

Exploring the Hidden Dimensions of Charter Change

Proceedings of the *Banyuhay* Podcast Series
Season 1

6, 9, 13, and 16 December 2024 | 1:00–1:30 PM (PST)
Livestreamed

DZUP, 2nd Floor Media Center Building
College of Mass Communication, UP Diliman

Prepared by Maria Corazon C. Reyes



UNIVERSITY OF THE PHILIPPINES
CENTER FOR
INTEGRATIVE AND
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UP CIDS Proceedings

is published by the

University of the Philippines**Center for Integrative and Development Studies**

Lower Ground Floor, Ang Bahay ng Alumni
Magsaysay Avenue, University of the Philippines
Diliman, Quezon City 1101

Telephone: (02) 8981-8500 loc. 4266 to 4268 / (02) 8426-0955

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ISSN 2718-9295 (Print)

ISSN 2718-9309 (Online)

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"Untitled (Law and Gavel)" by Thu Nguyen's Images

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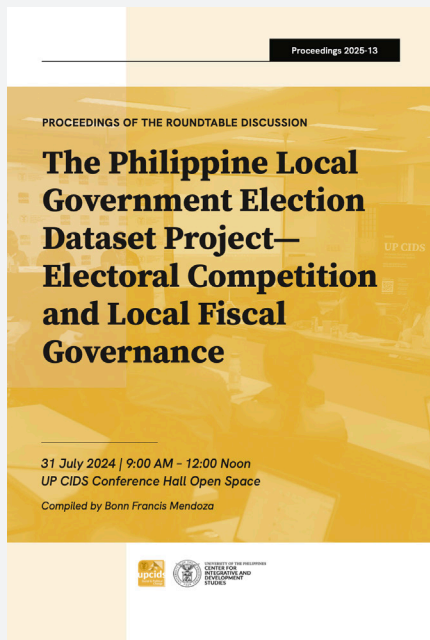
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About the *Banyuhay* Podcast Series





BANYUHAY PODCAST SERIES
**Change,
one conversation
at a time.**

EPISODE 1
**Constitutionalism and
Charter Change**
Professor Dante B. Gatmaytan
LLM, UP College of Law

EPISODE 2
BARMM and Charter Change
Professor Nassef Manabilang Adiong, PhD
*Director II, Bangsamoro Parliament's Policy
Research and Legal Services (PRLS)*

EPISODE 3
**The Political Economy of
Charter Change: Unpacking
the Economic Implications of
Constitutional Reform**
Jan Carlo B. Punongbayan, PhD
*Assistant Professor and Director for
Finance, UP School of Economics*

EPISODE 4
**Decentralization and the
Devolution of Power: Assessing
the Impact of Charter
Change on Local Governance**
Professor Maria Ela Atienza, PhD
UP Department of Political Science

Launches
6 Dec 2024
1:00–1:30 PM

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 bit.ly/banyuhaypodcast

The University of the Philippines Center of Integrative and Development Studies (UP CIDS) Program on Social and Political Change (PSPC) launched its first podcast series, *Banyuhay*.

Banyuhay (metamorphosis) was derived from the Filipino words *bago* (new) and *buhay* (life), symbolizing transformation, rebirth, and change.¹ The podcast's name reflects its core mission of examining and understanding the dynamic processes of social and political transformation in Philippine society.

Just as a butterfly undergoes metamorphosis (*banyuhay*), Philippine society continuously evolves through various social and political changes. The podcast serves as a platform to document, analyze, and make sense of these transformations, whether they manifest in leadership transitions, shifting ideologies, or evolving social norms.

The choice of *Banyuhay* as the podcast title aligns with the Program on Social and Political Change's (PSPC) mandate to provide deeper understanding of the country's social and political challenges. Through carefully curated episodes featuring experts and advocates from various disciplines, *Banyuhay* creates an accessible space for examining complex issues that shape Philippine society and governance.

By choosing *Banyuhay* as its title, the podcast emphasizes that change, whether in governance, society, or individual mindsets, is not just inevitable but can be understood, shaped, and directed toward positive transformation. The name embodies hope that through better understanding of social and political processes, we can work toward meaningful reforms that benefit Philippine society as a whole.

The podcast format also allows PSPC to reach a wider audience beyond academic circles, making complex social and political discussions more accessible to the general public. Through engaging conversations, *Banyuhay* helps listeners understand the forces driving change in Philippine society while exploring potential solutions to pressing challenges.

Through this initiative, PSPC fulfills its mission of producing empirical studies and generating policy discussions at local, national and

1 Komisyon ng Wikang Filipino

international levels, while making these insights accessible to a broader audience through the power of storytelling and dialogue.

This podcast was produced by the PSPC Team namely, Dr. Rogelio Alicor L. Pano, Maria Corazon C. Reyes and Bonn Francis Mendoza. This proceedings was written by Maria Corazon C. Reyes.

Introduction

The *Banyuhay* Podcast Series, produced by the University of the Philippines Center for Integrative and Development Studies (UP CIDS) Program on Social and Political Change (PSPC), explores the complexities of contemporary Philippine politics and society. For its inaugural season, the podcast focuses on the theme “Uncharted Grounds: The Hidden Side of Charter Change,” a timely and critical examination of constitutional reform, commonly referred to as “charter change” or “cha-cha.” This four-part series discusses the often-overlooked dimensions of charter change, moving beyond the surface-level debates on political power and term limits to examine its deeper implications for governance, economy, and society.

Charter change has been a recurring yet contentious issue in the Philippines since the 1987 Constitution was enacted. Despite numerous attempts, public support for constitutional reform has remained inconsistent, and the process has often been mired in political controversy. The *Banyuhay* Podcast seeks to transcend these challenges by fostering a more nuanced and informed discussion on the topic. Through conversations with leading experts on each identified topic, the series sheds light on the motivations, risks, and potential benefits of charter change, offering fresh perspectives on its implications for the nation.

