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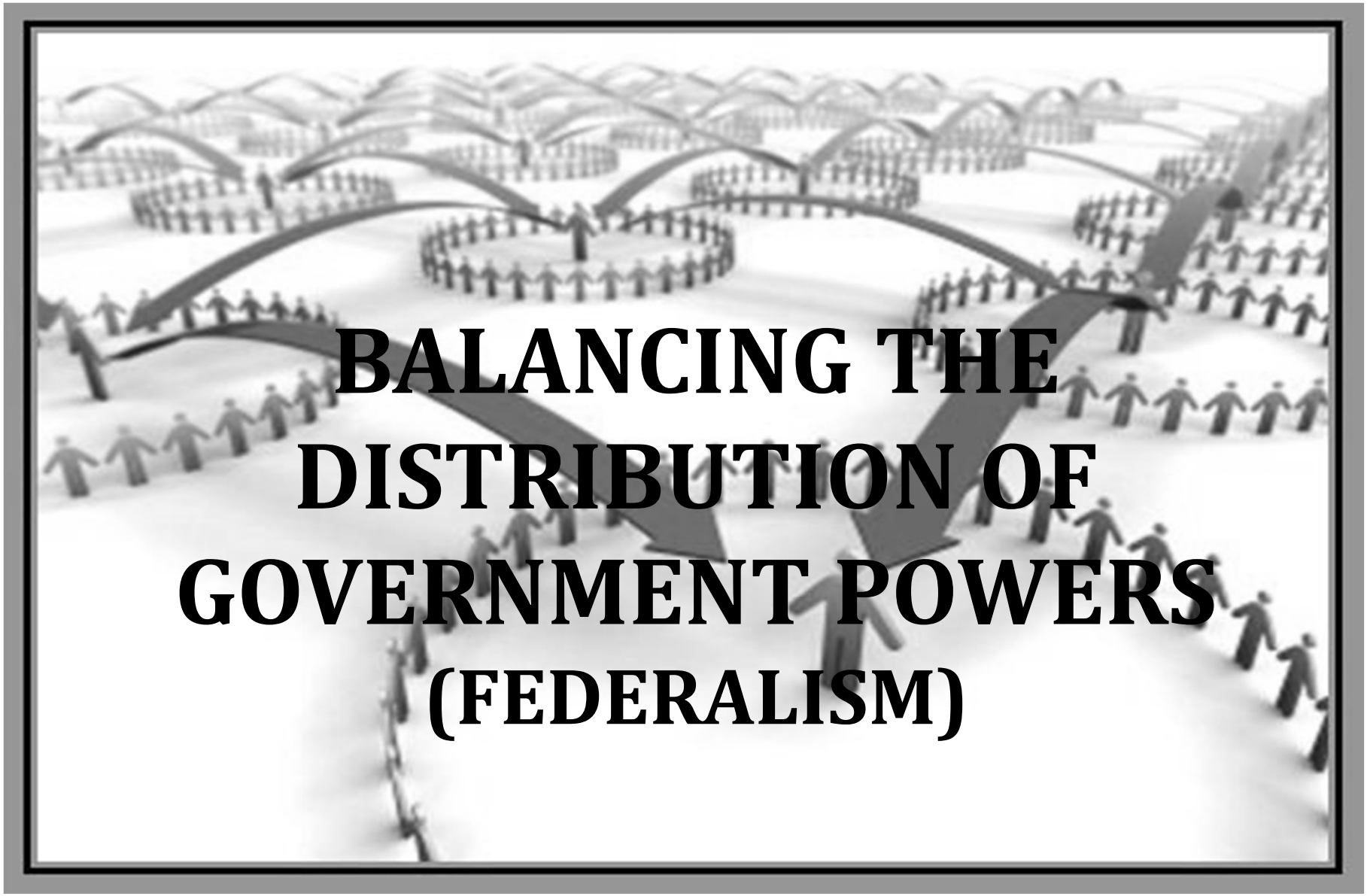


BALANCING THE DISTRIBUTION OF GOVERNMENT POWERS (FEDERALISM)

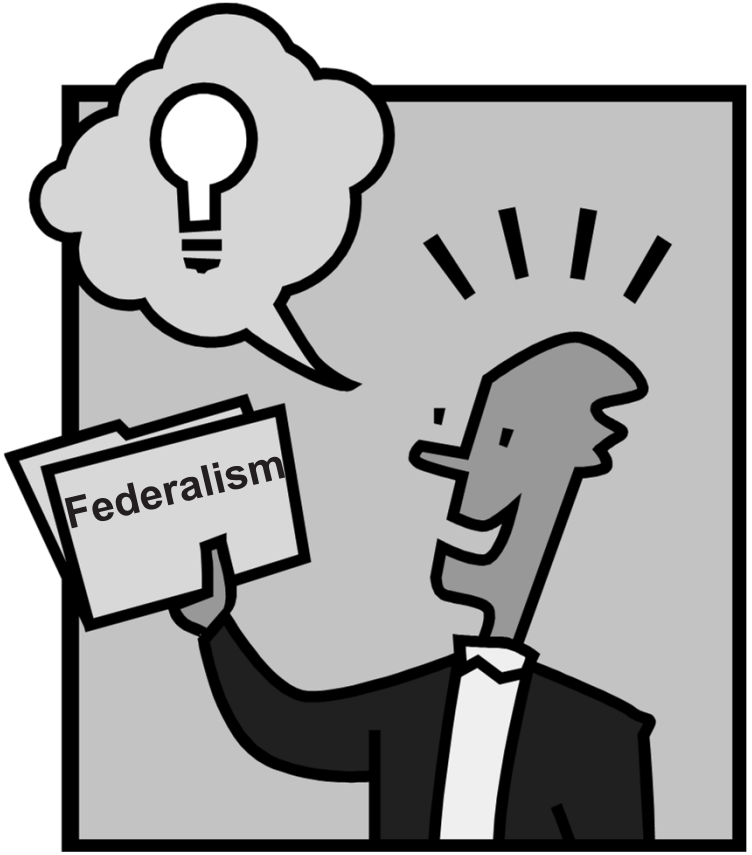
By Nene Pimentel

Why the proposal to shift to a federal system from the highly centralized system of government by which the country is run today?

Primarily because the concentration of powers in the Central Government hampers the speedy development of the nation.

Share power

The proposed solution was for the national government to share power – political and economic – with the regional and local governments throughout the nation.



PEACEFULLY.

by converting the country into a Federal Republic.

PRELIMINARY STATEMENT

WHAT IS GOVERNMENT?

Simply put, it is an institution of the State where persons vested with government powers and requisite authority maintain law and order in the territory under its control for the development of the peoples residing therein.

IN THIS REPUBLIC

DIFFERENT LEVELS OF GOVERNMENT POWERS <u>ARE EXERCISED WITHIN</u> ITS TERRITORIAL AND POLITICAL SUBDIVISIONS, NAMELY:

***THE NATIONAL (OR CENTRAL) GOVERNMENT* HAS THE MOST POWERS.**

***THE REGIONAL GOVERNMENT* HAS LESS POWERS THAN THE NATIONAL GOVERNMENT, BUT HAS MORE POWERS THAN THE LOCAL GOVERNMENTS.**

***THE LOCAL GOVERNMENTS* HAVE THE LEAST POWERS AMONG THE THREE GOVERNMENTAL CATEGORIES.**

THE POWERS OF THE NATIONAL GOVERNMENT are exercised *mainly* by:

Executive

Legislative

Judicial

Departments

PURSUANT TO THEIR INDIVIDUAL JURISDICTIONS AS DEFINED BY THE CONSTITUTION AND **RELEVANT LAWS**

Aside from the Executive, Legislative & Judicial Departments

THERE ARE CONSTITUTIONAL COMMISSIONS THAT EXERCISE <u>INDEPENDENT</u> GOVERNMENT POWERS VESTED IN THEM BY THE CONSTITUTION, NAMELY:

TWO OTHER CONSTITUTIONAL BODIES WERE CREATED BY THE CONSTITUTION AND ALSO VESTED WITH <u>TREMENDOUS</u> GOVERNMENT POWERS THAT ARE MEANT TO BE EXERCISED WITHOUT PARTISAN CONSIDERATIONS:

THE COMMISSION ON HUMAN RIGHTS (Article XIII, Sec. 17 et seq.)

THE OFFICE OF THE OMBUDSMAN (Article XI, Sections 5 et seq.)

THE FOUR COMMISSIONS AND THE OFFICE OF THE OMBUDSMAN

- ✓ **CANNOT BE ABOLISHED BY CONGRESS OR BY ACT OF THE EXECUTIVE**
- ✓ **THEY ENJOY FISCAL AUTONOMY**
- ✓ **THEIR MAIN POWERS ARE DEFINED BY THE CONSTITUTION, AND MAY NOT BE DIMINISHED, BUT, MAY BE ADDED TO BY LAW**

TWO Regional Governments are recognized by the Constitution:

1. The Autonomous Region of Muslim Mindanao (ARMM)

2. The Autonomous Region of the Cordilleras (CAR)

BASIC POWERS OF GOVERNMENT ARE SAID TO INCLUDE:

1. TAXATION - must be uniform, equitable & progressive (Art. VI, Sec. 28, Constitution).

2. EMINENT DOMAIN – Power to expropriate private property must be for public use and upon payment of just compensation (Art. III, Sections 1 and 9, Constitution)

3. POLICE POWER - Power to deliver public services in health, morals, and safety to promote the general welfare of the people.

Under the Constitution:

The President and the Vice President, the top two **executive officials** of the government, and **the members of our two-chamber legislature** are elected directly by the qualified voters of the country.

The Republic has a **presidential form of government .**

Other countries are run by **parliamentary governments.** There, the members of the parliament (the law-making body) are elected directly by the qualified voters. The **Members of Parliament,** in turn, **elect the executive officials** of the land.

WHICH IS BETTER?

The Presidential or the Parliamentary form of government?

There are so many considerations that must be taken into account to respond to the question adequately, not the least of which is the historical background of either form of government adopted by particular countries.

Examples:

- ✓ The **Presidential Form** seems to be working well in the **US**.
- ✓ The **Parliamentary Form** appears to be addressing the basic concerns of the majority and the minority sectors in **India.**

PRESENT SYSTEM OF PHILIPPINE GOVERNMENT

- **IS UNITARY AND HIGHLY CENTRALIZED**
- **Although, certain GOVERNMENT POWERS ARE NOW SHARED WITH LGUs**

THROUGH

- **THE LOCAL GOVERNMENT CODE,**
- **and other legislations**

THREE MAJOR NATIONAL GOVERNMENT DEPARTMENTS ARE LARGELY AFFECTED BY THE LOCAL GOVERNMENT CODE

Agriculture

Health

Social Welfare

Sec. 17 of the 1991 Local Government Code directs LGUs:

- **to deliver basic services and provide facilities currently vested on them;**
- **to discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code, and**
- **to exercise such other powers and … other functions and responsibilities as are necessary, appropriate, or incidental to (the) efficient and effective provision of the basic services and facilities enumerated herein.**

ENVIRONMENTAL ISSUES

NOW ALSO A MAJOR CONCERN OF LGUs like:

1. Solid waste disposal system;
2. Services/facilities related to general hygiene and sanitation;
3. Implementation of community-based forestry projects including social forestry programs, and similar projects, and
4. Management and control of communal forests.

IT MUST ALSO BE MENTIONED THAT:

THE DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT (DILG)

Under the LG Code:

✓**Only has supervisory powers, not control, over LGUs on behalf of the president**

✓**As the Department of the Interior, its main functions deal with the police.**

FOR EMPHASIS:

THE GREATLY CENTRALIZED, UNITARY FEATURE OF THE GOVERNMENT PERSISTS

Despite the passage of the Local Government Code, the system of government of the country is still highly centralized and unitary as opposed to the federal system.

SOME PRACTICAL CONSEQUENCES

AMONG OTHER THINGS:

"THE HIGHLY CENTRALIZED, UNITARY SYSTEM … RESULTED IN AN IMBALANCE IN THE DISTRIBUTION OF RESOURCES AMONG LGUs."

✓**Impliedly, it has fueled the armed rebellion of Muslim factions in parts of Mindanao against the government, and**

✓**HAS HAMPERED THE SPEEDY DEVELOPMENT OF THE LOCAL COMMUNITIES, AND OF THE PEOPLE RESIDING THEREIN.**

HENCE, the proposal to adopt a concrete, doable, practical plan to speed up the development of the country and our people, and dissipate the national causes of unrest by installing:

THE FEDERAL SYSTEM
(with a presidential form)
OF GOVERNMENTIN THE REPUBLIC

Seminal 1982 idea

The plan formally advocated Federalizing the Philippines in 1982.

The federal idea, then, was seminal in many respects.

It was proposed to serve as the basis of a viable alternative to the dictatorship, and bring about a distribution of government powers previously concentrated in the national government for so long.

Some provisions of the present Constitution are proposed for retention despite the move to federalize the country.

