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Philippines: Charter Change In Full Steam, Once Again

By Lorraine Carlos Salazar

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This year opened with debates on how to change the Constitution - as President Arroyo deftly warded off calls for her resignation by putting the spotlight on political reforms.

During the height of the political crisis in July 2005, Arroyo called for 'the opening of the great debate on Charter Change' as the solution to the political gridlock besetting the Philippine political system. Congressmen and local government officials heartily supported the call for a move towards a unicameral parliamentary government to replace the current presidential system. The Senators, meanwhile, were vehement in their opposition to the proposal, which would entail abolishing the Senate.

Changing the Charter has been a long-running debate in post-1986 Philippines, with all Presidents since Fidel Ramos making it part of their policy agenda to amend the Constitution. The 1987 Constitution provides three modes of changing the Charter: first, through a Constitutional Convention that is popularly elected; second, through a Constituent Assembly composed of both Houses of Congress; and third, via a 'People's Initiative', which requires the support of 12 per cent of registered voters in the country and at least 3 per cent of the voters in each district. The current attempt to change the form of government is perhaps the most momentous, packaged as a means to remedy the crisis-prone political system.

Regime opponents interpreted the sudden attention given to constitutional change in the midst of the President's crisis of legitimacy as a bid for a 'graceful exit' rather than as a fundamental constitutional reform. President Arroyo's detractors, some of whom have been steadfast supporters of amending the Constitution, dismissed the move as diversionary.

On 16 December, the 55-man Consultative Commission (ConCom) created by the President, submitted its proposals for revising the 1987 Constitution. The report recommended the following:

- shift to a unicameral parliamentary system and eventually towards a federal government system,
- removal of economic restrictions on foreign investors,
- electoral reforms,
- political party reforms, and
- judicial reforms.

In order to move towards a parliamentary system, the ConCom recommended scrapping the scheduled 2007 elections and extending the terms of national and local officials to 2010. Both Houses of Congress would convene to form an interim Parliament and elect an interim Prime Minister who would govern with the President and Vice President until elections are held in 2010.

The above five proposals were generally accepted by charter change proponents. However, the proposal to scrap the 2007 elections was met with intense resistance. Even former President Fidel Ramos described it as a 'monumental blunder'. The Opposition criticised it as a ploy to keep President Arroyo in power and to buy the support of national and local government officials who were up for re-election in May 2007.

It is noteworthy that the country's major political parties agree unanimously to support reform of the Charter. At the forefront of this movement is the ruling Lakas-Christian Muslim Democrats Party, which espouses the shift to a parliamentary government and supports President Arroyo ending her term in 2010 - despite widespread calls for her to resign. House Speaker Jose De Venecia, Lakas' Party President, proposed adopting the French parliamentary model during the transition phase and shifting to the British model after that.

A second track, led by local government officials using a people's initiative through the collection of the signatures of 12 per cent of the registered voters (roughly 5 million), is also being readied. From these developments, it is evident that proponents of Charter Change are bracing themselves to change the Constitution with or without the cooperation of the Senate.

With regard to the public, surveys show that people do not know enough about the Constitution at this point in time to make an informed choice. A May 2005 poll by the Social Weather Station (SWS) found that 73 per cent of Filipinos have little or no knowledge of the Constitution. This was echoed by another SWS survey in August 2005, which found that only 22 per cent of the public knew enough about parliamentary systems. These surveys indicate the need for a nationwide campaign to inform people of the issues involved.

On 24 January 2006, President Arroyo created a Charter Change Advocacy Commission to launch an eight-month campaign to inform the public concerning the proposed amendments to the 1987 Constitution. This is laudable, given that it is the public that will decide whether or not to change the Constitution.

The President, Members of the House and local government officials are keenly pushing for Charter Change. Yet, the road seems long and divisive, littered with power struggles among elites, an uncooperative Senate, and a public needing more information on the matter.

Asean Focus Group

WATCHPOINT: Given expressed bipartisan opposition, what methods will the President and her allies employ to convince the Senate to change the Charter?

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