

REAL CHANGE IS HERE: A PRIMER ON FEDERAL PARLIAMENTARY SYSTEM

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**A PRIMER ON
FEDERAL-PARLIAMENTARY SYSTEM**

PREFACE

This primer is written with the desire to advance the Federalism reform agenda. These are extracts from papers written by some of the best advocates in the Philippines and include those from the draft proposed constitution submitted by the 2005 Consultative Commission in December 2005 to the Philippine Congress. The features described here are the proposed amendments to our 1987 Constitution, principally on the ***shift from the presidential-unitary system to a parliamentary-federal system***, which remains relevant to this day. Copies of the complete draft constitution, compiled and edited by Dr. Jose Abueva, Chairman of the 2005 Consultative Commission is available at Kalayaan College, New Manila, Quezon City, Metro Manila.

The Centrist Democracy Political Institute (CDPI), the Philippine Chamber of Commerce (PCCI), and the 2005 Consultative Commission have collaborated to conduct nation-wide conferences to enlighten the citizenry on the concepts of Federalism. We do not have a mandate from the administration but this is done in our private capacities simply as part of our duty. The sole purpose is to precipitate a debate and build a consensus around Federal-Parliamentary System.

PROLOGUE

Federalism is a journey. It cannot be done in one step but with several critical stages. We cannot just write a constitution and de-facto we are a Federal Republic. It is also not a onetime panacea to the ills of our society. It is a series of prescriptions that must be taken one after another for it to work.

First is to realize the indispensability of political parties. Not only are they formed to contest elections and hold power in government, but must possess an ideological core, aggregating the needs and aspirations of a diverse segment of our society. Government plays a crucial role in the development of political parties prior to establishing a Federal government with a Parliamentary (or Presidential) system.

Second is to enact a law banning Political Dynasties as mandated in Article II Section 26 of the 1987 Philippine Constitution.

These two alone requires the political will of the Presidency and needs the use of his tremendous political capital.

Restructuring the Unitary form of government to a Federal Republic without these essential prior reforms will endanger the whole Republic. We will be sanctioning several States ruled by Dynasts with their secured fiefdoms – this time, protected by a Constitution written

by the very same people, 80% of whom are members of political dynasties.

The third phase is to write a Constitution through a Constitutional Convention (ConCon) with a mix of elected delegates and delegates appointed by the President sharing his political and legislative agenda.

All these to be done within two (2) years including a plebiscite, so the President starts the second half of his term restructuring government, leaving his lasting legacy of a Federal Parliamentary (Presidential) Republic of the Philippines, when he leaves office.

Lito Monico C. Lorenzana

President, Centrist Democracy Political Institute

Chairman, Centrist Democratic Party - Ang Partido ng Tunay na Demokrasya

Secretary-General, 2005 Consultative Commission

I. WHAT DO WE HAVE NOW?

A **UNITARY-PRESIDENTIAL** FORM OF GOVERNMENT



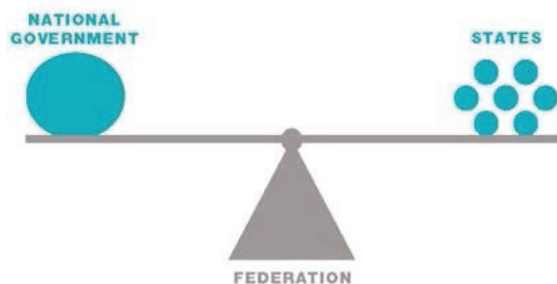
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- a. Power and authority is concentrated in the National Central Government (Center) and is therefore dominant. The Regional and Local Government units (LGUs) are subordinate and exercise only such powers allowed to them by the Center.
- b. This subservience of the local government units (LGUs) to the Center, headed by the President stifles local initiatives and resourcefulness and perpetuates dependency and reinforces traditional political patronage relationship.
- c. In theory, the executive power is vested in the President who is the Head of government and the State; the legislative powers is entrusted upon a Bicameral Congress consisting of the Senate and the House of Representatives; and the Judicial power is conferred upon a Supreme Court and in the lower courts created by law.