Each episode of the podcast tackles a specific aspect of charter change, providing a comprehensive analysis of its multifaceted nature:

- Constitutionalism and Charter Change – This episode, featuring Professor Dante Gatmaytan, explores the legal principles of constitutionalism and the potential risks of amending the Constitution, particularly in undermining democratic safeguards and fundamental rights.
- BARMM and Charter Change – Professor Nassef Manabilang Adiong discusses the unique challenges and opportunities of charter change for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), focusing on regional autonomy and its integration within the national framework.

- The Political Economy of Charter Change – Dr. JC Punongbayan examines the economic implications of constitutional reform, questioning whether amending the Constitution is truly necessary to address the country’s economic challenges or if alternative policy solutions are more effective.
- Decentralization and the Devolution of Power – With insights from Dr. Maria Ela Atienza, this episode highlights the impact of charter change on local governance, emphasizing the need for stronger local autonomy and equitable resource allocation.

These critical yet underexplored dimensions, is where the Banyuhay Podcast aims to deepen public understanding of charter change and its far-reaching consequences.

EPISODE 1

Constitutionalism and Charter Change

GUEST *Prof. Dante B. Gatmaytan, LL.M.*

Professor, UPD College of Law

HOST *Dennis F. Quilala*

Assistant Professor, UPD Department of Political Science

Professor Gatmaytan expressed his gratitude to Prof. Dennis Quilala and the team for inviting him to the discussion. He noted that this was the first episode of the program, and Prof. Quilala confirmed that it was indeed the inaugural episode. Prof. Quilala expressed his gratitude for having Professor Gatmaytan as the first resource speaker.

Prof. Quilala introduced the topic of constitutionalism, mentioning that Professor Gatmaytan had written extensively about it. He asked the professor to explain the concept of constitutionalism for the audience. Professor Gatmaytan explained that constitutionalism has two main branches. The first branch involves the rule of law, which highlights that “no one is above the law.” He cites the statements of the President and the Vice President regarding their accountability. The second component of constitutionalism involves protecting the fundamental rights of citizens. This is an important part of constitutions in every country, especially when they are constructed “to avoid abuses by our officials.” As such, this second component of constitutions involves holding governments accountable in protecting the rights of citizens.

Prof. Quilala then asked why constitutionalism is important in the context of calls to amend the constitution. Professor Gatmaytan explained that there is an academic debate about whether certain provisions of the constitution should be unchangeable. Some argue that certain concepts, like constitutionalism, should not be removed. He identified himself as one of those who believe in

the idea of “unconstitutional constitutional change,” where amendments that undermine the principles of the original constitution can be struck down by the Supreme Court. He noted that in the Philippines, there are no explicit prohibitions on what can be changed, which raises concerns about the potential weakening of human rights and accountability mechanisms.

Prof. Quilala then asked what message constitutionalism conveys to those advocating for constitutional change. Professor Gatmaytan explained that proponents of constitutional change often emphasize economic provisions to justify their proposals. He recounted the traumatic experience during Ferdinand Marcos’s regime when the 1935 Constitution was replaced with the 1973 Constitution without following proper processes. He noted that proponents now claim to focus only on economic provisions to attract foreign investments, but he warned that opening the constitution for amendments could lead to changes in political provisions as well. He expressed his opposition to weakening the rule of law and fundamental rights, emphasizing the need to safeguard these principles during discussions on constitutional change.

Prof. Quilala raised the issue of allowing the people to decide on constitutional amendments and asked about the limitations of this approach. Professor Gatmaytan explained that there are rules and processes that must be followed when amending the constitution. He cited the Supreme Court’s role in ensuring these processes are adhered to. He recounted the Marcos regime’s disregard for proper procedures and how the Supreme Court upheld the 1973 Constitution, despite the lack of due process, as a political question. He noted that while the people’s agreement is important, the Supreme Court must ensure that proper procedures are followed. He also highlighted instances where the Supreme Court stood its ground against improper amendments, such as during Gloria Macapagal-Arroyo’s administration.

Prof. Quilala inquired whether the Supreme Court should actively oppose constitutional changes that could harm democracy. Professor Gatmaytan explained that the Supreme Court’s role is limited to ensuring that constitutional processes are followed and not determining whether amendments are beneficial or harmful. He contrasted this with other countries where courts can strike down amendments that violate constitutional principles. He noted that the Philippines lacks this kind of judicial review.

Prof. Quilala brought up the topic of People's Initiative as a method for constitutional change and asked about the Supreme Court's role in this process. Professor Gatmaytan explained that the Supreme Court has previously ruled that the law implementing People's Initiative is deficient. He cited examples from the Ramos and Macapagal-Arroyo administrations, where attempts to use people's initiative for constitutional amendments failed due to the lack of an implementing law. He also mentioned recent attempts by the Marcos administration, where allegations of vote-buying surfaced. He reiterated that without an implementing law, people's initiative cannot succeed.

Prof. Quilala asked who among the political actors are advocating for constitutionalism. Professor Gatmaytan responded that constitutionalism is a basic idea taught in law schools, but political agendas often override this principle. He noted that while lawyers take an oath to defend the constitution, political interests sometimes lead them to support amendments. He acknowledged that there are valid arguments for constitutional change but criticized the weak economic arguments often presented by proponents of charter change.

When asked why he finds the economic arguments weak, Professor Gatmaytan explained that Supreme Court decisions have already interpreted restrictive provisions in a liberal manner, allowing foreign participation in industries like mining. He argued that foreign investors are more interested in the availability of resources than in constitutional provisions. He criticized proponents for presenting misleading arguments that insult the intelligence of the people.

