

Beg Your Pardon? The Philippines is Already Federalized in All but Name

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Abstract

Renewed calls by President Rodrigo Duterte and his supporters for a shift to a federal system have raised questions about the defining features of a such federalized political system. The federal form of government is essentially constituted of a government for the entire federation (the national) and a set of governments of the constituent or federated units (the local). Given this broad understanding, different political constitutions can be arranged along a decentralization continuum according to the degree of independence, power, and control exercised by the national government over the local governments. Few constitutions lie at either extreme, while the vast majority of political systems are somewhere in between. The Philippines has adopted and practiced the principles of local autonomy, decentralized government and people empowerment since 1986. The country's political system lies somewhere within the spectrum of decentralization. A closer examination of the existing political arrangements contained in the 1987 Constitution, the Organic Act of 1989, and the 1991 Local Government Code (LGC), as well as the actual implementation in certain areas of such formal statutes are sufficient indicators of an operative quasi-federal system in the country in ways that move away from a strictly unitary political system. The challenge is to foster greater and more sustainable local autonomy and popular empowerment practices that are already protected and held sacred by existing constitutional and statutory mandates.

Keywords: Federal system, decentralization, Local Government Code

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Introduction

The Philippines is often referred to as a country that operates within a unitary system of governmental administration. In general a unitary state is one where the central or national government has supreme power and authority over all its constituent or local units. The unitary system that operates in the Philippines has been derided and described by its critics as one that emphasized the dominance and centrality of an “imperial Manila” over the entire archipelago. Local governments have not been empowered enough to be able to promote regional interests. The popular narrative is that Manila (or the central government) enjoys a disproportionate amount of political, economic, and socio-cultural control and dominance over the rest of the archipelago and creates a sense that regions outside of Metro Manila are being marginalized (Lasco 2015). In the midst of this resentment over Manila’s control and domination of the rest of the archipelago comes the call for a shift to a federal system of government. However, such calls for a federal shift need to be placed in the proper context of the historical calls for greater local autonomy especially for people in the margins.

The roots of such a narrative of the marginalization of Mindanao and the “imperialization” of Manila are wide and deep. When the Spaniards arrived and settled in the Philippines in the 17th century, they found the southern part of the archipelago to be inhabited by well-organized and entrenched Muslim communities. Spanish military campaigns to subjugate Mindanao met strong resistance from the Muslims. The Americans who came in the late 19th century fared no better in their military campaign to subjugate the Muslims although they did modify their approach to the Mindanao question by creating an administrative structure that allowed for the management of these non-Christian tribes (including the non-Muslim Lumads of the south and the Igorots of Northern Luzon) under the control first by Americans and later by Filipino (both Christian and Muslim) provincial and municipal authorities (see May 2007). The Americans had recognized the need to establish and strengthen arrangements with the local leadership including Muslim datus in Mindanao. The seeds of imperial Manila had been sown. Americans were seen to exercise control over local politicians, but were eventually replaced by Filipino politicians based predominantly in Manila.

With the advent of the Philippine republic in the 1950s, however, Mindanao became a land of opportunity for the Christians who dominated the archipelago. Large numbers of Filipinos from Luzon and the Visayas began to settle in Mindanao, eventually leading to the displacement of the Muslims and Lumads in the 1960s (see Tigno 2006).

Voluntary, systematic, and large-scale migration to Mindanao from other parts of the archipelago began in the early part of the 20th century. More specifically, this would have to do with the land ownership and resettlement of Mindanao by migrants from Luzon (specifically the Ilocos region located in northern part of Luzon island) and the Visayas (specifically Cebu). The resettlement occurred at such a large scale that, today, there are now three main clusters of population groups found in Mindanao – the Lumads or indigenous peoples of Mindanao; the Moros; and the succeeding non-Mindanao (and predominantly Christian) settlers from the Visayas and Luzon. (Tigno 2006: 27)

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The campaign to subjugate Mindanao took on the form of minoritizing and marginalizing the Muslims. As a result, the Muslims and Lumads were dispossessed of their ancestral lands (see Aquino 2009), leading to widespread grievances and a deep sense of resentment against the national administration in Manila.

