



CONVERSATIONS:

Understanding Federalism
in the Context of the
Proposed Federal Republic
of the Philippines

C-CIMPEL'S MODULE ON FEDERALISM

(January 2018)




OBJECTIVES

- As the political arm of the Archdiocese of Cebu, C-CIMPEL aims to:
 - Facilitate meaningful conversations and conscientization about federalism by:
 - Discussing what it is all about
 - Explaining the current structure of the Philippine Government under the 1987 Philippine Constitution
 - Highlighting the main features of the Proposed Federal Republic of the Philippines
 - Present in a SWOT Analysis the merits and demerits of the Proposed Federal Republic of the Philippines
 - Gather inputs from the participants for collation and submission to CBCP / Constituent Assembly / Constitutional Convention



The logo for CIMPEL (Center for International Migration Policy and Leadership) features a stylized figure in a red and yellow suit, holding a blue globe, with a white dove flying above. The text 'CIMPEL' is written in a blue arc above the figure.

OUTLINE

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- A white silhouette map of the Philippines is set against a dark blue background on the left side of the slide.
- Part I. Situationnaire
 - Change as a Process
 - Principles of Change
 - Part II. Preliminaries
 - Government and Its Basic Types
 - The Philippine Government under the 1987 Philippine Constitution
 - RA 7160: The Local Government Code of 1991
 - Part III. Federal Republic of the Philippines
 - Highlights of the Proposal
 - Timeline
 - SWOT Analysis
 - Part IV. Conversations (Open Forum)



PART I.

SITUATIONNAIRE

- Understanding Change
 - It is a PROCESS
 - It must be TRANSFORMATIONAL
- Levels of Change
 - Personal Level
 - Societal / Organizational Level





PERSONAL LEVEL

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CONSCIOUS EFFORT TO TRY
OUT NEW LEARNED
BEHAVIOR DESPITE
SETBACKS TILL ASSIMILATED

UNCONSCIOUS MANIFESTATION OF
NEW LEARNED BEHAVIOR: NOW
PART OF THE UNCONSCIOUS AND
ARE OPERATIVE

CONSCIOUS, "PROBLEM
OWNERSHIP", ACCEPTANCE OF
ONE'S RESPONSIBILITIES

CONSCIOUS OF ONE'S
LIMITATIONS AND
POTENTIALS

UNCONSCIOUS OF ONE'S
LIMITATIONS AND
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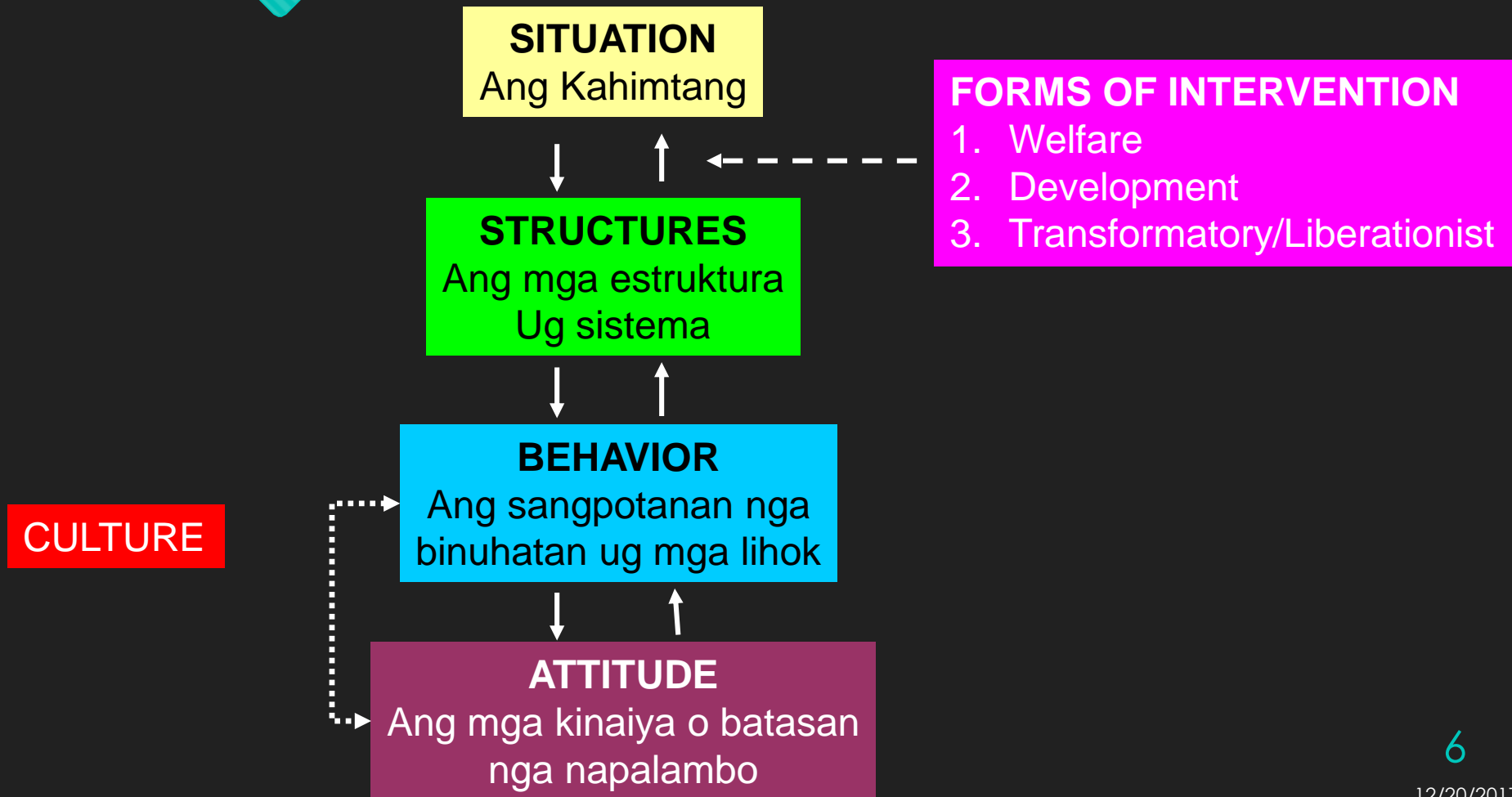
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SOCIETAL / ORGANIZATIONAL LEVEL





