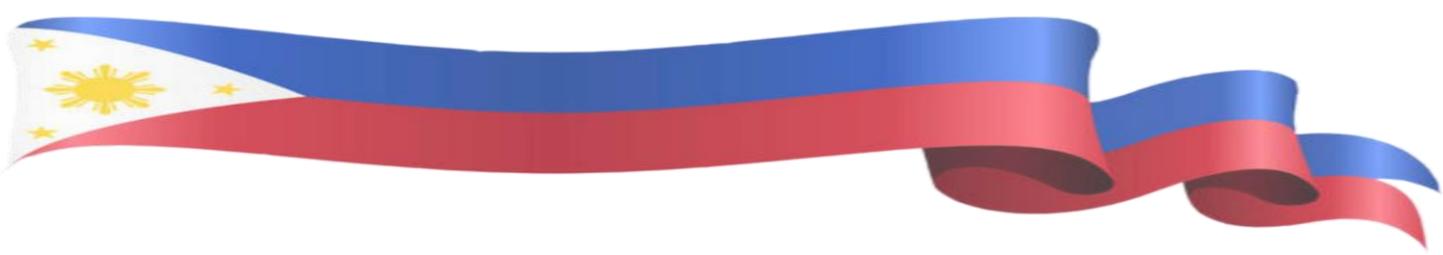




Highlights on the Draft Recommendations of the Constitutional Committee to Revise the 1987 Constitution

By Nene Pimentel

This paper reflects some of the major Proposals of the Constitutional Committee created by President Rodrigo Duterte to revise our present Constitution.



Twin objectives

The proposal to adopt the federal system under a presidential form of government is motivated solely to advance the welfare of the people, speed up their development and hopefully dissipate the causes of rebellion in this country. And that no individual or family is meant to personally or exclusively benefit from the proposal.

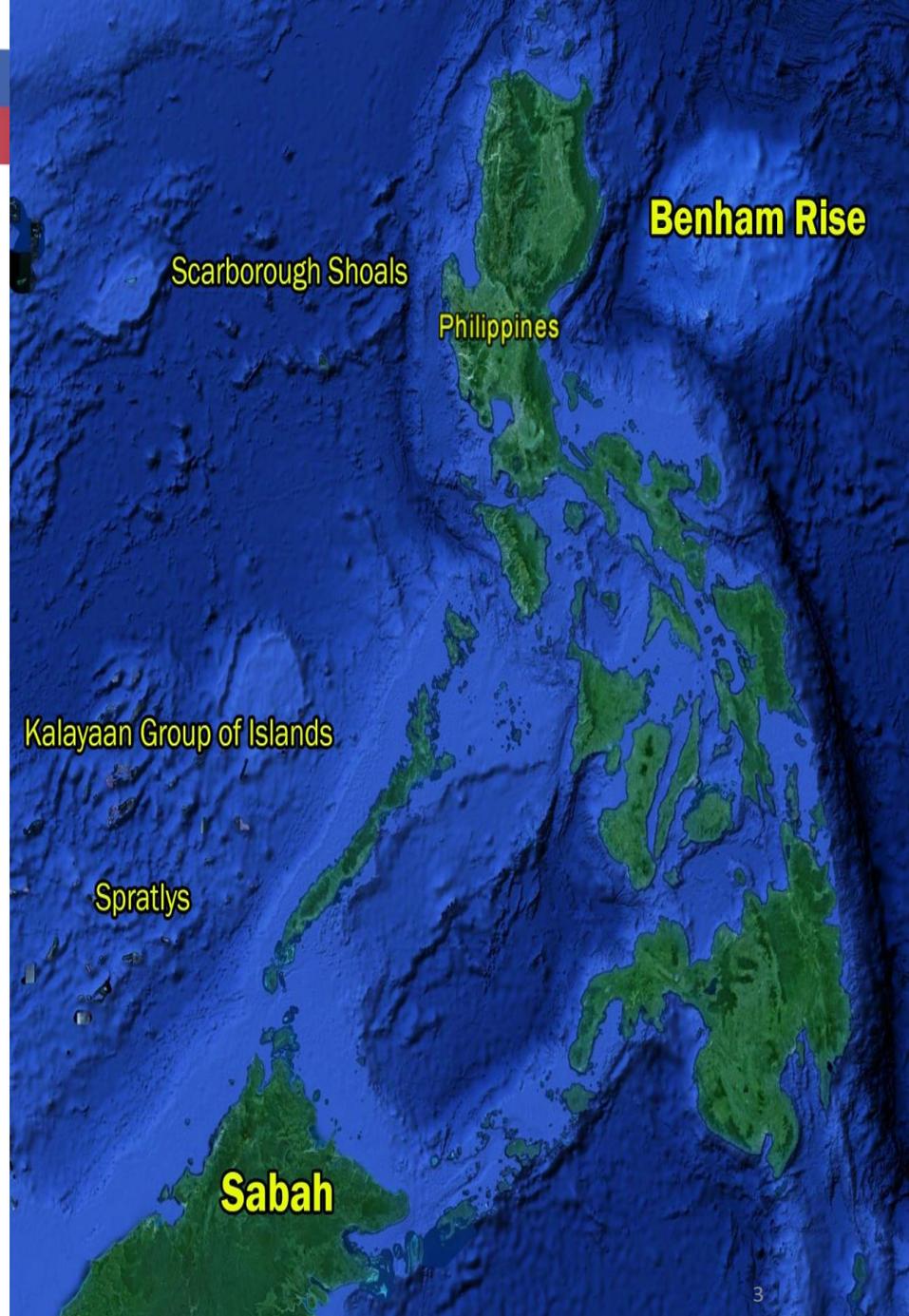


Coverage

Essentially, the Proposals would convert our country into a Federal Republic.