The seeds of the narrative of imperial Manila started to grow by the 1960s and 1970s with the resurgence in Muslim resentment and the violent resistance to their minoritization and marginalization. It is in this context that demands for autonomy need to be seen. However, the historical calls for greater autonomy from the margins have not fallen on deaf ears. The Americans, in creating a Bureau of Non-Christian Tribes, had recognized the need to grant greater levels of autonomy and self-rule on the part of the Muslims of Mindanao without resorting to the break-up of the nation as a whole. In the wake of the People Power uprising against authoritarian rule in the late 1980s, an organic act established the Autonomous Region for Muslim Mindanao (ARMM). But there seems to be scant evidence to show that local autonomy has worked in the Philippines.

This is where the clamor for a federal shift comes from. For over a decade now, there have been calls to shift to a federal system of government. Those who argue in favor of a shift say that a federal system is better equipped to address many of the long-standing problems of the country, ranging from insurgency to poverty in peripheral areas. They contend that a federal system would empower those in the margins to take charge of their future and would reduce the domination of the central government. Essentially, the argument for a shift to a federal system stems from the resentment of and opposition to the historical marginalization of Mindanao and as a more acceptable alternative to outright separation (May 2007).

In her fifth State of the Nation address (SONA) in 2005, former President Gloria Macapagal-Arroyo argued that “the economic progress and social stability of the provinces, along with the increasing self-reliance and efficiency of political developments and public services there, make a compelling case for federalism.” She subsequently created a consultative commission to study proposals for amending the provisions of the constitution towards a shift from the current presidential-unitary system towards a parliamentary-federal system of government. More recently, President Rodrigo Duterte revived such calls for a shift to a federal system in his first SONA in 2016, advising the people to “maintain a federal system.” Other politicians and scholars later followed suit. Rep. Joey Salceda contends that “federalism will promote political security in troubled areas of the country, and achieve peace and political and economic stability” and would “allow the autonomous regions to reach their full economic potential” (Nunez 2016). Echoing the same sentiments, Prof. Alex Brillantes points out that “federalism [is] the next logical step to the evolution [in that] it will push the envelope for empowering our subnational governments” (Gavilan 2016).

But for all the hoopla and hype associated with the shift to a federal system, there is the overriding concern that the value of the initiative has been largely unsubstantiated.

[T]here is no clear evidence in the Philippines experience either that democracy provides a receptive environment for federalism (except that the Philippines brand of democracy has facilitated debate on the subject and left open the

possibility of future progress towards an asymmetric federalism) or that decentralization has fostered greater democratization. (May 2007: 174)

Indeed, the argument that the problem lies in imperial Manila has not really been sufficiently and intelligently examined (Lasco 2015). In much of the arguments for the shift, one finds an implicit assumption that the federal system is superior to the unitary system, a concept that remains empirically unproven. Calls for a federalist shift have been described as “wishful thinking” (Pilapil 2016) and reads “more like statements of faith than reasoned arguments” with little evidence provided insofar as the experiences in other countries are concerned (May 2007: 183). What is it in the current (unitary) system that would require

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a drastic overhaul? Most importantly, in the context of the extensive degree of decentralization since 1991, is there even a significant divide now between the federal and unitary systems as these apply in the Philippine case?

This paper argues that the dichotomy being established between the unitary and federal systems is a false one in the Philippines. The extensive nature of decentralization and autonomy framework adopted in the Philippine constitution of 1987 as well as the Organic Act Establishing the

ARMM in 1989 and the Local Government Code of 1991 can no longer support the argument that the country is still operating under a strict or pure unitary system. The problem lies not so much on the principle of the framework of decentralization and autonomy but on its actual operationalization (Bacani 2004). This paper will show that, short of calling it by that name, the Philippines already effectively operates under a federalized or decentralized system where the principles of local autonomy and popular empowerment are enshrined.

Legal and Behavioral Approaches to Federalism

Federalism can be understood from varied perspectives but for the purpose of explaining it in this paper, the term can be used either in its formal institutional-structural sense or from a behavioral perspective (see He, Galligan, and Takashi 2007). A unitary system means that sovereignty lies exclusively or solely within the central or national government. Any powers to be exercised by local units can only be exercised upon the exclusive discretion of the national authority. However, the extent of power and control of the central government is not so clear in practice, creating a gray area between unitary and federal systems.