The Pastoral Cycle

Analysis

**Experience
or Situation**



**Theological
Reflection**

Action



Principles of Change

- **Three (3) Basic Principles of Political Reform**
(Paul D. Hutchcroft, ANU)
 - **Principle 1:** Study and understand the pre-existing conditions since there is no one-size-fits-all reform.
 - **Principle 2:** Understand the nature of the underlying political institutions (political parties and bureaucracy)
 - **Principle 3:** Recognize and anticipate unintended consequences



Process Questions

- **Principle 1:** What are the basic problems that must be addressed in the present context?
- **Principle 2:** What can you say about the bureaucracy, the electoral and the political party systems, among others?
- **Principle 3:** What could be the possible solutions to the problems identified?



Analysis

- **Principle 1:** There is no one-size-fits-all reform. Each country has its own distinctive context.
- **Principle 2:** If the bureaucracy, the electoral and the political party systems are weak, whatever is constructed may end up being unstable. A bit like constructing a house on shifting sands.
- **Principle 3:** The bigger the reform, the bigger are likely to be the risks of unintended consequences.



PART II. PRELIMINARIES

- What is a **Government**?
 - Agency through which the will of the state is formulated, expressed and carried out
 - One of the elements of a State (People, Territory, Sovereignty and Government)
- **Primary** Function
 - Advancement and protection of the Public Welfare
- What is **Governance**?
 - The relationship between the ruled and the ruler that must be based on accountability, transparency, the rule of law, among others
- What is an **Administration**?
 - The body of men in whose hands are placed for the time being the function of political control (E.G. Duterte Administration)



Types of Government

- Three Classifications (De Leon, 2014)
 - According to the Number of Persons Ruling
 - According to the Relationship of the Executive and Legislative Branches of Government
 - According to the Extent of Powers Exercised by the Central or National Government



1. Number of Persons Ruling

MONARCHY	ARISTOCRACY	DEMOCRACY
ONE person has the supreme and final authority	FEW people exercises control over political affairs	MAJORITY of the people exercises control over political affairs
Types: 1. Absolute Monarchy 2. Limited Monarchy 3. Dictatorship	Types: 1. Aristocrats 2. Oligarchs Exercising special privileges by reason of superior birth, wealth, wisdom	Types 1. Direct Democracy 2. Indirect / Representative Democracy