The Federal Republic would embrace not only the major island groups of Luzon, Visayas and Mindanao, but also the “territories belonging to the Philippines *by historic right or legal title*”.

That means that the Scarborough Shoal, the Spratleys, the Ben Ham Rise, and Sabah, though not explicitly mentioned in the definition of our national territory, are deemed parts of our country.





18 Federal States

In all, 18 Federal States (“Federated Regions”) will be created out of the country’s existing administrative regions, plus the Autonomous Regions of the BangsaMoro and the Cordillera, and the island composing the provinces of Negros Oriental and Negros Occidental.

The Proposals would, thus, dismantle the highly centralized system of government that has characterized the way the country has been governed not only during the Spanish and American colonial eras but even after we had gained our independence in 1946.

16 REGIONS SYMMETRICAL IN CHARACTER



National
Capital Region



Region I
Ilocos Region



Region II
Cagayan Valley



Region III
Central Luzon



Region IV-A
CALABARZON



Region IV-B
MIMAROPA Region



Region V
Bicol Region



Negros
Region



Region VI
Western Visayas



Region VII
Central Visayas



Region VIII
Eastern Visayas



Region IX
Zamboanga Peninsula



Region X
Northern Mindanao



XI
Davao Region



Region XII
SOCCSARGEN



Region XIII
CARAGA

2 REGIONS ASYMMETRICAL IN CHARACTER



FEDERATED REGION
OF THE CORDILLERAS

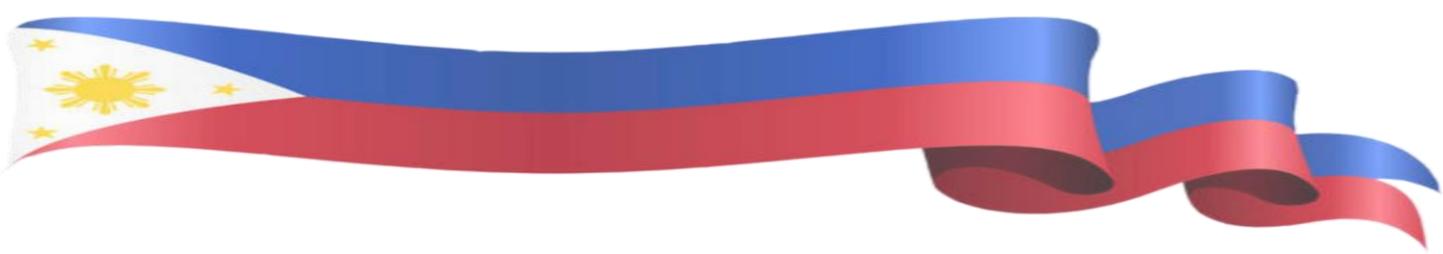


BANGSAMORO

SHALL RECOGNIZE THE ETHNICITY, RELIGION, CUSTOMS, TRADITIONS, LANGUAGE, AND DISTINCT IDENTITIES OF THEIR PEOPLE.

THE CONSTITUTION ACKNOWLEDGES ITS ASYMMETRICAL CHARACTER.

THE ORDINANCES WILL BE APPENDED TO THE FEDERAL CONSTITUTION.
(SEC. 23, 25 & 31, ART. XI)



The Federal Republic is intended to cover: 18 Federated Regions.

1. The National Capital Region;
2. The Cordillera Administrative Region;
3. Ilocos;
4. Cagayan Valley;
5. Central Luzon;
6. Calabarzon;
7. Mimaropa Region;
8. Bicol;
9. Western Visayas;
10. Central Visayas;
11. Eastern Visayas;
12. Zamboanga Peninsula;
13. Northern Mindanao;
14. Davao Region;
15. Soccsksargen;
16. Caraga;
17. Autonomous Region of Muslim Mindanao,
and
18. Negros Island Region.

16 REGIONS
SYMMETRICAL IN CHARACTER

 National Capital Region	 Region I Ilocos Region	 Region II Cagayan Valley	 Region III Central Luzon
 Region IV-A CALABARZON	 Region IV-B MIMAROPA Region	 Region V Bicol Region	 Negros Region
 Region VI Western Visayas	 Region VII Central Visayas	 Region VIII Eastern Visayas	 Region IX Zamboanga Peninsula
 Region X Northern Mindanao	 XI Davao Region	 Region XII SOCCSARGEN	 Region XIII CARAGA

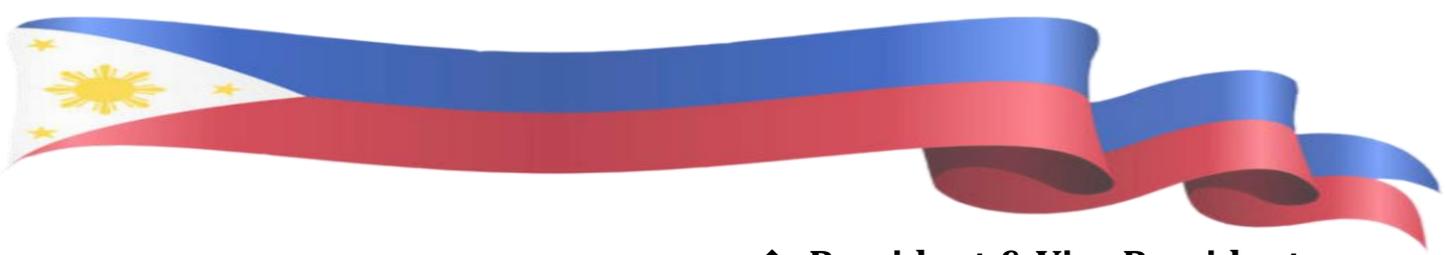
2 REGIONS
ASYMMETRICAL IN CHARACTER

 FEDERATED REGION OF THE CORDILLERAS	 BANGSAMORO
---	---

SHALL RECOGNIZE THE ETHNICITY, RELIGION, CUSTOMS, TRADITIONS,
LANGUAGE, AND DISTINCT IDENTITIES OF THEIR PEOPLE.