Prof. Quilala then asked about the potential impact of constitutional amendments on Indigenous peoples' (IP) rights. Professor Gatmaytan highlighted the significance of including IP rights in the 1987 Constitution, which recognizes ancestral domains and self-determination. He warned that opening the Constitution for amendments could lead to the removal or weakening of these rights, as well as other progressive provisions protecting marginalized groups and the environment. He emphasized the danger of prioritizing economic growth at the expense of fundamental rights.

Prof. Quilala followed through whether such changes could be considered unconstitutional. Professor Gatmaytan reiterated his thesis that weakening constitutionalism is a form of unconstitutional amendment. He noted that while this argument is valid in other countries, the Philippines lacks the judicial mechanisms to address it.

When asked about what should be changed in the constitution, Professor Gatmaytan identified issues like the party-list system, the selection of justices, and the discipline of the Supreme Court. He suggested restricting the party-list system to marginalized groups and reforming the Judicial and Bar Council (JBC) to reduce executive influence. He also proposed adding more protections for fundamental rights. However, he criticized the political motivations behind most attempts at constitutional change, which often focus on term limits and political provisions.

Prof. Quilala also asked for suggestions on how to improve the process of constitutional change. Professor Gatmaytan noted that the current process is designed to make amendments difficult, which he believes is appropriate given the country's traumatic history with constitutional change. However, he acknowledged that the Philippines is unique in not having amended its constitution in over 30 years, unlike other countries.

Prof. Quilala asked how the interaction between law and politics affects constitutionalism in the Philippines. Professor Gatmaytan observed that politics often influences legal processes, with the Supreme Court tending to align with the president's agenda. He noted that this deference to the executive branch is rooted in the country's political culture, which traces back to the precolonial *datu* system. He criticized this dynamic, arguing that it undermines the checks and balances envisioned in the constitution.

When asked how constitutionalism can be strengthened, Professor Gatmaytan emphasized the importance of basic education. He argued that the public needs to understand that the president is not the most powerful figure in the government, as the 1987 Constitution was designed to limit executive power. He expounds:

"This one is really about basic education. Because the idea that the president is the most powerful figure—I never agree with that. Especially with the 1987 Constitution. Because we included so many

provisions to weaken the president, as a result of our experiences during the Marcos regime. Our constitution is very long now. The framers closed the loopholes that Marcos exploited. But no matter what we put there, the executive branch still wins. For example, very quickly, martial law. We put so many restrictions, but now, if you read the Supreme Court decisions, it seems easier to declare martial law now than during Marcos' time. Those are the ironies in our legal system."

Finally, Prof. Quilala asked for Professor Gatmaytan's message to those advocating for constitutional change. Professor Gatmaytan urged proponents to be honest about their intentions. He called on politicians to regain the trust of voters and criticized the prevalence of political dynasties and term extensions. He emphasized the importance of understanding the principles of good governance and the reasons behind constitutional provisions.

Prof. Quilala concluded the discussion by summarizing three key takeaways: the importance of constitutionalism in the context of constitutional change, the need for proponents to be transparent about their intentions, and the importance of educating citizens about politics and law. He thanked Professor Gatmaytan for sharing his insights on constitutionalism and its implications for charter change and governance. The episode ended with an invitation for listeners to visit the program's website and social media pages.

EPIISODE 2

BARMM and Charter Change

GUEST *Dr. Nassef Manabilang Adiong*

*Director, Policy Research and Legal Services for the
Bangsamoro Transition Authority*

HOST *Dennis F. Quilala*

Assistant Professor, UPD Department of Political Science

Prof. Dennis Quilala began the discussion by introducing the topic of the day, which focused on an often-overlooked aspect of charter change: its implications for the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM). He emphasized that while BARMM enjoys autonomy, it remains an integral part of the Philippines. Thus, the discussion sought to explore the potential effects of constitutional amendments on the region.

To provide insights, Prof. Quilala introduced the resource person, Professor Nassef Manabilang Adiong. Professor Adiong is the founder of the Bangsamoro Research and Legal Network, Inc. (BRLN) and serves as the Tenured Director of Policy Research and Legal Services (PRLS) under the Bangsamoro Transition Authority. In this capacity, he oversees the outputs of the Legislative Research Division and the Legislative Measures and Legal Assistance Division. Professor Adiong also has extensive experience in academia and research, having served as a Member-at-Large of the ISA Asia-Pacific Region and as a former Governing Board Officer of the World International Studies Committee. He is the founder of the Decolonial Studies Research Network (DSRN) at the University of the Philippines Center for Integrative and Development Studies (UP CIDS) and has held various leadership roles in the International Studies Association (ISA). Currently, he teaches at the UP Asian Center. Prof. Quilala welcomed him warmly, greeting him with “*Assalamu’alaikum*.”

Professor Adiong responded with “*Wa-Alaikum-Salaam*” and expressed his gratitude for the invitation. He shared that he had just arrived in Manila from Cotabato for the session.

Prof. Quilala expressed his appreciation for Professor Adiong’s presence and acknowledged the significance of having him as the guest for the day’s discussion. He then transitioned to the topic of constitutional amendments, particularly their potential impact on autonomous regions like BARMM.

Prof. Quilala asked Professor Adiong to elaborate on how such amendments might affect BARMM’s current governance system. Professor Adiong explained that constitutional amendments, whether aimed at transitioning to federalism or revising economic provisions, could significantly benefit the Bangsamoro government. He noted that BARMM already operates under a unique governance structure with asymmetrical power relations between the national government and the Bangsamoro government. This relationship is facilitated by the intergovernmental relations (IGR) mechanism, which addresses issues and provides solutions. Additionally, BARMM receives a block grant, which has contributed to the region’s development since the establishment of the Bangsamoro government in 2019. Professor Adiong highlighted that the poverty index in BARMM had decreased in 2021 and 2022, attributing this improvement to the block grant, the establishment of a parliamentary government, and the creation of ministries such as health, agriculture, and education.