2. Extent of Powers Exercised by the Central or National Government

PRESIDENTIAL

PARLIAMENTARY

Principle: Separation of Powers

Principle: Fusion of Powers

Three co-equal & independent branches: Legislative, Executive, & Judiciary

Legislative and Executive Branches are fused as one with a Judiciary

One Executive as Actual and Ceremonial Head

Two Executives One as Ceremonial & the other as Actual Head

Fixed Term of Office: Executive & Legislative

Not Fixed: Dependent on the Trust and Confidence of the Parliament to the Prime Minister or the latter to the former

Civilian Supremacy

Parliamentary Supremacy

Impeachment Proceedings

Vote of No Confidence / Dissolution of the Parliament Mechanisms



3. Extent of Powers Exercised by the Central or National Government

UNITARY	FEDERAL
A highly centralized form of government: the powers of the state are concentrated in a single and supreme organ known as the Central government	A decentralized form of government: the powers of the state are distributed and divided between the national and local governments
The central government manages both national and local affairs	The central government manages national and local affairs are handled by 2/more units
The affairs of the local branches are dependent on the central government (dependency)	Each units are regarded to be supreme within their own sphere (independent)



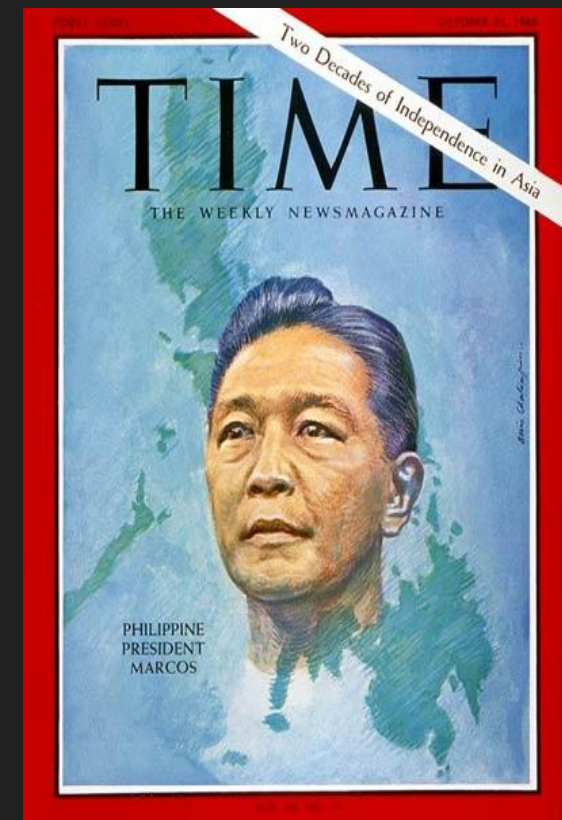
Philippine Government: Historical Perspective

- Colonization Experience
 - Spain
 - Spanish Colonial Government
 - Established a Highly Centralized or Unitary Gov't. in structure and scope that lasted until RA 7160 took effect
 - Governments during the Revolutionary Era
 - USA
 - Military to Civil Gov't.
 - Greatly influenced Philippine democracy, its constitution and its Presidential Gov't.
 - Japan:
 - Military to Civil Governments



1973 PHILIPPINE CONSTITUTION

- Constitutional Authoritarianism / Constitutional Dictatorship
 - Administration: Ferdinand Marcos (1965-1986 = 21 Years)
 - Type: Parliamentary Gov't.
 - Executive: President, Vice-President, Prime Minister, Cabinet
 - Legislative: National Assembly (Batasang Pambansa)
 - Judiciary: Supreme Court
 - Acknowledgment of Local Governments





1987 PHILIPPINE CONSTITUTION

- 4-Day People Power Revolution against Marcos' Dictatorship
- Revolutionary Government
- 1986 Provisional Constitution which restored democracy in the Philippines
- Ratification of the 1987 Philippine Constitution





The Lessons of History #NeverAgain

- RESIST Authoritarianism / Tyrannical Government
 - Defend democracy
 - Uphold rule of law
 - Protect human rights
 - Respect democratic institutions
 - Support transformative change
 - Promote ethical political involvement

The logo for CIMPEL (Center for International Migration Policy and Law) features a stylized figure in red and yellow, with a blue outline of a person's head and shoulders. The word "CIMPEL" is written in blue, curved letters above the figure.

Philippine Government under the 1987 Philippine Constitution

“The Philippines is a democratic and republican state. Sovereignty resides in the people and all government authority emanates from them.”