THE CONSTITUTION ACKNOWLEDGES ITS ASYMMETRICAL CHARACTER.

THE ORDINANCES WILL BE APPENDED TO THE FEDERAL CONSTITUTION.
(SEC. 23, 25 & 31, ART. XI)



Executive Department

CURRENT



The President and the Vice-President are **ELECTED SEPARATELY**

QUALIFICATIONS:
ABLE TO READ AND WRITE

TERM LIMITS:

PRESIDENT: 6 YEARS WITH
NO RE-ELECTION

VICE- PRESIDENT: 6 YEARS WITH
RE-ELECTION

PROPOSED



The President and the Vice-President are **ELECTED AS A TANDEM**

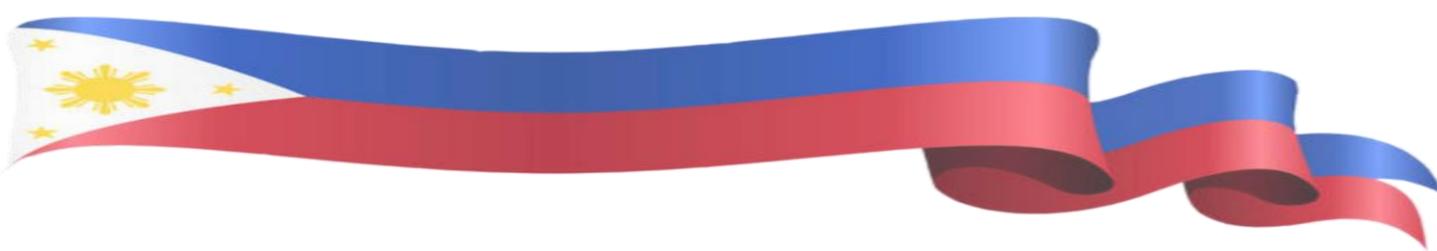
QUALIFICATIONS:
COLLEGE DEGREE OR
ITS EQUIVALENT



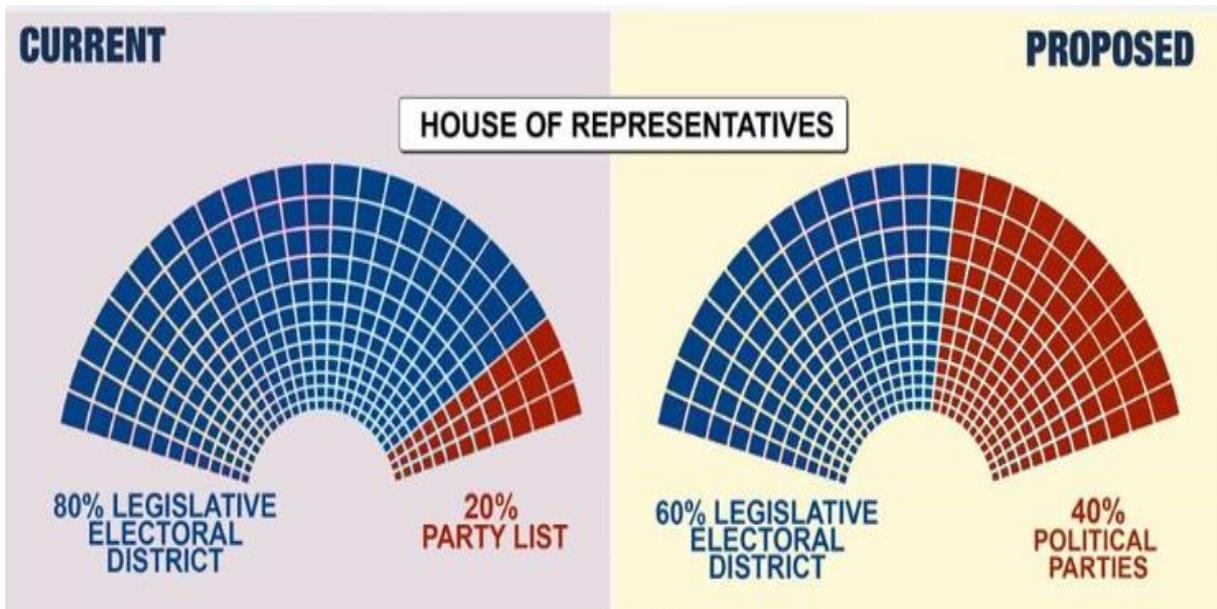
TERM LIMIT:
4 YEARS WITH RE-ELECTION

❖ President & Vice President (Article VIII)

- Directly elected by the people AS A TEAM with the Vice President;
- Vice President to be appointed to Cabinet (**Sec. 4a, 4c, 3**)
- Four-year term with one reelection (**Sec. 4a**)
- Additional qualification: College degree or its equivalent (**Sec. 2**)
- Exercises basically the same powers of the President, including checking powers, under the 1987 Constitution
- Vested with “step in” powers to prevent violations by the Regions of their obligations under the Constitution, as well as prevent secession by any Region (**Sec. 4, Article XX**)