Prof. Quilala commended the progress in reducing poverty in BARMM and noted that this improvement could be attributed to the region’s enhanced autonomy. He then asked Professor Adiong to elaborate on how federalism, in particular, could benefit BARMM. Professor Adiong explained that Congress views BARMM as an experimental model for a potential transition of the Philippine government from a presidential-unitary system to a federal or even parliamentary system. He emphasized that if BARMM’s governance proves successful, it could serve as a benchmark for the national government. Under a federal system, BARMM’s fiscal autonomy would be further strengthened. He contrasted this with the previous Autonomous Region in Muslim Mindanao (ARMM), where the regional government had to defend its fiscal budget before Congress. In BARMM, fiscal autonomy allows the parliament to craft its own programs and legislation based on the block grant, without needing congressional approval.

Prof. Quilala then shifted the discussion to proposed changes in the economic provisions of the constitution and asked for Professor Adiong's perspective on this matter.

Professor Adiong highlighted the potential benefits of amending economic provisions for BARMM. He cited industries such as seaweed farming in Tawi-Tawi, coconut production, and root crops as examples of economic activities that could thrive with the establishment of social enterprises and economic industries. He noted that while individual local government units (LGUs) in BARMM, such as Cotabato City, already implement policies to attract businesses (e.g., tax exemptions for new businesses), constitutional amendments could further enhance investment opportunities in the region. He emphasized that BARMM's fiscal autonomy and self-governance provide a strong foundation for economic growth.

Prof. Quilala observed that both political and economic changes to the constitution could positively impact BARMM. He then asked whether such changes might affect peace in the region.

Professor Adiong explained that peace in BARMM depends on two tracks: the political track and the normalization track. The political track has been established with the creation of the Bangsamoro government, but the normalization track, which includes the decommissioning of MILF combatants' weapons, remains incomplete. He noted that unresolved issues, such as the Supreme Court's decision on Sulu's challenge to the Bangsamoro Organic Law and the postponement of the first Bangsamoro Parliamentary Election from 2025 to 2026, pose challenges to the peace process. He emphasized the importance of addressing these issues to ensure lasting peace.

Prof. Quilala asked whether constitutional amendments should be prioritized over the completion of the normalization track or if both could proceed simultaneously. Professor Adiong argued that the primary measure of peace is its contribution to the well-being of the people. He stressed that the people of BARMM prioritize tangible improvements in their lives, such as livelihood opportunities and economic development, over constitutional amendments. He suggested that any changes to the Constitution should be evaluated based on their ability to improve the quality of life for ordinary citizens in BARMM.

Prof. Quilala then inquired whether past attempts to amend the constitution, such as the People's Initiative, reflected the sentiments of BARMM's diverse ethnic groups. He also asked how the voices of the Bangsamoro people could be amplified in discussions about constitutional change. Professor Adiong noted that the voices of the Bangsamoro people, particularly minorities, have historically been overlooked in national policy discussions. He cited the postponement of the BARMM election as an example, questioning whether the people of BARMM were consulted on this decision. He emphasized the need for a bottom-up approach to policymaking, starting from families and communities. He argued that any changes to the constitution should be informed by the perspectives of the Bangsamoro people and their assessment of whether such changes would improve their lives.

Prof. Quilala asked which institutions or groups in BARMM could help amplify the voices of its people in discussions about constitutional change. Professor Adiong identified several key institutions and groups, including the 80-seat Bangsamoro Parliament, which comprises political parties, district representatives, and sectoral representatives (e.g., women, youth, traditional leaders). He also highlighted the role of community welfare clans, traditional leaders (e.g., *datus* and *sultans*), and LGUs in representing the diverse perspectives of the Bangsamoro people. He emphasized the importance of engaging these groups in discussions about constitutional amendments.

Prof. Quilala then asked for Professor Adiong's recommendations for constitutional amendments that could promote lasting peace in BARMM. Professor Adiong proposed a radical idea: abolishing the LGU system, including governorships, mayoralties, and *barangay* captaincies, and replacing it with a proportional representation system based on community welfare clans. He suggested creating nine ethnolinguistic assemblies (e.g., Bangsa Maranao Assembly, Bangsa Maguindanao Assembly) to represent the region's diverse communities. Each assembly would elect its own officers and sectoral representatives, who would then form the Bangsa People's Parliament. This system, he argued, would eliminate political dynasties and ensure equitable representation.

Prof. Quilala followed through whether this proposal would require changes to the Bangsamoro Organic Law or the national constitution. Professor Adiong explained that his proposal would require congressional action and amendments to the Local Government Code and the Bangsamoro Organic Law.

However, he noted that it would not conflict with constitutional provisions. He emphasized that the proposed system would devolve powers from the national government to the Bangsa People's Parliament and further to the ethnolinguistic assemblies.

Prof. Quilala finally asked whether there were other constitutional amendments that the Bangsamoro people might support. Professor Adiong reiterated that the Bangsamoro people prioritize prosperity and well-being. He noted that while they would oppose changes that undermine these goals, they would support amendments that enhance their quality of life. He also highlighted the need for mechanisms to strengthen the relationship between the BARMM government and provincial LGUs, as the current system lacks clear coordination.

