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## 1987 Constitution is not the problem; it is part of the solution!

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### (Part VIII)

(This statement from framers of the 1987 Constitution will be Part VIII of my series on Constitution and Federalism issues.)

**W**e, the framers of the 1987 Constitution, are among the first ones to acknowledge that the basic charter drafted more than three decades ago is an imperfect document and can be improved.

At this important juncture in our history, there now seems to be a rush to amend the Constitution on the premise that federalism provides the best possible path to solve the ills of our society. Converting the Congress into a Constituent Assembly has been proposed as the best possible vehicle to do so. Before we move further into uncharted territory, the prior question seems to us to be: Do we need a new Constitution at this time? Is federalism the answer to address the critical concerns of our people? What in fact are our priorities?

### Our critical challenges

Today, our country confronts critical challenges. The principal problems we face are massive poverty and the deep inequality that divides our people. We continue to face the existence of political dynasties that breeds the politics of patronage and personalities. We need to address the blatant disregard for the rule of law and the right to life, and, our inability to "think Filipino" as one people bound by a common destiny striving for a just peace throughout the land. These concerns are urgent and must be our priorities.

The undiscerning haste to draft a new Constitution by converting Congress into a Constituent Assembly ostensibly to overhaul our system of governance into a federal form of government, we are convinced will further distract if not deviate from the issues that should remain as our priorities.

Nearly three-fourths of our people are unfamiliar with the 1987 Constitution. Many of the provisions in our Constitution have not been fully implemented, a good number of them still requiring enabling legislation to see the light of day. If we dedicate ourselves to ensuring that the Articles on Social Justice and Human Rights, the Article

on Local Government, and the Accountability of Public Officers, to name but three, are fully understood, observed, and implemented, then the principal objectives of the proposed charter change can in fact be met - without having to draft a new Constitution.

### Constitution not the problem, but part of the solution

*We believe that the present Constitution is not the problem; it is indeed part of the solution.*

Do we need to shift to federalism to address the concentration of political and economic power now in the hands of urban-based decision makers particularly those in the National Capital Region? The Constitution already provides local government units "the power to create its own sources of revenues and to levy taxes, fees and charges...." consistent with the basic policy of local autonomy in section 5, Art X. They are "entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas" in Section 7 as well as "the power to group themselves, consolidate, or contribute their efforts, services, and resources

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for purposes commonly beneficial to them in accordance with law" in Section 13. The Local Government Code of 1991, moreover, can be amended and improved to further decentralize power, to allocate resources more fairly and distribute wealth more equitably without having to amend the Constitution.

**Federalism, not the answer!  
not now!**

Federalism must start with the realities on the ground. Can Federalism galvanize our sense of national identity and our sense of common purpose? Federalism may in fact accomplish the opposite at this time: to enhance regional parochialism or factionalism further dividing Ilocanos from Ilongos, Batanguenos from Cebuanos, Pangangos from Bicolanos, Manilenos from Mindanaons perhaps resulting in the "proliferation of minorities within minorities."

Federalism would create an enlarged and bloated bureaucracy, new offices and officials, and another layer or strata of government or seats of power. Federalism, moreover, would reinforce the power of political dynasties and landed elites or existing dominant groups, encourage the rise of warlords

in different regions, undermine the rule of law, and threaten the workings of democratic societies by allowing for the entrenchment of established and well-resourced regional/provincial "cliques" with the capacity to engage in "government capture" particularly in those areas without the tradition of people's participation and social organizations, without the engagement of civil society and professional media.

Federalism, if combined with a parliamentary system, would certainly falter and fail without sound and stable political parties distinguished by distinct platforms of government without the benefit of a consistent credible electoral system and the support of competent civil servants within the bureaucracy. We have instead witnessed the formation of vehicles of political convenience driven by the allure of personal gain or interest, which does not provide our people with real choices.

**Trust in the process  
and the period of transition**

Finally, there is need to address the question of trust and transparency in the entire process. The transition period to a federal system can become

"terra incognita" – a journey without maps just as it happened in the Constitutional Convention of 1972 where the "devil in the details" was made most manifest in the Transitory Provisions. Take one issue, for example, the term limits of elected officials who in fact will be active participants in Charter change. This can be a source of concern, raising "red flags."

What the country needs most at this time is to deepen our democracy, make our economy more just and inclusive, and ensure that the basic rights of all are respected and a just peace prevails in the land. A new Constitution is not the answer; and neither is federalism; much less through a process such as a Constitutional Assembly. If we do not trust the process, how can we trust the outcome?

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