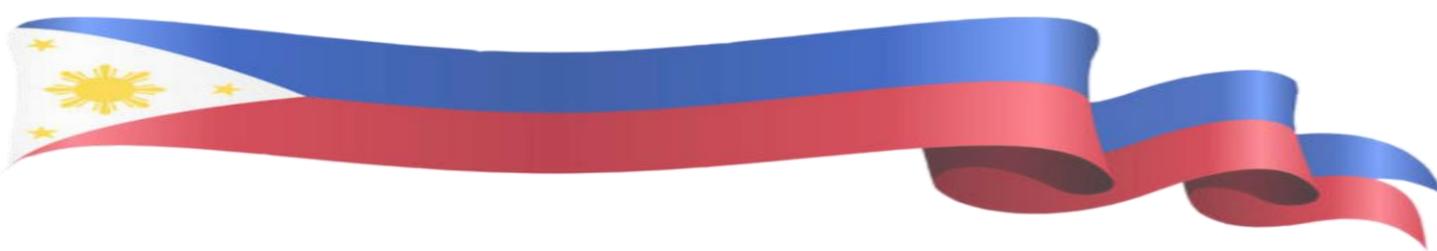


Legislative Department it is proposed that we will still have a **bicameral legislature** even if we federalize the Republic.



The election of the members of the House of Representatives will be retained. That means that every congressional district will be represented by one congressman or congresswoman.

The Consultative Committee has approved a proposal to ensure proportional representation for political parties of 40% of all the members of the House, with one-half of the 40% or 20% being reserved for the marginalized sector of our society namely: **labor, peasants, fisherfolks, urban poor, and Indigenous Peoples**, for the next three year electoral cycles.

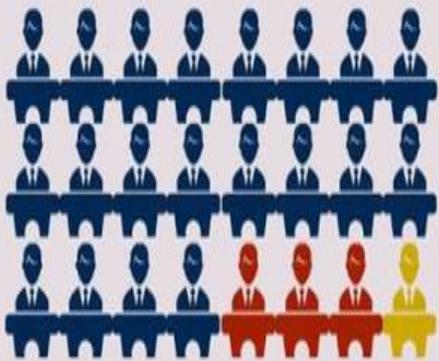


CURRENT

PROPOSED

SENATE

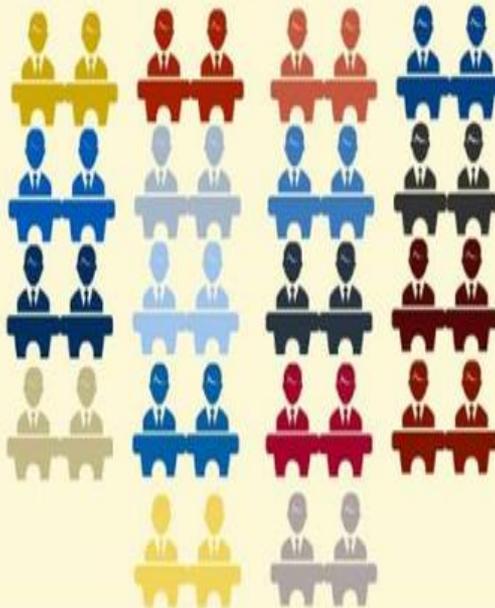
24 SENATORS



20 FROM LUZON
3 FROM MINDANAO
1 FROM VISAYAS

(Current 17th Congress composition)

