

## Visible roadblocks to federalism

**F**ederalism has been touted as the silver bullet that will slay the perceptual ills of Philippine society, chief of which is that the regions or provinces do not get a fair share of governance as well as the fiscal benefits from endemic resources, natural or social. Under the existing constitutional framework, government power is concentrated in the national level in imperial Manila. Federalism is seen to pierce this concentration of power and disperse it among the regions.

Section 25 of Article II of the 1987 Constitution provides that the state shall ensure the autonomy of local governments. The Local Government Code (LGC) of 1991 was enacted toward this avowed state policy on local autonomy. But the law proved deficient. Still the Constitution does not forbid greater autonomy for local governments more than what is conferred by the LGC. When past congresses did not see a need to expand local autonomy, it cannot be attributed to a deficient constitution.

The country, or at least the government, is geared toward rewriting the Constitution to disperse the concentration of power, and achieve equitable sharing in the exploitation of resources among local governments. The method chosen for the revision is the constituent assembly (Con-ass). Unfortunately, the Constitution is unclear whether voting by the Con-ass composed of a bicameral congress

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would be joint or separate. Might it not be possible for Congress to adopt a joint resolution promulgating rules or regulations that will govern constitutional amendments via a Con-ass? No public interest group has yet petitioned the Supreme Court to settle the manner of voting by the Con-ass. Since the Constitution is silent on the issue, it is only the high court that can interpret the legal vacuum.

Rappler reported that as of the end of June 2017, the Philippines' foreign external debt amounted to \$72.5 billion. Converted into pesos at P50 to \$1, it comes up to a whopping P3.625 trillion—roughly equivalent to the country's annual national budget. Alongside this foreign debt is the domestic debt reported by the Bureau of Treasury at P4.152 trillion as of August 2017. With the administration's "build, build, build" economics, the external debt should be expected to balloon in due time.

Amid the federalism frenzy among its advocates or proponents, no one is explaining to the public how a federal government with a diminished share in the national income pie will deal with the humongous

foreign and domestic debts. No one is explaining how the constituent regions will equitably partake in the debt burden. Any default on the foreign external debt will negatively impact on the economy. The country ably deals with its loan obligations because of the fusion of incomes from the affluent regions even with the concomitant fiscal dispersal to the nonaffluent ones. The vaunted economic progress under a federal form of government might just be buried neck-deep in the foreign and domestic debts.

Term extension of incumbent national and local officials is being floated, obviously to elicit reaction from the public. A member of the 1986 Constitutional Commission sees something sinister in the plot: It is nothing more than a sweetener to entice the incumbents to toe the federalism line. The draft of a new constitution will include a transitory provision beneficial to the drafters and the campaigners for its ratification. It leaves a bad taste in the mouth. A basic moral norm of legislation bars the enactors of the law to benefit from their enactment. Bribery through term extension will be an unwelcome pothole in the road to federalism.

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\* FEDERALISM