

## Federalism possible under 1987 Constitution

**T**he decisive call of the President to the country's political leaders to shift to federalism prompted the legislature to consider convening itself into a constituent assembly to revise the 1987 Constitution, to pave the way for a federalized structure of government. The President has formed a consultative committee to review the Constitution and recommend changes.

Federalism is touted as the only way to fast-track regional development and progress by putting into the hands of the regions—as component states of a federated country—more governance powers, including more power to raise revenues, and to chart and steer their respective developmental course toward a better quality of life for the people.

Successful federal countries—Canada, Australia, the United States and Germany—serve as models for the Philippine federal state. The first three share identical historical roads toward federalism. They used to be fragmented political entities which agreed to amalgamate as a federal entity. In the case of Germany, it became federal after World War II under the baton of the victorious allied forces. But Germany was made up of fragmented political entities or kingdoms, too. In other words, these countries federalized in order to unify their fragmented political entities. Thus, they needed a new constitution to achieve the federal amalgamation, and have a template for power and income-sharing between the federal

### COMMENTARY

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state and the component political entities.

The reverse is true for the Philippines. We want to federalize in order to fragmentize the otherwise unified political entities under one government. We need not rewrite the Constitution to do it because it allows the amalgamation of political units.

The proponents of federalism envision 12 component regions. Under a federal constitution, provinces would be collapsed to give way to the creation of the component regions, which are actually megaprovinces. Federalism can be done without revising the Constitution.

Art. X of the Constitution provides for the structure of local governments. It thus provides that the territorial and political subdivisions of the Philippines are the provinces, cities, municipalities, and barangays.

The structural change—from unitary to federal government—is possible under the Constitution by the enactment of an organic law creating the 12 megaprovinces wherein the component provinces would be collapsed and merged into one. To make the amalgamation democratic, the organic law must be submitted for ratification to the respective "citizens" of the proposed megaprovinces, who would then decide in a plebiscite whether they prefer to be

amalgamated into a megaprovince with enhanced autonomy and revenue powers, or remain individual component provinces of the national government.

If an organic law is feasible for Autonomous Region in Muslim Mindanao and the Cordilleras, there would be no constitutional infirmity for an organic law creating the 12 component megaprovinces of a federal Philippines.

Legislative representation under the Constitution will thus remain as is. Sec. 2 of Art. VI of the Constitution provides that the Senate shall be composed of 24 senators elected at large by qualified voters as may be provided by law. The Congress can enact a law defining the election at large of the 24 senators, who could come from the megaprovinces with two senators for each megaprovince to be elected at large by the respective "citizens" of the megaprovinces. This setup would provide for an equitable representation in the Senate.

Sec. 5 of Art. VI of the Constitution provides that the House of Representatives shall be composed of not more than 250 members, unless otherwise provided by law, and those elected under the Party-list Law. The legislative districts of the collapsed provinces would be retained and perhaps just renamed.

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