36 SENATORS

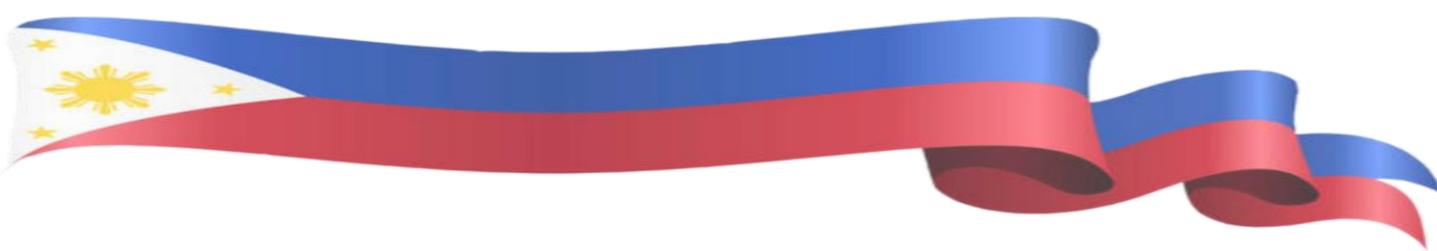


2 SENATORS PER REGION

(Senate) Legislative Department

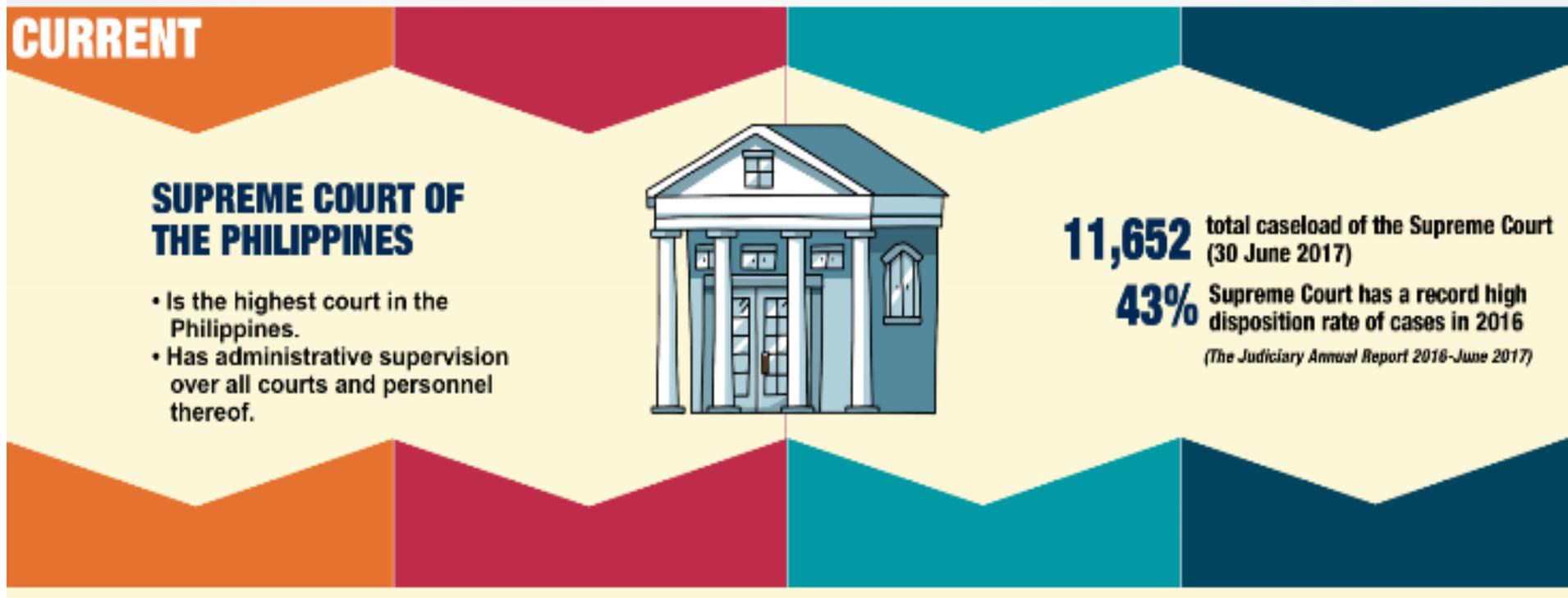
Every Federated Region shall be represented by at least **two (2) Senators** elected by the qualified voters in the federated region, provided that each region shall have the same number of senators.

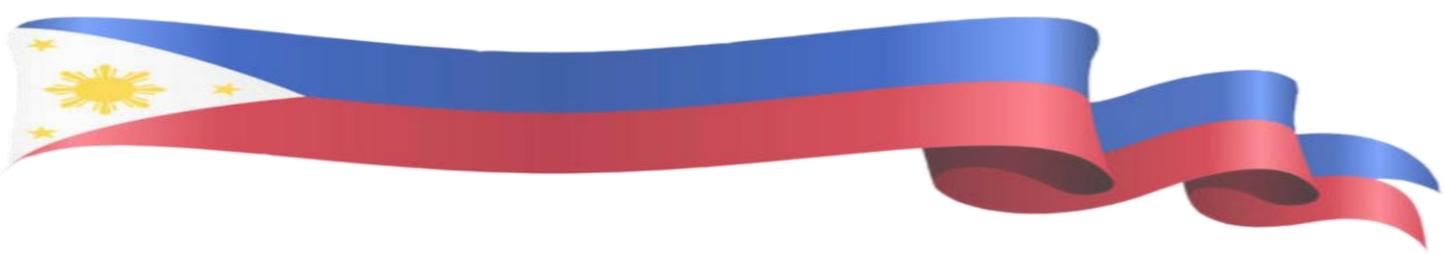
The idea is to ensure that every Federated Regions would be represented in the upper chamber of the National Federal Legislature.



