



Federalism put on back burner

Tug-of-war over constitutional change in the Philippines

BY YVONNE T. CHUA

The Philippines is caught in legal and political battles over attempts to change its constitution. In the eye of the storm are debates over how these changes should be done, and whether the country should replace its current unitary two-chamber presidential system with a unicameral parliamentary form of government.

Amid the scathing exchange between forces for and against charter change, popularly known as “cha-cha,” the initiative to shift the country to a federal system has been pushed to the back burner. But that hardly worries Jose V. Abueva, one of the foremost proponents of federalism and chairman of the 55-member Consultative Commission that submitted proposed constitutional amendments to President Gloria Macapagal-Arroyo last December.

Abueva’s travels around the country as adviser to the Charter Change Advocacy Commission created by Arroyo have convinced him of a clamour among Filipinos for constitutional change and regional government. He sees the confrontations between the national government in Metro Manila and local politicians as a sign that Filipinos are tired of Manila-centric politicians who think they are the only ones capable of running the country.

Several public opinion polls show that the majority of Filipinos still want the right to elect their president directly, a right they could lose in a parliamentary form of government. One survey, however, shows a good number of Filipinos favour the formation of regional governments, the precursors to federal states.

Parliamentary system first, then federalism

But if cha-cha proponents are not campaigning as hard for federalism as they are for the shift to a parliamentary government, it is by design. “The shift to a parliamentary government is already being challenged. If you add on federalism, it will not fly. It’s too drastic, like a double whammy,” Abueva says. “But it’s not as if we have forgotten it.”

So far, two organizations — the citizens’ *Sigaw ng Bayan* (The Nation’s Call) and the Union of Local Authorities of



— AP Photo: Bulit Marquez

Protestors in Manila demonstrate against constitutional changes - “cha-cha” for short.

the Philippines (ULAP) — are campaigning for a shift to parliamentary government through what is known as a people’s initiative for constitutional amendments. A petition for a people’s initiative requires the signatures of 12 per cent of all registered voters and at least three per cent of voters in each congressional district, for a total of five million votes. The two groups say they have gathered nearly 6.3 million signatures. Once the signatures are validated, a plebiscite can be called to amend the constitution.

For technical reasons, however, the federal issue was deliberately excluded from that petition. The two groups had limited themselves to the parliamentary issue, uncertain if their initiative would apply as well to constitutional revision and not merely to amendment, explains Abueva. Revision refers to the Charter’s overhaul, unlike amendment, which covers scattered changes.

Anti-charter-change groups organize

The *Sigaw ng Bayan* and ULAP petition is now tied up in the Supreme Court, awaiting decision on whether a new enabling law is needed to cover a people’s initiative. The high tribunal had ruled in 1997 that the existing law was inadequate. Anti-charter change groups, meanwhile, have filed opposition to the petition, alleging fabricated signatures and “fatal defects.” Only two persons had signed the petition, to which the signature sheets of the voters were attached. Also at issue is the direct involvement of pro-Arroyo public officials in the petition,

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in the process making it an initiative of the government and not the people.

But cha-cha proponents such as Abueva are pinning their hopes on a second and faster route to constitutional reform: Congress might convene a constituent assembly composed of the House and the Senate, for the purpose of amending the constitution. "If the constituent assembly flies, then we can push all the amendments, including federalism," Abueva says.

The Philippine Constitution requires a vote of three-fourths of all members of Congress to amend the Charter through a constituent assembly. In early September, the Speaker of the House of Representatives, Jose de Venecia, declared he had persuaded 204 members of his 236-strong chamber to agree to a constituent assembly. Not long after, the House committee on constitutional amendments adopted a resolution calling on Congress to change the Constitution through such a mode. Plenary debates on charter change are about to start in the chamber.

This puts the House in direct confrontation with the 24-member Senate. A majority of senators had earlier signed a resolution proclaiming that the Senate and the House must vote separately in amending the Charter through a constituent assembly. The impasse will predictably reach the courts.

