

Proposed Amendments to the
THE 1987 CONSTITUTION OF THE
PHILIPPINES

CONSTITUTION OF THE FEDERAL REPUBLIC OF THE PHILIPPINES



FEDERALISM
INSTITUTE

GENERAL PROVISIONS

- **FEDERAL REPUBLIC**
- **SEMI PRESIDENTIAL (DUAL EXECUTIVE)**
- **BICAMERAL LEGISLATURE/PARLIAMENT**
 - Federal Assembly
 - Senate
- **REGIONAL GOVERNMENTS**



Semi-Presidential System: DUAL EXECUTIVE

	PRESIDENT	PRIME MINISTER
Designation	Head of State	Head of Government
Election	Nationally Elected (should be nominated by members of the Federal Assembly from registered Political Parties or a Coalesce of Parties with 20% members seated in the Federal Assembly)	From the Federal Assembly (PM is nominated and, with the with the consent of the Federal Assembly, appointed by the President)
Term of Office	5 year term; maximum of 2 terms	May be removed at any time on a vote of no confidence by the Federal Assembly

PRESIDENT

- The Symbol of the Nation and the Decisive leader in times of crisis
- Primary Responsibility: National Defense and Foreign Affairs
- Can veto acts of Parliament, including line item veto of budget, revenue and tariff bills
- Appoints members of the Judiciary
- Nominates and with the consent of the Federal Assembly, appoints the Prime Minister
- Can dissolve Federal Assembly depending on certain conditions, and call for new elections



PRIME MINISTER



- Responsible for the program of Government and determines the guidelines of national policy
- Sets domestic and economic agenda
- Runs day-to-day affairs of government
- Appoints members of his Cabinet and other officials except those appointed by the President
- Prepares budget and submits to Federal Assembly

THE PARLIAMENT

	SENATE	FEDERAL ASSEMBLY
Composition	3 senators per Region	400 Members (60% elected by Plurality Votes in Legislative Electoral Districts; 40% by Proportional Representation in Political Parties)
Term of Office	5 year term, maximum of two consecutive terms	5 year term, maximum of two consecutive terms

THE PARLIAMENT

	SENATE	FEDERAL ASSEMBLY
Powers and Responsibilities	<ul style="list-style-type: none">• Primarily Represent the Regions in the Federal Government and in the Parliament.• Exercises consent legislation only on all bills and resolutions passed by Federal Assembly (no need for 3-readings in the Senate)• May not initiate legislation• Confirms appointments made by the President and Prime Minister except when nominee is a member of Parliament• Act as Impeachment court• Approves treaties and international agreements	<ul style="list-style-type: none">• Vested with primary legislative power• Budget appropriation: revenue, tariff bills, and bills authorizing public debts, with the concurrence of the Senate

JUDICIARY

- Provision for Appellate Courts in the Regions
- Abolition of the Judicial and Bar Council



FEDERAL GOVERNMENT

- The Federal Government shall possess all the functions and powers vested in the National government by previous constitutions.
- The Federal Government shall exercise general supervision over the Executive, Legislative and the Judicial Branches



POWERS AND FUNCTIONS OF THE FEDERAL GOVERNMENT

- National Defense
- Police and National Security
- Foreign Affairs
- Currency and Monetary Policy
- Customs and Tariff
- International Trade
- Inter-regional Commerce
- Postal Service
- Quarantine
- Citizenship, Naturalization, Immigration and Deportation
- General Auditing
- National Elections
- Maritime, Land and Air Transportation and Communication
- Patents, Trademarks, Trade Names and Copyrights
- Energy
- Judiciary and the Administration of Justice



