and judicial. Now that it is not there, what will the system of incentives be between the three branches?

The previous Presidents (FVR, Estrada and GMA) have all called for Charter Change, with a different focus on what to change. Of the three, GMA definitely went the extra

mile with the Constituent Assembly push by the lower house in 2006 and a Constitutional Convention push the following year.

In each of these cases, an alarm has sounded off in a polity weary of ill-disguised attempts at prolonging mandates set for political leaders. These mandates have been set by a Constitution shaped by experiences that only a 20 year dictatorship can provide. Make no mistake: the regularly timed choice that elections provide to replace leaders are valued by the public. While elections are still wrapped in brightly colored vote seeking practices, the Filipino people still continue to be voters. They still go out, sometimes at great (time, money, risk) expense, to vote. The last midterm elections in May 2013 still commanded a 75% voter turnout.

Mature in this sense, the electorate can sniff out a bluff and call it. If there is one thing that 20 years of authoritarian rule will give you: it is a holy fear of another 20 years of authoritarian rule. As the calls for Charter Change have edged perilously close to election time, even those who consider themselves "minimum compliance" democrats will raise perhaps even a digital eyebrow on their Facebook or Twitter feed.

But is Charter Change necessary? It will be. Because the political space it covers will grow, the context in which it takes place will change and the needs of the now more than 100 million Filipinos will be re-defined by generations to come.

The challenge now is to spot the opportunity for it without the fear that an ulterior motive by power seekers (the Presidency or otherwise) that lurk somewhere beneath the surface. What questions must be asked? Schmittera (2001)

notes that this "moment," the Constitutional moment, to be more precise, comes at a time which represents significant political consolidation: when there is something so politically new that it has yet to be expressed in the Constitution, the main law of the land. This may include: (1) if there has been no tradition of constitutional governance (2) if there are altered physical or identity boundaries (3) if previous constitutions were made when public authority had a dramatically different role (3) if significant ethnic minority groups have surfaced (4) if major parts of a population have been enfranchised.

Are we there yet? In terms of process, no we are not. Those who have looked at Charter Change from the Political side of the coin have always cautioned that the "when it will be changed" and the "how it will be changed" is as important as the "what will be changed." Serious conversations have to take place on what exactly is broken and how we should fix it. This may invariably lead to discussions of the merits of the Parliamentary system, or a Federal form of government, but the important thing is that a critical mass develops a bellwether for issues such as the viability of Philippine political parties, of which the genuine sort has been noticeably absent from,....well,.... everything.

A couple of Presidents ago, a countrywide roadshow was put together to "popularize" the notion of Charter Change towards a shift in the form of government. I think such exercises are futile because these "notions" cannot be built into a system: it must rise out of a gnawing need that there is a gap in governance that only a change in the charter can fill.

How can this take place?

Engagement. Engagement. And more engagement – in the reforms areas necessary for the country to be ready to take the next step. For electoral reform, for example, this may not mean more political education for the electorate, but more political responsibility for the political parties. These kinds of reforms will force actors (forgive the pun) to take on the roles that they are really supposed to undertake above loyalty to the usual ties that family, religion or even geography provides.

This is the process that must take place. And when, it has, whoever the sitting President is at that time, will not have to worry about accusations that customarily greet a Charter Change move.

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On Federalism and multilevel politics

By Anne Lan Kagahastian Candelaria

04 April 2017 - <https://www.bworldonline.com/content.php?id=143237>

Federalism has gained unprecedented traction as soon as President Rodrigo Duterte assumed office middle of last year. As a result, policy makers, think tanks as well as the academic community has engaged in a series of dialogues and debates on the operationalization of such form of government, or how best to proceed. However, there are only few discussions on the substantive aspects of federalism. This commentary attempts to discuss the tacit issues that surround this debate.

SPATIAL DIMENSIONS OF POLITICS

To appreciate federalism's value to a nation, we must bring into the fore the spatial dimensions of politics. Political rule and policy making over a population becomes

meaningful of there is a definitive way of identifying where those people live. The Peace of Westphalia (1648) formalized the importance of territory as an element of the modern state. Here, a state's ability to rule independently, having control over institutions and groups that live within their territory. This idea of having a fixed demarcation to establish a formal centralized rule and recognition however does not intend to eliminate the importance of those institutions in the periphery.

Hence, all nation states (whether unitary or federal) are typically divided into two levels of governments exists: (1) the government of the whole country, and (2) the government of the parts. What sets a unitary system from a federal one is its

constitutional features, rather than its administrative and other arrangements. This refers to the nature and location of power and ultimately where sovereignty resides. In a unitary system, power is delegated to the local governments by the central government, and therefore can be taken back. In a federal system, however, power is inherent rather than delegated, and therefore sovereignty resides in both central and subnational government.

DEVOLUTION AS A WAY OF MANAGING TENSIONS WITHIN THE STATE

Political centralization has helped many nation-states expand its economic and social responsibilities. But this did not prevent the emergence of secessionist groups and ethnic nationalism and assertiveness.

The intensification of center-periphery tensions in unitary states in the 1970s brought about many changes in the institutional design of several countries. At that time, both local and global political theaters were fragile. Local nationalism was driven by many factors: unequal economic development, historical resentments, an increased demand to preserve distinct languages and cultures, as well as the growing sentiments that political decisions are made by the distant policy makers and bureaucrats.

To assuage the tension between central and peripheral political institutions, some nation-states opted for devolution rather than federalism. Devolution, a form of decentralization, is the systematic transfer and dispersal of functions, power, authority, and responsibility away from national bodies. In devolution, the intension to

expand local autonomy is fulfilled even when government remains to be organized as a unitary system. Britain passed a devolution law that gave Scotland, Wales, and Northern Ireland more power to manage their own affairs. France gave the regions certain economic-planning powers. Indonesia carried out decentralization as a way to prevent the establishment of another authoritarian rule as well as to make revenue and expenditure sharing more equitable.

FEDERALISM AS A 'COMING TOGETHER' PROJECT

The balance between center and periphery is shaped by historical, economic, political, cultural, and geographical factors. In most cases, federalism was a "coming together" project of several already strong and independent political communities who wish to preserve their identities and autonomy, but nonetheless see the value of having an equally strong central government that can represent their collective agenda in the broader political community, and protect them from external threat.