THERE WILL ONLY BE ***ONE CONSTITUTION***

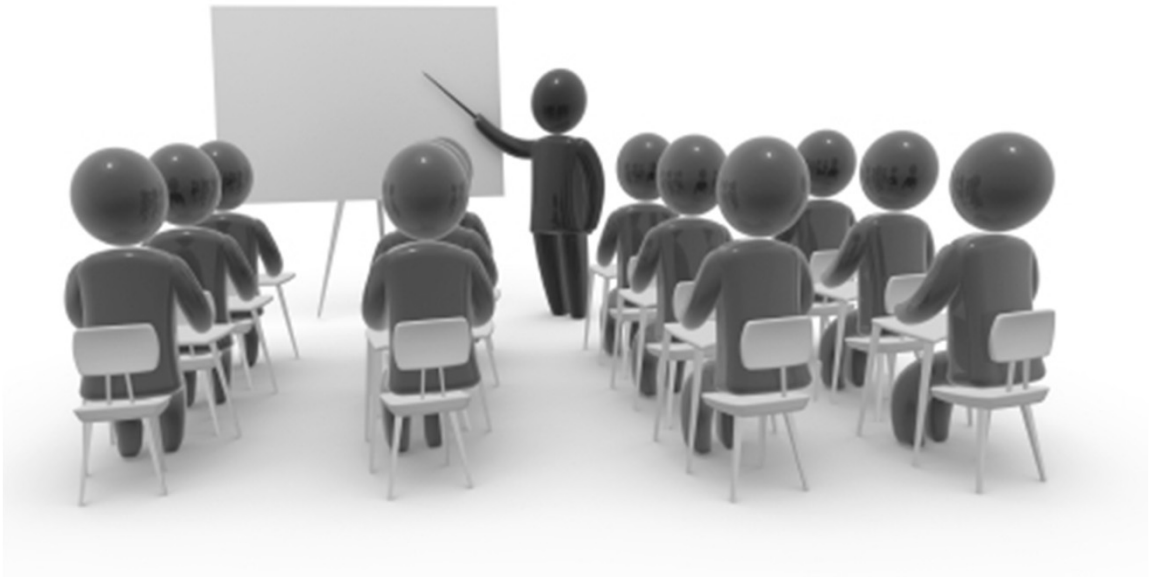
In general, more powers of government will be devolved to the Federal

States (and to their LGUs) than what the situation is today.

Hence, the central federal government will retain basically only a handful of powers.

Examples of powers that will be retained in the Federal Central Government:

1. **National Defense and Security by the Armed Forces of the Republic;**
2. **National law enforcement against crime by the National Police;**
3. **One monetary system for obvious reasons;**
4. **One Flag;**
5. **One Foreign Policy;**



6. ONE BASIC NATIONAL EDUCATION CURRICULUM;

The curriculum may be added to by the Federal States to augment their potential for development as befits the needs of their people.

Example:

Curriculum in the Cordilleras
Curriculum for Muslims/IPs

NUMBER OF LGUs WHEN THE PROPOSAL WAS MADE:

- ✓Provinces – 81
- ✓Cities – 145
- ✓Municipalities – 1,489
- ✓Barangays – 42,036

HOW MANY FEDERAL STATES SHALL THE COUNTRY HAVE?

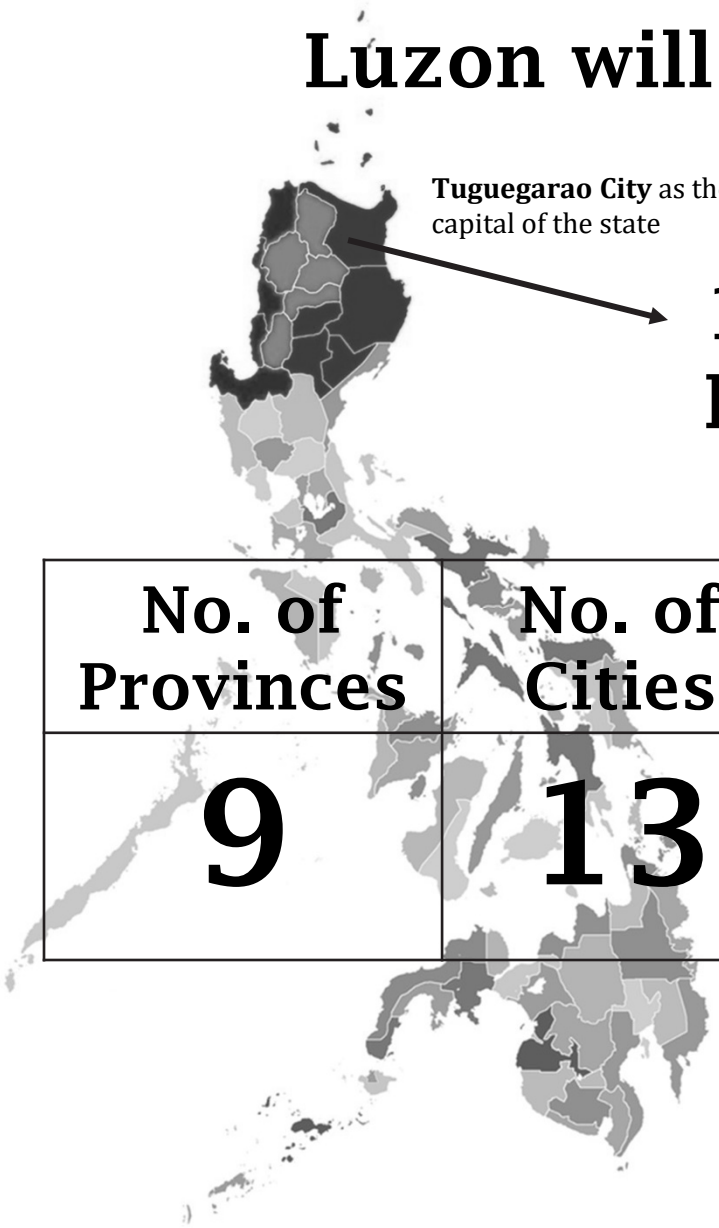
IT IS PROPOSED THAT THE COUNTRY SHALL HAVE:

12 FEDERAL STATES

TO BE CREATED BASICALLY OUT OF THE <u>ADMINISTRATIVE</u> REGIONS already existing. By doing so, the identities of every proposed federal state are already known by and large by the people.

How many States will Luzon have?

Luzon will have FIVE Federal States, namely:



Tuguegarao City as the capital of the state

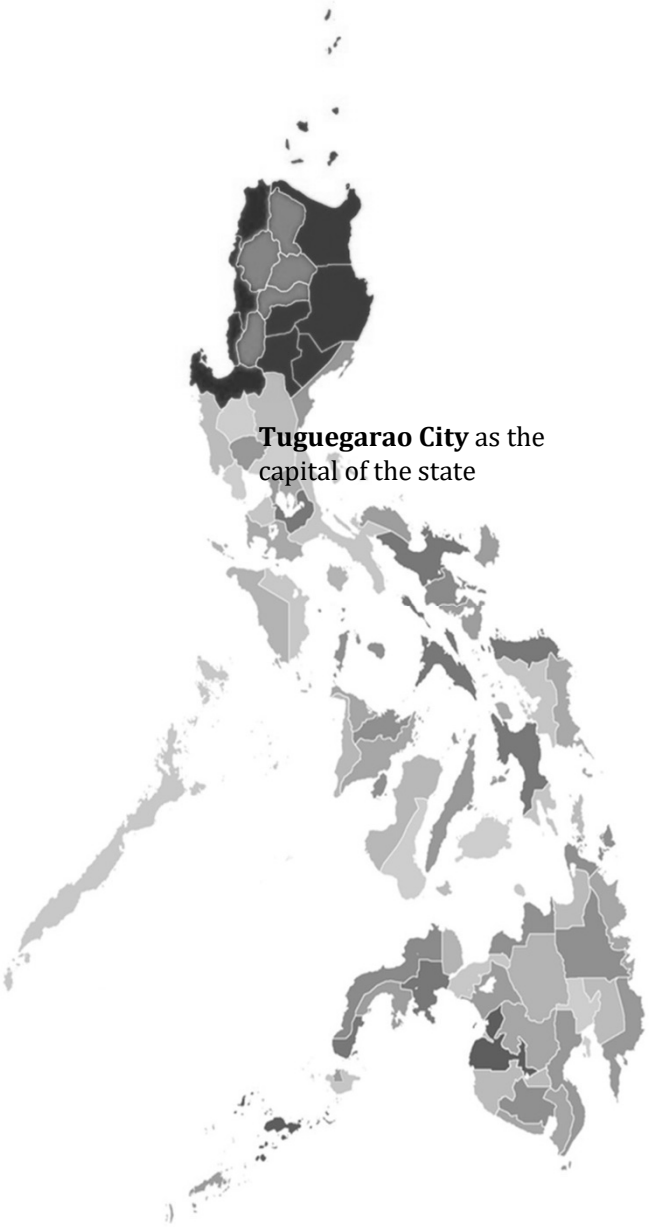
1. The Federal State of Northern Luzon covering:

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
9	13	206	5,576

COMBINED TOTAL POPULATION = 7,977,535

COMBINED TOTAL LAND AREA = 4,124,143ha

1. The Federal State of Northern Luzon covering:



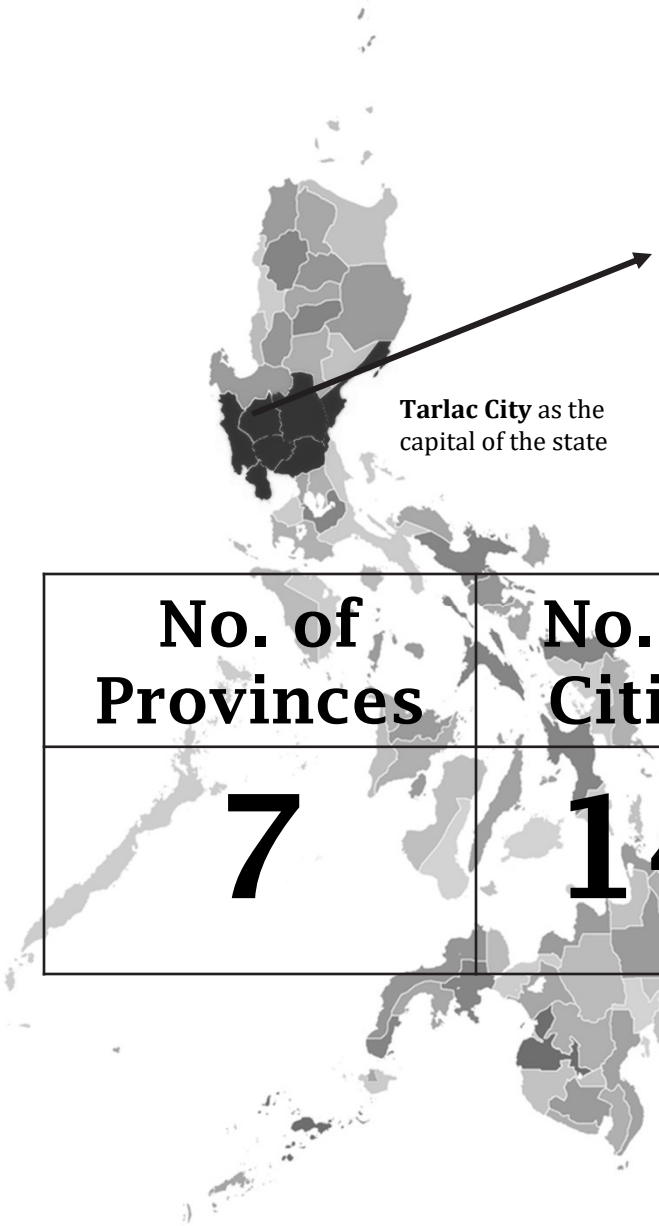
PROVINCES

- **Region I**
  - Ilocos Norte
  - Ilocos Sur
  - Pangasinan
  - La Union
- **Region II**
  - Batanes
  - Cagayan
  - Isabela
  - Quirino
  - Nueva Viscaya

CITIES

- Region I
  - Batac
  - Laoag
  - Candon
  - Vigan
  - San Fernando
  - Aluminos
  - Dagupan
  - San Carlos
  - Urdaneta
- Region II
  - Tuguegarao
  - Isabela
  - Kawayan
  - Ilagan

... Luzon States



Tarlac City as the capital of the state

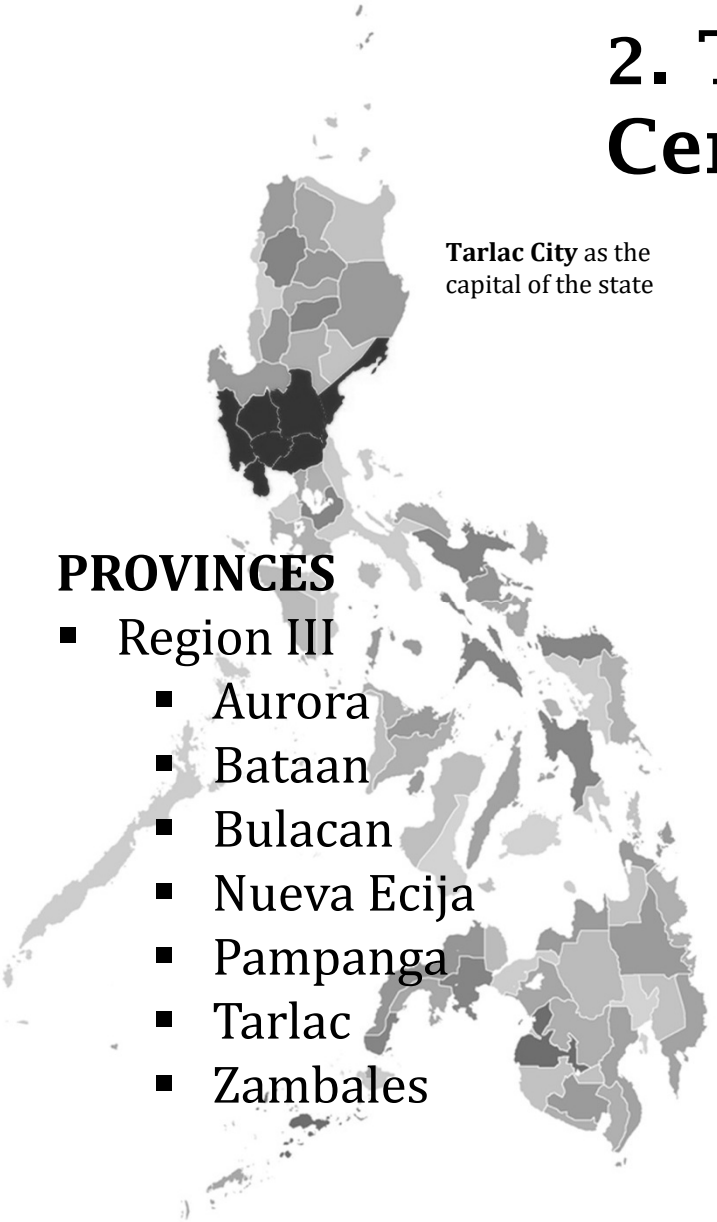
2. The Federal State of Central Luzon covering:

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
7	14	116	3,102

COMBINED TOTAL POPULATION = 9,590,223

COMBINED TOTAL LAND AREA = 2,201,490ha

2. The Federal State of Central Luzon covering:



Tarlac City as the capital of the state

PROVINCES

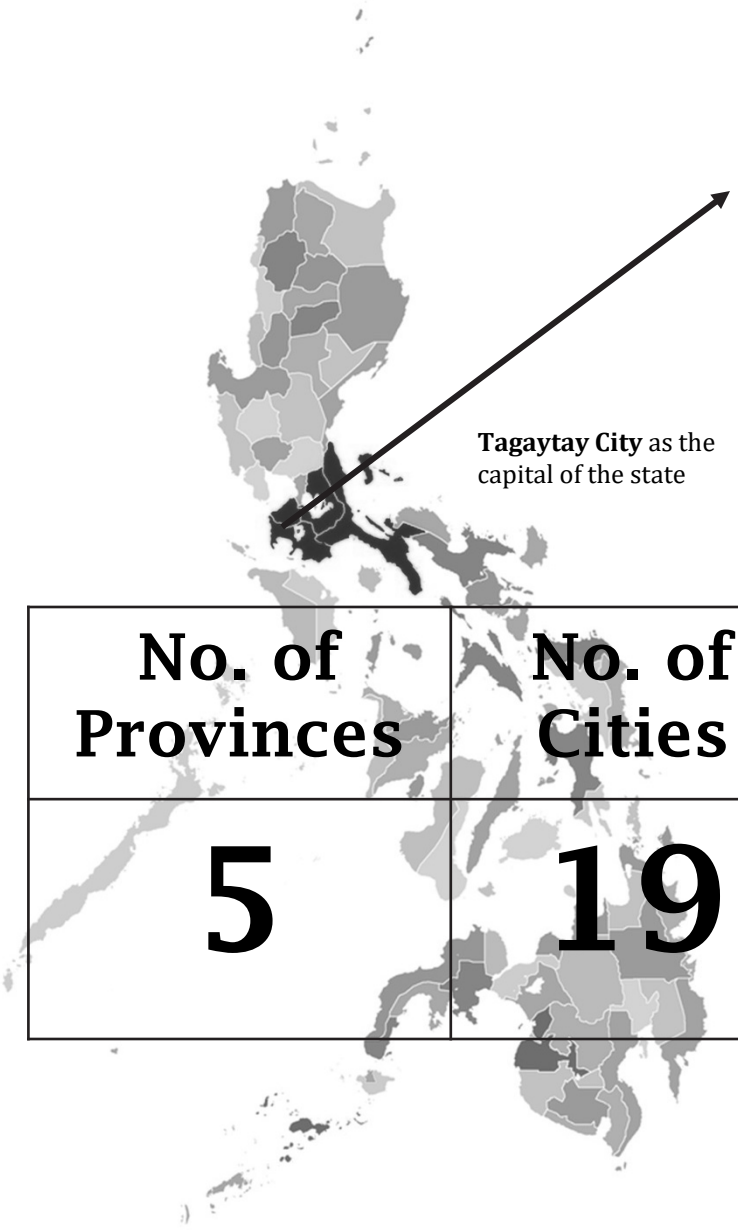
- Region III
  - Aurora
  - Bataan
  - Bulacan
  - Nueva Ecija
  - Pampanga
  - Tarlac
  - Zambales

CITIES

- Region III
  - Balanga
  - Malolos
  - Mecauayan
  - San Jose del Monte
  - Cabanatuan
  - Gapan
  - Muñoz Science City
  - Palayan
  - San Jose
  - Angeles
  - Mabalacat
  - San Fernando
  - Tarlac
  - Olongapo

... Luzon States

3. The Federal State of Southern Tagalog covering:

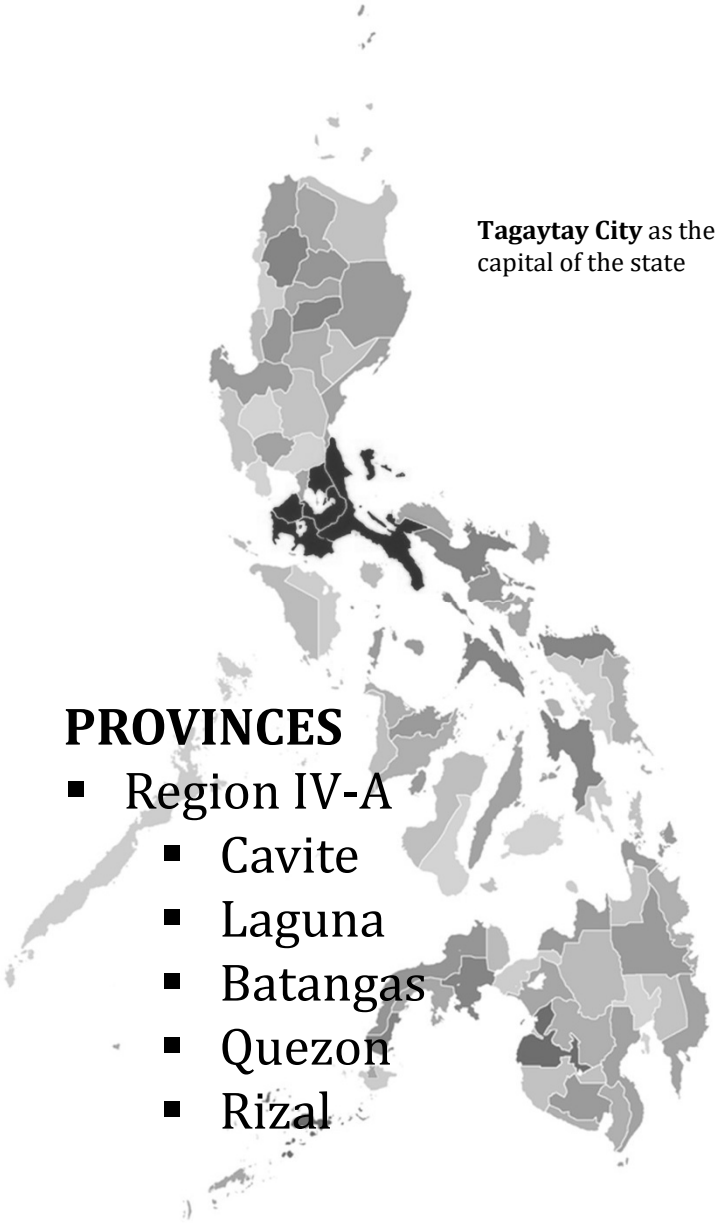


No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
5	19	123	4,018

COMBINED TOTAL POPULATION = 12,363,411

COMBINED TOTAL LAND AREA = 1,687,151ha

3. The Federal State of Southern Tagalog covering:



Tagaytay City as the capital of the state

PROVINCES

- Region IV-A
  - Cavite
  - Laguna
  - Batangas
  - Quezon
  - Rizal

CTIES

- Region IV-A
  - Bacoor
  - Cavite
  - Dasmarinas
  - General Trias
  - Imus
  - Tagaytay
  - Trece Martirez

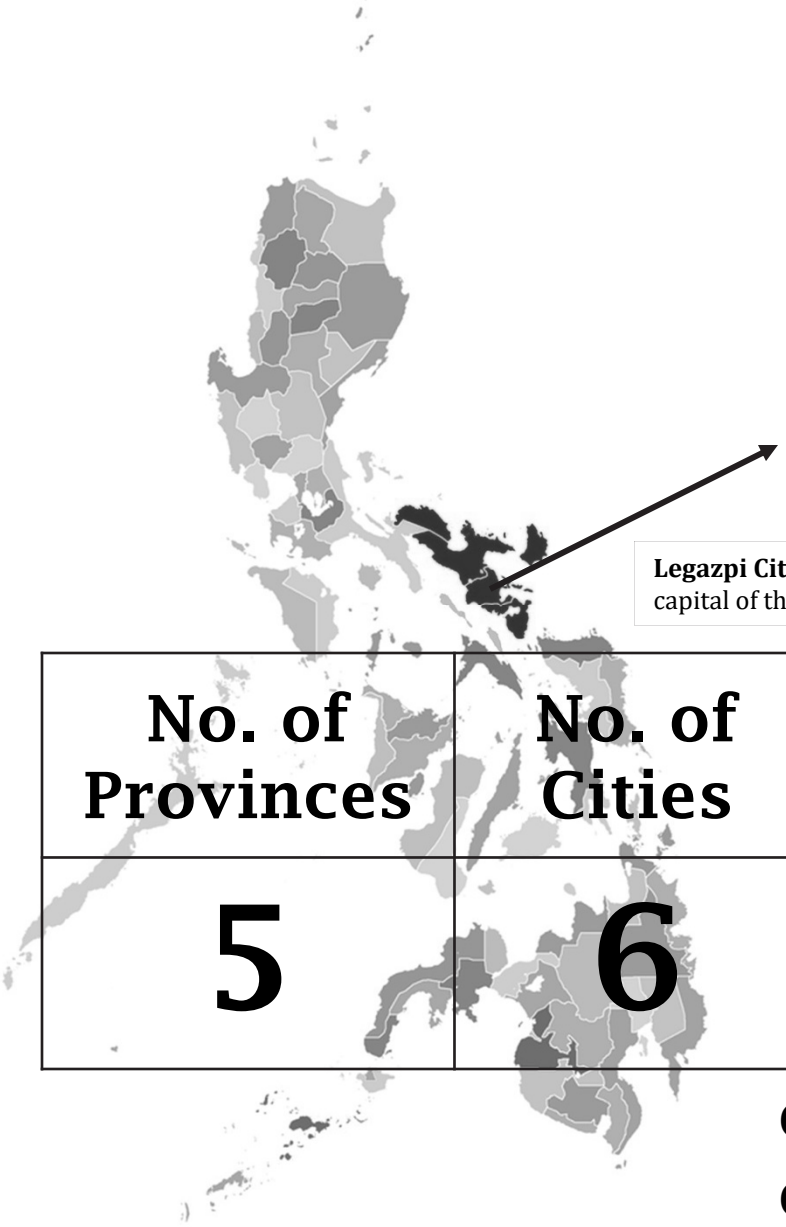
  - Biñan
  - Cabuyao
  - Calamba
  - Sab Pablo
  - San Pedro
  - Santa Rosa

  - Batangas
  - Lipa
  - Tanauan

  - Lucena
  - Tayabas

  - Antipolo

... Luzon States



4. The Federal State of Bicol covering:

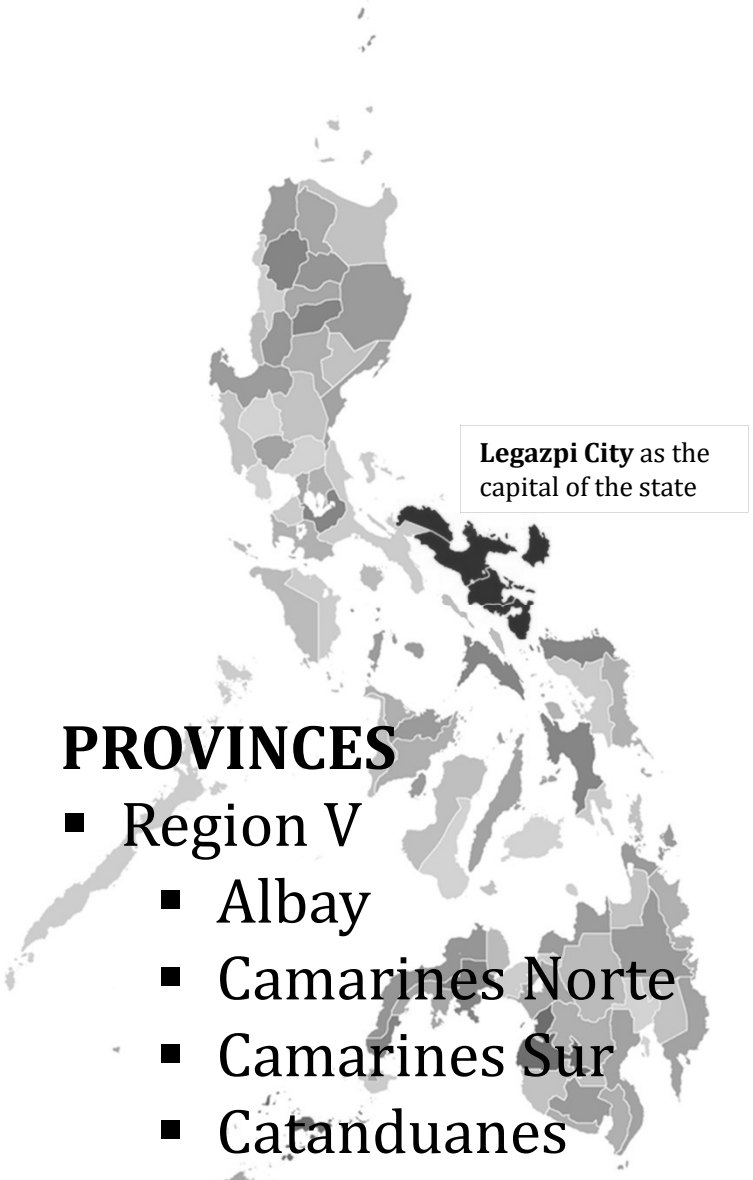
Legazpi City as the capital of the state