[T]he location of sovereignty is rarely an adequate guide to political realities and unitary government is not necessarily centralized in its operations. Indeed in the 1990s, many unitary states attempted to push responsibility for more functions (including raising money from the tax-payer) on to lower levels. In practice, unitary states, just like federations, involve constant bargaining between levels of government. (Hague and Harrop 2001, 208)

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Whether from a formal constitutional or behavioral perspective, the federal system provides an alternative to the unitary system. Federalization can prevent fragmentation and disintegration of the national community in the midst of ethnic, political, as well as socio-economic disparities but at the same time foster people empowerment.

From an institutional perspective, federalism is seen to be integral to the formally worded constitutional or legal system of a country. Within such a perspective, federalism is simply and briefly defined as a political system characterized by two institutionalized sources of public organization and control—the federal or national government and its constituent or local, state, or provincial government units—whose powers are defined and shaped by the words in the constitution. William Riker is one who adopts this formal institutionalism framework for federalism.

The essential institutions of federalism are... a government of the federation and a set of governments of the member units, in which both kinds of governments rule over the same territory and people and each kind has the authority to make some decisions independently of the other. (Riker 1987, 9)

Within such a perspective, the federal system provides a shared sense of sovereignty between these two tiers of administration—the national and local administrative units—where two layers of government are formed within a country with specific functions assigned to each: the central federal government that is typically responsible for defense, foreign relations, immigration, and common currency and the local governments which are expected to perform all other functions and are able to exercise residual powers not covered by the central government as provided for or guaranteed in a country's basic laws.

The rule for identification is: a constitution is federal if 1) two levels of government rule the same land and people, 2) each level has at least one area of action in which it is autonomous, and 3) there is some guarantee (even though merely a statement in the constitution) of the autonomy of each government in its own sphere. (Riker 1987, 13)

Vernon Bogdanor also adopts a similar institutional perspective in defining federalism as a “form of territorial organization in which unity and regional diversity are accommodated with a single political system by distributing power among general and regional governments in a manner constitutionally safeguarding the existence and authority of each” (Bogdanor 1987: 228).

However, in actual practice there can be numerous approaches to federalism; the wording provided in the constitution and the subsequent practice of it become crucial parameters for determining the extent of a country's federal status. The emphasis is on practice and behavior that can be independent of what is provided for or how it is worded in the constitution. Another way to determine the extent of federalism is through the observation of the behaviors and practices of political institutions. Indeed, it is very likely that there is a significant gap between constitutional form and constitutional reality. It may even be the case that local governments actually hold and do exercise greater powers than what the constitution provides for (Schulz 1979). It can also be the case that a constitutional unitary state may actually operate in a federalized or quasi-federal fashion and vice versa.

Beautifully written constitutional provisions of federalism are often ignored in practice, while some unwritten practices surprisingly reveal certain federal features. (He 2007: 8)

For instance, Indonesia is a declared unitary system but the ways in which the country has embraced the principles of decentralization and local autonomy would lead one to think that it is already operating within a quasi-federal system. Pakistan and Malaysia are declared (i.e., constitutionally-prescribed) federal systems but each has a highly centralized national government administration that proscribes real autonomy and local initiative in practice.

Instead of looking at the federal and unitary systems as polar opposites, it is possible to examine different political systems based on the extent to which they have adopted federal or quasi-federal qualities as enumerated above. Riker uses a continuum between minimum and maximum federalism. Minimum federalism is when “the ruler(s) of the federation can make decisions in only one narrowly restricted category of action without obtaining the approval of the rulers of the constituent units,” while maximum federalism is when “the ruler(s) of the federation can make decisions without consulting the rulers of the member governments in all but one narrowly restricted category of action” and that “those which are closer to the maximum than to the minimum are described as centralized, whereas those closer to the minimum than to the maximum are peripheralized” (Riker 1987: 9 – 10).

Federalism is a way to address the problems associated with geographically and/or demographically large or enlarging governments as the main effective alternative to so-called imperial dominions (Riker 1987, 6; Mendoza 2016). In practice, the federalist project is “a bargain between prospective national leaders and officials of constituent governments” (Riker 1987, 12). Aside from constitutional formality, balance between government entities becomes crucial to the actual practice of federalism.