○ Article 2, 1987 Philippine Constitution

- Democratic / Republican Country
- Presidential
- Unitary (With RA 7160: Semi-Unitary Form of Government)

The logo for CIMPEL (Center for International Migration Policy and Education) is located in the top left corner. It features a stylized figure in red and yellow, with blue wings, set against a white background with a yellow sun-like shape. The text 'CIMPEL' is written in blue above the figure.

Philippine Government under the 1987 Philippine Constitution

○ Article X: Local Government

○ Enactment and Passage of RA 7160: Local Government Code

- Creation of Local Government Units (Barangay, Municipality, City, Province)

- Presence of Local Chief Executives (Brgy. Captain, Mayor, Governor)

○ Outcome: Semi Unitary Form of Gov't.

○ Principles:

- Genuine and Meaningful Autonomy (degree of self governance)

- Devolution (delegation of powers and functions from Central government)

- Decentralization (administrative division)



RA 7160: The Local Government Code of 1991

- Rationale
 - Address Problems of a HIGHLY Unitary Form of Government we inherited from Spanish colonization
- Declared Policy
 - Ensure the accountability of LGUs through recall, initiative and referendum.
 - National agencies and offices are required to conduct periodic consultations with appropriate LGUs, NGOs, POs, and other concerned sectors of the community (Barangay Assemblies)
 - Creation of Local Development Councils (LDC)



Operative Principles of Local Autonomy

- An effective allocation of powers, functions, responsibilities, and resources
- Establishment of an accountable, efficient, and dynamic organizational structure
- Appointments of LGU officials shall be made according to merit and fitness
- LGUs shall have the power to create and broaden their own sources of revenue and the right to a just share in national revenues
- LGUs can group themselves, consolidate or coordinate their efforts, services, and resources commonly beneficial to them
- Accountability of LGUs shall be strengthened
- Private sector participation shall be encouraged
- Decentralization contributes to the continuing improvement of the performance of LGUs and the quality of community life
- (Section 3)



1991 LGC Review Process

- Despite provision on Mandatory Review:

“Section 521. Mandatory Review Every Five Years. - Congress shall undertake a mandatory review of this Code at least once every five (5) years and as often as it may deem necessary, with the primary objective of providing a more responsive and accountable local government structure.”

- RA 7160 was never amended or revised to address present contexts or remedy its inherent weaknesses



The LGC is not broken, just bent: Towards People-Centric Reviews

○ POINTS FOR REVIEW INSTEAD OF CHARTER CHANGE

- LGUs have enough administrative autonomy but provide little effective participation and accountability
- Disparities in revenue base and mobilization capacities
- Different coping strategies to raise revenues
- Local resource generation dependent on ties with central authorities
- IRA and other transfers are generally positively correlated with LGU own-source revenues
- Local capture by traditional elites that can constrain LGU effectiveness and responsiveness
- CSOs are not genuine leading to bogus popular representation



PART III. FEDERAL REPUBLIC OF THE PHILIPPINES

Constitutional Amendment / Revision Process

Proposal Stage

- Amendment (People, Constituent Assembly, Constitutional Convention)
- Revision (Constituent Assembly, Constitutional Convention)