Prof. Quilala concluded by asking for Professor Adiong's message to those advocating for constitutional change. Professor Adiong emphasized the importance of broad consultations with stakeholders, including minority communities, to ensure that their voices are heard. He also stressed the need for evidence-based policymaking, supported by robust research and development. He criticized the Philippines' low GDP allocation for research and development, contrasting it with higher investments in neighboring Southeast Asian countries. He argued:

My message is that any changes to policies, especially the constitution, require extensive consultation with stakeholders and communities, including minority communities. Second, it's not just about consultation. What is often forgotten, especially in the Bangsamoro, is research or policy research. That's why I am now the head of policy research. It's difficult to show the importance of research, especially in policymaking. If you notice, many laws are suddenly enacted because they align with the interests of those in power, not because they are the result of extensive, evidence-based research. It's better if policies or constitutional changes are accompanied by extensive, evidence-based research.

In closing, Prof. Quilala summarized the key takeaways from the discussion: the potential benefits of constitutional amendments for BARMM, the importance of considering community welfare clans in political reforms, and the critical role of research in policy making. He thanked Professor Adiong for his valuable insights and concluded the episode by inviting listeners to visit the UP CIDS website and Facebook page.

EPISODE 3

Political Economy of Charter Change

GUEST *Dr. Jan Carlo B. Punongbayan*

Assistant Professor, UPD School of Economics

HOST *Dennis F. Quilala*

Assistant Professor, UPD Department of Political Science

The discussion between Prof. Dennis Quilala and Dr. Jan Carlo “JC” Punongbayan focused on the exploration of the political economy of the Philippines, particularly in the context of the ongoing debates surrounding charter change. The conversation examined the relationship between society, governance, and the economy, as well as the implications of proposed constitutional amendments on the country’s political and economic landscape. Prof. Quilala, introduced the topic by emphasizing the often-overlooked aspect of political economy in discussions about the Philippine Constitution.

Prof. Quilala began by introducing Dr. Punongbayan, an esteemed economist and academic, whose credentials underscore his expertise in macroeconomics, Philippine economic history, and development economics.

The conversation began with a foundational question: what is political economy? Dr. Punongbayan explained that political economy was the original term for economics, emphasizing its focus on the distribution and management of resources within a society and its overlap with governance. He argued that understanding a society’s political dynamics requires a simultaneous understanding of its economic structures, as the two are deeply intertwined. He noted that the allocation of resources, the production of goods and services, and the beneficiaries of these processes are all influenced by political institutions. Thus, political economy serves as a lens through which one can analyze the interconnectedness of governance and economic systems.

The discussion then shifted to the topic of economic charter change, a proposal to amend the 1987 Philippine Constitution to attract foreign investments by relaxing restrictions on foreign ownership. Dr. Punongbayan explained that the Constitution currently imposes a 60–40 rule, which limits foreign ownership of businesses to 40 percent, requiring the remaining 60 percent to be owned by Filipino investors. Proponents of charter change argue that this restriction hinders economic growth by discouraging foreign investments. However, Dr. Punongbayan noted that this initiative was not initially a priority for President Ferdinand Marcos Jr., who only began supporting it in 2023. He also pointed out that most sectors of the Philippine economy are already open to foreign investments, with only three sectors—advertising, public services, and higher education—remaining restricted. This limited scope, he argued, undermines the necessity of amending the Constitution.

Dr. Punongbayan further contended that the real barriers to foreign investment in the Philippines are not constitutional but structural. Issues such as corruption, bureaucratic inefficiencies, excessive permit requirements, weak rule of law, and inadequate infrastructure deter investors more than ownership restrictions. He cited studies, including a discussion paper from the UP School of Economics, which demonstrate that addressing these structural problems would have a far greater impact on attracting foreign direct investments (FDIs) than constitutional amendments. For instance, improving corruption perceptions and ease of doing business could increase FDIs by four to eight times more effectively than relaxing ownership restrictions.

When asked about the potential effects of economic charter change, Dr. Punongbayan analyzed the three sectors targeted liberalization. He argued that opening higher education to foreign institutions, while potentially allowing prestigious universities to establish branches in the Philippines, would primarily benefit the wealthy and have minimal impact on the broader economy. He questioned whether the entry of foreign universities would significantly contribute to economic growth, noting that access to higher education abroad is already available to many Filipinos, particularly the wealthy. Similarly, he noted that the advertising sector has already adapted to globalization through online platforms, rendering constitutional restrictions largely irrelevant. Regarding public services, he highlighted the 2022 Public Service Act, which already allows foreign investments in key sectors such

as transportation and communication without requiring constitutional amendments. However, the law is currently under review by the Supreme Court. Dr. Punongbayan criticized the narrative that constitutional restrictions are the primary obstacle to economic growth, describing it as misleading.

The discussion also touched on alternative reforms that could have a more significant impact on the economy. Dr. Punongbayan emphasized the importance of implementing anti-political dynasty provisions, strengthening the rule of law, and addressing corruption. He argued that weak governance and the perception of corruption deter investors, who fear arbitrary government actions against their businesses. Quantitative studies support this view, showing that improving governance and reducing corruption are more effective in attracting investments than amending the Constitution.

Dr. Punongbayan also highlighted the need for infrastructure development, particularly in transportation and energy, to reduce the cost of doing business in the Philippines. He warned of potential energy shortages due to the depletion of the Malampaya natural gas reserves by 2027, stressing the urgency of finding alternative energy sources. Additionally, he called for a focus on the quality, rather than the quantity, of foreign investments. He cited the example of Philippine offshore gaming operations (POGOs), which, despite generating economic activity, have been linked to crimes such as human trafficking and prostitution. This example underscores the need for careful evaluation of the social and economic impacts of foreign investments.