It is essential to achieve a certain balance between unity and diversity (or autonomy) in any move toward federalism. Federalism presupposes two things: the maintenance of unity and the satisfaction of the desire of minorities. The federal solution fails if it does not satisfy the desire of minorities or if it does not maintain the unity of the state. (He 2007: 10)

The actual relationship (beyond what is provided for in constitutional wording) between the two tiers of government involves a somewhat negotiated compact (among the federated states) to pursue a common interest, such as provide for national defense and allow for the propagation of a common market. It would be impractical for individual states to provide for their own defense when they can more effectively and efficiently do so as part of a federation of other states. This is how the United States of America emerged as the small, separate colonies or (eventually) states felt they stood a better chance of meeting external threats as one consolidated entity. Another reason for federating is to be able to maintain a common market. Overcoming ethnic diversity is also another driver to federalize, although the institution of such a federal system cannot magically “create unity in diversity” (Atienza 2016). The early American federalists sought a federal system in order to protect the rights of individuals and ensure greater self-government (Mendoza 2016). There is clearly no single best way to federalize.

Finding Federalism in the Unitary Philippine State

Although the 1935 Philippine Constitution was heavily patterned after the US Federal Constitution, the country did not adopt a federal system of government owing perhaps to the strong executive leadership exhibited by Manuel Quezon at the time. Instead, political power and control became centralized in a national government headed by a strong national chief executive, not only in executive departments and bureaus but also in relation to local governments. The same can be said about the 1973 Constitution promulgated during the period of autocratic rule by Ferdinand Marcos. However, it remains to be seen whether the Philippines can still be located within a pure form of the unitary system today.

The nature and character of the national legislature being conceived for the country is another factor in determining the extent of federalism in a country. The Philippine constitution provides for a bicameral national legislature. Having a lower chamber can create a balance between national, regional, and local interests—a quality essential to a federal system.

In a federal system a second chamber can promote national unity in that members of the second house can bring and balance regional interests into federal politics, act as a check on executive federalism and force the government to listen to the voice of minority parties that may soften a central government's extreme position. (He 2007: 5)

The 1987 Constitution has set the tone for moving away from a pure unitary system. Inasmuch as the country continues to be popularly referred to as being unitary, the 1987 Constitution no longer has a strong national executive. Instead, the present constitution provides for a “democratic and republican State” where “sovereignty resides in the people and all government authority emanates from them” (Article 2, Section 1). The present constitution no longer advocates a strong national executive in relation to local government units. The constitution limits the powers of the president to “general supervision over local governments” (Article 10, Section 4). Former Supreme Court Associate Justice Vicente Mendoza points out that this constitutional provision effectively had “reduced the President’s power over local governments” to simply a matter of “general supervision” (Mendoza 2016) and one that does not actually specify full or overriding control on the part of the national chief executive.

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Local autonomy is guaranteed in the constitution. The constitution provides that “the territorial and political subdivisions” of the country “shall enjoy local autonomy” (Article 10, Section 2). Although the presence of an autonomy principle in the constitution does not automatically make the Philippines a federal system, it does show that an essential prerequisite to a federal set-up had already been established. Autonomy in itself may not be sufficient but it is a necessary component of a federal system.

Autonomy is not equivalent to federalism, but constitutionally defined and guaranteed autonomy can be seen as a component in a federal structure, or a feature of asymmetric federalism, or at least quasi-federal practice. (He 2007: 7)

It is this sense of autonomy that is key to the substantive decentralization exercised by local governments, not unlike a federal system. Moreover, the constitution not only safeguards but also actually details the extent of autonomy of local governments which cover the areas of administrative and (more importantly) fiscal spheres. Local governments are guaranteed a share of the national taxes.

Each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees, and charges subject to such guidelines and limitations as the Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local governments... Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them... Local governments shall be entitled to an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas, in the manner provided by law, including sharing the same with the inhabitants by way of direct benefits. (Article 10, Sections 5-7)

Numerous instances abound during the deliberations among the members of the Constitutional Commission that drafted the 1987 constitution in which the federal question was taken up. It is evident in these instances that the framers of the 1987 constitution were well aware of the iniquitous political arrangements under the autocratic rule of the past and had sought to correct the asymmetrical relations between the national and local governments but short of making the actual shift to a federal form of government.

