

A Federal Republic of the Philippines

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Introduction

The peculiar realities of Mindanao cry out for a political structural solution that can rectify the inequalities of centuries as well as bring about greater democracy and equitable progress for all its people.

The clamor for decentralization and autonomy has never been stronger than in Mindanao. And while a Local Government Code is now in place, and an autonomy is now operational in the Autonomous Region for Muslim Mindanao (ARMM), the call for genuine self-rule remain, making the peace and order situation tenuous. Unfortunately for the national policy, both the MNLF and MILF do not recognize the ARMM as real autonomy. In fact, the secessionist movement is alive and well. Even a predominantly Christian-led, and with some tribal membership, Mindanao Independence Movement (MIM) has been added to the brew. Both Muslim and Christian separatists, however, have presently been held at bay although for how long, nobody knows.

A Muslim scholar, Judge Jainal D. Rasul, described the situation well in a 1986 article in the Moro Kourier: He said:

“Presently, the Muslims in this country are faced with a dilemma: (1) to remain in the Philippines under the present arrangement; or (2) to get away or secede from the Philippines and create its own Bangsa Moro State in order to preserve its religio-cultural identity.

Under the first, the Muslims may forcibly be assimilated under the so-called Integration Policies or Divide and Rule tactic. This is more traumatic than physical genocide. It is cultural imperialism.

The second, on the other hand, would mean fratricidal war because the Philippine government would resist fragmentation or dismemberment of the republic.”

With regards to the alternatives for the Muslim Filipinos, he says: “Undoubtedly, the federal form of government is the Constitutional solution to the age-old Moro problem.”

From a Discussion
Paper Entitled
“Toward a Mindanao
Political Agenda”

Indeed, the political alternatives being advocated presently in Mindanao range from decentralization to separation. The first may improve the situation but will not substantially change the structure of decision-making in relation to a central government. The other is an extreme and, usually bloody solution that results in dismemberment of the nation. Neither is good enough.

So why not Federalism instead?

The Advantages of Federalism

The not too obvious but significant advantage of Federalism is its ability to address the demands of a pluralistic society, meaning one that has a mixture of populations of diverse cultures and ethno-linguistic identities. This is nowhere more pronounced than in Mindanao, with its Moro population of about 4 million and Lumads numbering about 2 million, altogether making up about 40% of the total Mindanao population.

It is noted that only in a Federal structure of government it is possible to “properly and correctly rule such a society in such a manner as to accommodate the distinctiveness of each nationality while orchestrating them all towards the common national goal which comprehends their diversities.”

The more obvious advantage is greater power-sharing between the National or Federal Government and the State/Local Government. Since the State will have their own legislatures, real decision-making is brought closer home to the people. This is the immediate consequence of the political re-structuring. But, in fact, the citizens can push further to ensure that in the Federal Constitution and the State laws, greater people participation in the decision-making process is institutionalized.

DIASADVANTAGES: One fear usually expressed about Federalism is that it may also institutionalize petty tyrannies by local warlords who may be given greater powers. But Federalism does not only localize power but expands it. Warlords now have to deal with State legislatures

and peoples assemblies.

Doubts are also raised about whether the people are prepared for such a system. But we will never ever be prepared unless we consciously and systematically work for it.

Statement of Principles

The Philippines shall be a democratic, republican and socially-just federal state.

Being a democracy, sovereignty and all authority shall emanate from the people.

Such authority shall be exercised through the principle of representative government where duly elected officials represent and are accountable to the people. The functions of the state are exercised by legislative, executive and judicial authorities.

To ensure a more democratic participation, legitimate people’s organizations and assemblies shall be promoted and secured by the Federal law.

All federal and state actions shall be bound by law and justice according to the rule-of-law principle. All citizens shall have the right to resist any person or groups seeking to abolish the constitutional order, should no other remedy be possible.

The social justice principle aims to guarantee equitable distribution of wealth and opportunities to all the people.

The federal system shall see to it that regional developments of the states is enhanced by operation of the principle of subsidiarity where local populations and communities are guaranteed the chance to pursue development according to their particular competencies and peculiar cultural differences.

The division of executive, legislative and judicial powers between the federation and the states aims to prevent over

concentration and, therefore, the possible abuse of power.

