PRESIDENTIAL & PARLIAMENTARY FORMS OF GOVERNMENT

[A discussion on the forms of government with the students of the College of Public Administration at the University of Makati, on June 25, 2011]
Definition:

Government – the system or form by which a country, community or other political unit is governed.
Forms of government:

* Presidential
* Parliamentary
Systems of government:

- Unitary
- Federal

Note: Forms of Government differ from Systems of Government.
The Presidential Form

Presidential – government powers are distributed mainly among – usually three - separate and coequal branches.

- Executive Department;
- Legislative Department, and
- Judicial Department.
Why the separation of powers?

• Mainly for checks and balances. Abuse, misuse, non-use of powers by one department may be checked by the other departments to balance things out for the good of the people.
Examples of checks and balances of power:

- Executive Veto power
- Legislative Override power
- Judicial power to nullify Executive/Legislative Acts
- Impeachment Powers
Examples of presidential form

- Philippines
- US
Are there hybrid forms of government, like a semi-presidential form?

France

The semi-presidential form is a government in which a president and a prime minister are both active participants in the day-to-day administration of the state.

It differs from a parliamentary republic in that it has a popularly elected head of state who is more than a purely ceremonial figurehead, and from the presidential form in that the cabinet, although named by the president, is responsible to the legislature, which may force the cabinet to resign through a motion of no confidence.

The term was first coined in a 1978 work by political scientist Maurice Duverger to describe the French Fifth Republic, which he dubbed a régime semi-présidentiel.
The Parliamentary Form

- Parliamentary – executive and legislative powers interlock mainly in the hands of the Executive and of the Legislature.
Why the merging of executive and legislative powers in a parliamentary form of government?

In general to facilitate

(a) Crafting of government policies in the legislature where the executive is actively present or represented, and,

(b) Execution of government policies as defined by the legislature because the Executive had actively participated in the crafting of laws that set government policies.
Are there checks and balances in the Parliamentary Form of Government?

- Mainly by the Opposition in Parliament.
- Also by the Judiciary, although in the UK, such power is rather limited.
- And by people demonstrating and speaking out freely
- Assisted by free media
Examples - Parliamentary

- UK
- Germany
- Switzerland
- Japan
- Malaysia
- India
Which is better?
Parliamentary or Presidential
Some general considerations

In the Presidential Form

• The **Head of State** is the President.

• He is also the **Head of Government**, or perhaps, more accurately, of the Administration.
In the Parliamentary Form, the Head of State is called

- King/President/Chief/whatever else.

- The Head of Government is called the Prime Minister/Chief Minister/Taoiseach/or whatever.
<table>
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<tr>
<th>Parliamentary</th>
<th>Presidential</th>
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<tr>
<td><strong>1. Heads of State &amp; Government are separate</strong></td>
<td><strong>1. One person heads both the State &amp; the Government</strong></td>
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<td><strong>1. Easier to depose abusive Head of Government</strong></td>
<td><strong>1. Harder to depose abusive Head of Government because he is also Head of State</strong></td>
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<td><strong>3. Delivery of government services is facilitated because theoretically Executive and Legislative are one.</strong></td>
<td><strong>3. Delivery of government services is bifurcated because legislature is supposed to be independent of the Executive, and vice versa</strong></td>
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Again, which is better, presidential or parliamentary?

Hard to say for sure.

Experience of every nation probably gives the answer.
Let’s us now critique our own experience with the Presidential Form

We never had any other form of government than presidential.

• The presidential form has governed us since we recovered our independence from the United States of America in 1946.

• Even before we got back our independence, as a Commonwealth under the protection of the U.S., from 1935 until 1946, we had a president as the head of the government and of the State[1].
Earlier, when our forefathers fought for our freedom as a nation against the Spain, they also tried to institute a government that was headed by a president.

The Malolos Constitution in 1899 provided for a more dominant executive than the legislature but for the fact that in Article 39, it is the Assembly that elected the President.
In Title II, the Malolos Constitution provided for a separation of powers of government much like the one that we now have under the present Constitution:

“Art. 4. The Government of the Republic shall exercise three (3) distinct powers: namely the legislative, the executive, and the judicial.
Art. 33 provided that:

“Legislative power shall be exercised by Assembly Representatives of the nation.”

But in

Art. 36. “The President of the Republic has the right to convene (the Assembly), suspend and close its sessions, and dissolve the same, xxx.”
A feature of the parliamentary form is found in

“Art. 51. *The initiative in the presentation of bills belongs to the President of the Republic and to the Assembly.*”

- This meant that the President had the power to introduce bills in the Assembly; a power that he shared with the members of the Assembly.
The power to initiate legislation by the President was emphasized by

Art. 59. “The President of the Republic shall have the right to initiate the introduction of bills equally with the members of the Assembly and promulgate the laws when duly voted and approved by the latter, and shall see to it that the same are duly executed.
The present Constitution of the country allocates the powers of government to three major departments:

Executive Department headed by the President.