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
5	6	87	2,921

COMBINED TOTAL POPULATION = 4,585,761

COMBINED TOTAL LAND AREA = 1,400,404ha

4. The Federal State of Bicol covering:



Legazpi City as the capital of the state

PROVINCES

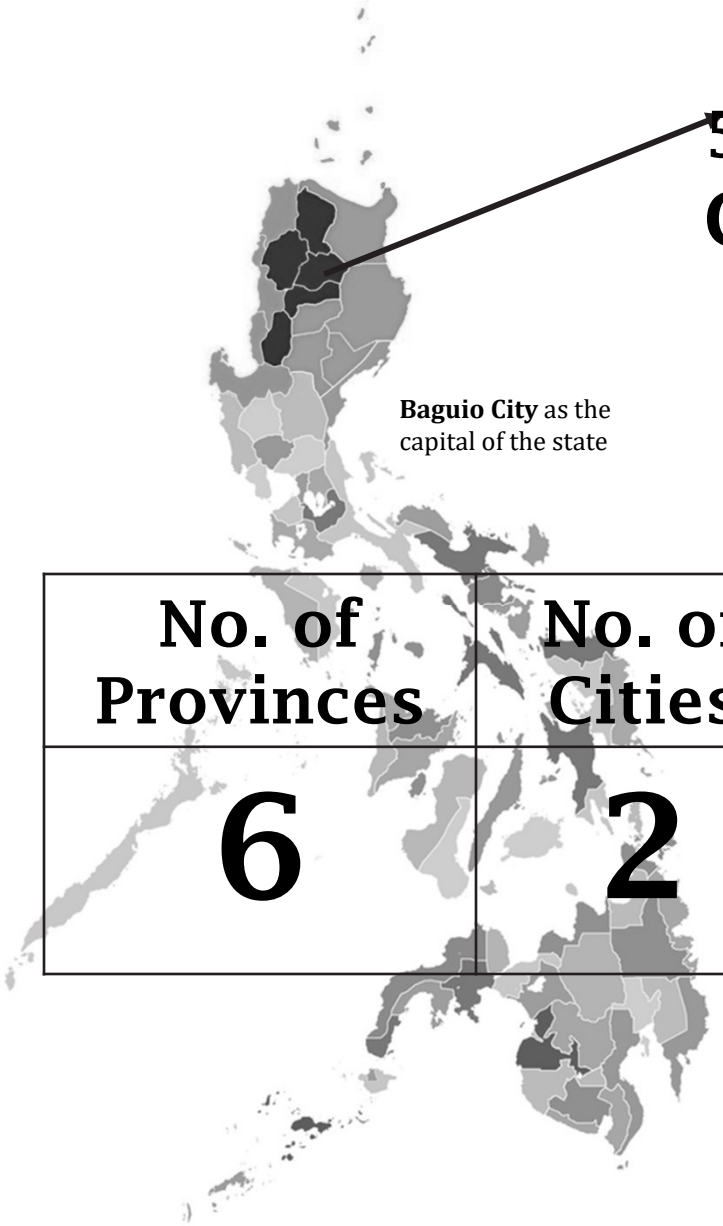
- Region V
  - Albay
  - Camarines Norte
  - Camarines Sur
  - Catanduanes
  - Sorsogon

CITIES

- Region V
  - Legaspi
  - Ligao
  - Tabaco
  - Naga
  - Sorsogon
  - Iriga

... Luzon States

5. The Federal State of Cordillera covering:



Baguio City as the capital of the state

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
6	2	75	1,176

COMBINED TOTAL POPULATION = 1,298,191

COMBINED TOTAL LAND AREA = 1,942,203ha

... Luzon States

5. The Federal State of Cordillera covering:

PROVINCES

- **CAR**
  - Abra
  - Apayao
  - Kalinga
  - Mountain Province
  - Benguet
  - Ifugao

CITIES

- Tabuk
- Baguio

WHAT ABOUT METRO-MANILA?

Metro-Manila will be converted into a *Federal Administrative Region* covering:

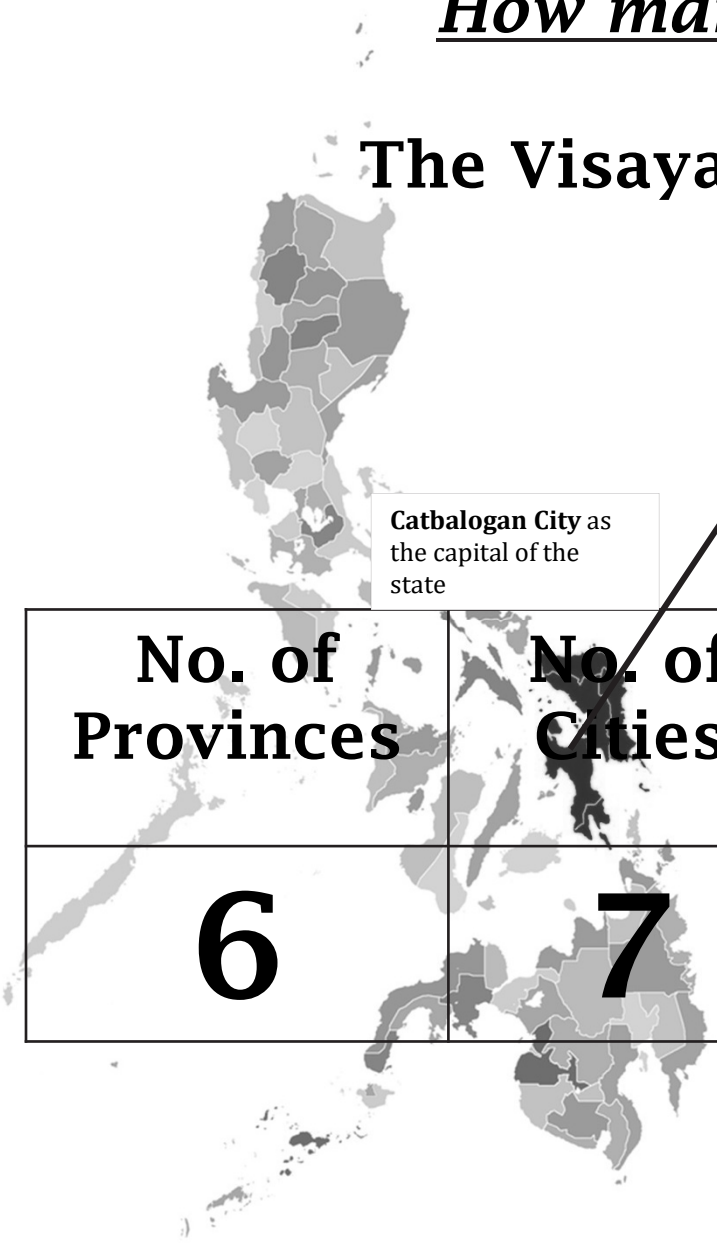
No. of Cities: 16
No. of Municipalities: 1 (Pateros)
No. of Barangays: 1,706

Metro-Manila as a Federal Administrative Region will be treated like Washington D.C., or New Delhi or Kuala Lumpur.

How many States will the Visayas have?

The Visayas will have FOUR Federal States.

1. The Federal State of Eastern Visayas covering:



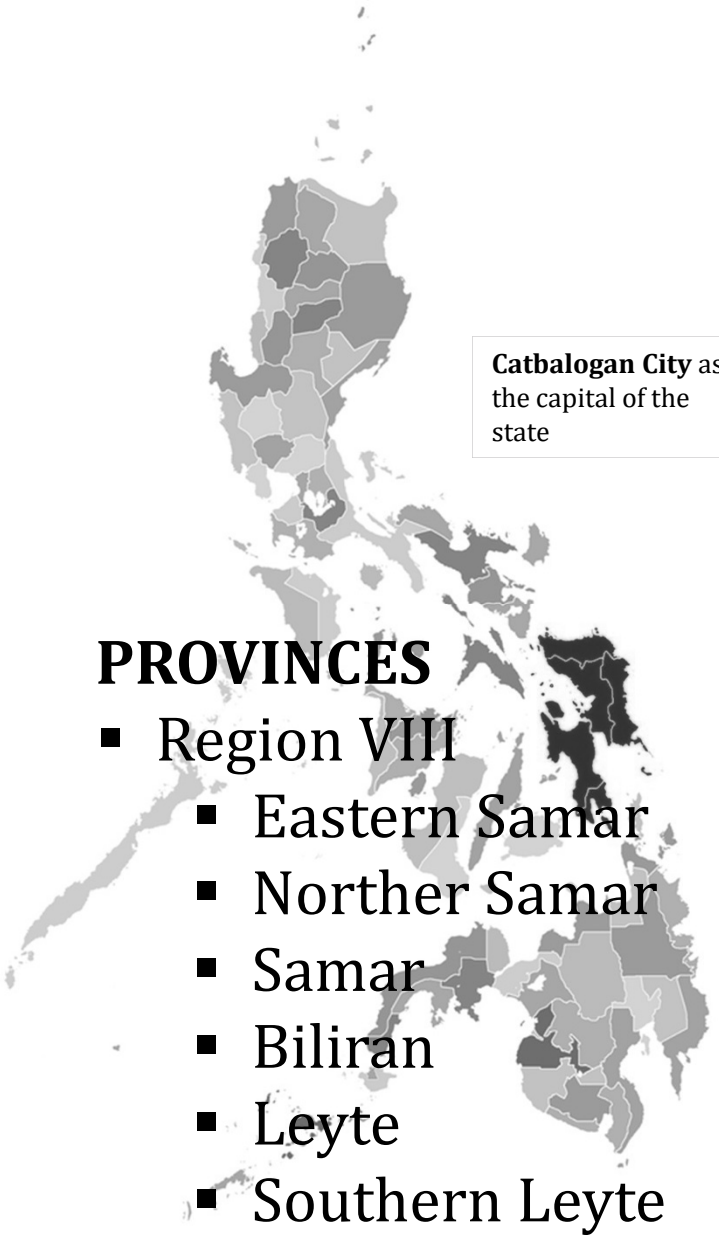
Catbalogan City as the capital of the state

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
6	7	136	4,390

COMBINED TOTAL POPULATION = 3,880,148

COMBINED TOTAL LAND AREA = 2,325,110ha

1. The Federal State of Eastern Visayas covering:



Catbalogan City as the capital of the state

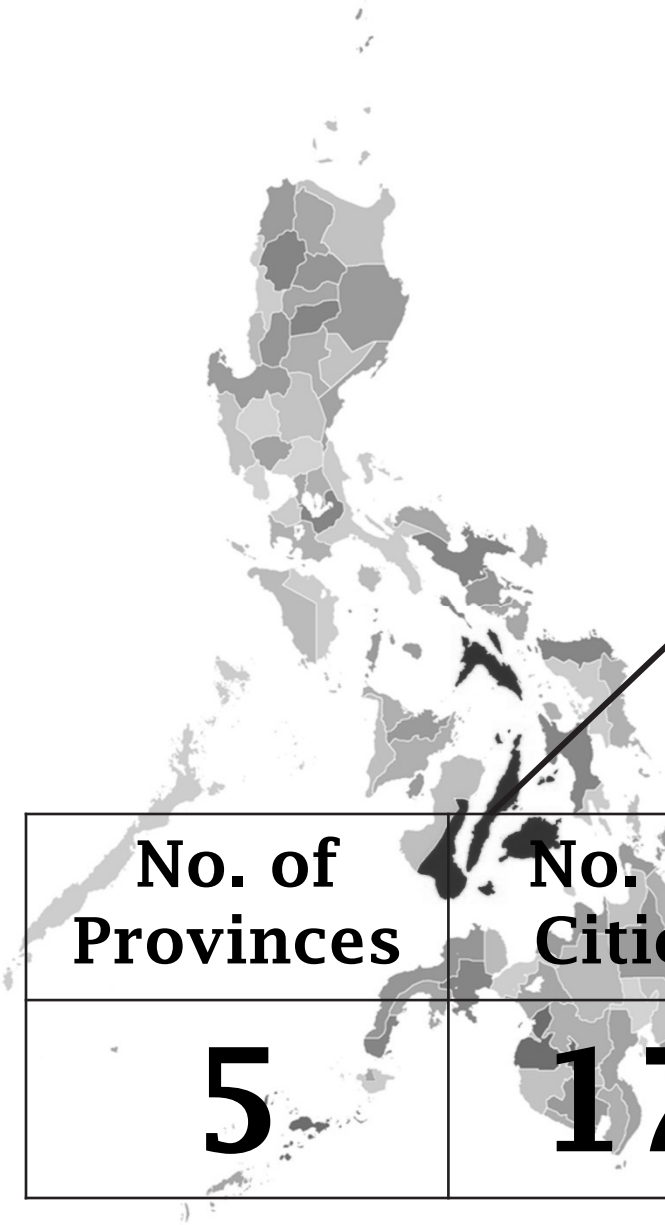
PROVINCES

- Region VIII
  - Eastern Samar
  - Norther Samar
  - Samar
  - Biliran
  - Leyte
  - Southern Leyte