There are several reasons why nation states start a federal union. First, it is difficult for small and weak states to defend themselves from bigger more powerful aggressors and so pooling military and diplomatic resources made more sense, as in the case of Germany. Second, a federal system allows small states to collectively compete in the global market and set rules that would favor them. The United States' dominance in the global economy today would not have been possible have they remained broken into several independent states. Third, it was a way to protect a nation's identity and culture while joining a larger nation such as

the case of India. Lastly, geographically large states such as Brazil, Canada, Argentina, and Mexico found decentralization in a unitary state very limited in scope to accommodate the diverse needs of its society. Thus, federalism proved to be a more effective way to control their vast territories.

SUBNATIONAL POLITICS IN THE PHILIPPINES

The Philippine experience is rather unique. Pre-colonial barangays functioned as independent city-states but were stripped away of their political autonomy when the Spaniards used centralization as a way to colonize the country. Barangays were reduced to barrios and the *datus* were demoted to *cabezas de barangay*. Over the next 500 years, local autonomy played a lesser role in Philippine politics because national identity was more important project for a nation whose history is reflects periods of colonialism, dictatorship, and intense nationalist sentiments in between.

The 1987 trauma brought about by Martial Law's over-centralized power brought about the institutionalization of local autonomy as enshrined in the 1987 Constitution and Republic Act 7160 or the 1991 Local Government Code.

By design, central government devolved the delivery of some basic services and regulatory powers to the local government units. It also provided legal and institutional foundations that expanded the spaces for civil society and other stakeholders to participate in local policy making. Finally, it made financial resources more accessible to LGUs by broadening their tax powers and encouraging them to be more entrepreneurial by partnering with the private sector, among others.

As to whether decentralization was able to achieve its goals remains a debate. Over the years, there are so many good as there are horror stories on how the expansion of local powers and autonomy have been appreciated on the one hand, and abused on the other hand. There are quite a number of studies that assessed the impact of decentralization, but these are scattered and too often focus on only one aspect of the Code.

WHAT SHOULD WE DO?

First, a comprehensive review of the outcomes and impact of RA 7160 is long overdue. As in any good policy work, reliable and sound evidence is always a necessary starting point. Tinkering on an existing policy, especially our Constitution, without any systematic collection and review of evidence will most probably lead to a disastrous result. This review should look at both substantive and procedural impact, with results that are verifiable and generalizable. We do not want stories of what works -- we already have plenty of those. We want to see the bigger picture, as evidenced from the data and experiences of more typical LGUs, and make intelligent and evidence-based conclusions.

Second, federalism is not purely a governance question, but a political one. From a functionalist perspective, federalism serves two economic purposes -- localized development and redistribution. However, we need to articulate the elephant in the room -- that federalism is also shaped by the political needs of those responsible for its design, the policy elites. The fact of the matter is that we are governed by only a few families for most of our democratic life as a nation state. It is common to have

uncontested local candidates, or an entire province held by only one family. Whether thin or fat, political dynasties must be kept at bay if we want to maximize federalism's advantages.

Lastly, only the presence of strong political parties -- in both national and local level -- can prevent dynastic rule from flourishing. In a democracy, members of political parties contest in elections with the view of promoting the collective interest rather than personal gains. Many have ideological core that forms the basis of their proposed policies and programs. Thus, people vote for what the party stands for and not because of the personalities and last names of its members.

OPPOSITE OF COMING TOGETHER

Should we decide to transition into a federal system, ours will not be the case of federalism as a "coming together project," but the opposite. Belgium is one other case where a unitary state switched to federal to give its various languages their own turf. And even then, this change in Belgium was brought about by a robust competition between strong political parties that represented these language communities.

Federalism is not simply a redefinition of territorial organization, but more importantly a revision of the relationship between the center and periphery.

In a federal system, both central and state or regional government possess a range of power that either one cannot encroach. This will require, not only a change in our current Constitution but also a change in the manner by which we as citizens seek accountability. As it is, many election-related violence occur during local rather than national elections. Federalism should

not only solve economic issues, but it must also address political ones.

P. S. The unitary-federalism debate is related to, but different from, the presidential-parliamentary debate. A country may be federal-presidential (ex: United States) or unitary-parliamentary (ex: Singapore).

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Federalism and security arrangements in armed conflict areas

By Jennifer Santiago Oreta

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Federalism is being proposed as the alternative to the prevailing overly centralized power structure of the government. Especially for the Visayas and Mindanao provinces, the lure of federalism has gripped the areas since the time of President Ramos. It is not an exaggeration to say that the federalism agenda provided President Duterte broad-base support especially during the campaign period.

The main argument of federalism proponents is that it will make government programs and services more relevant and closer to the people. By strengthening the powers of the local government, it will ultimately translate to positive outcome

benefitting the local populace. This argument, however, misses the reality that political clans continue to dominate local government units (LGU), so strengthening the local government consequently will also increase the power-base of these political clans -- unless an anti-political dynasties bill gets passed and approved into law, a million-dollar question given the present composition of the Senate and Congress.

The reality of political clans finds relevance on the issue of security -- in the provinces, whosoever controls the political power also controls the security institutions. This is the elephant in the room that commentators seem to gloss over -- will federalism end the

decades-long conflicts in the Autonomous Region of Muslim Mindanao (ARMM)?

A cursory look at the experience of other countries would show that federalism has been used to address conflicts, examples of which are India, Canada, and Spain. The Kashmir region in India for instance, has been given greater power especially in peace and order and service delivery; Canada and Spain adopted federalism to address the sentiments of its French-speaking provinces and the Basque region, respectively. Other countries used the federalism-card to address issues relative to the large number of ethno-linguistic groups -- Switzerland, Belgium, and India fall under this category.

Needless to say, federalism has indeed proven to solve conflict and division in the countries enumerated. But to rephrase a common adage, what is effective for Juan may not be effective for Pedro.

The current armed conflict in the ARMM region is complex and layered.

While the government has been engaging the armed groups through peace talks (the Moro National Liberation Front/ MNLF and the Moro Islamic Liberation Front/ MILF), such efforts only address the "vertical" conflict between the state and nonstate groups. Despite the peace agreements, the horizontal conflicts of clan feuds (or "Rido" in the local dialect) will not be automatically settled.