• Legislative Department which has two houses, the House of Representatives and the Senate.

• The Judiciary on top of which is the Supreme Court.
Separate.

Coequal.

Check & balance.
Unfortunately, we have weak Institutions

- The Electorate
- Political parties
- Judicial structures
- Legislatures

✓ They contribute to the emerging phenomenon of the imperial presidency.
Overweening presidential power

• Overwhelms the other two co-equal branches

• The weak political parties fail to act as a sieve against mediocre personalities contending for the presidency. Instead of only the best and the brightest having the opportunity to be elected as the president of the nation, they cater to the passions of the day and abet the election of the person who can best deliver patronage benefits to them.
• The weak parties also produce weak members of the legislature who tend to gratify the base wishes of their constituents rather than work for the good of the nation.

• Wheeling and dealing
Dominant Force

Negatively, the cumulative effect of the weaknesses adverted to makes the president not only primus inter pares among the supposedly co-equal branches of government but the dominant force in the entire political spectrum of the country.
Presidential dominance enhanced by

- The presidential power of appointment:
  - Over major functionaries of government
    - Cabinet ministers or secretaries
    - Ambassadors
    - The Ombudsman and the Commission on Human Rights
    - Military officers from the rank of colonel to the top police officers to the regional directors running government offices and to the directors of government-owned

Makes President the super Nova in the political firmament of the nation.
Favorite power game: Corrupting the corruptible and getting away with it.

• Judicial system affected
• Legislature, too
• Immunity of the powerful
The president & legislature

- We have a multiparty democracy under a presidential form of government.

- An aberration by itself

- The President determines which bloc or coalition of blocs becomes the majority party in Congress, not the electorate

- President acts like a magnet to attract lawmakers.
Presidential Power of the Purse

Congress enacts a national budget.

But the President releases or withholds moneys thus appropriated.
Impact of the Constitution

• Limits the powers of the presidency
• Regulates the legislature
• Defines the powers of the Judiciary

✓ But because of the flaws or weaknesses of our institutions, the president has emerged as the most dominant of the three.
**Example**

One example: Moves to impeach Gloria Macapagal Arroyo as President (2001-2010). To no avail. The incumbent subverted the impeachment process by the use of funds and pressure on weak-kneed and gullible members of the House.
Another example

✓ The presidential power to call out armed forces to prevent or suppress lawless violence, invasion or rebellion.

✓ President Arroyo called out the armed forces to the capital city of Manila ostensibly to suppress lawless violence, invasion or rebellion even if actually non-existent.
Impact on Public administration

✓ The President has powers to restructure the executive department.

✓ Invoking that power, President Arroyo tinkered with the legal functions and personnel of certain offices.

✓ Modified their powers, attached them to certain departments or transferred them to other offices.
Effects of partisan political maneuvers of the President:

✓ Bureaucratic professionalism suffered

✓ Delivery of basic services to the people, impaired

✓ People’s trust and confidence on government, diminished

✓ Dissatisfaction all over the nation. Poll surveys towards the last years of President Arroyo show that her satisfaction rating has constantly fallen[2]. And so, apparently has President Noynoy’s.
What’s the remedy?

Immediate solution:

Proper implementation of the Constitution and the laws of the country
Natural impediments to better governance:

The vastness of our archipelagic country

Solution:

Modify concentration of power in Central Government

Devolve more powers to the local governments.

Ultimately, adopt Federal System of Government.
Concluding Views

The problems of the country today are not merely due to the presidential form of government.

It has also to do with the poor quality of our electorate, abetted by a corrupt Comelec.

That affects the kind of people that we elect to be our leaders. Somebody has said that a people deserve the government they elect.
There may be a need to try another system, not merely, the form, of government

Reasons:

- Archipelagic country
- Various ethnic peoples
- Huge Christian population and relatively large Muslim communities
- Diverse languages, and
- The presidential form of government does not appear workable in our country.
Federal system with a **parliament or even a presidential form of government**.

There are obstacles to overcome, objections to address, and questions to answer regarding the viability of the federal system. But, unless the **presidential** type of **government** that we have in the country adequately responds to the needs of the people and in the here and now, I guess its days are numbered.

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[1] The Japanese Occupation of the country from 1941-1944 also retained the **presidential form of government** of the country.

[2] In 2006, her ratings according to were 34% Satisfied and 47% Dissatisfied with the performance of President Gloria Macapagal-Arroyo, for a Net Satisfaction score of -13 (% Satisfied minus % Dissatisfied), according to the final 2006 Social Weather Survey, fielded over November 24-29. In 2007, the new Social Weather Survey of November 30 - December 3, 2007 found 32% satisfied and 48% dissatisfied with President Gloria Macapagal-Arroyo's performance, for a Net Satisfaction rating of -16 (% satisfied minus % dissatisfied). This compares with 34% satisfied and 45% dissatisfied with her, or net -11, as of September 2007.