1. Political Divisions

1.1. There will be 12 states consisting of the present regional groupings from regions 1 to 12, to wit:

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|---------------------|----------------------|
| a) Ilocos Region | g) Western Visayas |
| b) Cagayan Valley | h) Central Visayas |
| c) Central Luzon | i) Eastern Visayas |
| d) Southern Tagalog | j) Western Mindanao |
| e) Bicol Region | k) Northern Mindanao |
| f) Central Mindanao | l) Southern Mindanao |

1.2. The existing Cordillera Autonomous Region (CAR) and the Autonomous Region for Muslim Mindanao (ARMM) will retain their status as Autonomous Areas.

1.3. Metro Manila or NCR and Palawan will be constituted as Special Territories to be run either by the Federal Government or under a special charter.

1.4. As a start, the states will be made up of existing provinces within their jurisdictions and the provinces, in turn, by the existing municipalities and cities except chartered cities which are independent.

(Note: An alternative proposed in the 1986 Con-Con is to make Luzon, Visayas and Mindanao the States. Thus, the Federal Philippines will only have three states. Other variations, of course, can be worked out. But the above political divisions is being suggested as it will require minimum territorial boundary adjustments and can build on present inter-provincial relations).

2. Federal Constitution and Regional Charters

2.1. There shall be a Federal Constitution that lays down the form of government, the political divisions and the relationship between the Federal government and the States; that establishes a system of values where protection of individual freedom and human dignity is the highest principle of law,

but where, at the same time, the value of social responsibility is inculcated in all levels and sectors of social life; as well as other necessary provisions.

2.2. There shall be Regional Charters, one each for Luzon, Visayas and Mindanao that will define intra-regional relationship among the States, and more specifically, set the guidelines for inter-state cooperation toward greater regional economic and socio-cultural development.

The Regional Charters, however, will not establish any regional political unit; the States will relate directly with the Federal government. Instead, a regional agency or authority to handle economic and socio-cultural development and cooperation among the regions' peoples (i.e. Moro, Lumad and Christian population) may be organized.

2.3. The existing Autonomous Areas (CAR and ARMM) shall be governed by their own charters. Special Territories such as NCR and Palawan may also have their own charters.

(Note: The concept of territories usually refers to colonies or former colonies of a country or adjunct territories acquired by it through natural or legal processes. But in this paper, Palawan is proposed as a Special Territory owing to its peculiar location – in relation to Luzon, Visayas and Mindanao – and having been only one province all these years, it is too small to be a State. For this reason, it can be governed directly by the Federal government, or by its own separate charter. Metro Manila or NCR, on the other hand, is unique in its Metropolitan characteristics and may require a special Constitutional arrangement.).

3. Parliamentary System of Government

3.1. Given the Federal structure, the Philippine shall establish a Parliamentary instead of a Presidential system of government.

There will, however, be a President with

minimal powers who will preside over a Council of Elders that will advise the government, monitor abuse of authority over the people, set the moral tone for the nation and serve as role models of probity and integrity. The President shall be elected by the members of the Council from among themselves. The Council shall be composed of all living ex-Presidents and Vice-Presidents, ex-Prime Ministers, former Speakers of the House and Senate Presidents, former Chief Justices of the Supreme Court, plus one representative per state to be chosen by the State Legislatures.

The Parliamentary system will enhance the role of “ideological” political parties and the politics of programs rather than personalities. Many parties may vie for power, but limitations shall be instituted so that only major parties that get that get the required popular support may participate in governance.

3.2. To ensure further democratization, a system of sectoral representation may be permanently established. A list of basic sectors of society shall be approved (e.g. farmers, labor, urban poor, fisherfolks, women, tribal Filipinos, Moro people, youth, veterans and elders) and from which will be sectorally elected members of Parliament representing the sectors rather than districts.

3.3. The Unicameral Parliament shall undertake laws of national concern and application only as well as those with international implications such as treaties and the like.

(Note: The above suggestion is for a one-chamber legislature. But an alternative could be a Parliament with a House of Representatives and a Senate with counterbalancing powers, although the Senators may be elected by the State as in the U.S.)

4. Power Sharing between Federal and State Governments

As a rule, there shall be powers and functions exclusive to the Federal government, those that are concurrent with the State

government, and those that are exclusive to the State government.

To give us an idea of this power-sharing:

1. In most federal countries in the world, the following are commonly reserved as federal powers: national defense, national foreign affairs, all matters of currency and weights and measures, customs and boundary matters, federal citizenship, immigration and emigration, federal air transport and railroads, postal and telecommunications services, and internal security, among others.