CITIES

- Region VIII
  - Borongan
  - Calbayog
  - Catbalogan
  - Baybay
  - Ormoc
  - Tacloban
  - Maasim

...Visayas States



2. The Federal State of Central Visayas covering:

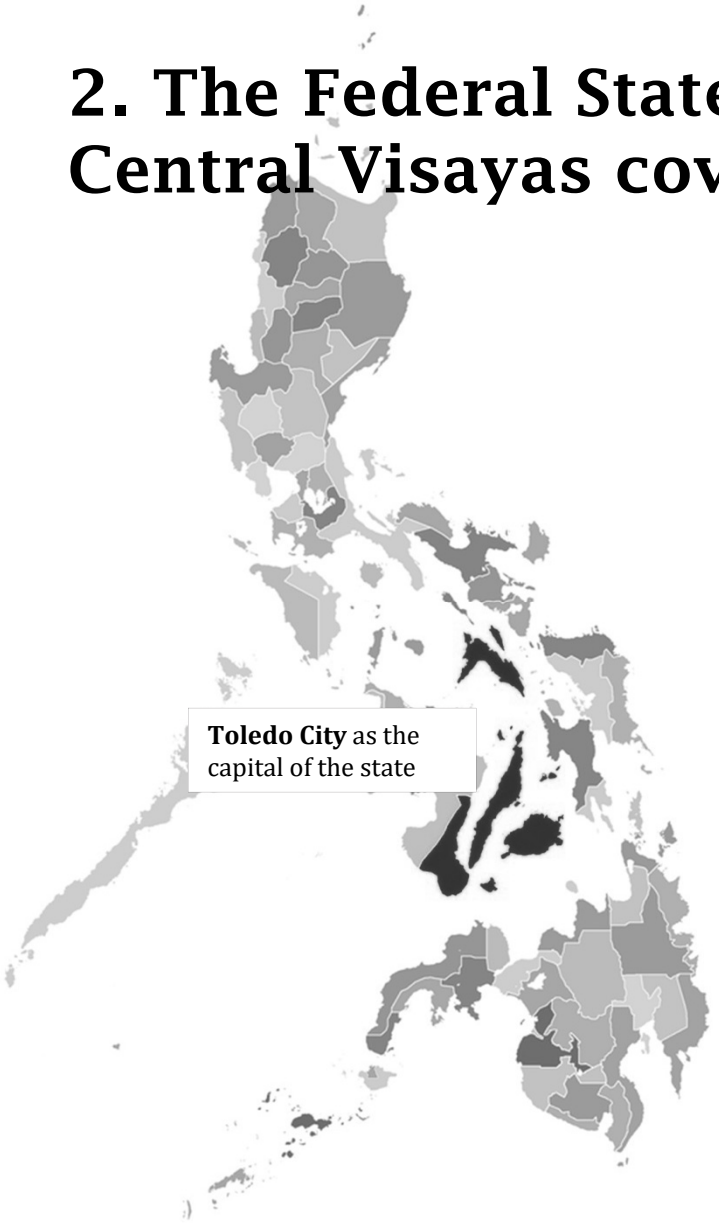
Toledo City as the capital of the state

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
5	17	136	3,553

COMBINED TOTAL POPULATION = 6,086,872

COMBINED TOTAL LAND AREA = 2,003,7750ha

2. The Federal State of Central Visayas covering:



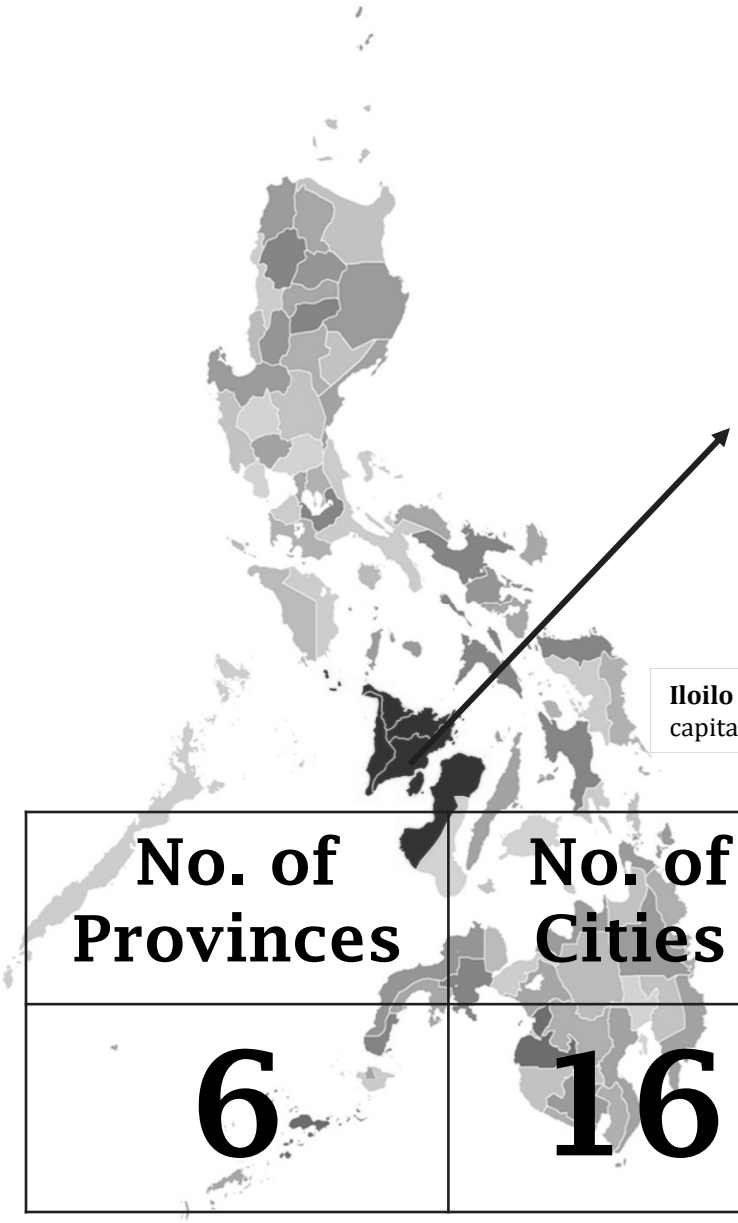
PROVINCES

- Region VII
  - Bohol
  - Cebu
  - Siquijor
  - Negros Oriental
  - Masbate

CITIES

- Region VII
  - Tagbilaran
  - Bogo
  - Cebu
  - Carcar
  - Danao
  - Lapu-lapu
  - Mandaue
  - Naga
  - Talisay
  - Toledo
  - Bais
  - Bayawan
  - Canlaon
  - Dumaguete
  - Guihulngan
  - Tanjay
  - Masbate

...Visayas States



3. The Federal State of Western Visayas covering:

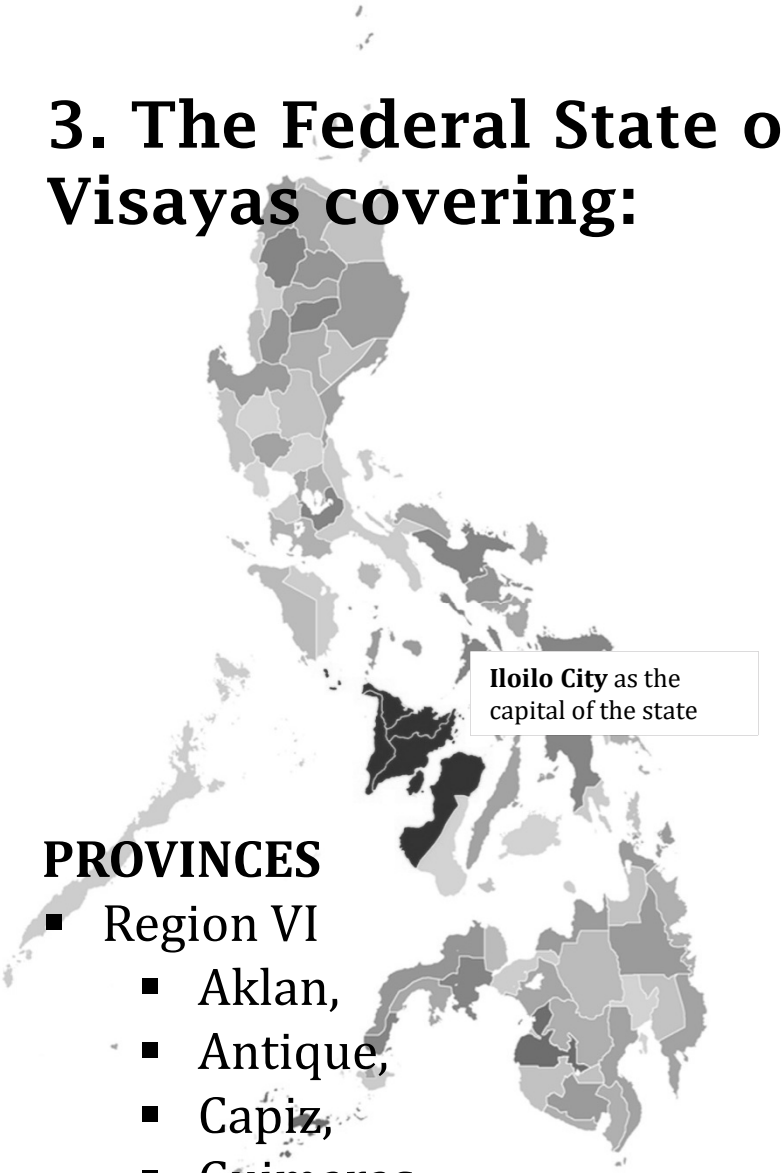
Iloilo City as the capital of the state

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
6	16	117	3,990

COMBINED TOTAL POPULATION = 6,165,999

COMBINED TOTAL LAND AREA = 2,079,418 ha

3. The Federal State of Western Visayas covering:



Iloilo City as the capital of the state

PROVINCES

- Region VI
  - Aklan,
  - Antique,
  - Capiz,
  - Guimaras,
  - Iloilo
  - Negros Occidental

CITIES

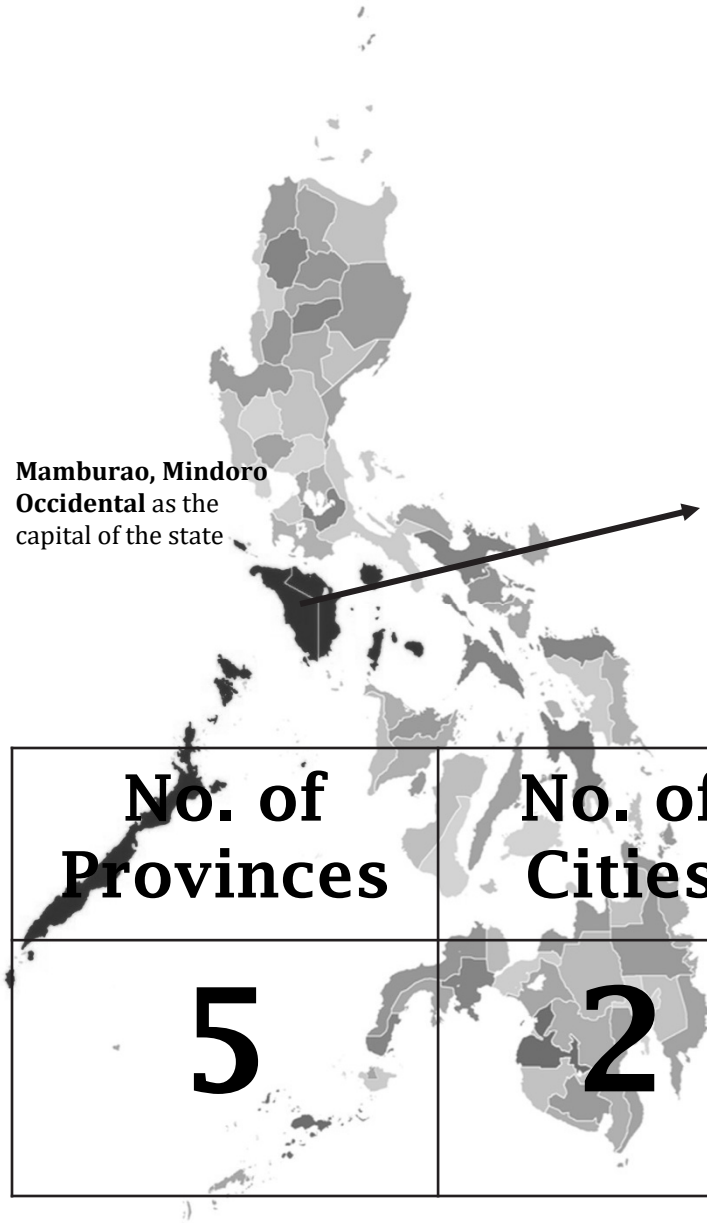
- Region VII
  - Roxas
  - Iloilo
  - Passi
  - Bacolod
  - Bago
  - Cadiz
  - Escalante
  - Himamaylan
  - Kabankalan
  - La Carlota
  - San Carlos
  - Silay
  - Sipalay
  - Sagay
  - Talisay
  - Victorias

WHAT ABOUT THE NEW NEGROS ISLAND REGION?