Add to this configuration is the presence of terror organizations -- the Abu Sayyaf Group, the Maute group, the Rajah Sulaiman Group, the Black Flag Movement to name just some of the local terrorist organizations that operate in the area.

(While local in character, the global network and reach of these groups necessitate international sharing of intelligence information as well as closer cooperation in law enforcement).

Complicating this situation a bit further is the fact that the ARMM region also sits on a large area of ancestral domain of indigenous peoples (IP). Some IP leaders claim that the IPRA law (Indigenous Peoples' Rights Act) is the "peace settlement" of the government with the IPs and therefore must be treated on equal footing as that of the peace agreements with the MILF and MNLF.

In some provinces still in the ARMM, the communists' New People's Army (NPA) are also operating. (The MNLF and MILF desire more autonomy for the region, but the Communist Party of the Philippines (CPP)-NPA's ultimate goal is to take over the Philippine government -- alliances therefore among these groups remain only on the tactical level.)

That, in a nutshell is the conflict in the ARMM.

So we go back to the basic question -- will a shift to a federal system of government address the armed conflict besetting the region? If so, what is the appropriate security arrangement that must be adopted?

This article borrows part of the research findings of the group Security Reform Initiative (SRI) -- a research firm that is currently doing research on the same topic.

Based on data gathered, most of the officials interviewed -- police, military, and LGU officials -- declare that within the framework of a federal setup, a

constabulary force should be organized. A constabulary force is a hybrid police-military unit (i.e. they are soldiers trained to do police work). This hybrid military-police will be national in character and is meant to deal with terror groups and other groups trained in guerrilla and/or hybrid warfare. A separate local police force will handle criminality, peace and order, and investigation work, while the armed forces should focus on defense of the territorial integrity and sovereignty of the state.

There are examples on this “constabulary” idea from other countries -- India, Malaysia, Pakistan have national police forces that handle larger scale problems of peace and order and terrorism; the US has a national guard to supplement the efforts of local police in cases of widespread unrest and disaster management; and France has the gendarmerie, a military group in-charge of policing work to ensure the public safety of the national population.

While the proposed constabulary force is national in character and organization, it is also recommended that the local chief executive (the governors and mayors) will have shared supervision over the respective constabulary unit operating within his/her political jurisdiction. Moreover, similar to the current setup, the police force will be local in scope but it will have support units that are national in character. A strong caveat was added -- the merit-based promotion system must be adopted instead of the current system that allows the local mayor/governor to appoint the local chief of police.

These are all raw ideas that need to be processed and assessed. Indeed, the proposed shift to federalism excite some but worry others. More studies must be

done to break apart the nuances of governance in a federal system. As the saying goes, the devil is always in the details.

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Considering the role of voice and choice in Charter change

By Maria Elissa Jayme Lao

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It seems the Philippines has reached another juncture in its slow march towards political development, with the most recent debate on Charter change (including a proposed shift in the form of government) as the most prominent hurdle. Political junctures can be reached gradually as part of a political cycle, or a sudden insistent questioning of dominant norms. Whatever the case may be, the change is most compelling when the demand for social and political change is authentic, and not a fabricated version of public opinion.

What seems to be missing from the current debate unfolding in the different halls of

power: the House, the Senate, and the newly created Charter change Consultative Committee is a strong multi-sectoral voice clamoring for this debate to prosper.

Perhaps what is underappreciated in the current debate on Charter change is the need to separate an authentic demand for political change from one that is cloaked in consultations, road shows, and other consensus seeking devices. The lack of a definitive demand via public opinion is a telling sign of unpreparedness for what political change is to come.

What constitutes a definitive demand?

When the situation requires it. I return to an article I wrote for Blueboard in 2014 (and prior to this, another article written a decade before, in 2004, on electoral reform and Charter change issues). This previous article, written for a previous administration on a previous Charter change try raised Schmitter's criteria for a "constitutional moment." It is one that emerges when the political context changes drastically, either by becoming a State or having no prior experience of constitutional governance, or when there are changed boundaries in a State's territory, or when role that political authority has played changes drastically, or if a new ethnic minority has joined the polity or a new part of the population has been enfranchised.

In other words, the State should have changed so much that it is clear to everyone that the Charter must be changed as it no longer represents who we are as a people.

Granted, there are characteristics of the Philippine State that must be viewed with some consideration such as the Local government code of 1991 or RA 7160 that provides for the role and powers of local government units and has yet to be fully implemented. Migration, of course, has changed the course of the Philippine State and it has accommodated our Filipinos abroad with the Migrants Workers Act of 1995 (or RA 8042 and the subsequent RA 10022) and RA 9189 or the Overseas Absentee Voting Act of 2003. Mindanao's changing political landscape is currently being considered through the BBL or the Bangsamoro Basic law. Population growth and the debates on the passage and implementation of the Responsible Parenthood and Reproductive Health Act of 2012 or RA 10354 and even the recently

passed Train law: these are all indicators that the State continues to address changes in the political, social, and economic landscape. By looking back at the passage of these laws, one sees not just governmental actors but thick networks of civil society organizations: NGOs, POs, internationally based and local groups and other special interest groups alongside concerned citizens that actively pushed for (or against) each of these landmark laws. There was a multiplicity of voices that actively challenged or supported State actors and in doing so produced policy that can by all means be considered public.

I also argue further that aside from ensuring that there is a definitive need for Charter change beyond that which can be responded to by current mechanisms such as the enactment and further implementation of laws, a number of changes must also be made to move beyond the current framework of Philippine Politics that is still hinged on personal (and familial) ties weak representation and limited political participation:

(1) Representation — we must reckon the role that political parties play in political organization. Without clarifying how we want to be organized and represented means that we allow other traditional actors (such as political dynasties) to continue playing an all too central role in the way politics in the Philippines is run and won.

(2) Participation — electoral reform must continue because the context in which we elect our leaders also evolves. This includes ensuring the active participation of groups such as women, the youth, ethnic minorities, Filipinos overseas, persons with disabilities, and the poor in each electoral

contest. This can be done via developing new electoral technologies or simply ensuring that electoral violence and intimidation, which seriously should have no place in modern electoral contests, do not limit Filipinos right to vote.