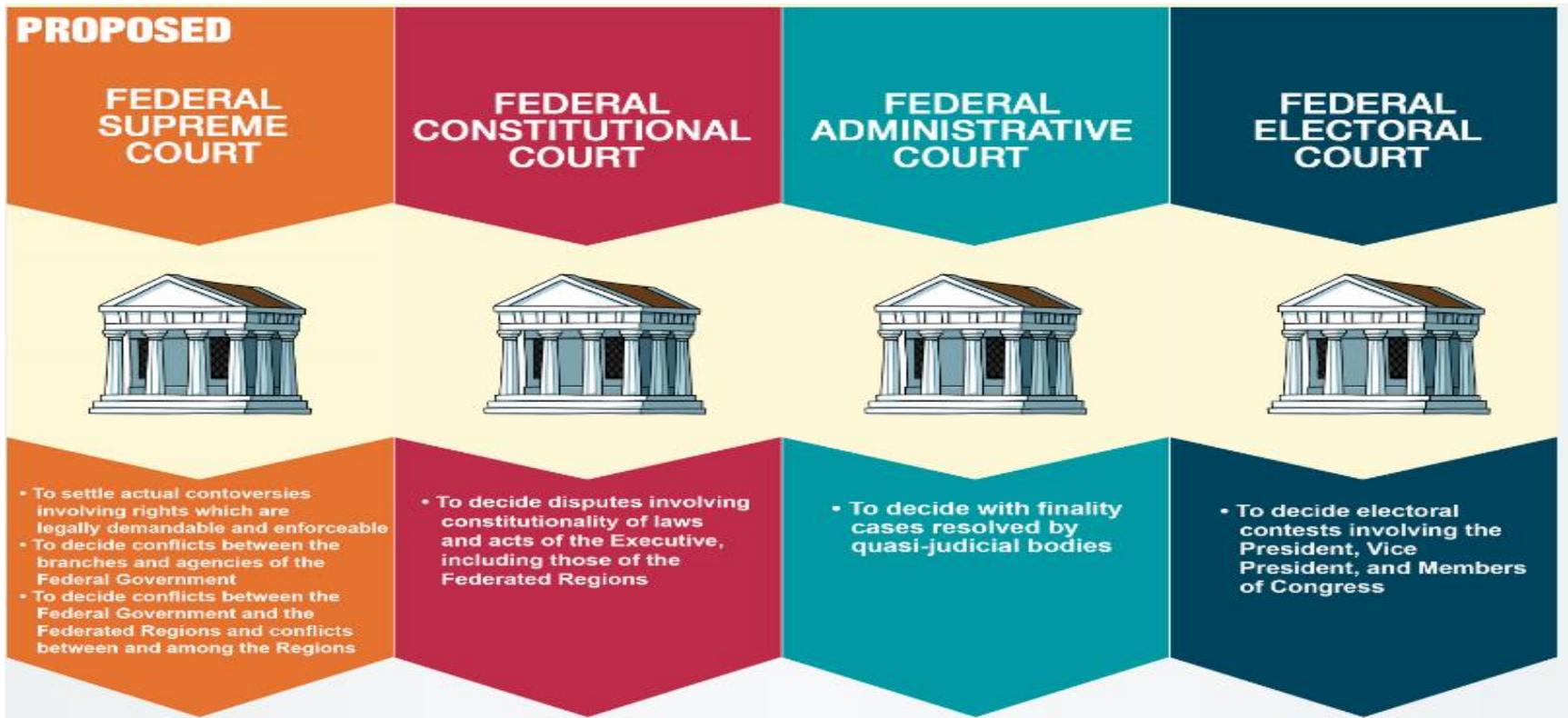
Judicial Department

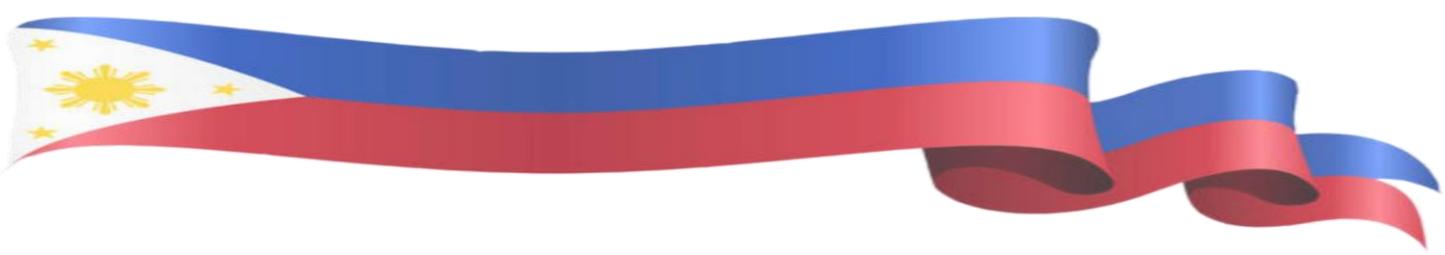
The Constitutional Committee recommends that the powers of the judiciary be split among four entities, **to de-clog the Courts of cases and effectively speed up the delivery of justice.**





Under the proposed Federal Constitution for the Republic, it is proposed that these will be **FOUR** Federal Judicial Bodies which will be supreme in their own spheres are:



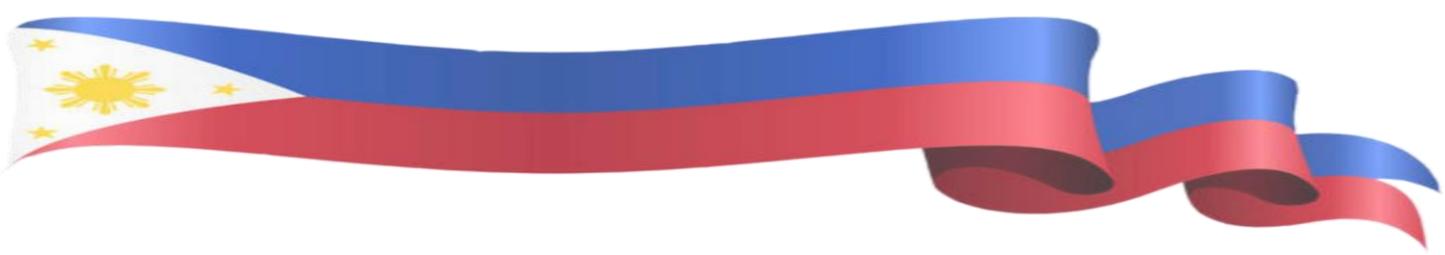


FOUR NEW HIGH COURTS

FEDERAL SUPREME COURT



- **TO SETTLE ACTUAL CONTROVERSIES INVOLVING RIGHTS WHICH ARE LEGALLY DEMANDABLE AND ENFORCEABLE.**
- **TO DECIDE CONFLICTS BETWEEN BRANCHES AND AGENCIES OF THE FEDERAL GOVERNMENT: BETWEEN FEDERAL GOVERNMENT AND FEDERATED REGIONS: AND BETWEEN AND AMONGST REGIONS**