✓The **new region** composed of the **Provinces of Negros Occidental and Negros Oriental** may be created as a separate **Federal State of Negros.**
Or

✓**Negros Occidental may remain a part of the Federal State of Western Visayas, and Negros Oriental, a part of the Federal State of Central Visayas.**

...Visayas States



Mamburao, Mindoro Occidental as the capital of the state

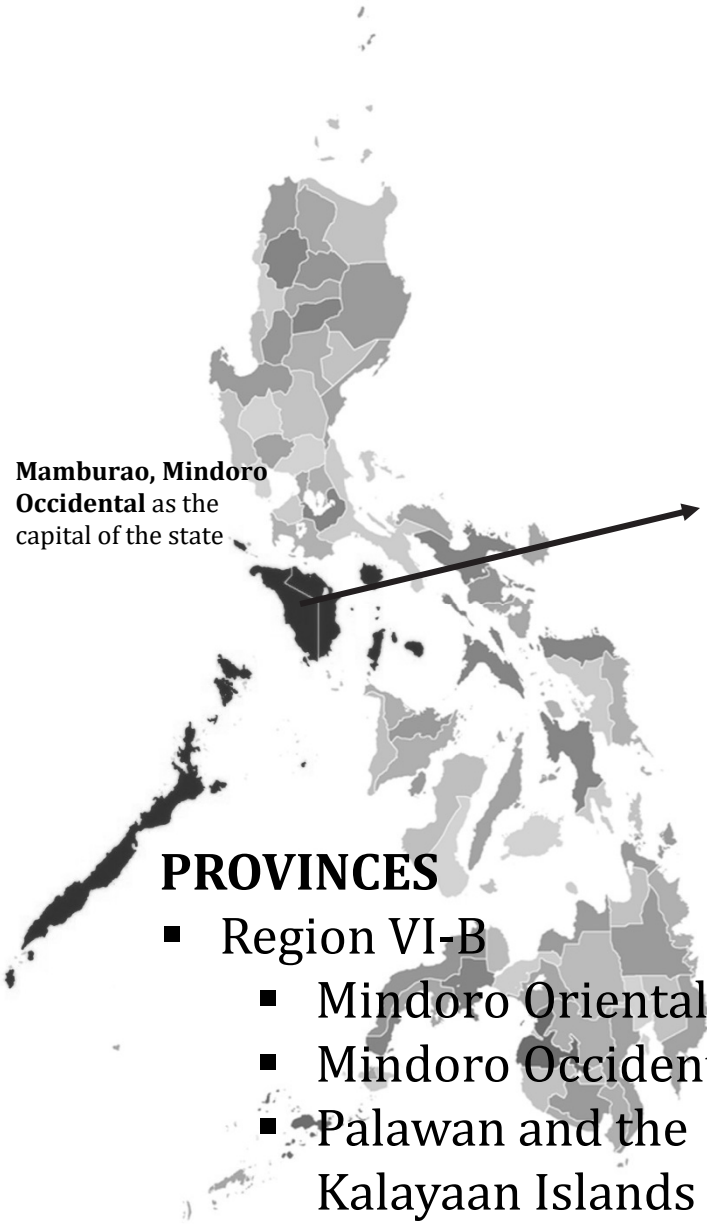
4. The Federal State of Minparom covering:

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
5	2	71	1,459

COMBINED TOTAL POPULATION = 2,521,998

COMBINED TOTAL LAND AREA = 2,961,632ha

...Visayas States



Mamburao, Mindoro Occidental as the capital of the state

4. The Federal State of Minparom covering:

PROVINCES

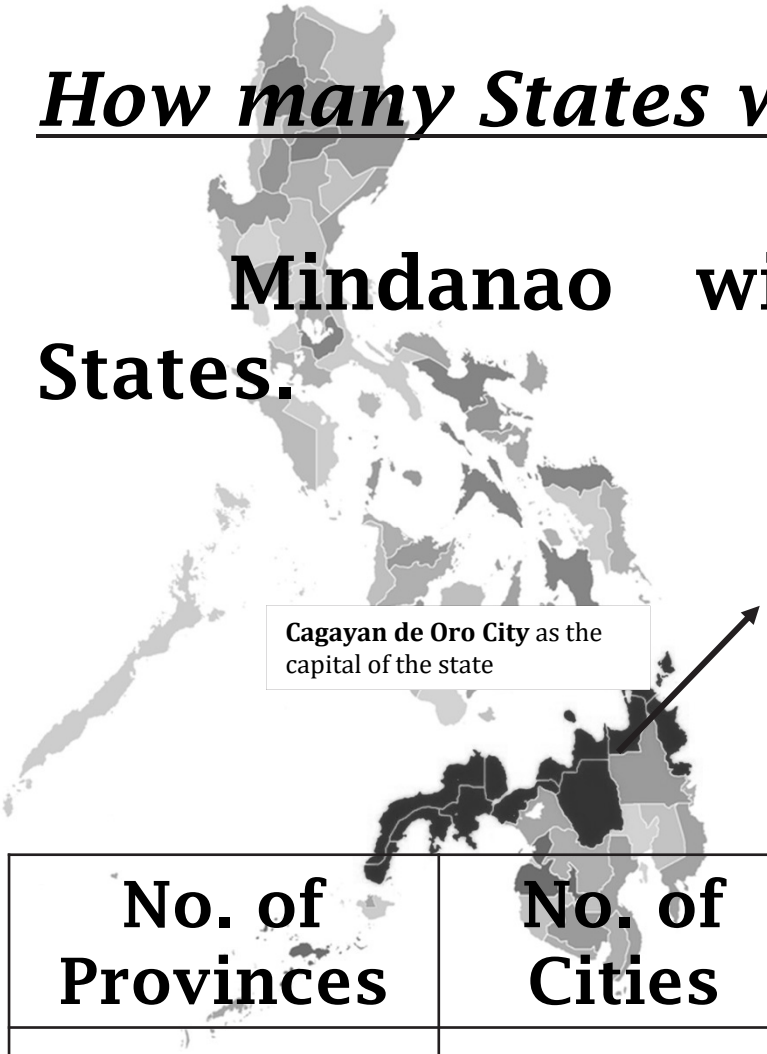
- Region VI-B
  - Mindoro Oriental
  - Mindoro Occidental
  - Palawan and the Kalayaan Islands
  - Romblon
  - Marinduque

CITIES

- Calapan
- Puerto Princesa

How many States will Mindanao have?

Mindanao will have THREE Federal States.



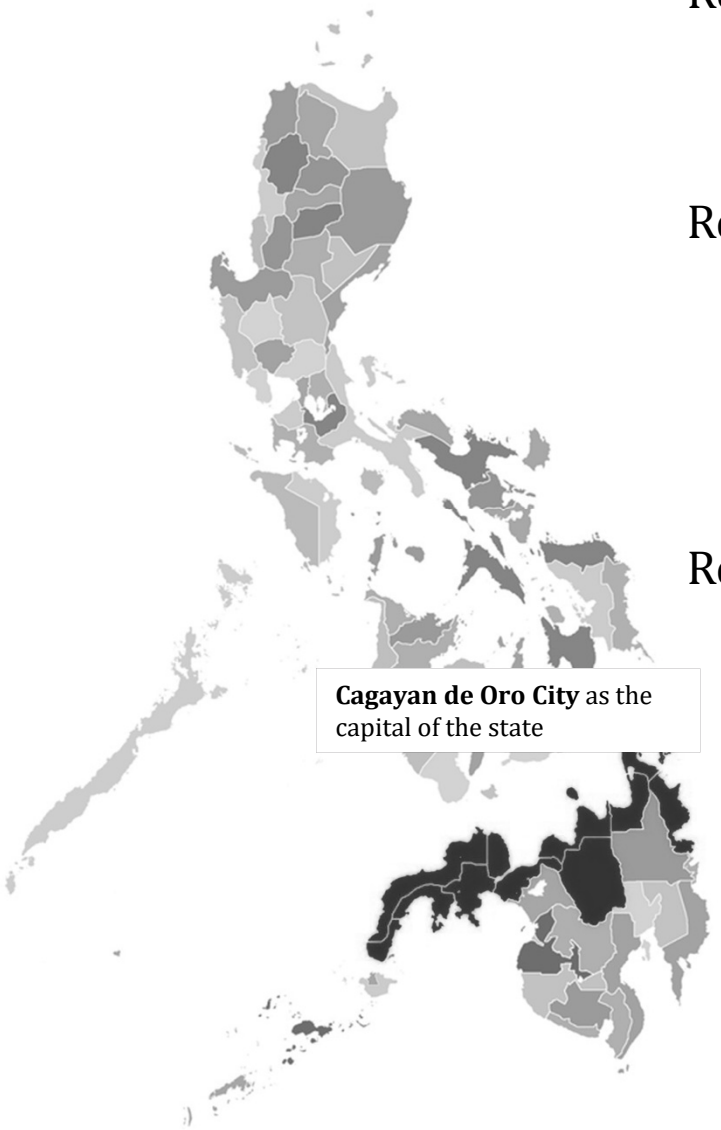
1. The Federal State of Northern Mindanao covering:

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
11	16	188	4,528

COMBINED TOTAL POPULATION = 6,776,659

COMBINED TOTAL LAND AREA = 4,387,506ha

1. The Federal State of Northern Mindanao covering:



PROVINCES

Region IX
- Zamboanga Sibugay
- Zamboanga del Norte
- Zamboanga del Sur

Region X
- Bukidnon
- Camiguin
- Lanao del Norte
- Misamis Occidental
- Misamis Oriental

Region XIII
- Agusan del Norte
- Dinagat Island
- Surigao del Norte

CITIES
- Dapitan
- Dipolog

- Pagadian
- Zamboanga

- Malaybalay
- Valencia

- Iligan

- Oroqueta
- Ozamis
- Tangub

- Cagayan de Oro
- Gingoog
- El Salvador

- Butuan
- Cabadbaran

- Surigao

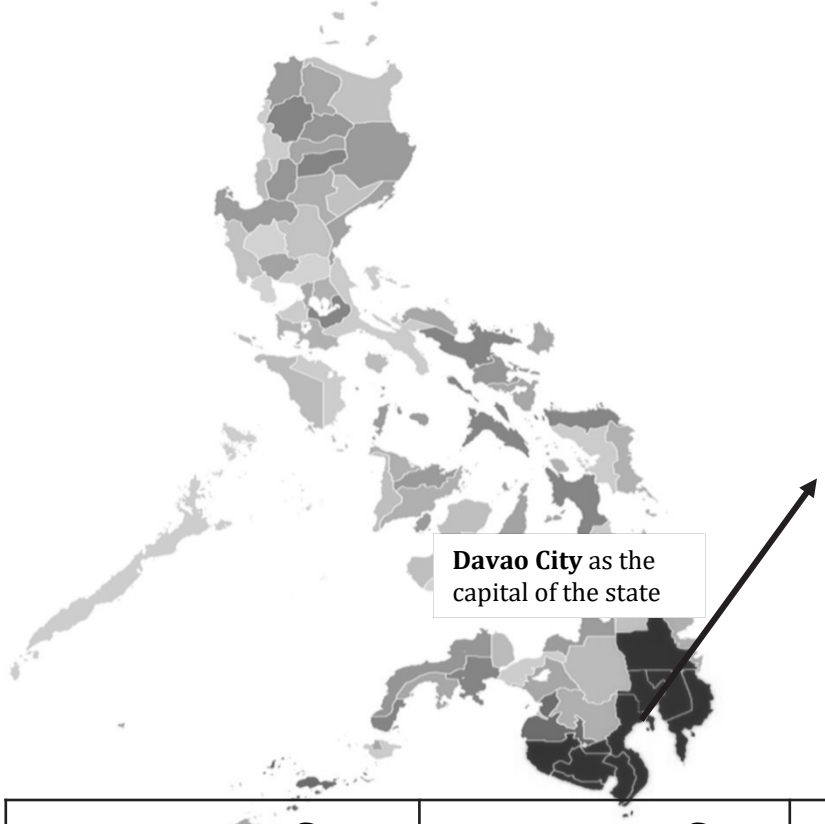
THE PROPOSED NORTHERN MINDANAO FEDERAL STATE

MAY BE TOO LARGE. IT MAY BE DIVIDED INTO TWO:

(a) The Federal State of **North-Western Mindanao** covering the Zamboanga Provinces, Lanao del Norte, Misamis Occidental, and Misamis Oriental; and

(b) The Federal State of **North-Eastern Mindanao** comprising the Agusan Provinces, Bukidnon, and Surigao Provinces, and Dinagat.