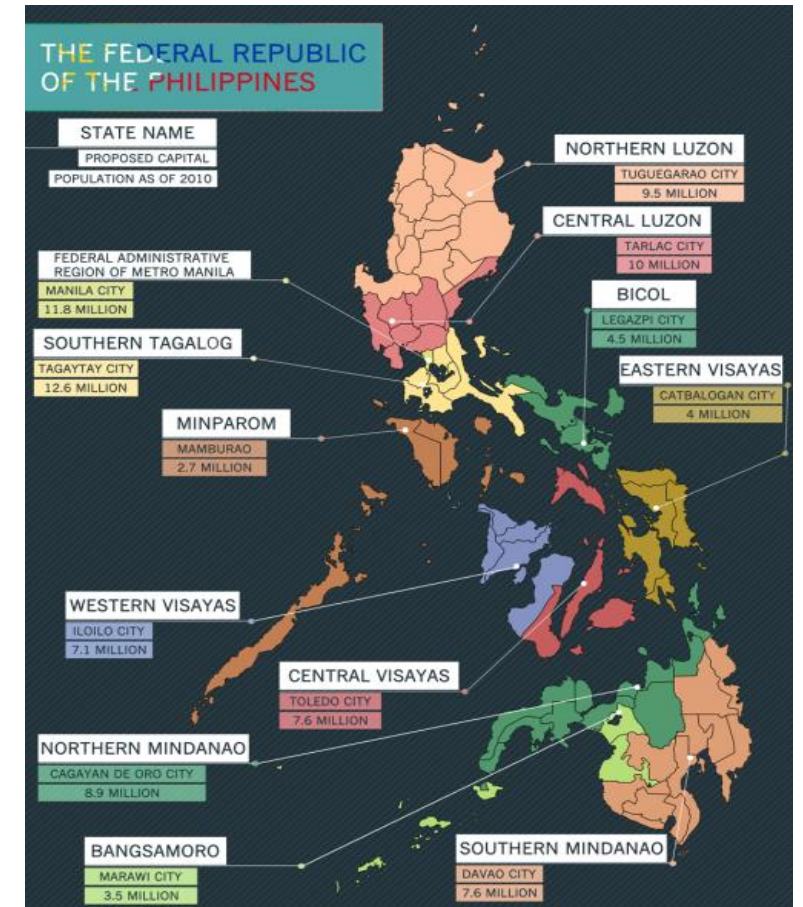
PRINCIPLES OF REGIONAL AUTONOMY TOWARDS FEDERALISM

- ▶ **AUTONOMY:** The State shall allow the people of the regions to determine what is best for their welfare and development.
- ▶ **SUBSIDIARITY:** Government services are rendered more efficiently by the government instrumentality nearest to the people being served.
- ▶ **SOLIDARITY:** The Regions shall act with cooperation and interdependence with the Federal Government and other Regions for the unity, good and welfare of the entire Federal Republic.
- ▶ **DECENTRALIZATION AND DEVOLUTION:** The State shall grant and transfer powers, autonomy and functions to the Regions in accordance with the Region's competence, capacity, and resources.
- ▶ **DEMOCRATIC:** The structure and system of Regional Autonomy shall be based on democracy in a Federal and Republican State.
- ▶ **ACCOUNTABILITY:** Regions shall be governed in accordance with the Constitution and the law and be held accountable for the efficient and honest governance of the Provinces, Cities, Municipalities, and Barangays within its territory and boundaries.

REGIONAL AND LOCAL GOVERNMENTS

The Philippines shall be divided into:

- ▶ Regions
- ▶ Autonomous Regions created by Organic Act and Ratified under a plebiscite by virtue of the 1987 Constitution
- ▶ Provinces
- ▶ Cities
- ▶ Municipalities
- ▶ Barangays



POWERS AND RESPONSIBILITIES OF REGIONAL GOVERNMENTS

Exclusive Legislative Powers:

- Revenue generation and Taxation
- Social Welfare and Development
- Tourism
- Irrigation, Water and Sewerage
- Waste Management
- Fire Protection
- Regional

Development Planning

- Franchises, Licenses and Permits
- Allocation and Provision of Funds and Resources to competent Local Governments within the Region

- Powers and functions of the Federal Government shall be devolved and transferred to Regional Governments
- Power of Eminent Domain



STEPS TOWARDS REGIONAL AUTONOMY

Regional and
Local
Government
Code

Regional
Commissions

Organic Act

REGIONAL AND LOCAL GOVERNMENT CODE



- Enacted by the **Parliament** within a period of **eighteen (18) months** from the ratification of the Constitution
- The Regional and Local Government Code:
 - Define the powers, functions and responsibilities of the Regional Government
 - Define Accountabilities of the Regional Governments in relation to the Federal Government
 - Defines how Regional Governments will be funded
 - Provides for the Organizational Structure and Operations of the **Regional Commission**
 - Provides the Transitory Mechanisms to an elected Regional Government under the **Organic Act**
 - Provides for an **Equalization Fund** and the Creation of a **National Finance Commission**
 - Adheres to the Principles of Externalities. Cooperative and Evolutionary Federalism, Fiscal Equivalence and Good Governance