Frankly, as Philippine-based political scientists, it becomes slightly frustrating to keep pointing out the same things. We joke among ourselves that it makes our job easier and our income steadier but at the same time, it leaves us with the feeling that we really aren't doing our jobs very well. A political event such as the current debate on Charter change and the shift in form of government forces us to reevaluate our political realities and reminds us once again to do our jobs well. It is a challenge not just for academe based citizens but for all members of our political community: it is OUR job and we must ensure that political changes undertaken at important junctures are not made by just those who think and make us believe that they are doing theirs.

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It's complicated: The Relationship between Federalism, Development, and Democracy

By Anne Lan Kagahastian

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The viewpoint that binds federalism, development, and democratization is heavily linked to neoliberal economics where, in broad terms, the preference is less of government and more of market. Particularly needed to make this work is the redistribution of power from central to subnational levels of government and the establishment of market facilitating institutions, which is attributed to what scholars call the neo-institutionalist project.

In doing so, it fosters efficiency, encourages innovation, and limits predation. This kind of thinking has been prominent among international development organizations such the World Bank, USAID, and the ADB that, in turn, has influenced many

decentralization projects in developing countries in the 1980s and 1990s including the Philippines.

However, the link between federalism, development, and democracy is not as straightforward as one may think it is. Empirical evidence from the extensive literature on decentralization and federalism is, at best, mixed.

LOCALIZING DEVELOPMENT

The sweeping statements that connect federalism and development in the current debates in the country are worrying. There are many aspects of development that people assumed as true such as the belief

that raising individual incomes will reduce inter-jurisdictional disparities, or that a decentralized fiscal policy will allow for better matching of demands and eventually overall satisfaction of needs of the community.

However, economic development is unavoidably uneven and this has little to do with the presence or absence of a decentralized fiscal policy. Some scholars believe that the reason for this unevenness has more to do with the place's histories rather than policies. In fact, policies emerge as a response to the contextual challenges rather than the other way around. In some cases, economic development preceded the demand for autonomy and not the other way around.

Hence, more than the distribution of goods and services, decentralization as a policy should consider how power is distributed between the state and society. Particularly interesting would be to determine whose interests are at play, how production was pursued, what the nature of the relationship is between public and private sector, and how the labor-management relations is structured.

It will be irresponsible to talk about the federal project that is detached from the social realities, local government capacities, and histories of particular places. The tendency to discuss its consequences from a national perspective is therefore misleading.

Any discussion on the effects of a multilevel system of governance on development must be localized, because after all, development happens in particular places.

LOCALIZING DEMOCRACY

Neo-institutionalists embrace rationality in decision-making and therefore assume that decentralization and federalism will neutralize vested interests and therefore lead to democratization. However, diverging outcomes are seen across municipalities, cities, and provinces in the Philippines' 27 years of devolution. This is also true even across countries and regions. Why is there so much disparity even though spaces for citizens participation in local development and planning is in place?

One way of understanding this is to look at democracy not just a state but as a process that requires strong and genuine local opposition parties that will continuously challenge the status quo. When preferences are not expressed in the people's votes, then there is very little opportunity for democracy to deepen.

If there is one concern that must be raised at this point, it is the fact that local predatory powers remain resilient despite the establishment of democratic institutions after Martial Law. Democracy has shifted power from the top to below, but it was mostly the local elites that benefited from this. That the country is dominated by political dynasties, some as old as a century, is an indication of power not being able to permeate to the grassroots.

The current federal project should not be hijacked by local predatory interests. What we do not want to happen is to transfer power to the local level but there is no avenue for local power to be contested.

A broad range of societal actors should be allowed to take part in the discourse and debate on the technical, legal, and political aspects of federalism. Cases of decentralization as a “failed experiment” in some African and Southeast Asian countries are attributed to it being an external project not rooted on the quality and capacity of the country’s local participatory institutions. And in cases where citizens participation is observed, they remain to be passive players in local policies and politics.

FEDERALISM AS SOCIAL JUSTICE

A restructuring of institutions does not guarantee the intended reform outcomes. Hence we must be cautious to assume that decentralization and federalism leads to development and democratization. This points to two important intermediaries that connect federalism, development, and democracy. First, we know that institutions matter, but which ones? And second, do these institutions support genuine local political competition, or do they perpetuate predatory tendencies that stifle participation in the local policy processes?

Particularly for developing countries, it must be pointed out that federalism’s role is not creating growth at the local level, but redistributing economic benefits that would narrow the gap between the rich and poor.

In other words, development in the context of decentralization should not be about growth, but it must be about social justice. Debates therefore should focus on how the processes can be fair and inclusive rather than the normative principles behind.

What it means to be poor in one municipality is different in another.

Therefore, what it will take to correct this inequality should be different from one place to another. In doing so, institutional reform policies must take into account the history, context, and specificity of the place or places. Local political realities constrain even the most well-thought and well-designed policy.

The path toward greater local autonomy, whether in a devolved or federal form, should be gradual but strategic because the constraints that our local governments have are deeply embedded. The gravity and seriousness of these constraints necessitates a process of reform that is mindful of the realities of the local institutions.

It, therefore, should not be viewed as simply a technical or policy strategy, but a political process that is influenced by the distribution and contestation of power.

Hence, to look at federalism as this one pill that cures the illnesses of political and economic inequality is a dangerous path to undertake. It is important that we distinguish between symptoms and causes. If not, we might, at the end of the process, end up being more sick than well.

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Unintended consequences and the proposed federal government

By Maria Elissa Jayme Lao

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It cannot be said that the federal proposal is new to the country's political landscape. In the past, this has been discussed as a stand-alone proposal, but more often in tandem with a shift to a parliamentary form of government. Debates run from the academic to the national government-led proposals. Not one has prospered because of, among other things, the hesitancy with revising the 1987 Constitution.

The current administration, however, has thrown caution to the wind and presented

via "Consultative Committee to Review the 1987 Constitution," and the federalism-inclined "Draft Constitution for a Strong, Indissoluble Republic," which goes further than any attempt prior.