In addressing the motivations behind the push for economic charter change, Dr. Punongbayan suggested that political interests, rather than economic necessity, drive the initiative. He noted that the effort is orchestrated by political leaders, including House Speaker Martin Romualdez, a cousin of President Marcos Jr., and speculated that it may be part of a broader strategy to consolidate power. He urged policymakers:

"I guess they should stop pushing for economic charter change. First of all, their arguments that this is necessary for our country to progress are wrong. We have so many more fundamental problems—corruption, red tape, bureaucracy, infrastructure, power, etc.—that needs attention. In other words, we need to do our homework and not rely on shortcuts like economic charter change, which has no evidence to prove it's what our country needs. Secondly, it's a waste of time and attention to focus on economic charter change. In a way, if you

notice, it's not even a priority for Congress right now because the filing of candidacies has passed, and politicians are now distracted and focused on 2025. But I'm sure that in the future, someone will still push for this. But I hope we learn from the evidence and the experts who say this is not the solution to our problems."

Prof. Quilala concluded the discussion by summarizing the key insights shared by Dr. Punongbayan. He emphasized that economic charter change is not the only solution to the Philippines' economic challenges and that more pressing issues, such as corruption, red tape, and infrastructure, require attention. He also highlighted the importance of public vigilance and critical thinking in evaluating policy proposals, particularly those related to constitutional reform. The episode ended with a reminder for citizens to consider these insights when selecting government officials in the upcoming elections.

EPISODE 4

Assessing the Impact of Charter Change on Local Governance

GUEST *Dr. Maria Ela Atienza*

Professor, UPD Department of Political Science

HOST *Dennis F. Quilala*

Assistant Professor, UPD Department of Political Science

The discussion between Prof. Dennis Quilala and Dr. Maria Ela Atienza was a comprehensive exploration of the concepts of local government, local autonomy, and their implications within the broader context of governance and constitutional reform in the Philippines. The episode deep dived into the intricacies of local governance, decentralization, and the potential impacts of charter change, offers a nuanced understanding of the challenges and opportunities faced by local government units (LGUs) in the country.

Prof. Quilala began the conversation by acknowledging the expertise of Dr. Atienza in the field of local governance and posed a fundamental question regarding the nature of local government and local autonomy in the Philippines. Dr. Atienza responded by situating the discussion within the framework of the 1987 Philippine Constitution, which, while establishing a unitary system of government, also provides for decentralization and local autonomy. She explained that local governments in the Philippines operate under the national government and do not possess inherent sovereignty. However, the Constitution and subsequent legislation, such as the 1991 Local Government Code, have granted local governments certain powers and

responsibilities to address issues within their jurisdictions. Furthermore, the Constitution mandates the creation of two special autonomous regions—Muslim Mindanao and the Cordilleras—although only the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) has successfully established an autonomous government following multiple plebiscites. In contrast, the Cordillera region has not achieved regional autonomy due to insufficient support from its constituent provinces.

Dr. Atienza elaborated on the hierarchical structure of local governments in the Philippines, which includes provinces, cities, municipalities, and barangays, with provinces serving as the highest level of regular local government. She noted that some cities are classified as independent and are not under the jurisdiction of provinces. Despite the unitary nature of the Philippine government, local governments are empowered through laws such as the Local Government Code and the BARMM Autonomy Act to address local issues and provide services. Local autonomy, as she explained, entails granting local governments the authority and responsibility to make decisions and implement solutions to problems within their areas, in accordance with constitutional and legal provisions.

The discussion then shifted to the practical implications of local autonomy for citizens. Dr. Atienza emphasized that local autonomy allows citizens to hold both national and local governments accountable for their actions. By decentralizing power, local governments are better positioned to address specific issues within their communities, as they possess a more intimate understanding of local conditions, challenges, and resources. This bottom-up approach to governance, she argued, contrasts with a purely top-down model, as it enables local governments to contribute to national planning and decision-making processes. For instance, in the realm of economic development planning, local governments can provide valuable input, ensuring that policies are tailored to the unique needs and circumstances of their areas. Moreover, local governments are tasked with delivering essential services, such as education and healthcare, which reduces the need for national government intervention in addressing localized concerns.

Prof. Quilala then inquired about the relationship between local autonomy and ongoing efforts to amend the Constitution, particularly in the context of charter change. Dr. Atienza explained that recent initiatives, particularly since 2022, have focused on economic liberalization, aiming to amend restrictive

provisions in the 1987 Constitution related to foreign ownership and investment in sectors such as public utilities, education, and media. Proponents of these changes argue that liberalization would foster competition, innovation, and more efficient resource allocation, ultimately leading to increased production, improved quality of life, and poverty alleviation. However, Dr. Atienza cautioned that the benefits of economic liberalization are not guaranteed and may not be evenly distributed across all LGUs. Wealthier and more developed LGUs are likely to attract more investors, potentially exacerbating existing inequalities between rich and poor localities. Furthermore, within LGUs, the benefits of foreign investment may disproportionately favor those who are already economically advantaged, particularly in areas where inclusive planning and bottom-up decision-making are lacking.

The conversation also touched on the federalism initiative championed by former President Rodrigo Duterte. Dr. Atienza recounted that federalism was a central campaign promise of Duterte, who argued that it was the only solution to the longstanding issues of peace and development in Muslim Mindanao. During the early years of his administration, efforts were made to draft a federal constitution, known as the Bayanihan Constitution. However, these efforts ultimately failed due to various challenges, including the high financial costs associated with transitioning to a federal system. Economic planners warned that federalism could hinder the achievement of national development targets, particularly in a country with limited resources and significant regional disparities. Dr. Atienza explained that federalism would introduce a new layer of regional governments, which would share power with the national government and oversee local governments. However, the Bayanihan Constitution did not clearly define the relationship between local governments, regional governments, and the national government, leaving significant ambiguities regarding the distribution of powers and responsibilities.

Dr. Atienza further analyzed the potential political implications of federalism, noting that it would require the election of additional officials and the allocation of resources to support regional governments. This could lead to confusion among citizens regarding the roles and responsibilities of various levels of government. While federalism has the potential to empower regional and local governments by granting them greater financial and administrative autonomy, its success would depend on the capacity and competence of local leaders, as well as the availability of resources. She emphasized that

federalism is not a panacea for the challenges faced by local governments and that structural issues, such as political dynasties, patronage politics, and corruption, must be addressed to ensure effective governance.