2. On the other hand, most federal countries make the States responsible for agriculture, forestry and other natural resources matters, local government, certain state public works, and even land distribution and agrarian questions. Of course, internal revenue raising, retention and utilization rights of the State must be clearly provided.

3. In most federal models, too, education, health, public welfare, civil and criminal law, labor law, the law of association and assembly, and certain major public works, among others, are concurrent concerns of the Federal and State Governments.

In regard to Philippine conditions, and particularly Mindanao’s, the peculiarities of territories and people should also serve as basis in the power-sharing scheme. The Federal Constitution must provide for structural frameworks under which State governments, for instance, that are mostly inhabited by the Moro people (or Lumads whenever possible) may work out a state governance and socio-economic life consistent with the majority’s common culture, traditions, mores and practices.

In addition under the present situation, some of the regions that will become States are weaker than the others especially in terms of resources. Partly to correct this imbalance, a mechanism for inter-state and intra-regional cooperation shall be put in place.

This will be through a Regional Charter (Constitution) which may set up the appropriate agency or authority concerned solely with socio-

economic development of the region. Note that the term Region here refers to Luzon, Visayas and Mindanao. (see Political Divisions section)

The regional charter shall also re-enforce considerations of the unique charter especially in Mindanao with its tri-people make up (Moro people, the Lumads and Migrant-Settlers or Christian Filipinos), and promote harmony in diversity through greater democratic inter-action among them.

5. The Federal Government

5.1. The Federal Government shall be headed by a Prime Minister to be elected by the Parliament. The PM usually is the head of the majority party or coalition in Parliament. The PM directs policy.

5.2. The PM is authorized to “form a government”, meaning select the Ministers that will make up the Cabinet that will head the various federal departments. The term of the Ministers will be co-terminus with the PM's.

Each Ministry, however, which is a part of the national bureaucracy, will be run by a permanent, career-service professional Deputy Minister and will be staffed by career people in the civil service.

5.3. Under the Parliamentary system where the legislative and executive functions are merged in a Cabinet made up mainly of members of Parliament (British style), the PM and the Cabinet members report to the Parliament, attending its regular sessions. The ministers will have supervisory powers over the ministries but day-to-day operations shall be handled by a professional staff of career-people.

5.4. The various federal ministries shall be responsible for addressing the needs of the people in the different states, where such services are truly federal responsibility, either solely or concurrent with the states.

5.5. The federal government may directly administer Special Territories if so provided by the Constitution. (Although they may also be governed by their own special charters.)

(Note: The suggestion above is for a merged legislative-executive Cabinet set-up where Ministers continue to be members of Parliament. But alternative forms can be considered, such as a separate Cabinet made up of non-parliament members answerable only to the people but directly through the Prime Minister who appoints them).

6. The State Government

6.1. The State government shall correspond, more or less, to the Federal set-up, where a Premier shall be head of government. The Premier shall be elected from the State Parliament but is usually the leader of the majority party in the State.

6.2. The Premier will select the Cabinet Ministers from the members of Parliament (State) as well. As in the Federal ministries, the State ministries will actually be run by career service Deputy Ministers and staffed by career-people. The State ministers will have supervisory powers over the ministries, but they will also be answerable to the State Parliament.

6.3. The various State ministries shall be responsible for addressing the needs of the people in the different provinces that make up the State, provided that these are specifically State responsibility.

6.4. The State shall be composed of the provinces and cities within its jurisdiction.

Local Governments

The details of local government in relation to the State and Federal Government still needs to be worked out. More sharply defined considerations drawn from historical experience and present practices and insights should be

factored into the formulation.

This will require a whole series of studies and consultative decision among the broadest number of people – a work cut out exactly for development NGOs and progressive POs who are committed to structural change and social transformation.

Suffice it for now to consider that a Federal structure will substantially alter the power-sharing scheme between national and local governments in favor of the latter. Of course, this is according to how we will provide for it in the Federal Constitution.

Strategies

(Pushing the Mindanao Political Development Agenda)

In pushing the Mindanao political development agenda, there are two important givens that must be worked on to ensure success. These are (1) intra-Mindanao unity among the Moro people, the Lumads and the various sectors of the Christian-Filipino community; (2) and basic unity and concerted action of and by development NGOs and POs.