Deliberation

- Discussion /deliberation on the proposed changes

Plebiscite

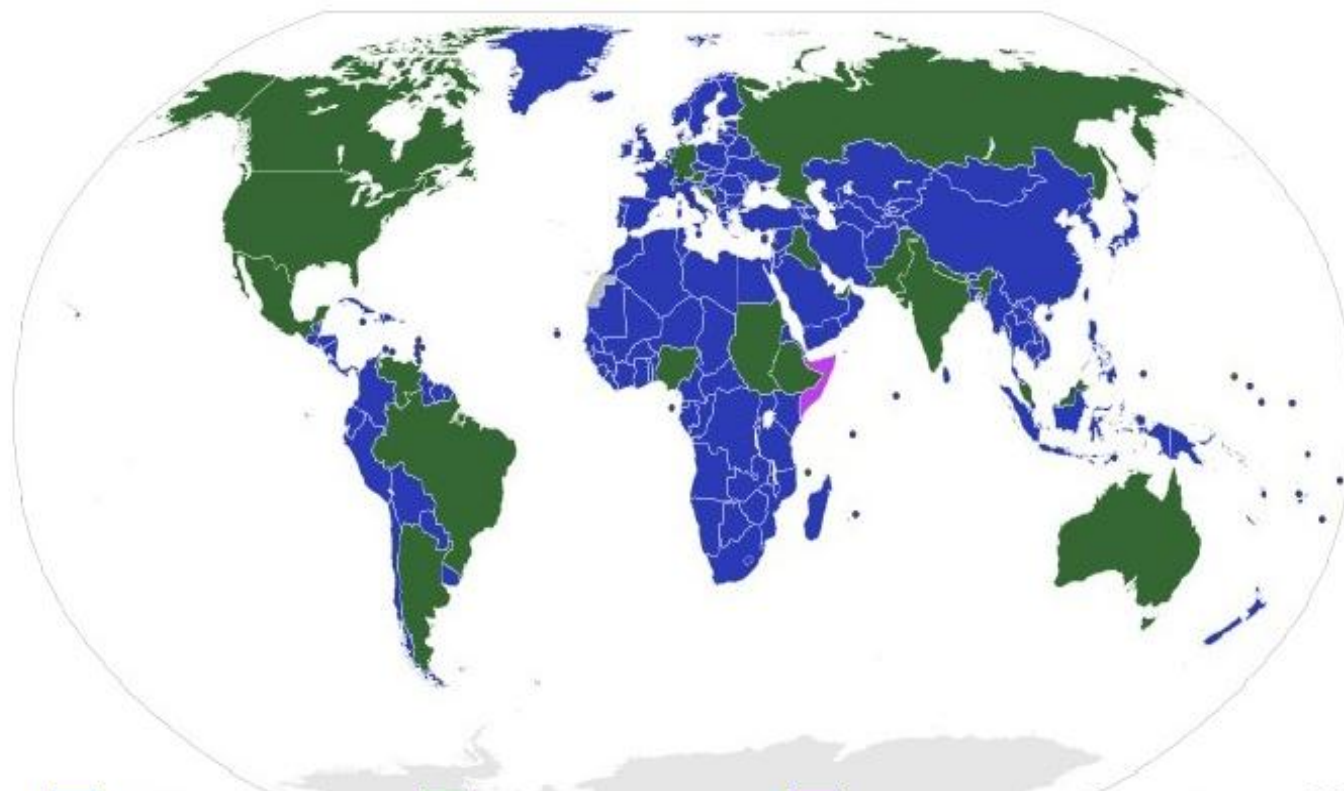
- Ratification: qualified voters cast their YES / NO vote to the proposed revisions / amendment

**Article 17, 1987
Constitution**



Unitary & Federal States in the World

Majority of states in the world have unitary system of government. Of the 193 UN member states, 165 are governed as unitary states.



 Unitary States  Federal States  Special case: Somalia

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What are the Proposed Changes?

PDP LABAN MODEL OF FEDERALISM

SEMI-PRESIDENTIAL FEDERAL SYSTEM OF GOVERNMENT FOR THE PHILIPPINES

MARCH 2017





What are the Proposed Changes?

PDP LABAN MODEL OF FEDERALISM

- ▶ 2 Constitutionally established orders of government primarily accountable to its respective electorates:
 1. Federal Government
 2. Regional Government (includes our current local governments)
- ▶ Each level of government has its particular jurisdiction



What are the Proposed Changes?

THE REGIONAL GOVERNMENTS

- ▶ Creation of more politically and economically effective administrative structure based on 11 regions with its own Regional Government





What are the Proposed Changes?

DIVISION OF POWERS

- ▶ **Federal Power** - concerns the entire nation
- ▶ **Regional Power** - basic service to the people
- ▶ **Shared Power** - basic service that is best provided under a national standard
- ▶ All residual powers are retained by the Federal Government but may be delegated to the regional governments



What are the Proposed Changes?

SEMI-PRESIDENTIAL SYSTEM OF GOVERNMENT

- ▶ PDP Laban proposes a hybrid system for the Executive-Legislative Set-up
- ▶ We adopt the advantages of the parliamentary system while respecting our preference for a President at the helm
- ▶ Under this system, we will have a President and a Prime Minister



What are the Proposed Changes?

THE PRESIDENT

- ▶ Head of State
- ▶ Directly elected by the people
- ▶ Symbol of unity of the nation
- ▶ Responsible for national defense and foreign affairs
- ▶ Commander in Chief of the armed forces
- ▶ Chief Diplomat





What are the Proposed Changes?