Beyond reservations on revising the 1987 Constitution, the other question is the success of a federal set up in the Philippine context. While there is some basis to support a shift to federalism (among them, the need to break away from "Imperial Manila" and develop the rest of the country

in equal measure), many experts feel that these claims are not enough to hold up the costly experiment that may come with “unintended consequences.”

Recently, and not so recently, experts have given their own versions of the “unintended consequences” of a shift to a federal form.

Former Commission on Elections Chair Christian Monsod has said, “Since federalism reflects the history, sociopolitical, economic, and cultural characteristics of its context and there are existing inequalities, it tends to serve the interest of existing dominant groups in the federated states...it may not lead to “unifying communities, but to their unraveling because self-determination has its domino effect, such as the existence of minorities within a minority.”
(<http://www.gmanetwork.com/news/news/nation/585840/christian-monsod-shift-to-federalism-not-necessary/story/>)

UP Political Scientist Gene Pilapil specifically calls out possible “unintended consequences” along with the “dangers of over reforming,” “hyperrationality” and “excessive optimism.” He is also not keen on undertaking key reforms “at one go.”
(<http://news.abs-cbn.com/blogs/opinions/07/19/18/opinion-heed-this-constitutional-experts-warning>)

Ateneo de Manila Political Scientist Millard Lim also sees the scenario similarly: “the federalization project, because it will entail changing the republic’s political institutions, as something that should not be taken lightly. It is a serious undertaking because it is unwise to experiment with political institutions as this makes them hollow, unstable, and ultimately not duty-worthy.”

How much will this experiment cost? The Philippine Institute for Development Studies (PIDS) estimates conservatively anywhere from P44 to 72 billion in additional costs, not counting additional costs to other departments and the judiciary.
(<https://www.rappler.com/nation/198040-pids-cost-shift-federalism-senate-hearing-charter-change>)

Previous debates have stressed the importance of taking more prudent routes of incremental reform, or as Pilapil puts, it “sequencing of reforms based on the “un-simultaneous time horizons.”

For example, when the Charter Change debate centered on issues such as ownership of land for foreigners along with the liberalization of other features of the economy to increase foreign investments, critics pointed out that “foreign investors are more concerned with non-constitutional issues — peace and order, the remittances of their earnings, infrastructure, the consistency of government policies, sanctity of contracts, graft and corruption, pollution and traffic — and what government does to address them...the investors are concerned with ‘security of land tenure’ or the assurance that they can continuously use the land they are occupying rather than in land ownership (not necessarily land ownership).”

The current debate carries the same line of thinking on several fronts including the inclusion of the Bangsamoro region and other reform agendas that may be pursued independent of a Charter Change and shift in the form of government.

Finally, the country may also take its cue from the experience of Latin America and

importing institutional models (Weyland, 2009): "As these examples suggest, the import of institutions that do not "fit" well is frequently driven by high ambition. Political actors are eager to imitate foreign models that they perceive as successful; their quest for improvement makes them downplay the internal preconditions for replicating this success." The authors points out that "early experience with over-ambitious, problematic institutional imitation...cannot effectively fulfill their tasks, guarantee compliance from office holders and regular citizens, and reliably guide behavior."

The article encourages the examination of two factors: "the gap between domestic experience and expertise and the availability of external ideas and models" and "the magnitude of the (perceived) institutional task matters as well...where relevant actors merely seek to modify existing institutional patterns, the perceived need for external inputs is much lower, especially because local knowledge, namely an understanding of the context of gradual reform, becomes more important."

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Constitutional change and transitory provisions: Lessons from history

By Millard O. Lim

13 August 2018 - <https://www.bworldonline.com/constitutional-change-and-transitory-provisions-lessons-from-history/>

When Congress or a constitutional convention begins proposing revisions to the 1987 Constitution much attention and discussion will focus on the transitory provisions.

Sections of the proposed constitution that suspends elections scheduled under the present constitution, extends the term of incumbent officials, and grants the incumbent president additional extraordinary powers will all be included in

the transitory provisions. Deliberations on this article of the proposed constitution can easily eclipse those on the provisions proposing a federal-parliamentary form of government.

History demonstrates the critical importance of a new constitution's transitory provisions. I refer to the transitory provisions of the 1973 Constitution.

The constitution which the 1971

Constitutional Convention approved on Nov. 30, 1972 and which took effect on Jan. 17, 1973 established a parliamentary government with a unicameral National Assembly (NA), a prime minister exercising executive power and a president who was "symbolic head of state."

But parliamentarism under the 1973 Constitution never actually operated because of its transitory provisions: Article XVII.

Article XVII, Section 1 created an interim National Assembly (INA) "which shall exist immediately upon the ratification of this Constitution." Strictly speaking, it was the INA that replaced and abolished Congress under the 1935 Constitution, not President Ferdinand Marcos. The INA was to "continue until the Members of the regular National Assembly shall have been elected and shall have assumed office following an election called for the purpose by the interim National Assembly." Thus, although the regular NA came into existence with the 1973 Constitution's ratification, it was not operational until the INA called for the election of its members. Without the regular NA, there was no prime minister as this official was to be "elected by a majority of all the members of the National Assembly from among themselves" (Article IX, Section 3). Without the PM, there was no Cabinet as its members were appointed by the PM (Article IX, Section 4). Thus, the realization of the 1973 Constitution's parliamentary provisions hinged on the INA.

Article XVII, Section 3 (1) provided, however, that "the incumbent President of the Philippines shall initially convene the interim National Assembly. . ." Furthermore, the incumbent president "shall continue to exercise" his powers under the 1935

Constitution as well as the "powers vested in the President and the Prime Minister" under the new constitution "until he calls upon the interim National Assembly to elect the interim President and the interim Prime Minister." Although the INA existed "immediately upon the ratification" of the 1973 Constitution, it was not operational and could not exercise its powers and functions until Marcos initially convenes it. Section 3(1) of the transitory provisions gave Marcos full discretion on when to convene the INA.

Marcos never convened the INA and therefore the regular NA never actually existed and operated and parliamentarism under the 1973 Constitution never actually came to be. In not convening the INA, Marcos cited the outcome of a January 1973 plebiscite-referendum in which an overwhelming majority of voters ratified the new constitution on condition that the INA not be convened. Proclamation No. 1103 (dated Jan. 17, 1973) suspended the convening of the INA.