...Mindanao States



2. The Federal State of Southern Mindanao covering:

No. of Provinces	No. of Cities	No. of Municipalities	No. of Barangays
11	13	118	2,943

COMBINED TOTAL POPULATION = 7,331,479

COMBINED TOTAL LAND AREA = 5,617,914ha

2. The Federal State of Southern Mindanao

PROVINCES

Region XI

- Davao Oriental
- Compostela Valley
- Davao del Sur
- Davao Occidental
- Davao del Norte

Region XII

- South Cotabato
- Sarangani
- North Cotabato
- Sultan Kudarat

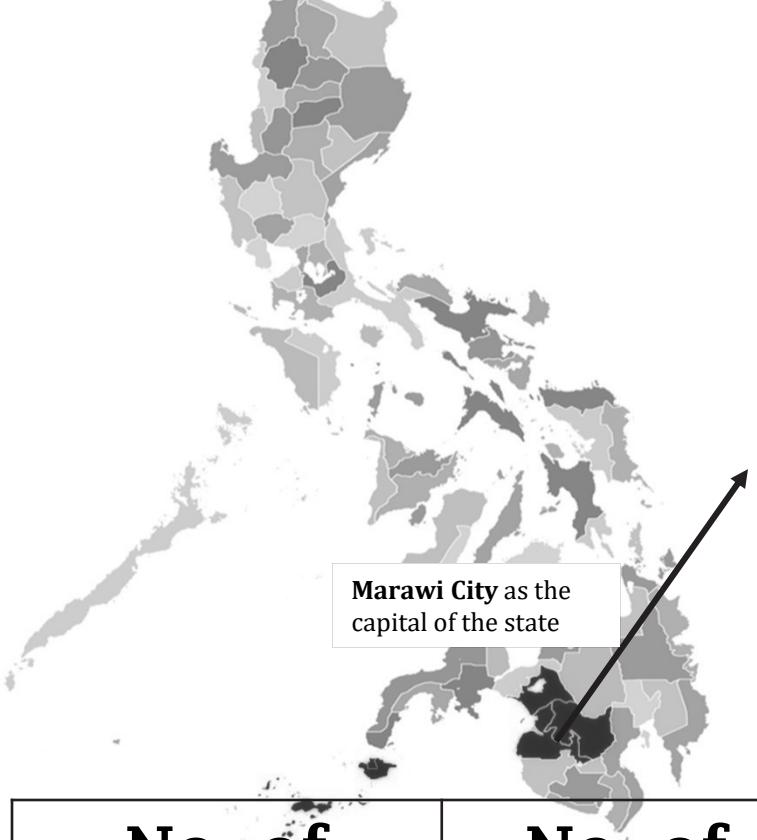
Region XIII (Caraga)

- Agusan del Sur
- Surigao del Sur

CITIES

- Mati
- Davao
- Digos
- Panabo
- Samal
- Tagum
- General Santos
- Koronadal
- Cotabato
- Tacurong
- Bayugan
- Bislig
- Tandag

...Mindanao States



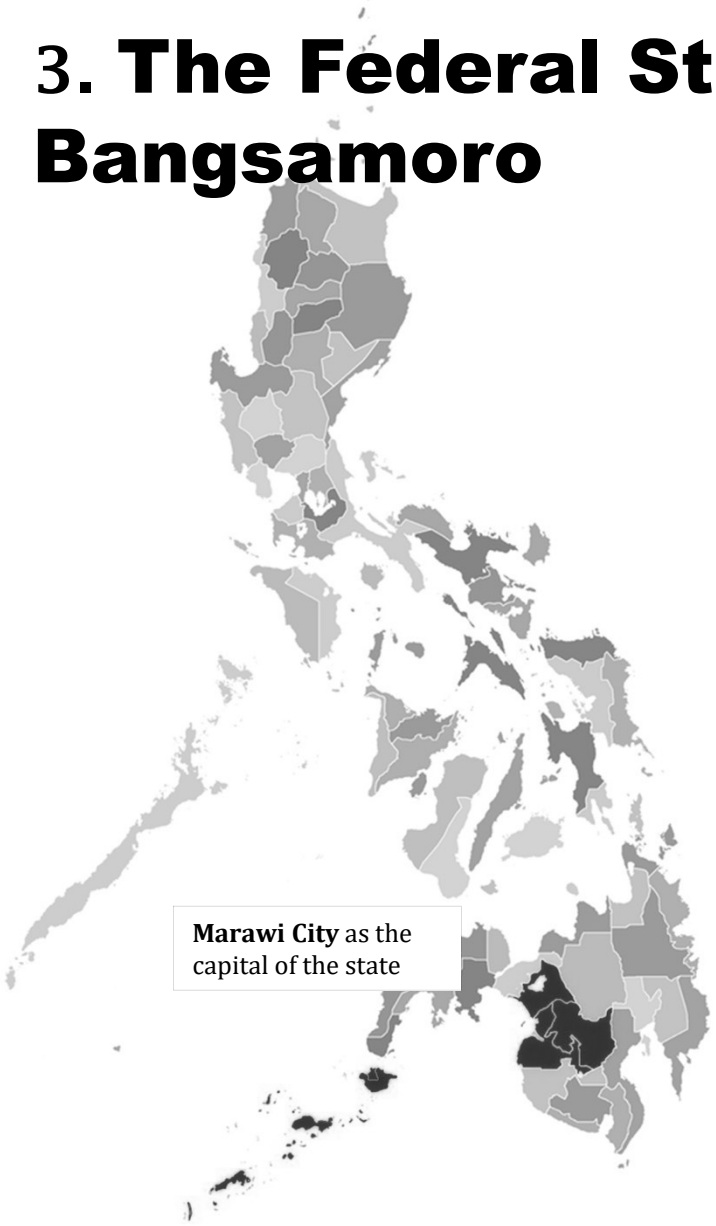
3. The Federal State of Bangsamoro covering:

No. of Provinces*	No. of Cities	No. of Municipalities	No. of Barangays
5	4	116	2,572

COMBINED TOTAL POPULATION = 3,256,140

COMBINED TOTAL LAND AREA = 3,351,142ha

3. The Federal State of Bangsamoro



PROVINCES

- Lanao del Sur
- Maguindanao (Shariff Kabunsuan)
- Basilan
- Sulu
- Tawi-Tawi

CITIES

- Isabela
- Lamitan
- Marawi
- Cotabato

A PROPOSED CHANGE ON THE BANGSAMORO FEDERAL STATE

Two Federal States for the Bangsamoro peoples:

One Federal State for the Mainland Muslims of Mindanao (Maranaws, Maguidanaos, and sub-tribes), and

Another Federal State for the **Off-Shore Islands Muslims** (of Basilan, Sulu and Tawi-Tawi)

Why Bangsamoro Federal State is vital to the nation

- The secessionist movements of the various Moro groups started since the Spanish colonial era.

- The secessions cannot be solved permanently by force.

- The suggested solution: Federalize the country and convert the present Autonomous Region of Muslim Mindanao into a Bangsamoro Federal State.

THE ADOPTION OF THE SHARIAH AS A LEGAL BASIS FOR THE SETTLEMENT OF DISPUTES SHOULD CLEARLY PROVIDE THAT IT APPLIES IN THE BANGSAMORO ENTITY ONLY WHEN THE LITIGANTS INVOLVE MUSLIMS.

But, when cases involve Muslim vs a Christian or a Lumad even in the territorial jurisdiction of the BangsaMoro, national law will apply.

The same rule will be followed in the BangsaMoro if the litigants are Christians vs Lumads or vice versa.

Add SABAH

- As a part of the Republic's territory.
- But let's assert our claim to Sabah peacefully and in accord with the internationally-accepted principles of settling disputes by the UN, ASEAN, and other international organizations

Sabah belongs to the Philippines

- Sabah is only 217.9 miles or 350.67 kilometers from Bongao, Tawi-Tawi.
- Sabah is ours. Not Malaysia's.
- Filipino population: 1.5 million (est. 2013)

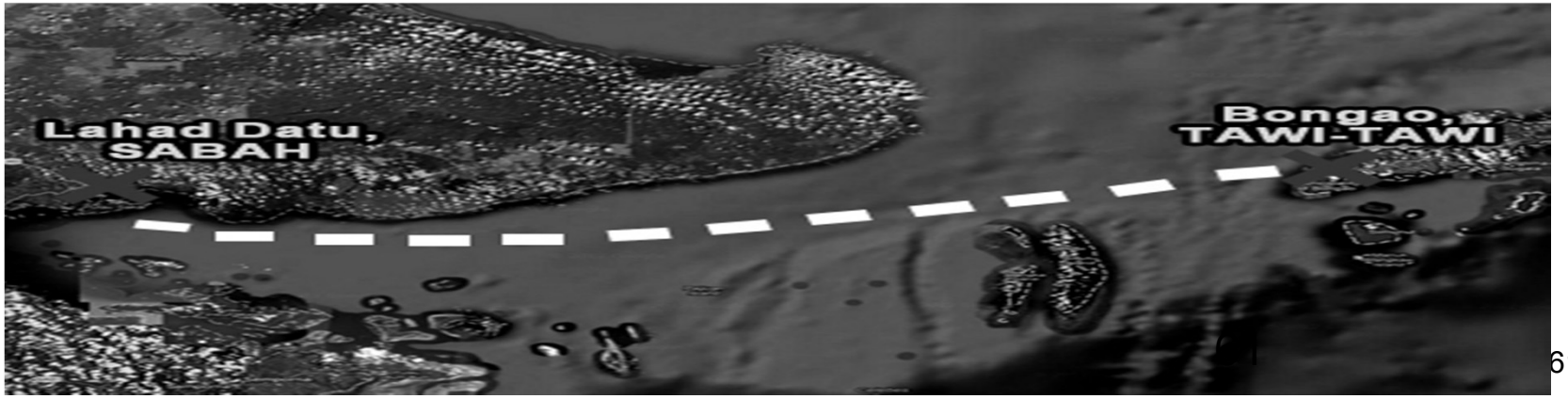
RP's OWNERSHIP OF SABAH

Based on historical fact.

Sabah was given to the Sultan of Sulu as his reward for assisting the Sultan of Brunei to repel his enemies in the 17th century.

The Sultanate of Sulu had authorized the Philippine Government to pursue the claim. Sometime during the martial law years, Marcos relinquished the claim back to the heirs.

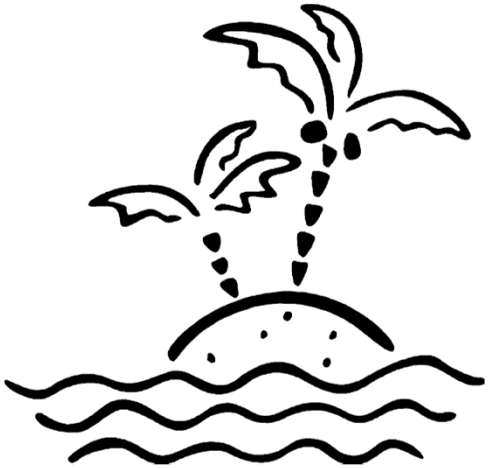
The present Sultan of Sulu wants the claim reinstituted by the government with the heirs having certain rights over the property once recovered.



SABAH MAY BE CONVERTED INTO ANOTHER FEDERAL STATE OF THE NATION

FEDERALIZED RP BOUNDARIES

National Territory, defined



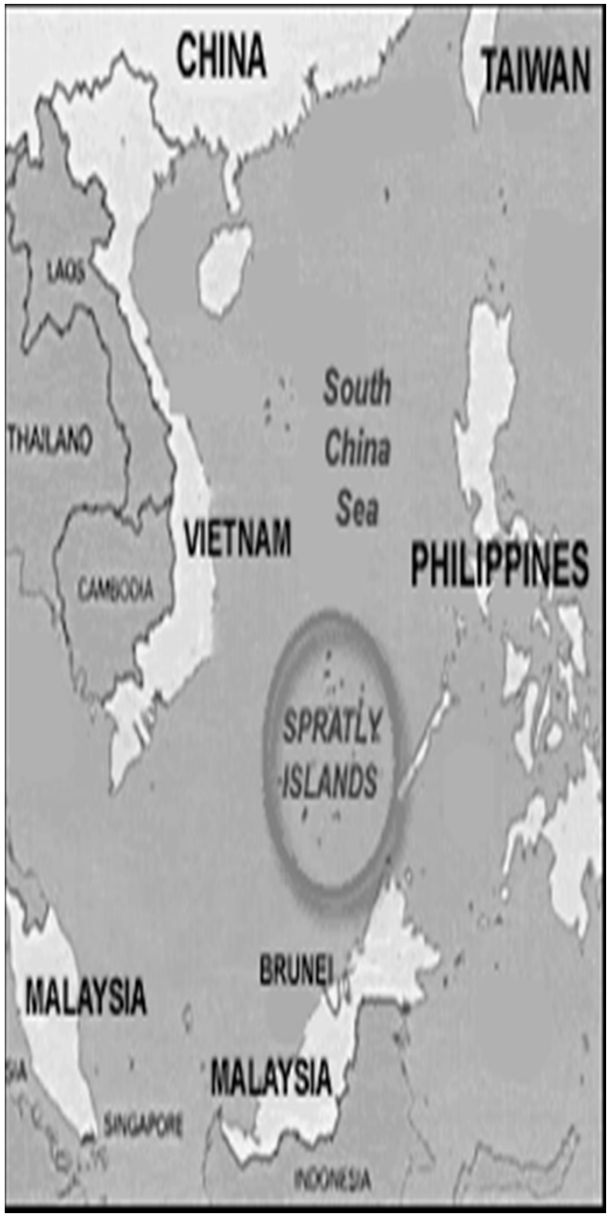
The territory of the Federal Republic should also unequivocally include two previously ambiguously claimed islands, reefs or shoals: the Scarborough reefs, and Kalayaan Islands.

Federal State boundaries will expand present regional boundaries.

The Federal States should be constituted out of bigger political territories to provide the environment for competitiveness and sustainability rather than create them out of provinces that in many instances might simply be too small to survive as Federal States.

*Include Kalayaan

- Group of islets, shoals, cays, and reefs mostly inhabitable is now a **municipality of Kalayaan..**
- It has one barangay: Pagasa.
- It is 519 kilometers from Palawan.
- It is ours by right of discovery and occupancy
- Inhabitants – more than 300 civilians, including children.
- **It's newly elected mayor in the 2016 elections is Roberto del Mundo, who beat two-term Mayor Eugenio Bito-Onon, Jr.**



MORE ON KALAYAAN

- SIDELIGHTS ON THE ELECTIONS IN KALAYAAN MUNICIPALITY:

- Retired Air Force Sgt. del Mundo received 142 votes;

- Bitoonon got 59 votes, and the third candidate for mayor,

- Retired Navy Commander Rodrigo Jaca, 28 votes.

Include Scarborough Shoal

- The shoal is barely 124 nautical miles away from Masinloc, Zambales, and is within our 200 mile exclusive economic zone.
- It is 550 nautical miles away from Hainan Island, the closest Chinese territory.