The discussion also highlighted incremental approaches to strengthening local governments, as proposed by an interagency task force created during Duterte's administration. These proposals, referred to as constitutional reforms (COREs) or surgical amendments, aimed to prepare LGUs for greater financial autonomy and improve their performance. Key recommendations included institutionalizing the Mandanas-Garcia ruling, which expanded the revenue base for LGUs, and revising the formula for distributing national tax allotments to favor poorer LGUs. The task force also proposed transforming regional development councils into regional development authorities with their own budgets and implementation powers. These measures, Dr. Atienza argued, could serve as a foundation for future federalism by addressing existing disparities and enhancing the capacity of LGUs. Dr. Atienza also stressed:

"We also see that it is important . . . to have a proper implementation of our laws. Improve the quality of our officials . . . We also need to professionalize our local bureaucracy. Let us examine the barangays that are not professional. Because currently, as stated in the Local Government Code, what they receive is an honorarium. An honorarium is not a salary. This means that we do not consider them equal to our other civil servants. If we can professionalize our perspective on the barangays, perhaps more people will be interested in running."

In reflecting on the broader challenges faced by LGUs, Dr. Atienza underscored the need for electoral and party system reforms, as well as measures to professionalize local bureaucracies and improve the quality of local leadership. She noted that the 1991 Local Government Code, while groundbreaking, has not fully addressed issues such as unequal economic development, limited citizen participation, and the persistence of political dynasties. To address these challenges, she advocated for amendments to the Constitution and the Local Government Code, as well as the implementation of anti-dynasty provisions similar to those included in the Sangguniang Kabataan (SK) Reform Act.

Dr. Atienza concluded by emphasizing the importance of citizen engagement and education in strengthening local governance. She called on citizens to critically evaluate proposals for constitutional change and to hold local governments accountable for their performance. By fostering a deeper understanding of local autonomy and governance, citizens can play a vital role in ensuring that reforms benefit the broader population rather than serving the interests of a select few.

Overall, Prof. Quilala summarized Dr. Atienza's discussions, a thorough examination of the complexities of local governance and constitutional reform in the Philippines. She underscored the need for a balanced approach that combines legal and institutional reforms with efforts to enhance the capacity of local governments and promote citizen participation. By addressing structural issues and fostering a culture of accountability, the Philippines can strengthen its local governance system and ensure that it serves as a foundation for sustainable and inclusive development.

Synthesis

THE PROS, CONS, AND FUTURE DILEMMAS OF CHARTER CHANGE IN THE PHILIPPINES

The *Banyuhay* Podcast Series, through its four episodes, examines the multifaceted issue of charter change (commonly referred to as “cha-cha”) in the Philippines. Each episode provides a unique perspective on the topic, exploring constitutionalism, the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), the political economy, and local governance. Together, these discussions paint a comprehensive picture of the potential benefits, risks, and dilemmas surrounding charter change. This section attempts to synthesize the insights from the podcast, analyzing the pros and cons of charter change while expounding on the future challenges it poses.

THE PROMISE OF CHARTER CHANGE

The case for constitutional reform begins with its potential to strengthen the very foundations of Philippine democracy. Professor Dante Gatmaytan, in Episode 1, emphasizes how constitutionalism serves as the bedrock of government, protecting fundamental rights while ensuring the rule of law prevails. He argues that charter change, when properly executed, could reinforce these principles by updating provisions that no longer reflect contemporary realities. The 1987 Constitution, though progressive for its era, now faces challenges unforeseen by its framers, including environmental degradation, the digital revolution, and evolving concepts of indigenous rights. Moreover, Prof. Gatmaytan identifies critical ambiguities in the current charter, particularly regarding the boundaries of governmental power during the amendment process itself. Addressing these gaps could create clearer constitutional guardrails, ultimately strengthening rather than weakening democratic institutions.

This constitutional modernization connects directly to the economic arguments presented by Dr. JC Punongbayan in Episode 3. The current charter's restrictions on foreign ownership in education, advertising, and public utilities have long been viewed as impediments to economic growth.

Proponents of reform envision a liberalized economy that attracts foreign direct investment, bringing not just capital but also technology, expertise, and competition that could improve services for ordinary Filipinos. He mentioned, the possibility of foreign universities establishing Philippine campuses but whether these will offer a pathway to enhanced educational quality and accessibility that could help reverse the country's brain drain while democratizing access to world-class education remains to be seen.

On the other hand, the governance dimension of charter change, explored through Dr. Maria Ela Atienza's insights in Episode 4, reveals another layer of potential transformation. The proposed shift toward federalism would fundamentally restructure the relationship between national and local governments, granting regions greater fiscal and political autonomy to address their unique challenges. This decentralization could break the cycle of dependency on Manila, enabling local governments to craft policies responsive to their specific contexts and needs. Congruently, the BARMM experience, examined in Episode 2, provides tangible evidence of how enhanced autonomy can translate into improved governance and poverty reduction, offering a compelling model for other regions seeking greater self-determination.

These governance reforms directly address the persistent problem of regional inequality that has plagued the Philippines since independence. Episodes 2 and 4 demonstrate how federalism could empower underdeveloped regions to chart their own development paths, moving beyond the one-size-fits-all policies that have often failed to address diverse regional needs. By devolving both power and resources, constitutional reform could enable regions to leverage their unique strengths while addressing their particular vulnerabilities, potentially creating a more balanced and equitable national development.