Thus, the 1973 Constitution's transitory provisions created the very conditions that prevented the full implementation of the constitution's other provisions. Such is the critical importance of any constitution's transitory provisions.

Sans the INA, Marcos continued to exercise legislative power. This power was moreover retroactively affirmed by Section 3 (2) of the same transitory provisions that empowered him to indefinitely postpone the convening of the INA. All the proclamations, presidential decrees, executive orders and letters of instruction he issued were made "part of the law of the land" and he was given the continuing power to make new laws that would modify, revoke, or

supersede his previous laws.

More forebodingly, without the INA to call the regular NA into actual existence to elect a new president and PM under the 1973 Constitution, Marcos remained incumbent president indefinitely. Thus, the apprehension expressed by Con-Con Delegate and former Supreme Court Associate Justice Jesus Barrera (1896–1988) when the transitory provisions were being debated in October 1972 that Marcos would “unduly delay” the convening of the INA and thus be “president for life” came true (62 SCRA 340-1, 31 January 1975).

Because of Section 3 (1) of the transitory provisions, Marcos remained incumbent president and in September 1976 he called for another referendum-plebiscite to ratify nine amendments to the 1973 Constitution which he himself proposed. Under the proposed amendments, the interim Batasang Pambansa (IBP) replaced the INA. When Marcos convenes the IBP, it shall elect him PM with all the powers of president under the 1935 Constitution and the powers of the PM and president under the 1973 Constitution. Amendment No. 5 provided that the incumbent president shall continue to exercise legislative power until martial law is lifted but Amendment No. 6 gave him continuing power to make laws even after martial law in cases of grave emergency when the IBP fails to act. All proposed amendments were ratified and became part of the 1973 Constitution in October 1976.

Thus did the transitory provisions of the 1973 Constitution help execute and perpetuate the autogolpe and autocracy of Ferdinand E. Marcos.

It is therefore imperative that all sectors concerned pay special and keen attention to the transitory provisions of the draft constitutions being circulated and proposed. Their federal-parliamentary provisions may just be a façade to surreptitiously advance the hidden agenda behind moves to change the constitution lurking in the transitory provisions.

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The federalism discourse

By Anne Lan Kagahastian Candelaria

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In a survey conducted by Pulse Asia last June, two out of three Filipinos do not agree that the 1987 Constitution should be revised at this time, although seven out of 10 admit having little to no knowledge at all about the 1987 Constitution.

In the same survey, six out of 10 Filipinos do not want federalism for now, and yet only three out of 10 admitted to having sufficient to a great deal of knowledge about the proposed federal system of government.

The Pulse Asia survey highlights even more the role of political education to ensure that public policy does not only reflect the discourse of policy elites but also the values

and norms of citizens and actor policy actors. But what do we mean by discourse in the context of politics and public policy?

PUBLIC POLICY AS DISCOURSE

One of the most influential frameworks in policy making that emerged in the 1990s is Advocacy Coalition Framework or ACF. Developed by Sabatier and Jenkins-Smith, ACF is useful in making sense of complex policymaking systems characterized by the presence of multiple levels of government, intensely politicized disputes, different mix of actors, limited information, and high levels of uncertainty. Under such condition of policy making, it is assumed that it would

take a considerable time for decisions to produce and measure outcomes.

Hence, instead of looking at institutions as the unit of analysis, ACF focuses on the role of ideas as an organizing logic in policy making. In a complex policy arena, actors are grouped according to advocacy coalitions. A coalition is based on an alliance formed based on shared common belief system or values about the problem and its causal assumptions. There are three types of beliefs: deep core, policy core, and secondary. The least susceptible to change is deep core, which is the actor's fundamental philosophy.

To concretely differentiate the three types of beliefs, I will briefly interrogate the current federalism discourse in the Philippines.

The belief that the independence of all government units should be a constitutional choice, and hence federalism is necessary, is an example of deep core. The opposite of this is the belief that independence of government units should be a policy choice and a revised decentralization law is the required policy alternative. A deep core debate therefore centers on the *principle of independence to the political units — whether that independence is inherent or bestowed* — the former will necessitate a constitutional change while the latter will require a change of law.

The debate that centers on the proper distribution of power across units of government is not considered as deep core, but policy core. Article XII of the draft enumerates the distribution of powers of the government under a federal system. This article defines the relationship between

the Federated Government and the Federal Regional Governments. These are policy positions that are more susceptible to changes, but still generally stable.

Finally, discussions that relate to the dividing of the Philippines into a number of federated regions refer to secondary beliefs, the last type of belief, usually the most malleable and easiest to change. In the last three years, we have seen how the number of proposed regions expanded and contracted, depending on whose version of the proposal one is reading.

COALITIONS IN THE PHILIPPINE FEDERALISM DISCOURSE

What is interesting about the ACF is its view that people engage in policy making to be able to translate their beliefs into action, and not simply personal material interests. Advocacy coalitions, therefore, remain stable over a long period of time because the alliance is one of ideas and values, and not for personal short-term policy fling gains.

It would be interesting to map out the various formal and informal actors in the federalism discourse in the Philippines in terms of their types of beliefs, and determine how deep and stable their alliances are. Are there more short-term policy fling coalitions than long-term policy partners, or perhaps a robust subsystem of midterm cohabiters?

Finally, I sense that most of the debates centered on the secondary and some on the policy core aspects. Debates that question the deep core beliefs of the various advocacy coalitions were scant, if at all, any.

Which brings me back to the Pulse Asia survey, where it revealed that majority of Filipinos have very little knowledge about federalism and the 1987 Constitution. This is very telling of the state of political education we have in the country.

Democracy thrives when citizens can openly discuss, and approve or disapprove, the beliefs and subsequent actions to construct, through government, what they deem as a good society. When citizens do not know basic precepts and principles that underlie their current (the 1987 Constitution) and future (the Consultative Committee's Federal Constitution draft) rights individually and collectively, then it would be dangerous for all of us to undertake such major systemic alteration.

The Consultative Committee formally turned over to President Duterte its draft of the proposed constitution last July 9. It is not too late to engage in a debate where the deep core beliefs of the advocacy coalitions are interrogated. It is only when we understand what is truly meaningful for us as Filipinos that the federalism debate can truly become a federalism discourse.