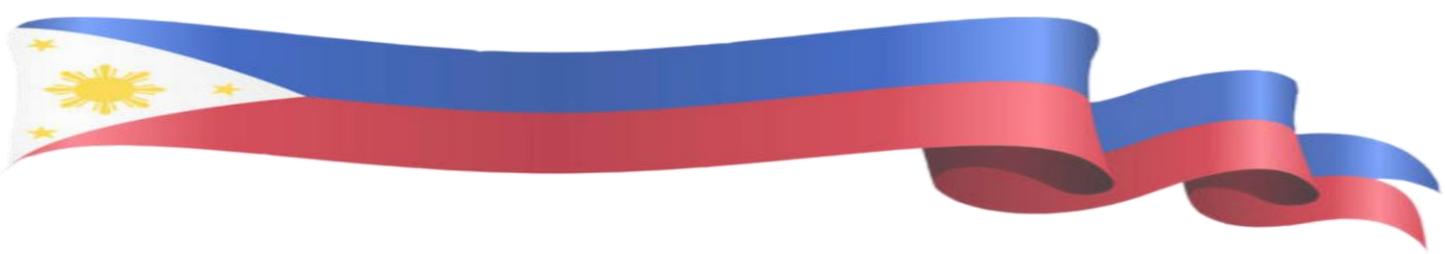


FOUR NEW HIGH COURTS



FEDERAL CONSTITUTIONAL COURT

- **TO DECIDE DISUTES INVOLVING CONSTITUTIONALITY OF LAWS AND ACTS OF THE EXECUTIVE, INCLUDING THOSE OF THE FEDERATED REGIONS.**
- **TO HEAR AND DECIDE IMPEACHMENT CASES**

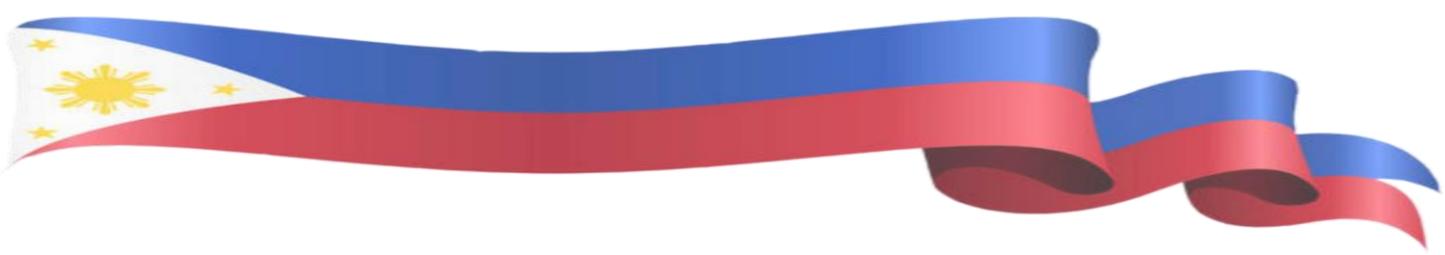


FOUR NEW HIGH COURTS



FEDERAL ADMINISTRATIVE COURT

- **TO DECIDE WITH FINALITY CASES RESOLVED BY ALL CONSTITUTIONAL COMMISSIONS, ADMINISTRATIVE AND QUASI-JUDICIAL BODIES.**

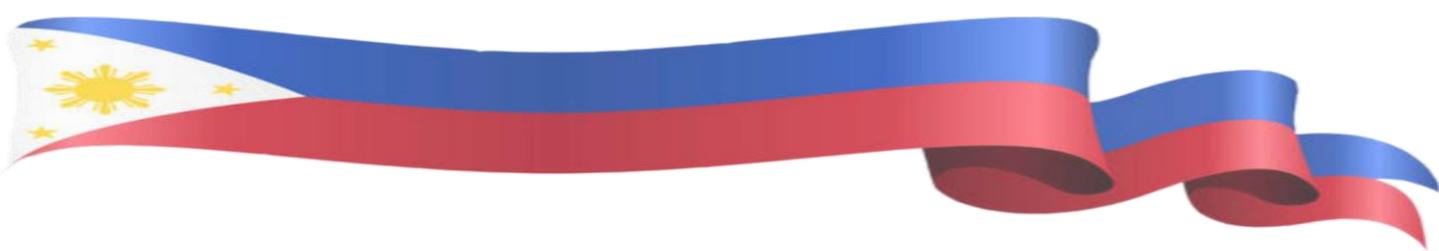


FOUR NEW HIGH COURTS



FEDERAL ELECTORAL COURT

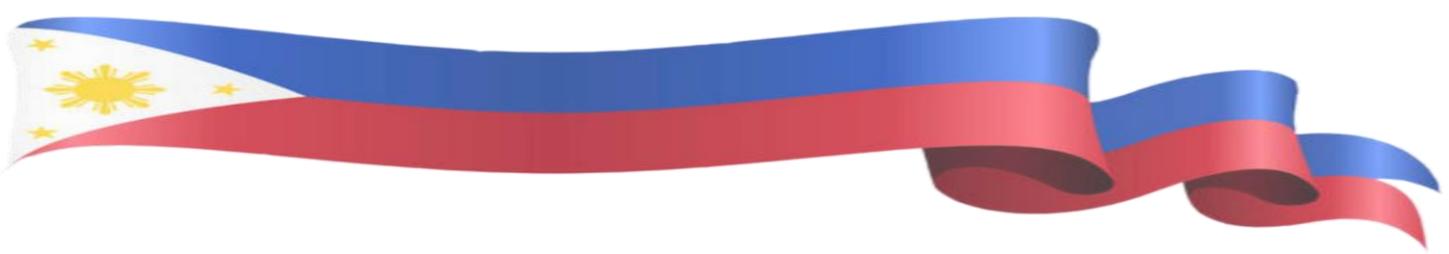
- **TO DECIDE ELECTORAL CONTESTS INVOLVING THE PRESIDENT, VICE-PRESIDENT, AND MEMBERS OF CONGRESS.**



All cases or matters filed must be decided or resolved



Federal Supreme Court Federal Constitutional Court Federal Administrative High Court Federal Electoral Court	24 months
All Lower Collegiate Courts	12 months
All Other Lower Courts	3 months
Federal Ombudsman Commission	90 days