WHY A STRONG PRESIDENT

- ▶ The President will unite the country and ensure the success of federalism
- ▶ He will deal with powerful countries like China and the US as well as to compete in a globalized economy
- ▶ He will address the many national security challenges of our country
- ▶ He will ensure no gridlock in our political system
- ▶ He will be the decisive leader in times of crisis



What are the Proposed Changes?

THE PRIME MINISTER

- ▶ Head of Government
- ▶ Elected by the House of Reps/National Assembly and formally appointed by the President
- ▶ He “runs the government” and is responsible for domestic and economic policy
- ▶ Appoints the members of the Cabinet and all other officials not within the powers of the President



What are the Proposed Changes?

THE (OPTIONAL) VICE PRESIDENT

- ▶ There is no need for the position of Vice President but the position can be retained if this is the wish of the Filipino people
- ▶ If the position of VP is retained, the following is proposed:
 - ▶ The vote for the President is also a vote for his VP
 - ▶ The VP shall have real work, as Presiding Officer of the Senate





What are the Proposed Changes?

CHANGES IN THE LEGISLATURE

- ▶ PDP Laban formula: if Unitary, then Parliamentary; if Federal, then Bicameral
- ▶ We propose a bicameral legislature with a Senate and a House of Representatives/National Assembly
- ▶ The Senate shall represent the Regions while the lower house represents the population
- ▶ The number of senators per region shall be from 3-7





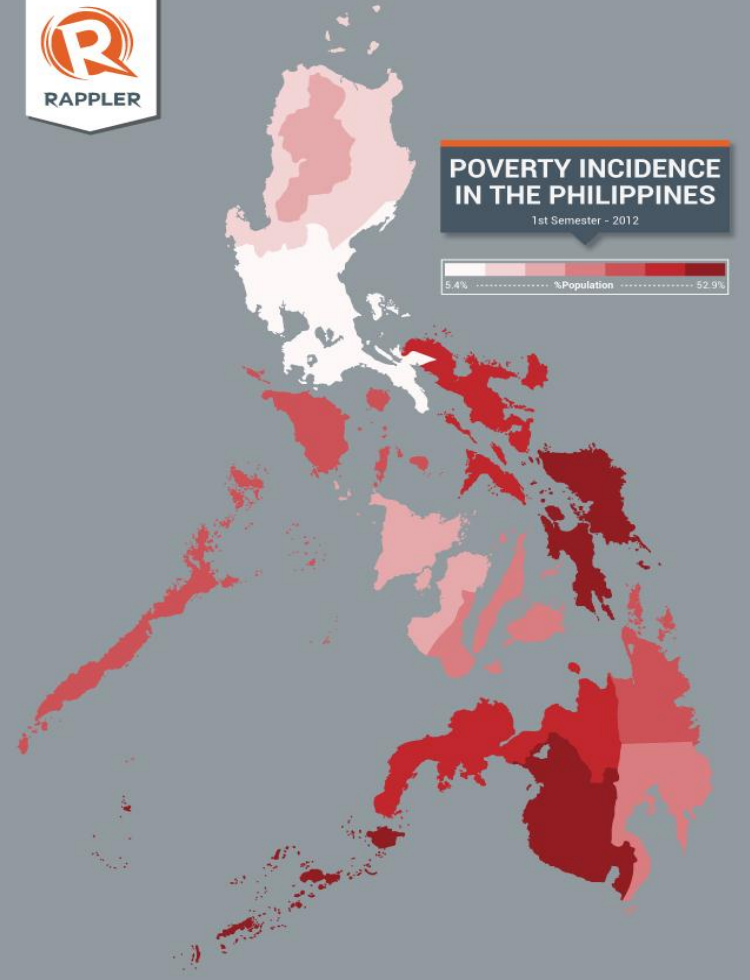
What are the Proposed Changes?

FEDERALISM AS THE GRAND BARGAIN

- ▶ The Package of Reforms to make Federalism succeed:
 - ▶ Make the anti-dynasty provision in the Constitution self-executing
 - ▶ Support the development of strong and cohesive political parties by penalizing political butterflies
 - ▶ Provide budget support to political parties just like in mature democracies
 - ▶ Institute a system of proportional representation
 - ▶ Lift the cap on the number of seats a political party can hold
 - ▶ Raise the qualification requirements for presidential candidates
 - ▶ Strengthen the powers of the COMELEC, CSC, COA, Ombudsman and Sandiganbayan and ensure their strong presence in every region



If federalism is the solution then what is the REAL problem?