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Where's the 'local' in federal?

By Hansley A. Juliano

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"All politics is local," so the saying goes. This may give the impression that only the distribution of local goods and services matter to the regular voter. However, the person this is attributed to, the late American Speaker of the House Thomas Philip "Tip" O'Neill, was animated by a larger world view — appealing to local concerns in order to advance a national economic policy agenda.

In the Philippines, this is coupled with the maxim of the pre-Martial Law Nacionalista Party leader Eulogio "Amang" Rodriguez: "politics is addition and not subtraction." No President (or prospective President) ever

reached Malacañang and stayed there without addressing local concerns — while harnessing them to a comprehensive national agenda.

Effective dialogue between local governments and the national state is vital for the pursuit of equitable development throughout the country. Indeed, a national polity with a healthy balance between national responsibility and local affinity relies on this than anything else.

In this, our history is also educative. While Jerrold Tarog's recent film *Goyo: Ang*

Batang Heneral, focused on the ill-fated Gregorio del Pilar, its background story also emphasizes the myriad failures of the Malolos Republic. Headlined by Emilio Aguinaldo and his largely Central Luzon-based government, it remained unable to unite sections of the nation against the American invasion.

This state of affairs continued to hound us even post-American Occupation and way into the Third Republic. Decisions that affected the entire archipelago were always determined by a Luzon-based government, only placating the desires and priorities of favored local elites.

It is perhaps because of this historical baggage that calls for decentralization (specifically devolution of powers) erupted as early as the 1986 Constitutional Convention. What became the 1987 Constitution was subject to tussling between the demands of local government officials for greater autonomy as well as the prerogative of the national government to rein in the excesses of these same local politicians.

While the Constitution ultimately retained a centralized government, it also expanded the role of local governments in delivering good governance. The content of the Constitution's Article X delineated the role of local government units.

Their powers were further detailed through Republic Act No. 7160 or the Local Government Code of 1991. It was designed by its sponsor, then-Senator Aquilino "Nene" Pimentel, Jr., as the basis for decentralizing governance away from Manila. It remains his basis for advocating for a federalized government to this day.

The failure of the post-EDSA presidencies to fully implement this catapulted Rodrigo Duterte to the presidency, among many other reasons. His rise also gave nationwide airing to the federalist idea — at least until it was heavily derailed by the ill-conceived campaigning of Malacañang supporters.

To assume pure decentralization and strengthening local autonomy as our panacea is an unsupported idea — despite fervent evangelizing by its partisans. Even just pursuing it as per the mandate of RA 7160 has been a massive challenge under the post-EDSA years.

A 1995 study by Perla Legaspi of the University of the Philippines, entitled "Decentralization, Autonomy and the Local Government Code" concedes that autonomy and participatory governance remain heavily uneven across differing LGUs. Uneven funding concerns and the all too human factor of local political leaders' priorities (or neglect, in many cases) were pointed to as challenges. Even civil society engagement was seen as contentious, if not unwelcome outright. This year, a more recent study of the Local Development Council (LDC) structure in Bulacan by Yvan Ysmael Yonaha of UP-Los Baños, presented at the recent Philippine Studies Association Conference in Manila, corroborates this.

One gets a sense that while the intentions of decentralization policies were noble, they remained vulnerable to perversion by unchanged political realities on the ground. Philippine political science continues to document the continuing dominion of elite families and alliances in the Philippines.

For my part, I am conducting a closer study

of the results of the 2016 elections in partnership with faculty of the Ateneo de Manila's Mathematics Department. We have preliminary results showing that around 3 out of 5 governors and mayors elected last cycle were elected uncompetitively — that is to say, with a very high margin of victory against their competitors.

This in itself does not mean anything untoward. It does, however, suggest that local politics, precisely because of entrenched political families and alliances, renders communities under such conditions vulnerable not only to normalizing political patronage, but also of undue interference in civil service offices.

One should therefore assess the substance and credibility of the purported Bayanihan Federalism Draft Constitution on whether it accurately responds to the realities and challenges of local governance. Genuine, effective federalizing requires not only the enumeration and delineation of powers between national and local governments. It needs to foster genuine polyarchic, democratic conditions on the local level.

This can only be achieved by cultivating strong, accountable and independent local bureaucracies and political offices. More importantly, engendering genuine popular participation by community-based organizations (not mere "loyalty brigades") is necessary.

Finally, even when decentralization occurs, we must concede that local politics will still find itself affected by national and international demands. Hence, central government needs to remain capable and authoritative enough to intervene in possible local abuses.

In this, however, the current Bayanihan charter is suspect. Despite repeatedly insisting that it seeks to develop a "federal" government, it has in fact removed and ignored the important role and reforms needed in the local government level.

The 1987 Constitution's Article X has disappeared from the text, with no equivalent whatsoever. It seems for the federal charter, decentralization and grassroots empowerment stops at the regions — not at the lower local levels where service delivery and access to resources remains most contentious.

We should therefore ask now: was the federalism project under Duterte really about strengthening institutions and governance for the common Filipino, or did it simply use this claim as cover to give a really big carrot to political dynasties?

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Is charter change the game changer in the next Congress?

By Diana J. Mendoza

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On 18 January 2019, three days before the January 21, 2019 plebiscite for the Bangsamoro Organic Law (BOL), President Rodrigo R. Duterte alluded to pursuing charter change once the BOL is ratified. If ratified, the BOL creates the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and replaces the Autonomous Region in Muslim Mindanao (ARMM). Now that the BOL was ratified on 25 January, the path to charter change seems clear. Is it or is it not?

While the answer to the questions remain obscure, we may find some hints from the electoral acrobatics taking place right now

for the 13 May 2019 midterm elections. But let us focus on the Senate race.

We focus on the Senate not because the House of Representatives is irrelevant or insignificant, but because we know from experience and the latter chamber's political history about its membership's propensity to gravitate towards the president-elect's party and agenda even in cases where the incumbent president belongs to the "minority party." The Senate, on the other hand, has significantly played the active president's opposer or resister on critical issues including that of charter change. With seven senators eyeing reelection (four

of them allied to the President), seven former senators aiming to return to the chamber (at least three are political allies of the President or his daughter Mayor Sarah Duterte), and eight opposition contenders among 62 senatorial candidates, what are the chances of charter change gaining ground and supported in the next Philippine Congress? Will charter change be the game changer in the next Philippine Congress? Will the Senate remain anti-charter change?