The members of the 1986 Constitutional Commission had discussed the matter of shifting to a federal system but decided instead to grant more powers to local governments. The framers of the constitution were apprehensive about establishing a federal system for the country, arguing that mandating such a shift would eventually spiral towards different regions asking for independence and splitting the nation apart. Many thought that a certain form of the unitary system was still necessary (despite the negative experience under authoritarian rule) in order to prevent the disintegration of the country. Commissioner Bernardo Villegas was one of those who expressed this kind of apprehension towards a federal system when he said that “we are not yet ready to talk about federalism,” although he did state that he is “very much in favor of what is known as the principle of subsidiarity, allowing local governments to take care of what they can competently solve in their respective regions” (Constitutional Commission 1986a).

Commissioner Ambrosio Padilla was of the same sentiment in relation to adopting a unitary system, but not rejecting outright the local autonomy and decentralization principles. Commissioner Padilla stated that he is “in favor of autonomy to local governments” and that “autonomy means some decentralization of power of the central government” although he is “against the federal system and believes “in the unitary system, but there must be a recognition to local governments for adequate autonomy rather than always resorting to, or depending upon, the central government even for the solution of some local, provincial or

regional problems” (Constitutional Commission 1986a: 52 -53).

Indeed, there was at least a degree of ambivalence among some members of the Constitutional Commission in using the term “federal system” to refer to the arranged form of decentralization and devolution that would later be a hallmark of the 1987 constitution. During the deliberations on what form of government (i.e., whether to adopt the presidential or parliamentary system) the constitution was would take, Commissioner Joaquin Bernas had advocated the need for the local governments to exercise a substantial degree of autonomy in relation to the national government. But when asked if his sense of granter greater regional autonomy was the same as adopting a federal system, he replied as follows:

Local autonomy, as provided for in the 1987 Constitution, strongly implies decentralization to its maximum degree and short of referring to it by name as a federal system.

The name really does not matter. What I have in mind is a system where a central government does not have all the powers; there are certain powers retained by the local governments which may not be touched by the national government. (Constitutional Commission 1986a: 27)

Nevertheless, it was evident in their deliberations that there was a need to decentralize governance and grant local governments greater discretion and autonomy short of calling it a formal shift to a federal system. This was echoed in Commissioner Edmundo Garcia’s statements during the deliberations.

Perhaps, at this moment I am not prepared to go all the way to having the federal form, but the direction we must pursue, I believe, must be towards the decentralized form where relative autonomy is exercised by all the different regions in this country. (Constitutional Commission 1986a: 63)

During the deliberations, Commissioner Blas Ople pointed out that what the members of the assembly wanted was “to establish... a kind of maximum decentralization, short of federalization, at this moment in history” (Constitutional Commission 1986b: 178).

Local autonomy, as provided for in the 1987 Constitution, strongly implies decentralization to its maximum degree and short of referring to it by name as a federal system. Commissioner Florangel Rosario Braid gave her support for the inclusion of local autonomy in the constitution and likewise suggested that the commission “look for another term [for federalism] since, according to political scientists, we can never really use the concept of federalism to describe our kind of decentralization, unlike Germany, the United States and Malaysia which started out as independent states.” She gave her support for local autonomy “because we can never attain people power in a pure form of unitary government” and that the goal was to establish “a devolution of power towards self-management” (Constitutional Commission 1986b: 211).

In addition, the constitution provides all local government units “the power to create its own sources of revenues and to levy taxes, fees, and charges” subject to the limits that Congress may set but still “consistent with the basic policy of local autonomy” (Article 10,

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Section 5). Such provisions are not found in any of the earlier constitutions. Apart from creating their own sources of revenue, local government units are also “entitled to an equitable share, as determined by law, in the national taxes” that are to “be automatically released to them” as well as “an equitable share in the proceeds of the utilization and development of the national wealth within their respective areas” (Article 10, Section 7). Again, these provisions are absent in previous constitutions.

It is evident in the above instances and in the provisions of the 1987 constitution that there was a need to institute local autonomy and decentralization in the country especially after the authoritarian episode. However, the constitutional call to decentralize and grant greater autonomy to local governments fell short of actually referring to such an arrangement as a shift to a federal system due to fears among the commissioners that doing so might cause the republic to spin wildly apart.

