



The federalist dream in the Philippines

BY SHEILA CORONEL

The dream of federalism is as old as the Philippine republic itself. Historian Resil Mojares, who is based in the pro-federal city of Cebu, writes that in 1898, even before the revolutionary government of Emilio Aguinaldo had established its presence in the Visayas islands, leaders in the city of Iloilo had already formed a Federal State of the Visayas.

In 1899, when the Americans were establishing their rule throughout the archipelago, Mojares said that a group of Filipinos also submitted to the Philippine Commission a draft constitution for a Federal Republic of the Philippines, which would have divided the country into 11 states. The following year, Ilocano intellectual Isabelo de los Reyes proposed a federal constitution with seven states. These proposals were not heeded by Aguinaldo or the United States, but federalism is a dream that refuses to die.

The “Republic of Mindanao”

Calls for a Republic of Mindanao began in the 1970s. They were the martial-law versions of this dream — the strong centralized authoritarian rule of Marcos naturally whetted federalist aspirations. In Cebu, as Mojares writes, the federalist call became more intense after the rapid economic growth in Cebu in the late 1980s and the realization by local leaders that they had a thriving economic base that was weighed down by its links to the centre. For sure, there is a popular yearning for federalism, a yearning that through the years has also been exploited, domesticated and thwarted by politicians of every stripe.

Today, President Arroyo is resurrecting the federalist dream as part of a package of constitutional changes designed to save her embattled presidency. The leaders of the House are also endorsing it, although they, especially Speaker Jose de Venecia, are really more interested in a parliamentary system that gives their kind — politicians with a patronage and electoral base in the districts — both executive and legislative powers.

In fact, the draft constitutional amendments proposed earlier this year by the Speaker’s allies in the House committee for constitutional amendments hardly mentions

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Speaking out for federalism is Senator Aquiline Pimentel (centre).

federalism, except to say that a federal form of government would be installed within 10 years after the approval of the amended constitution. Not surprisingly, it gives the new parliament the power to divide the country “into as many ‘independent states’” as it deems fit, and to define the powers of those states, while reserving for the federal government powers on national defence, monetary policies and “such other powers as it may deem imperative”.

No proportional representation?

The proposed constitutional amendments in the House spell out de Venecia’s dream: an all-powerful unicameral parliament or National Assembly, which will elect a powerful prime minister, who will choose his cabinet mainly from the elected representatives. All members of the parliament will be elected by single-member districts; there is no mention of party lists or proportional representation. There will also no longer be any limits on the number terms for each parliamentarian, who will be elected every four years rather than the current three. The president, elected from among the members of the National Assembly, will have only ceremonial functions.

Only recently, in a press conference held by some Lakas congressmen with federalism advocate, the respected academic Jose V. Abueva, did the Speaker’s allies give more details of their vision of a Federal Philippines. In launching the Movement for a Federal Philippines, the congressmen said there will be 12 states which would have taxation, lawmaking and executive powers, with the federal government being limited to defence, police, foreign relations, monetary policy and communications.

Abueva has been chosen by the president to be a member of a Consultative Constitutional Commission for Charter Change, composed of eminent citizens who will consult with people around the country and submit their inputs to Congress. A long-time advocate of constitutional reforms, Abueva has proposed a federal parliamentary system that is more detailed than others have given.

Abueva's alternative model

Abueva's federal parliamentary system would have 11 states, a president as the symbolic head of state, a powerful prime minister who is head of the government and a bicameral parliament.

The House of the People would have 300 members, most of them elected at the district level, although 60 to 80 members would be selected by proportional representation. The Senate would be elected from members of the state assemblies, meaning that they will be representatives of their states or regions. The members of parliament would sit for four years and would elect the prime minister from among themselves.

Abueva's proposals for federalism, unlike the Jaraula resolution, are more defined and articulated. They also include measures for electoral and political party reform.

How fast is the cha-cha?

In the Philippines, constitutional reform is known as "charter change" and has for years been shortened by headline writers to "cha-cha". Those headline writers have been busy this year. But as the talk of cha-cha snowballs, the reality is that without Senate approval, the proposal to convene Congress into a constituent assembly to draft a new constitution is dead in the water. But the congressmen's persistence, and the mobilization of popular support, especially for federalism, might yet succeed in creating enough political noise to keep the issue in the media and in the national consciousness in the coming weeks.

Meanwhile, the public focus will also be on the impeachment, and the energies of the opposition and a whole range of political movements will be aimed not so much at charter change but at holding the president accountable. ☺

Federalism in the Philippines

A constitutional response to secession?

BY **ABE N. MARGALLO**

The last time the Philippines' Constitution underwent an overhaul was in 1986 after the Marcos regime ended following a dramatic wave of people's power led by Cory Aquino.

The Mindanao conflict has generated a recent rumbling to amend the charter with a number of senators proposing the adoption of a federal system of government as a constitutional option to solve the Mindanao problem. This issue deserves a full debate.

It is particularly relevant to take note that this proposal to adopt federalism appears to follow the historical trend towards fuller autonomy for local governments. All that the 1935 Charter provided on the subject of local autonomy was to limit the executive authority to the exercise of "general supervision" over local governments, thereby denying the executive the more pervasive power of "control". On the other hand, the 1973 Constitution declared as one of its fundamental principles, "The State shall guarantee and promote the autonomy of local government units, especially the barrio, to ensure their fullest development as self-reliant communities." That was not all.

The 1973 Constitution in fact devoted an entire article (Article XI) to local government mandating therein the enactment of a local government code. The present Constitution further expanded the 1973 provisions likewise in a separate article dedicated to local government while creating in addition "the autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures." Consistent however with the "unitary" form of government, the present Constitution provides that "(a)ll powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the national government."

In certain federal forms of government such as that of the United States, powers not granted by the constitution to the national government are deemed reserved to the states. One of the fundamental principles of federalism that could have a mollifying effect on the secessionist movement in Mindanao is the concept of shared or dual sovereignty. ☺

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