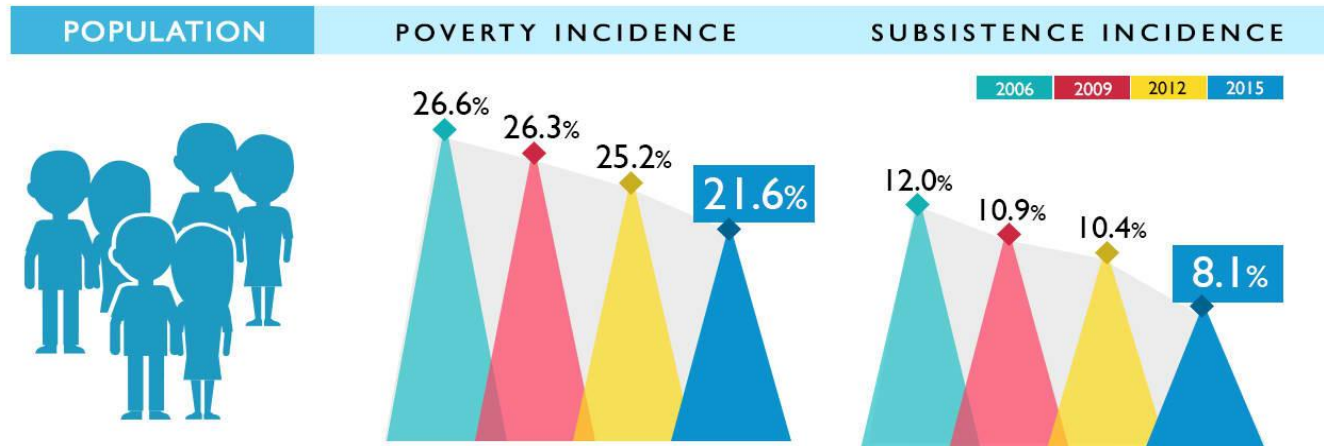


POVERTY INCIDENCE DECLINES TO 21.6 PERCENT FOR FULL YEAR 2015

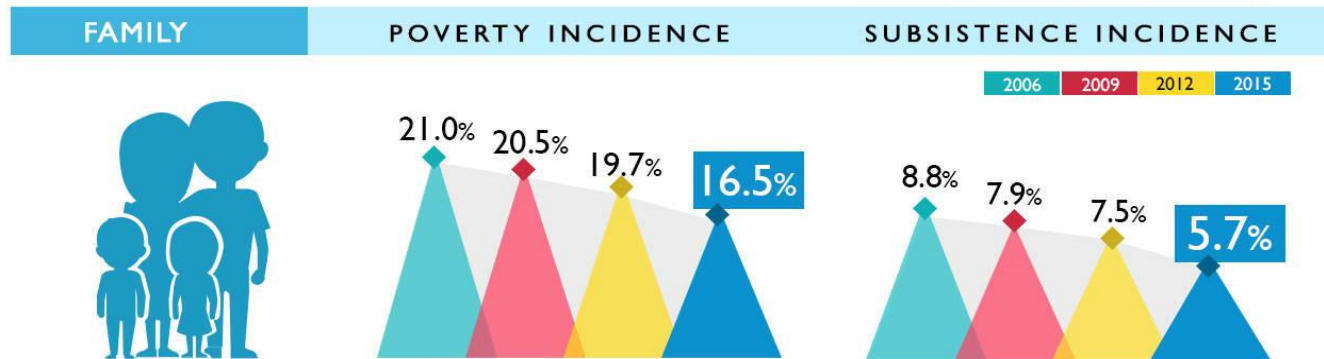
The country's poverty incidence for the full year 2015 declined significantly to 21.6 percent. Supported by generally low and stable inflation, improved incomes and employment situation, the recent poverty incidence estimates among population is well within the government's target of 20.0 to 23.0 percent for the year.

PHILIPPINE POVERTY STATISTICS

(FULL YEAR ESTIMATE: 2006, 2009, 2012, 2015)



THERE ARE ABOUT
1.4M
LESS POOR
FILIPINOS
IN 2015
THAN IN 2009



Among families, poverty incidence was also at a record-low of 16.5 percent in 2015, versus 19.7 percent in 2012 and 21.0 percent in 2006. Also, the subsistence incidence, which measures extreme poverty, was reduced significantly as of 2015, attaining the target of halving extreme poverty under the first Millennium Development Goal of eradicating extreme poverty and hunger.