The Organic Act creating the ARMM in 1989 follows the spirit of the 1987 constitution. Republic Act 6734 provides for the establishment of a regional government in Muslim Mindanao. Consistent with the 1987 constitution, the Organic Act provides that the president exercise only “general supervision over the Regional Government, including the local government units therein, directly or through the Regional Governor, to ensure that national and regional laws are faithfully executed” (RA 6734, Article 6, Section 1).

Benedicto Bacani observes that there are “there are features in the Organic Law that provide for a higher level of self-determination than in the proposed federal system” (Bacani 2004: 133). The Organic Act mandates that the regional government for ARMM is to:

...exercise powers and functions necessary for the proper governance and development of all the constituent units within the Autonomous Region consistent with the constitutional policy on regional and local autonomy and decentralization: Provided, That nothing herein shall authorize the diminution of the powers and functions already enjoyed by local government units. (RA 6734, Article 5, Section 1)

The ARMM regional government is also mandated to exercise a degree of judicial, fiscal, administrative, and legislative autonomy not unlike the extensive powers exercised by federalized states.

Through the 1991 Local Government Code (LGC), the Philippines operates within a significantly decentralized (or semi-federalized) system of government. The LGC provides an array of powers to local government units very similar to those already outlined in the Constitution. It explicitly declares the sanctity of local autonomy.

It is hereby declared the policy of the State that the territorial and political subdivisions of the State shall enjoy genuine and meaningful local autonomy to

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enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals. (RA 7160 Book 1, Chapter 1, Section 2)

The declaration above conveys several ideas that deserve reiteration. First, local autonomy is the national policy. Second, local autonomy must be both “genuine and meaningful” or, in other words, not merely rhetorical. Third, the goal of local autonomy is the self-reliance of local communities. Fourth, local governments are the partners of, i.e., they are not subordinated to, the national government. This is not an imperial arrangement but an actual partnership provided for by law. The meaningful and substantive extent of decentralization as provided in the LGC is expressed not just along administrative lines but also in economic and fiscal terms.

Local government units have the power to impose taxes to generate revenues by way of taxes on real property ownership, franchise tax, amusement tax, business tax, etc.... Local revenue-generating powers are to be exercised through appropriate local ordinances. (RA 7160 Book 2)

There is no mention above of any overriding power and control by the national government. In this regard, the local governments enjoy a degree of income-generating independence not found in imperial government systems. In addition to their locally generated income, local governments are mandated to receive a share of the national revenue through the internal revenue allotment (IRA) as well as a significant “share in the proceeds from the development and utilization of the national wealth” and from the revenues of any government agency or government-owned or –controlled corporation amounting to 40 percent of gross revenue collection (RA 7160 Book 2, Sections 289 - 291). Moreover, local government budget plans allow for a degree of discretion on the part of local governments (Book 2, Section 305).

Local governments have authority to decide on matters pertaining to public works, health services, social welfare and development, tourism development, telecommunications, environmental protection and management, and agricultural extension, among many others, within their jurisdictions. Likewise, they are also given their own regulatory powers to reclassify geographical areas within their jurisdictions, grant business licenses and permits, accept foreign grants, grant tax exemptions, encourage cooperative undertakings with civil society or with the private business sector, among others. Most importantly, the LGC empowers people’s organizations and civil society, making local governments more transparent and accountable through special or sectoral representation in local bodies, mandatory consultations with communities affected by local as well as national policies and programs, recall against erring local government officials, and the power of the people to directly propose, enact, repeal, or amend any local ordinance through the power of local initiative.

While the legal framework established in the LGC is one that mandates both local and popular empowerment, the actual conduct, as in the Organic Act, leaves something to be desired.

It was noted that provisions for representation of civil society organizations had not always been implemented, that local development councils and other bodies were often ineffective, and that local youth councils were frequently dominated by the children of the political elite. (May 2007: 174; see Turner 1999)

Conclusions

As pointed out in the beginning of this paper, the criticisms surrounding the Philippine unitary system emanate from the notion of an imperial Manila that lords over the rest of the country. An imperial situation exists when it is only the national government that exercises absolute power over all the aspects of life and politics at the local level. Under such circumstances the local governments merely become extensions or instruments of the national government for the latter's own interests. However, that is certainly not the case in the Philippines, at least, on paper. One does not need to look far in locating the quasi-federal characteristics of the Philippine politico-administrative system.