THE PERILS OF CONSTITUTIONAL REFORM

Yet for every promise the charter change offers, the podcast series reveals corresponding dangers that cannot be ignored. Prof. Gatmaytan's warning about "unconstitutional constitutional change" echoes throughout episode 1. He highlighted the paradox that the very process meant to strengthen democracy could become its undoing. The risk that political elites might exploit constitutional reform to extend term limits, consolidate power, or weaken protections for marginalized groups represents more than a

theoretical concern; it reflects patterns observed throughout Philippine political history. The amendment process itself could become a Trojan horse, appearing to offer democratic renewal while actually undermining the constitutional principles it claims to protect.

The economic arguments for charter change face equally serious challenges. Dr. Punongbayan questions whether constitutional amendments can truly address the fundamental obstacles to Philippine development. The country already maintains a relatively open economy, suggesting that the few remaining restrictions may not be the primary barriers to investment. Instead, systemic issues like corruption, bureaucratic inefficiency, and inadequate infrastructure create real impediments to economic growth. Furthermore, economic liberalization without accompanying structural reforms risks creating a two-tier system where wealthy regions and well-connected individuals capture most benefits while marginalized communities remain excluded from prosperity.

The political landscape adds another dimension of risk that permeates Episodes 1 and 3. The dominance of political dynasties and entrenched elite interests raises fundamental questions about who would truly benefit from constitutional reform. Rather than dispersing power, federalism might simply relocate it, creating regional fiefdoms where local dynasties exercise even greater control with diminished national oversight. Economic liberalization could similarly concentrate benefits among those already privileged, deepening rather than alleviating social divisions that threaten national cohesion.

Implementation challenges present practical obstacles that could transform even well-intentioned reforms into governance disasters. Dr. Atienza's analysis reveals that many local government units lack the financial resources, technical expertise, and institutional capacity necessary to assume greater responsibilities under a federal system. Without substantial investment in capacity building and institutional development, decentralization could produce administrative chaos, increased corruption, and the further marginalization of already disadvantaged regions. The gap between constitutional aspiration and governmental capability represents a fundamental challenge that reform advocates have yet to adequately address.

Perhaps most troubling is the issue of public trust and awareness highlighted in Episodes 1 and 4. The widespread lack of understanding about constitutional provisions and proposed amendments creates an environment ripe for manipulation. When citizens cannot meaningfully evaluate proposed changes, the democratic legitimacy of the entire process becomes questionable. The historical association of charter change with political machination has created deep skepticism that pervades public discourse, making it difficult to distinguish between genuine reform efforts and self-serving political maneuvers.

NAVIGATING FUTURE DILEMMAS

The podcast episodes identified several key dilemmas that are likely to influence the ongoing debate regarding charter change. The question of prioritization emerges as particularly contentious, with competing views on whether economic or political reforms should take precedence. While economic liberalization often dominates public discourse, Episodes 1 and 3 suggest that addressing political dysfunction, corruption, and dynastic politics may be prerequisites for any meaningful economic transformation. This sequencing dilemma reflects deeper disagreements about the nature of Philippine problems and their solutions.

Ensuring inclusivity and equity throughout the reform process presents another fundamental challenge discussed in Episodes 2 and 4. Charter change must address the needs of indigenous, regional local peoples, conflict-affected communities, and economically marginalized groups, yet these very populations often have the least voice in political processes. Moreover, the risk that federalism could create uneven development, with wealthy regions racing ahead while poor areas fall further behind, demands careful consideration of how to build equity into constitutional structures rather than hoping it will emerge naturally.

Consequently, the preservation of democratic principles requires constant vigilance throughout any reform process. Episodes 1 and 4 emphasize that transparency, accountability, and meaningful public participation cannot be treated as optional additions but must be woven into every stage of charter change. This demands not only formal mechanisms but also a political culture that values democratic deliberation over expedient decision-making, a cultural shift that may be as challenging as the constitutional amendments themselves.

Building public awareness and trust emerges as perhaps the most fundamental prerequisite for successful reform. Dr. Atienza's emphasis on civic education reflects the understanding that without an informed citizenry capable of evaluating proposals and holding leaders accountable, charter change risks becoming an exercise in elite manipulation rather than democratic renewal. This educational challenge extends beyond explaining proposed amendments to fostering deeper understanding of constitutionalism itself and its role in protecting rights and limiting power.

The strategic choice between incremental and comprehensive reform represents a final dilemma with no clear resolution. Dr. Atienza suggests that incremental changes, such as amending specific laws or strengthening existing institutions, may be more achievable and less risky in the short term. However, such piecemeal approaches might fail to address systemic problems that require more fundamental restructuring. Comprehensive reforms like federalism could potentially transform Philippine governance but carry greater risks and require more extensive preparation and resources.

CONCLUSION

The *Banyuhay* Podcast Series – Season 1 ultimately presents charter change not as a simple solution but as a complex undertaking that embodies both the hopes and fears of Philippine democracy. The discussions reveal that constitutional reform cannot be divorced from broader questions about power, equity, and democratic governance. While charter change offers genuine opportunities to strengthen constitutionalism, promote economic growth, and empower local communities, it simultaneously poses risks of political manipulation, economic inequality, and implementation failure that could undermine the very goals it seeks to achieve.

The path forward requires careful navigation of these competing considerations, guided by a commitment to democratic values and inclusive processes. Success depends not merely on crafting better constitutional text but on building the institutional capacity, political culture, and public engagement necessary to translate constitutional aspirations into lived reality. As the podcast emphasizes, charter change is not a panacea but, perhaps, a tool that must be wielded with extraordinary care, transparency, and accountability. Only through such deliberate and inclusive processes can constitutional reform contribute to building a more just, equitable, and

prosperous Philippine society. The ultimate test of any charter change effort will be whether it genuinely serves the Filipino people or merely rearranges power among elites, a distinction that will determine not just the success of constitutional reform but the future of Philippine democracy itself.

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