Up against the people's initiative and a constituent assembly, cha-cha opponents have stepped up the campaign to thwart moves to revise the Constitution. In the forefront are "STOP Cha-Cha," a coalition of civil society groups, business, academe, church representatives and legislators led by no less than former President Corazon Aquino. "One Voice," is yet another citizens' group led by a former chairman of the Commission on Elections. The country's bishops have also weighed in on

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the issue with a pastoral letter endorsing a constitutional convention comprised of elected delegates as the means to revise the charter and to ensure total transparency and widespread discussion and participation.

Most anti-charter change groups resist changes to the Constitution as long as the legitimacy and corruption issues hounding Macapagal-Arroyo remain unresolved. Even federalism stalwart Senator Aquilino Pimentel, author of the law that devolved more powers to local governments, remains

firm in his stand to oppose cha-cha until Macapagal-Arroyo resigns.

Wiretap scandal weakens Arroyo

Arroyo's legitimacy as president was challenged after wiretapped conversations she had with an elections commissioner during the 2004 elections were made public in June 2005. The conversations purportedly show the president with a hand in cheating her closest opponent, famous action star Fernando Poe Jr., by trying to influence the elections commissioner. Arroyo has, however, survived two subsequent impeachment attempts, the more recent of which was in August 2006. Abueva sees the defeat of the second impeachment bid against Macapagal-Arroyo as a sign that the country wants to move on, and he notes the shrinking number of pro-impeachment lawmakers.

At any rate, the House will soon be preoccupied with other things, among these the new proposed Constitution that the House committee on constitutional amendments is set to present for plenary debates. This version is different from the one that Abueva's Consultative Commission finished crafting in December 2005. The House committee's working draft explicitly provides for the establishment of a federal system of government consistent with a unicameral parliamentary system within

ten years of the approval of the constitutional amendments. It envisions the Philippines being divided into "independent states," clothed with powers on national defence, foreign relations and monetary policies.

Abueva's version, on the other hand, proposes the establishment of "autonomous territories," to include not only regions but also provinces and highly urbanized cities, as a forerunner to a federal government. The three-step process of creating an autonomous territory includes 1) a petition to Parliament to form an autonomous territory, 2) passage by Parliament of an organic act



Senator Pimentel (r.) won't support charter change until President Macapagal-Arroyo resigns.

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establishing the territory, and 3) validation of the organic act in a plebiscite. "Since the principle of federalism is based on self-determination in forming a union, we follow the same principle," Abueva explains.

Autonomous territory proposed

Like the unicameral parliament being eyed at the national level, an autonomous territory would have its own unicameral legislative assembly with primary powers over more than a dozen areas of governance. These include:

- administrative organization, planning, budget, and management,
- creation of sources of revenue and finance,
- agriculture and fisheries,
- natural resources, energy, environment, indigenous, appropriate technologies and inventions,
- trade, industry, and tourism,
- labour and employment,
- public works, transportation (except railways), shipping and aviation,
- health and social welfare,
- education and the development of language, culture and the arts as part of the cultural heritage,
- ancestral domain and natural resources,

- housing, land use and development, and
- urban and rural planning and development.

The final push toward federalism is embodied in the proposed Constitution's transitory provisions hammered out by the Abueva commission. Within one year and after at least 60 percent of the Philippine provinces, highly urbanized cities and component cities shall have joined in the creation of autonomous territories, Parliament, upon petition of a majority of the autonomous territories through their regional assemblies, is mandated to enact the basic law to establish a Federal Republic of the Philippines and transform the autonomous territories into federal states.

Abueva acknowledges that the Consultative Commission's proposal towards a federal government is a far cry from what his Citizens' Movement for a Federal Philippines (CMFP) had originally advocated: the creation of 12 federal states within a 10-year transition period.

"It was a visionary proposal," Abueva says. "But that's the only way. If you want to advocate change, you come out with the ideal. Of course, once you face the politicians, it becomes an area of contest. We were prepared for that, and what happened was a compromise." Obviously, a compromise palatable to this federalist. ☺