While the framers of the 1987 constitution had their apprehensions about instituting a federal system, they were nevertheless more fearful of reinstating the old style of the pure unitary system. The framers were likewise afraid that any call to federalize would lead to the disintegration of the republic. However, the framers were more afraid of strengthening the national government. The result was a constitution that negotiated for the substantial decentralization of the powers of the national government and provided for local autonomy but retained the unitary system in name.

The truth is that we don't really have a fully centralized unitary government, but one with a decentralized system of local governments. Local autonomy is a constitutional policy and decentralization a constitutional mandate. Both are rights of local governments that cannot be taken away from them. (Mendoza 2016)

Simply put, the Philippines is not an entirely imperial government. The move towards greater autonomy in governance and popular participation in the Philippines can be seen as a step towards the establishment of a system of government in the federalist style. While other countries have embarked on a federal system with a strong central government structure (see He, Galligan, and Inoguchi 2007), the Philippines has decentralized in the direction of a federal form. What can be found in the Philippines is a quasi-federal system of institutional mechanisms ranging from the regional government administrations to autonomous government. Existing political arrangements found in the Organic Act and the Decentralization Code already provide safeguards for local cultures, popular participation in regional politics, as well as the prospects for the pursuit of appropriate local development including fiscal redistribution.

There exists in the Philippines a two-tiered system of political administration: the central government and the local government units. The powers of these tiers are specified in the constitution. The relationship between the two levels is such that one cannot say that the central government has absolute sovereignty over all the local government units. In many cases, the relations between central and local authorities are very much part of a negotiated process. More importantly, the political and economic autonomy of local governments is protected in the constitution and its execution is specified in the 1991 Local Government Code.

Given the current political arrangement, it is safe to conclude that what operates in the Philippines is not a strict unitary system. Decentralization has allowed for the extensive modification of the unitary system to the point that it approximates (but falls short only in

official terms of having) a federalized system of government. Guarantees and safeguards on local autonomy exist in both the constitution and in the Local Government Code. What is now needed is the willingness on the parts of both national local authorities to choose to actually exercise those guarantees in more real terms, politically and socially as well as in fiscal terms. Improving the current decentralized system is better and more cost effective. Changing the constitution and the system of administration in the country can lead to numerous unintended consequences as well as undesirable results (Mendoza 2016).

[F]or anyone familiar with the history of federal experiments in the latter half of the twentieth century, it is difficult to avoid the impression that the advantages claimed for federal over unitary systems read more like statements of faith than reasoned arguments. This is the more so given the long history of unsuccessful autonomy arrangements in the Philippines, and the already high degree of decentralization (at least on paper) prescribed by the amended Local Government Code. (May 2007: 183)

Under such circumstances, it would be better to make the current decentralized system work than to attempt to institute a federal system. Such a federal system would only prove to be superfluous to the current political arrangement in place in the country since 1987. It is much safer and more prudent to simply amend the current LGC. Amending the LGC would be a less costly and risky initiative than shifting to a federal system. In fact, “many of the provisions of the LGC have not yet been maximized” (Atienza 2016). More importantly, the code provides that a review be undertaken by Congress “at least once every five years and as often as it deems necessary, with the primary objective of providing a more responsive and accountable local government structure” (Book 4, Title 2, Section 521). Such a review has yet to be undertaken. Local governments can take the lead in this initiative by identifying areas for improvement in the code, such as the revenue-sharing proportions as well as the revenue allotment formula.

The political system in place today in the Philippines is not a pure unitary system but a quasi-federal or a significantly decentralized unitary system where the powers of the national chief executive are now greatly circumscribed.

In the final analysis, the political system in place today in the Philippines is not a pure unitary system but a quasi-federal or a significantly decentralized unitary system where the powers of the national chief executive are now greatly circumscribed. The autonomous powers enjoyed by local governments are protected by constitutional safeguards and substantiated by the 1989 Organic Act for Muslim Mindanao—a focal point for the drive to federalize today—as well as the 1991 Local Government Code. The lessons in its implementation in the last 16 years have yet to be compiled and reviewed.

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