REGIONAL COMMISSION



- ▶ Organized **upon** creation of a Region and Enactment of a Regional and Local Government Code
- ▶ Composed of the Incumbent **Governors** of Provinces and **Mayors of Highly Urbanized Cities** and **Independent Component Cities** within the Region. Chairmanship shall be by succession and rotation among its members (one-year term)
- ▶ Until the enactment of an **Organic Act** for each Region, the Regional Commission shall:
 - be the **Regional Government**, acting as a Collegiate Body with Executive and Legislative Powers;
 - elect a Regional Chief Administrator who shall be a Professional Manager to exercise the executive functions of the Commission and act as the Chief Executive Official;
 - be vested with the power of appointment of Regional Cabinet Members and other government positions ;
 - create and organize the government offices and bureaucracy necessary for effective and efficient functioning of the Regional Government;
 - exercise the **Legislative Powers** granted by the Constitution to Regional Governments

ORGANIC ACT



- ▶ May be **submitted** by the Commission to the Parliament:
 - **Ten years** (minimum) after the organization of the Regional Commission; **AND**
 - Upon **two-thirds (2/3) vote** by the Commission and the Regional Consultative Assembly, voting separately ; **OR**
 - By Regional People's Initiative as determined by law within the Region
- ▶ **Organic Acts:**
 - Shall be more responsive to the specific needs and aspirations of the people within the Region;
 - Shall define the basic structure of government for the Region consisting of Elective and Representative Executive and Legislative Departments
 - Shall provide for the transfer of Powers and Functions of the Regional Commission to the Regional Government
 - May increase the exclusive powers and functions of the Regional Government as provided in the Constitution and the law
 - May provide for Special Courts consistent with the provision of the Constitution and Federal Laws
- ▶ The Organic Act or any amendment/revision thereof shall only become effective when approved by a **majority of votes cast in a plebiscite** in the Region.

FISCAL FEDERALISM



- The tax system shall follow widely held principles of an efficient tax system
- The taxing powers of the national and local governments will not change
- Regional Governments should get a constitutionally guaranteed allocation of budgets that allows them to fund their responsibilities
- Increased powers and resources to the Regional and Local Governments should be balanced by greater accountability
- Federalism requires credible fiscal controls
- Each level of government shall be vested within sufficient revenue powers that will enable them to perform their respective responsibilities



OTHER AMENDMENTS

On POLITICAL PARTIES

Political Parties shall:

- ▶ serve as a mechanism of communication and cooperation between the citizens and the State
- ▶ facilitates political organization and representation, continuously forming, formulating and ultimately developing informed public opinion
- ▶ develop a system of administration that is aimed at developing the party's professional bureaucracy and membership
- ▶ observe fair, honest and democratic processes in **nominating** and **selecting** their candidates for public office
- ▶ ensure the integrity, loyalty and discipline of their members
- ▶ register to the Federal COMELEC

Reforms proposed:

- ▶ **Party switching shall be BANNED**
 - Elected Officials cannot change their party affiliation during their term of office
 - Candidates cannot change their political party within one year preceding or following an election
 - Any elected officials who violates this shall lose his seat, disbarred from being appointed to a public office and prohibited from running in the next election
- ▶ **SUBSIDY** will be provided by Parliament to Political Parties based on their electoral performance in the previous election, subject to audit by the Federal Commission on Audit.

ON ECONOMIC PROVISIONS

Principal Objectives:

1. To ensure **free competition** and **reduce dependence on a few large companies** and monopolies in the country;
2. To **promote market efficiency** based on the competency of producers and the **enhancement of consumer welfare**;
3. To **enhance international competitiveness** by meeting trade agreement obligations and increasing foreign direct investments

Revisions:

- ▶ **Restrictions on foreign ownership** in the following areas have been **removed**: public utility, mass media and advertising
- ▶ Policy is now left for the Parliament to determine on the following areas: **use of natural resources, operation of public utility, labor, agrarian reform and natural resources, and urban land reform and housing**
- ▶ Land ownership is still reserved for Filipinos

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
- Strengthen the powers of the COMELEC, CSC, COA, Ombudsman and Sandiganbayan and ensure their strong presence in every region
- Desynchronized elections

THANK YOU FOR YOUR ATTENTION!



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