- d. But in practice, our present system is characterized by intermittent gridlock between the Senate and the Presidency especially when both come from different political parties.
- e. Since the Senators are likewise elected nationwide (like the President); they are disposed to challenge the presidency claiming similar constituencies.
- f. One source of *"ingrained corruption"* is the very expensive nationwide elections where the President, Vice-President and Senators are susceptible to recoup expenses while in office.
- g. Presidential elections produce minority Presidents in the absence of *"election run-offs"* subjecting the minority president to constant threats of people power and impeachment by the majorities.
- h. Proliferation of the multi-party and dysfunctional *"party list"* system does not differentiate party philosophy and platform and entrenches *"single issues"* advocacy instead of a comprehensive program for a whole sector of a homogenous citizenry.
- i. Planning and programs for the communities are characterized by a top-to-bottom approach divorced from the realities on the ground; and impairing gravely the decision-making process.
- j. Critical revenues directed centrally and collected locally are invariably expensed from the top; detached from the actual needs below.

II. WHAT DO WE WANT?

A FEDERAL FORM OF GOVERNMENT



- a. A system with clear separation of powers and authority between national government (Federal) and the regional governments or local governments (States).
- b. The Federal government aims to establish a democratic system that recognizes the rights of each region to govern itself and pursue its own agenda of progress and development consistent with the national interest. It will run its own affairs and decide its own destiny without interference from the national government.
- c. Federalism emphasizes regional and local self-rule and self-reliance in governance, based on the principle of ***subsidiarity***. This means decisions should be made at the lowest level where problems are best solved.

- d. While regional or state governments are designed to be autonomous in the state and local affairs, the federal government provides assistance to the various regions and states, especially the less developed ones – as in all federal systems in the world.
- e. Federalism emphasizes respect for the socio-cultural diversity of the people and seeks solidarity and cooperation in governance, nation-building, modernization and development.
- f. The Constitution will define the powers that may either be exclusive to the federal government, to the states or shared. Universally accepted are Federal powers on defense, foreign affairs, currency and coinage and customs and trade.

PROPOSED FEDERAL STATES

Based on a 2008 proposal by former Sen. Aquilino Pimentel Jr.



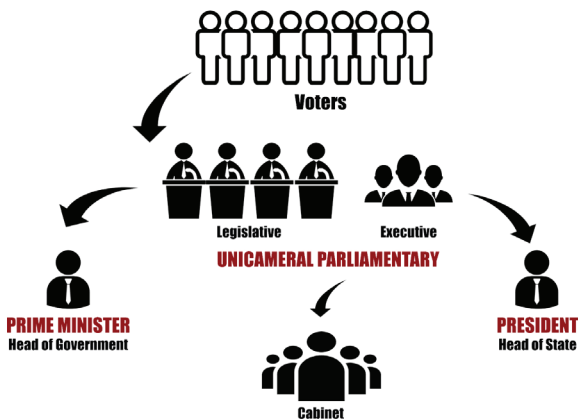
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The 12 Proposed Autonomous Territories that can become Federal States.

III. A PARLIAMENTARY System

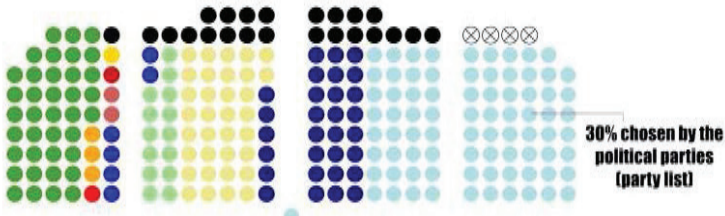


- a. The legislative and the executive powers are fused and vested upon a unicameral Parliament; and “*Head of the Government*” is the Prime Minister with his cabinet recruited from among the members of parliament.
- b. The President is the “*Head of State*” and is elected from among the members of parliament; and upon taking his oath he ceases to be a member of parliament and any political party. He serves a term of five years.

A Unicameral Parliament is composed of elected members from the parliamentary districts, plus those chosen on the basis of “*proportional representation*” by the political party according to

the votes each party obtained in the preceding elections.

- c. The members chosen by the political parties (*party list*) shall constitute 30% of the total number of Members of Parliament.



- d. The political parties shall ensure that in the 30% “party list”, the labor, peasant, urban poor, veterans indigenous people communities, women, youth, differently-abled, except the religious sector, are properly represented.
- e. A Parliamentary government is also called “Party Government” because of the pivotal role of political parties in parliamentary elections, governance and public administrations.