1. The Need for Intra-Mindanao Unity

Can Mindanaoans relate well and closely with one another across ethno-religio-tribal lines to establish a harmonious, truly democratic, humane and just Mindanao society? Indeed, can Mindanaoans, especially the members of the politico-economic elite, transcend class interest to work conscientiously for the common good?

We do not have the answer nor prescription for this right now (although a supplementary paper will deal with this more thoroughly later on).

But one thing is sure: no real Mindanao development may be achieved unless a minimum of unity and cordial and working relationship among the dominant groupings is made and unless, too, the development programs are structurally designed to effect equitable benefits “across the board” to use a business term, to solve the problem of poverty equally among the majority

of Muslims, Christians and Tribal Filipinos, even as, conversely, concentration of wealth also happens among a small percentage of Muslims, Christians and Tribal Filipinos.

But such change, it is clear now, will not happen unless a modicum of organization is established among the thousands of communities in Mindanao, and unless such organized efforts are brought together into a network of common purpose and aspirations.

2. Development NGOs / POs as Catalyst for Change

The development-oriented NGOs and POs have of late emerged as a catalyzing factor for change, evolving into a major new player in social transformation. Collectively, they are proving to be counterpoint to the traditional players (politicians, business, church, etc.), setting new trends, initiating innovative approaches to development, and serving as active and operational role models for the new value system they themselves are introducing. In an indirect and non-confrontational way, they are challenging the norms and standards of the status-quo in the process., hopefully, crystallizing and enriching them for the necessary reformulation and retooling. Or at least, they can, more effectively, if they all put their hearts and minds to it, if they seek and develop the common grounds among themselves and along with the other major sectors of Mindanao society – and act in concert on agreed programs toward the shared vision of sustainable and equitable development of Mindanao.

NGO / PO CHALLENGE. The challenge to development NGOs and POs is twofold: firstly, to achieve reasonable unity of vision and purpose among themselves, and conspire to undertake some common strategic development programs Mindanao-wide; and secondly, to facilitate the forging of a broad consensus among major sectoral / institutional players towards a common Mindanao development agenda and action programs.

Suggested NGO /PO Strategies

A Short-term (minimum) Objectives:

Establishment of Basic Political Infrastructure

This will have two: (1) to empower POs and NGOs from barangay to regional level, (2) to establish the necessary political infrastructure that will lay the ground for and hasten the establishment of a Federal System of Government.

Phase One: Empowering POs and NGOs

1. Unite and consolidate NGOs and POs that have agreed to work on the objectives stated here. A form of organization with a strong core group will have to be set up. One possible initial converging point is the growing consciousness against the unequal Manila-Mindanao relationship. Consolidation may start either from the city / provincial level or the regional level, whichever is practical and initiated by a new convenor group or an existing network (i.e. MINCODE), NGOs and POs intervention in Mindanao consciousness-raising will be through their own programs and projects.

2. More organized and concerted action among NGOs and POs toward the full implementation of the Local Government Code, especially with regard to people empowerment and decentralization through: (a) accreditation and recognition, (b) lobbying, (c) GO-NGO / PO collaboration through the barangay or city / municipal development councils and other policy-making and implementing bodies.

3. Identify and train potential and transformational leaders for electoral exercises and governance. NGOs and POs must collaborate in the formulation of development and legislative agenda in their respective areas.

4. For NGOs and POs to participate in the electoral process and capture positions in the barangay up to the provincial level, and by securing for themselves sectoral representation in the different legislative and development councils (barangay, municipal, city / provincial).

(Note: To prevent elected leaders from NGOs and POs from “straying away from the flock”, their membership as ex-officio officers in their

respective organizations / networks should be retained, and a mechanism for close and continuing contact should be established.)

All elected leaders from NGOs and POs may compose the Parliamentary or Electoral Committee of the existing or new NGO / PO network in their respective areas.

Phase Two: Establishing the Political Infrastructure

1. NGOs and POs will lobby for, and collaborate closely with Mindanao Congresspersons in the drafting, introduction and passage of a bill creating a Mindanao-wide Council. Support of Visayas and Luzon Congresspersons and Senators, as well as of Malacañang will also be sought.

2. But initially, a committee can be created by and from among the NGOs / POs that will draft the said bill. (Note: Already, there is a pending bill in Congress proposed by some Mindanao representatives for the creation of Mindanao Development Authority).