First, we step back to examine the past charter change attempts and how the Senate opposed and reduced these into futile efforts of self-serving incumbents. Second, we examine how the midterm elections may impact on the power/party configuration in the Senate and, consequently, the fate of charter change in the Philippines.

CHARTER CHANGE NOT NEW

Charter change is not new, as it dates back to the Marcos regime in the early 1970s. In the post-Marcos era, as early as 1989 — barely two and a half years after the 1987 Constitution was approved in a plebiscite — calls for constitutional change gained momentum and received much media attention. The failed December 1989 coup had, in part, triggered the discussion on constitutional change.

In 1991, the House of Representatives adopted a unanimous resolution endorsing the shift to a parliamentary form of government. Had the Senate agreed to it, the shift would have been implemented in the 1992 elections.

In 1993, the House persisted and proposed a two-stage process. The first stage was to amend the Constitution in 1994 via a

people's initiative to install a unicameral assembly that would take effect on the date of its ratification in 1995. The second stage was to convene the unicameral assembly as a Constituent Assembly to draft the needed constitutional reforms including the shift to a parliamentary form of government in 1998 or before 1998. The Senate rejected the proposal.

The move to amend the Constitution was brought up again in late 1996. The People's Initiative for Reform, Modernization and Action (PIRMA), the organization supporting charter change through a people's initiative, was launched in December of that year. Three months later, however, the Supreme Court unanimously revoked the petition of PIRMA for a people's initiative for lack of an enabling law.

In 1999, an amendment to the Constitution was introduced, aimed at removing restrictions on foreign ownership on land, public utilities, schools, mass media, mining firms, and advertising agencies. The Constitutional Correction for Development (ConCord) was created to push for the lifting of restrictions on the foreign ownership of business. ConCord did not only fail but its mastermind was ousted from the presidency due to strong opposition from the Catholic Church.

Another attempt at a people's initiative came in 2006. The Union of Local Authorities of the Philippines and Sigaw ng Bayan undertook a people's initiative petition. The Supreme Court, however, ruled against its legality in November 2006. Meanwhile, major political parties in the House majority coalition created a multiparty working group to finalize the proposed amendments to the 1987 Constitution. The amendments included the shift from the presidential form of

government to the parliamentary form, and from the bicameral to a unicameral one.

A month later, the House of Representatives approved House Resolution No. 167 convening Congress into a constituent assembly. The plan of the House majority coalition was to have key amendments to the Constitution approved before Congress took a Christmas recess, a plebiscite by February, and a new parliamentary government and constitution by the end of 2007.

In an attempt to hasten the process, the House approved another resolution amending its own rules. The resolution provided for the deletion of that specific section in the House Rules of the Thirteenth Congress that states: "Proposals to amend or revise the Constitution shall be by resolution which may be filed at any time by any member. The adoption of resolutions proposing amendments to, or revision of, the constitution shall follow the procedure for the enactment of bills." The resolution was intended to bypass the three-reading procedure in each chamber of Congress that is followed for the enactment of any law.

At the same time, civil society groups and the media were closely monitoring the turn of events in the House, the Senate, and Malacañang. Public pressure on Congress and the Executive continued to build up.

As in the past, the Senate stood its ground and rejected the House's resolution. Members did not allow themselves to be "coerced" by the 72-hour deadline set by the Speaker of the House then. Finally, on 12 December 2006, the House of Representatives voted to archive its earlier resolution of convening the Congress into a constituent assembly. Had the Senate

agreed with the House of Representatives, Congress could have started to exercise its constituent powers to propose amendments to the 1987 Constitution by December 12, 2006.

Between 2007 and 2015, calls for charter change were muted or silenced, deliberately or otherwise, and temporarily tabled or shelved. Charter change, aimed at either shifting to a parliamentary form of government or amending the economic provisions in the 1987 Philippine Constitution, or shifting to a federal system, was not a priority agenda of the government. It seemed that Arroyo had "given up" her ambition to become the Prime Minister had the House succeeded in December 2006. The next President, Benigno Aquino III, on the other hand, was simply not interested in extending his term of office.

Attempts at charter change were resurrected after Duterte won the presidency in 2016. Determined to change the government into a federal system as he promised when he ran for the presidency, Duterte created the 25-member Consultative Committee (Con-Com) tasked to review the 1987 Constitution on December 7, 2016 through Executive Order No. 10 but whose work commenced more than a year later.

On 9 July 2018 the President received the draft Federal Constitution from the Consultative Committee. Former chief justice Reynato Puno, Con-Com Head, described the draft Federal Constitution during the turnover ceremony as seeking to "establish a distinct federalism in our country — a bayanihan federalism (that is) strong enough to hold together the various federated regions and establishes federated

regions that are socially, economically and politically viable and sustainable.” The draft constitution also banned political dynasties and political turncoatism.

Charter change under Duterte took an ugly turn when the Speaker of the House, Gloria Macapagal-Arroyo came up with her own charter change proposal, the Resolution of Both Houses (RBH) 15. It was not the first time that Arroyo “masterminded” charter change in the country. The year 2006 witnessed three futile attempts at charter change by the Arroyo administration including the creation of the Consultative Commission to study the 1987 Constitution and propose amendments to it.

The passage of RBH 15 at the House of Representatives after three session days spent for plenary debates becomes Arroyo’s other major coup after she successfully took over the Speakership in July 2018. RBH 15 contained the House’s proposed draft constitution that would shift the country to federalism and tampered with Duterte’s Con-Com’s draft Federal Constitution by removing term limits and rules prohibiting political dynasties.

The House voted in favor of RBH 15 on Second Reading on 4 December 2018 and on Third Reading on 11 December 2018. The Senate, on the other hand, could not care less.

Attempts at charter change will surely continue after the May 19 elections. Will charter change be the game changer in the next Philippine Congress? Will the new Senate be anti-charter change?

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The Constitutional Commission of 1986

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of the
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