TIMELINE

- Proposed bills on Federalism
- HBS 00081, 00312, 00486, 01241, 01463, 01838 (GMA, Pichay), 03026 (Villafuerte), : An Act calling for a Concon to revise the 1987 Constitution (substituted by House Committee Report 0009)
- House Resolutions 0005 (Almario), 00026 (Coop-Nattco), HJR 0001 (Violago), 0002 (Benitez), 0005 (Oaminal), 0006 (Gomez), 0007 (Singson), HR: Calling for a Constituent Assembly for Purpose of Revising the Constitution to Establish a Federal System of Government



Pending Bills

- Resolution of Both Houses No. 08 (Gonzales and de Vera)
- Two-tier Federal government: A bicameral federal legislature and 18 regions/states (including Bangsamoro); Senate composed of two to six senators per region
- PDP-Laban draft submitted by Prof Tayao and Ed Malaya; heavy on principles and ‘motherhood statements’; more of having a parliamentary form of government and retained single-member district and abolished national PL system (regional PLs)



House Timetable

- TWG formed to consolidate three drafts of a proposed federal constitution
- House Committee on Constitutional Amendments will finish the draft for committee approval before December 2017 break
- Plenary discussions of the draft will be conducted on mid-January 2018



Duterte Timelines for a Federal Shift

- The House proposed mode for charter change is through the Constituent Assembly wherein Congress as a whole will be tasked to revisit and rewrite/revise the 1987 Constitution
- EO creating a Constitutional Commission of 20 “experts” appointed by the President will provide inputs to ConAss. The process of rewriting/revising will be not later than the 2nd quarter of 2018 and a process of information/education drive to be conducted.
- Plebiscite to be held by 2019.



TIMELINE



Why are we in a hurry?



Transitioning Proposals

- President Duterte exercises sole authority during the transition
- The shift to the federal system shall happen within a three-year period with each state/region adopting its own administrative laws and structure
- Policy of decentralization will still be pursued giving block grants and subsidies to fiscally-challenged states/regions (e.g. Bangsamoro)
- De-concentration of national agencies to states/regions



Transitioning Proposals

- Passage of new election laws and comprehensive political reforms act including an anti-dynasty law All laws, issuances, decrees and orders previously enacted and adopted shall be in full force and effect.
- LGUs shall continue to receive automatically their IRA share from the federal government
- LGUs shall have jurisdiction over its natural resources but can co-share the utilization, development, exploration with the federal or state government
- There shall be one national police force. The state may organize civil defense forces for disaster risk reduction and management.



Updates

- Mode of changing the constitution, i.e. ConAss will be difficult if Senate insists on voting separately (Duterte has supermajorities in both chambers)
- • Legal obstacles can be hurled during the process of convening ConAss, adoption by House of draft federal Constitution, etc.
- • Surveys show that charter change is the least priority among voters



SWOT ANALYSIS

strengths

opportunities

SWOT

weaknesses

threats



SWOT ANALYSIS

STRENGTHS

- ✓ Realization of Duterte's Campaign Promise
- ✓ Expanded Autonomy, Devolution and Decentralization

OPPORTUNITIES

- ✓ Independence from National Government
- ✓ Revisit current Semi-Unitary Form of Government

WEAKNESSES

- ✓ Independence from National Government
- ✓ Absence of Anti Political Dynasty Law
- ✓ Patronage Politics: "Super-Majority"
- ✓ Weak Party System
- ✓ Weak Electoral System
- ✓ Poverty Incidence: Unequal / Lopsided Regional Developments
- ✓ Controversial Transitory Provision: Making the President "one-man" ruler

THREATS

- ✓ Non participatory Process
- ✓ Not enough time for Political Education
- ✓ Political Interests
- ✓ Historical Revisionism
- ✓ Not a guarantee solution to peace problems in Mindanao
- ✓ Establishment of an Unconstitutional Revolutionary Government

Part IV. Kukabildo...



Conversations (Open Forum)

A photograph of Pope Francis speaking at a podium. He is wearing his white papal attire, including a zucchetto and glasses. The podium is ornate with gold accents. The background is a blurred, dark interior with architectural details.

Inequality is the
root of social evil.

- POPE FRANCIS



I ask everyone with political responsibility to remember two things: human dignity and the common good.

— *Pope Francis* —