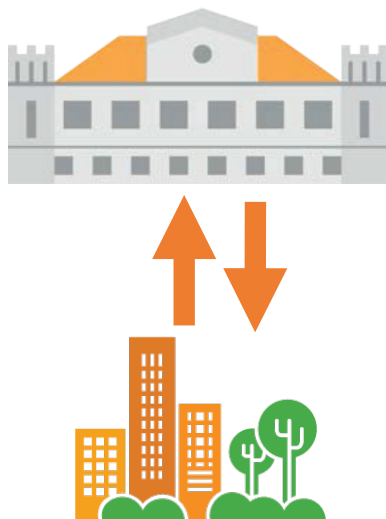


- f. Our political parties are personal factions and alliances of politicians, united mainly for elections and patronage; they have no mass memberships and no sustainable and exclusive serious platform of government that

differentiate them from one another. They are not responsible and accountable for their performance in and out of office.

- g. For these reasons, they do not have loyalties to their parties and migrate to the political party of the winning President. This spectacle is known as “political butterfly”.
- h. As proposed, any elective official who leaves his political party before the end of the term shall forfeit his seat and will be replaced by his political party.
- i. A mechanism to replace a Prime Minister is for Parliament to withdraw its confidence and by electing a successor by a majority vote of all its members.
- j. This “vote of no confidence” is a much easier process of replacing a head of government in a Parliamentary system than the current impeachment process of replacing a President.

IV. HOW FEDERALISM IS CREATED



- a. The Shift to a Federal State would have to be based on the concept of *Autonomy* and *Subsidiarity*. We cannot just legislate Federalism or just write a constitution and de-facto we are a Federal Republic tomorrow. It cannot be done with one step but with several critical phases.
- b. We allow the provinces and highly urbanized component cities to evolve first to an autonomous territory with the decision to group themselves coming from the grassroots level. In other words, the citizens within a contiguous territory, with

common language and culture must decide in a referendum that they become completely autonomous.

- c. "Self-determination" is central to this decision. Petitions are passed by their local legislative assemblies. If a referendum is passed, within a year, Parliament must enact an organic law defining the Autonomous Territory's land area, powers, obligations and sources of revenues (taxes).
- d. If 3/5 (60%) of the provinces and component cities of the Philippines become Autonomous Territories, then the Federal Republic of the Philippines is created.

V. WHAT IS OUR CRITERIA FOR CREATING FEDERAL STATES IN OUR PROPOSED FEDERAL REPUBLIC OF THE PHILIPPINES?



- a. Some common ethnic, linguistic and cultural features;
- b. Geographic contiguity and proximity (nearness)
- c. Economic potential and viability of the proposed regional governments of states

VI. PRECONDITIONS TO A SHIFT TO FEDERALISM



- a. We must first reform our Politics through a priority of a legislative agenda: elections, campaign finance; passing into law a Political Party Development Act (HB, 49, 403 & 159) and the Freedom of Information FOI Bill (HB 3732)
- b. In fact, a shift from a Presidential to Parliamentary system may come first.
- c. Over all the cornerstone of the structural shift would have to be established:
 - ✓ Effective and accountable political and social institutions;
 - ✓ The emergence of real member-based ideologically-anchored political parties and banning political dynasties.
 - ✓ The political will of competent, responsible and accountable leaders;
 - ✓ The participation of informed, responsible and empowered citizens in governance and development;
 - ✓ A productive and responsible private sector; and
 - ✓ Moral values, spirituality and ethical behavior.

VII. THE RIGHT MODE FOR WRITING A NEW CONSTITUTION

- a. People's Initiative is eliminated as the changes on the constitution being contemplated are not mere amendments but writing a new one – revisions of the 1987 Constitution
- b. Constituent Assembly will involve the members of Senate and Congress writing a constitution. With 80% of Congressmen and Senators members of political dynasties and allies of the oligarchy, the finished product will be highly flawed.
- c. The third option therefore, constitutional convention (concon) could be the better alternative, provided a combination of elected delegates be balanced with the appointed chosen delegates of the President.
- d. Most of these elected delegates would be the moneyed few, members of political dynasties whose clans and family interest take precedence. The chosen appointed constitutional experts even from the marginalized sectors – who could never afford and win an electoral campaign, can counter and balance these dynasts – and give the Presidential agenda a chance to be debated and pondered upon well.



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