3. The idea for the Mindanao-wide council, however, is as integrating and consolidating body encompassing the concerns and actions of the NGO / PO sector, the Private or Business sector and the Government sector, as well as probably the ethno-linguistic and tribal groupings, particularly in the matter of planning and implementation of development programs to benefit Mindanaoans.

4. Parallel to this, and as corollary infrastructure, Mindanao-wider sectoral councils of business, labor, government, NGOs, farmers, women, youth, among other groups may also be organized. (There are already such groupings in Mindanao. It will just be a matter of bringing them together to work out a common purpose and program).

B. Long-term (maximum) Objectives: Establishment of a Federal Form of Government

This will require some immediate and subsequent actions on three spheres: cultural, parliamentary, extra-parliamentary.

1. *Cultural Sphere.* NGOs and POs will raise the

“Mindanao Consciousness” among their members, staff, beneficiaries and partners through various fora, conferences, seminars, etc. to heighten awareness of the contradiction between Manila “Imperialism” and Mindanao Self-Determination issues. This will be carried out individually among NGOs and POs, and collectively by Mindanao-wide networks. Subsequently, a Mindanao-wide information and advocacy campaign for the Federal system shall be conducted. This will have to be an extensive public campaign.

2. *Parliamentary Sphere.* Meanwhile, lobbying in Congress will be undertaken for a shift not only to a Parliamentary but even more importantly to a Federal System of Government. Most Federal countries have parliament as legislature, but some countries with centralized, unitary government also practice a parliamentary system. A parliamentary legislature within a Federal system is preferable. Since the proposal will involve a major constitutional amendment, the NGOs / POs must make a common stand regarding what body will undertake the same. There are two known ways of doing this: by Congress acting as a Constituent Assembly, and by a Constitutional Convention with delegates elected by region (as in the 1970 ConCon). A third untried and more difficult way is by People’s Initiative (through referendum) which really requires massive organization.

At any rate, it will be to the interest of the people that, at the very least, the present moves to convert Congress into a Constituent Assembly will be subjected to a wiser discussion and scrutinized well. The people, through the facilities of organized NGOs and POs, must make up and make their own position – and push them.

3. *Extra-Parliamentary Sphere.* This will consist basically of open and legal pressure politics. Activities will range from routinary letter – writing and dialogue to mass action and demonstration and other creative pressure moves. Development NGOs and progressive POs must act together to serve as alternative centers of influence, if not of power, outside of the traditional and formal state structure.

Conclusion

1. This is an incomplete report in as much as the uniquely complex political realities of Mindanao do not lend themselves to easy study, especially one that is done under limited time constraints. It would be apt to call this a preliminary report.

2. The whole paper deals with the unjust Mindanao-Manila or National Government relationship, characterized by over-concentration of power and wealth in the national capital and the utter neglect of Mindanao. This is one of the root structural causes of the political turmoil in Mindanao that has spawned a number of political movements, many armed, espousing various political options.

3. The point being made here is that unless significant structural change is effected, no substantial improvement can be expected in the lives of Mindanaoans, and the political situation of Mindanao will always remain fluid and volatile. As it is, Mindanao, much more than any other part of the country, bears the brunt of the armed challenge to the Philippine Government – from the Communist insurgency to the Moro secessionist groups and a host of “lost Commands” advocating all sorts of causes, noble or ignoble. Certainly, this reality makes Mindanao development difficult, tricky and unstable business.

4. Proceeding from this light, we deem it fit to seriously consider one other alternative, the Federal System of Government. Instead, while the MNLF is offering separation, the MIM Independence, the CCP a socialist state, others autonomy, and the traditional politicians cosmetic reforms of the existing centralized unitary system, what have we development NGOs and POs as the new player in Mindanao society to offer by way of a political choice, by way of a structural alternative?

5. We are, therefore, proposing that the Congress of NGOs and POs consider the prospect of collectively advocating a Federal System of Government. This will effect a change of the political structure that will, hopefully, facilitate and hasten the full and genuine development of Mindanao and its Moro, Lumad and Christian Filipino population, in an environment of non-discrimination and just-sharing of the Almighty’s

natural bounties.

6. But, to reiterate a point made at the beginning of this paper, basic unity among the three ethno-linguistic-religious groups is necessary for long-term development of Mindanao even as equitable growth of the social classes is also imperative in the name of social justice and political stability.

These socio-cultural and politico-economic dynamics would require separate deeper and longer studies. This paper was not able to cover these fertile and interesting grounds.