PRESIDENTIAL FORM, MAY BE RETAINED UNDER FEDERALIZED RP

- **A president and a vice president will be elected nation-wide.**
- **Qualifications, the same as in current Constitution except for their educational qualifications.** (At least, Baccalaureate Degree Holders from Colleges recognized by the Government)
- **The president and the VP will be elected as a team.**
- **Terms: 6 years without reelection.**
- **Term Limits under current Constitution are intended to apply to those who had been president**

BICAMERAL FEDERAL CONGRESS

The Federal Congress will have two Houses:

(1) The Senate whose members will be elected by State, and

(2) The House of Representatives whose members will be elected by district.

POWERS in general: Enact laws for the governance of the Federal Republic

Increasing Number of Senators

Every State shall be represented by six senators elected by the qualified voters in state-wide elections. 12 x 6 = 72 plus 6 for Metro-Manila = 78 + 9 overseas senators = 87.

Justification for the increase

The 24 senatorial limit was based on a Philippine population of 20 million or so. Now we are roughly 104 million. The increase in the number of senators (and of the members of the House) may be justified by the rise in our population.

OTHER COUNTRIES WITH LESS POPULATIONS HAVE LARGER SENATES

Moreover, as the next slide shows, compared with the Philippines, many countries with far less populations have more representatives in their upper chambers.

10 NATIONS WHOSE UPPER LEGISLATIVE CHAMBERS HAVE MORE LEGISLATORS THAN OUR SENATE

Country	Population	Members/ Upper Chamber
(1) UK	64.60 million	797
(2) France	64.67 million	348
(3) Italy	59.80 million	315
(4) Spain	46.06 million	266
(5) Egypt	93.39 million	245
(6) Thailand	68.15 million	250
(7) Ethiopia	101.85 million	112
(8) Australia	24.31 million	76
(9) Malaysia	30.57 million	70
(10) Ireland	4.72 million	60

THE FEDERAL STATES
(Composed of the different Provinces)

FEDERAL STATE GOVERNOR AND FEDERAL VICE GOVERNOR

(Elected by the Federal State)

FEDERAL STATE LEGISLATURES

(Representatives from every Provinces/Highly Urbanized Cities/ Sectoral groups)

PROVINCES

(Provincial Governor/Vice Governor/Provincial Council Members

CITIES

(City Mayor/Vice Mayor /City Council Members

MUNICIPALITIES

(Municipal Mayor/Vice Mayor/Municipal Council Members)

BARANGAYS

(Barangay Captain/ Barangay Council Members)

EVERY FEDERAL STATE WILL HAVE OWN GOVERNOR & VICE-GOVERNOR

Qualifications	✓ **Natural born citizen** ✓ **A registered voter of any province, city, municipality or barangays of the State** ✓ **At least, a graduate of a public or private high school recognized by the government** ✓ **At least, 30 years of age on the day of the election, and an actual resident of the State for, at least 5 years immediately prior to the election.**
Term of Office	✓ **Shall serve for no more than three consecutive terms of 4 years each which shall begin at 12 noon of the 30th day of June next following the day of their election and shall end at noon of the same day 4 years thereafter**
Manner of Election	✓ **Shall be elected by the qualified voters of the provinces, cities, municipalities and barangays located in the State.**

There will still be Provincial Governors, City or Municipal Mayors and other local government officials.

STATE LEGISLATORS

- Every State will have a Unicameral State Legislature.
- Three State Legislators will represent every province and city in the State Legislature.
- Elected by their peers in the Sangguniang Panlalawigan and Sangguniang Panlungsod respectively.
- Three Sectoral Representatives will represent farmers, fisher folk & senior citizens for every province and city in the State Legislature.

POWERS in general: Enact laws for the governance of the State

SUPREME COURT STRUCTURE, RETAINED

The Supreme Court is retained including its powers, other than over constitutional issues.

The Supreme Court supervises all lower courts: Intermediate Appellate Court, Sandiganbayan, Regional Trial Courts, the Shariah Courts, City & Municipal Court.

All the courts shall have constitutional deadlines to meet in rendering their decisions

CONSTITUTIONAL COURT CREATED TO RULE ON CONSTITUTIONAL ISSUES:

- ✓ Same qualifications as Supreme Court justices.

- ✓ Branches located on site: **ONE EACH** in Luzon, Visayas and Mindanao.

NUMBER OF JUSTICES PER BRANCH OF CONSTITUTIONAL COURT:

- ✓ **FIVE (5) FOR EACH BRANCH.**

SHARIAH COURTS

- SHALL BE RETAINED.
- OTHER MEANS OF SETTLING DISPUTES IN ACCORD WITH THE CULTURE AND TRADITION OF TRIBAL MINORITIES SHOULD BE RECOGNIZED

DEADLINES FOR DECISIONS

Supreme Court	2 years from filing
Court of Appeals	1.8 months from filing
Sandiganbayan and other appellate courts	1.8 months from filing
RTC	1.6 months from filing
City and Municipal Courts	1 year from filing

Should be strictly enforced to ensure delivery of speedy justice.

DEADLINES FOR SHARIAH AND OTHER TRIBAL COURTS

- ✓ SHOULD ALSO BE FIXED TAKING INTO ACCOUNT TRIBAL CUSTOMS AND TRADITIONS AND THE NEED FOR JUST AND SPEEDY JUSTICE

- ✓ **DELAY IN DELIVERY OF JUSTICE TO LITIGANTS IS ONE OF THE MAJOR ILLS OF OUR JUSTICE SYSTEM**

PROPOSED LOCATIONS OF THE COURTS:

- **Supreme Court and Constitutional Court divisions should be located aside from Metro-Manila also in suitable places in Luzon, Visayas and Mindanao.**

- **Intermediate Court of Appeals divisions should be permanently assigned to every State;**

- **Sandiganbayan divisions should hold offices in specific areas in Luzon, Visayas and Mindanao aside from its office in Metro-Manila;**

SEATS OF POWER, DISPERSED

The seats of power of the major branches of government will be dispersed.

The Federal Executive Department will hold offices in the Federal Administrative Region of Metro-Manila.

The Federal Legislature will hold office in the Federal State of Central Visayas.

The Federal Supreme Court, and the Constitutional Court will hold their main offices in the Federal State of Northern Mindanao.

An example of a government that has mandated the location of the three major divisions of government is South Africa.

Executive Department is in Pretoria

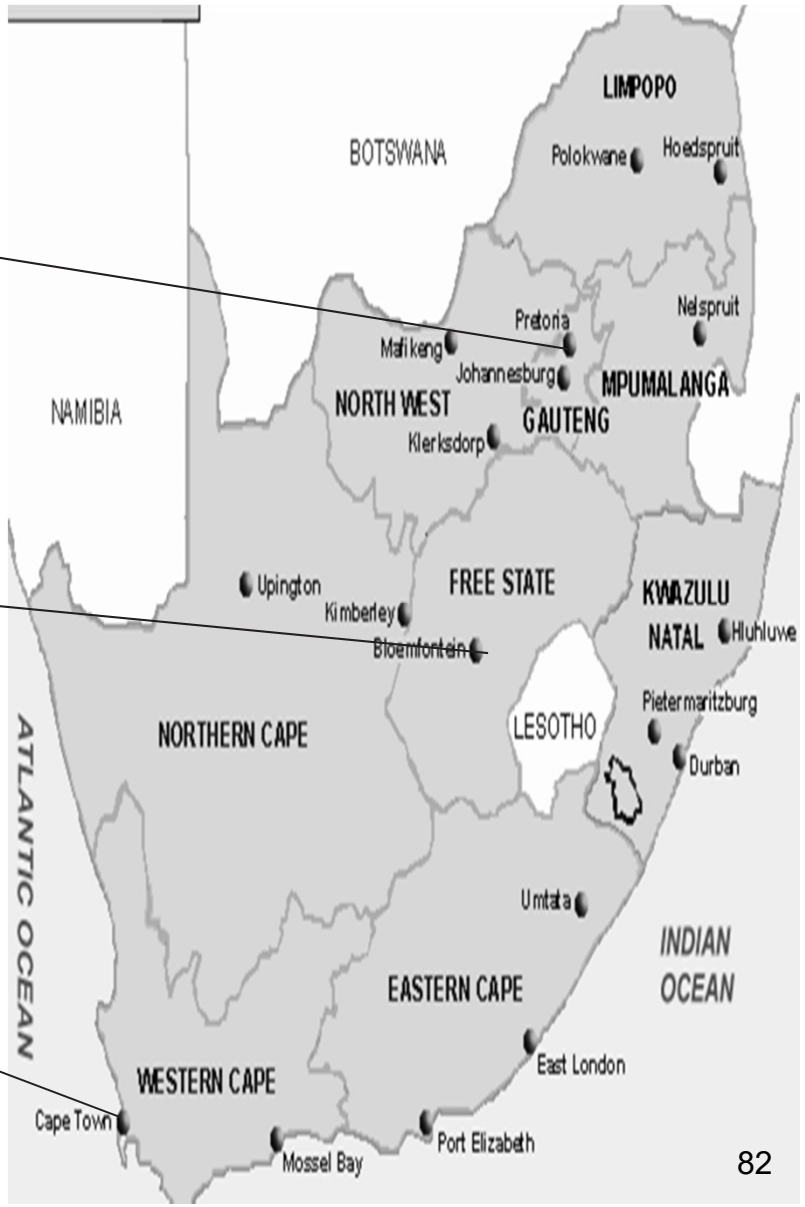
Distance between Pretoria and Bloemfontein is *424.87 km*. or *264 miles.*

Supreme Court is in Bloemfontein

Distance between Bloemfontein and Cape Town Bloemfontein is *911.81 km*. or *566.57 miles*

Legislative Department is in Cape Town

Distance between Cape Town and Pretoria is *1,457km*. Or *912 miles.*

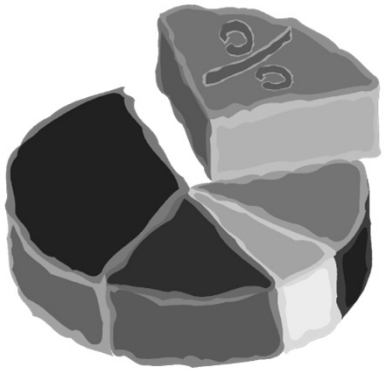


LGU's, Intact

- ✓ **The powers and structures of provinces, cities, municipalities, and barangays are untouched.**
- ✓ **It is up to the Federal States to change LGU structures and powers subject to the approval of the voters in the areas affected in plebiscites called for the purpose.**
- ✓ **SAME QUALIFICATIONS for regional and local officials except for educational requirements.**
- ✓ **It may be time to require more educational qualifications of our public officials than just the ability to read and write.**

LGU SHARES, INCREASED

Despite the increase of senators (and members of the House), the revenue shares of the Federal States and the LGUs will increase.



In allocating the resources of the Republic, all revenues shall be the basis, not only taxes collected by the Bureau of Internal Revenue. The sharing percentages shall be as follows:

Percentage	Share of
20 %	Federal Government
80 %	States

SHARING OF 80% BETWEEN STATES AND LGUs

Percentage	Share of
30 %	State Government
70 %	Provinces, Cities, Municipalities & Barangays

Under this formula, the shares of the provinces, cities, municipalities and barangays will be bigger than what is currently provided for under the local government code.

ALLOCATION OF FUNDS SHOULD ENSURE THAT VITAL NEEDS NOT ONLY OF THE MAJORITY SECTORS OF SOCIETY, BUT ALSO OF TRIBAL MINORITIES ARE PROVIDED FOR.

STRICT ACCOUNTING PROCEDURES SHOULD ACCOMPANY THE ALLOCATION OF MORE FUNDS TO THE LGUs.

Federal States

Equalization Fund

To address the reality that not all the Federal States are born equal in terms of resources and opportunities, an equalization fund administered by the Federal Government to assist States in dire need of development funds should be created.

The Federal States should be represented in the authority administering the Equalization Fund.

LOAN COMMISSION

•To ensure that foreign loans of the country are faithfully paid, a Loan Commission is created.

The Federal Government and every State should be represented in the Commission.

At least, one-fourth of the members of the Commission should come from Qualified NGOs.

Equitable shares of the loan repayments will be borne by the States that benefited from the loans

Political & economic objectives

To enable our participants to air their concerns, let me conclude this statement with this thought: the federal system is meant to accomplish, at least, two major things:

1. Cause the speedy development of the entire country by unleashing the forces of competitiveness among the *States*, and

2. Dissipate the causes of rebellion in the country and particularly in Mindanao.

The move to federalize the country is not simply a 'political' undertaking it is also an economic effort. By creating 11 (or more) Federal States and by converting Metro-Manila as a federal administrative region, we immediately establish 12 centers of power, finance and development throughout the country.

Under the unitary system that has characterized the government for centuries we only had one center of power, finance and development: Metro-Manila.

REDRESSING GRIEVANCES OF CENTURIES

The federal proposal will hopefully provide a just and lasting redress for the centuries-old grievances of the powerless and the neglected sectors of society, like the Moro peoples of Mindanao and the Lumads.

By federalizing the Republic, the States will concretely address the needs of their component sectors more easily.

And in the case of the Moro peoples, their own federal state would conceivably enable them to run their state government according to their customs and traditions subject, of course, to the norms of modern democratic governments.

How would the federal system be adopted?

By revising the Constitution through any of the three ways mandated by the basic Charter, itself:

(1) **Constitutional Convention** where provincial or city delegates elected by the people throughout the nation would perform the revision; or

(2) **Constituent Assembly** where the members of the House and of the Senate would do it; or

(3) **People's Initiative** where, as the term implies, the voters, at least, 12% of them, all over the land would adopt a petition to revise the Constitution.

But, whatever the mode of revising the Constitution as mentioned above is resorted to, the change must be approved by the people in a **PLEBISCITE**.

THANK YOU