Constitutional Commissions





STRUCTURE OF FEDERATED REGIONS

“The Federal Republic shall consist of 16 Federated Regions, the Bangsamoro and the Federated Region of the Cordilleras.”
(Section , Art. XI)

Below is the model structure for the 16 Federated Regions:



REGIONAL EXECUTIVE



REGIONAL GOVERNOR

(elected as a tandem by the members of the assembly)



DEPUTY-GOVERNOR
(presiding officer of the Regional Assembly)

To serve for four years with one reelection

Additional requirements:
COLLEGE DEGREE OR EQUIVALENT



REGIONAL JUDICIARY



REGIONAL APPELLATE COURT

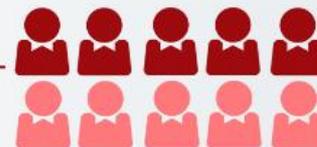


LOWER AND SPECIAL COURTS



REGIONAL ASSEMBLY

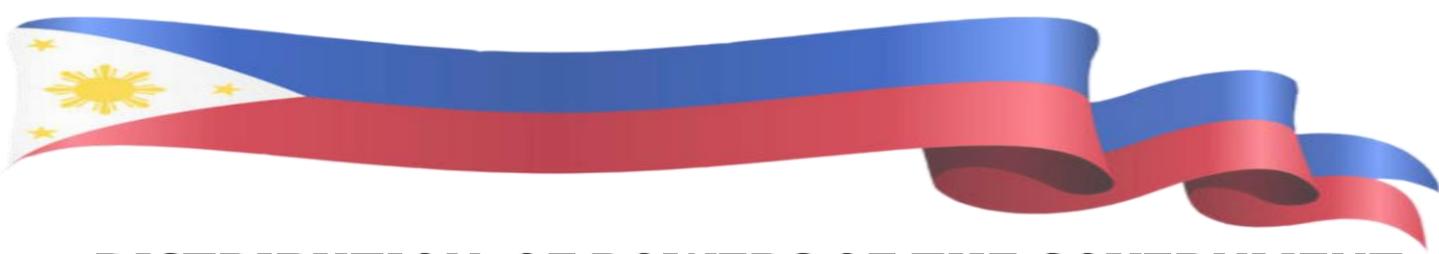
(LEGISLATIVE)



50% elected per province (1 each)
50% region wide by party representation

Four year term and should not exceed 2 terms

Additional requirement:
COLLEGE DEGREE OR EQUIVALENT

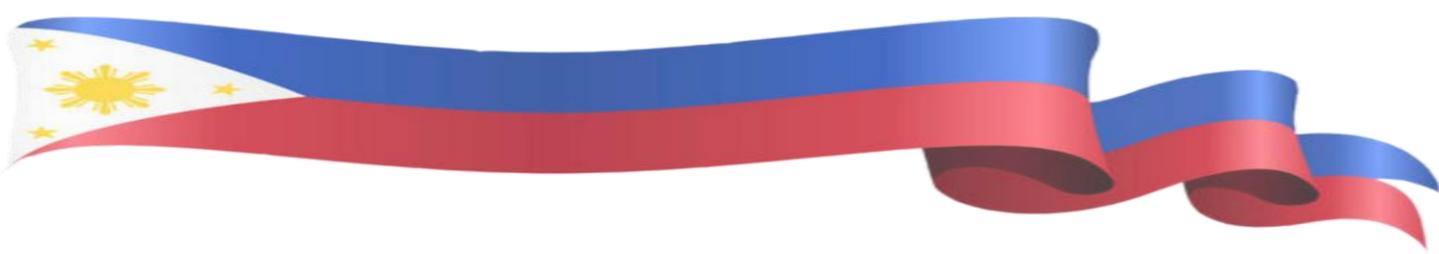


DISTRIBUTION OF POWERS OF THE GOVERNMENT



**Exclusive Powers
of the Federal
Government
(Article XII Sec. 1)**

- (a) Defense, security of land, sea, and air territory;
- (b) Foreign affairs;
- (c) International trade;
- (d) Customs and tariffs;
- (e) Citizenship, immigration and naturalization ;
- (f) National socio-economic planning ;
- (g) Monetary policy and federal fiscal policy, banking, currency;
- (h) Competition and competition regulation bodies;
- (i) Inter-regional infrastructure and public utilities, including telecommunications and broadband networks;
- (j) Postal service ;
- (k) Time regulation, standards of weights and measures;
- (l) Promotion and protection of human rights;
- (m) Basic education ;
- (n) Science and technology;
- (o) Regulation and licensing of professions ;
- (p) Social security benefits;
- (q) Federal crimes and justice system;
- (r) Law and order ;
- (s) Civil, family, property, and commercial laws, except as may be otherwise provided for in the Constitution;
- (t) Prosecution of graft and corruption cases;
- (u) Intellectual property; and
- (v) Elections.



DISTRIBUTION OF POWERS OF THE GOVERNMENT

- (a) Socio-economic development planning ;
- (b) Creation of sources of revenue;
- (c) Financial administration and management;
- (d) Tourism , investment, and trade development;
- (e) Infrastructure, public utilities and public works;
- (f) Economic zones;
- (g) Land use and housing;
- (h) Justice system ;
- (i) Local government units;
- (j) Business permits and licenses;
- (k) Municipal waters;
- (l) Indigenous peoples' rights and welfare;
- (m) Culture and language development;
- (n) Sports development; and
- (o) Parks and recreation.

**Exclusive Powers to
the FEDERATED
REGIONS**
(Article XII Sec. 2)



DISTRIBUTION OF POWERS OF THE GOVERNMENT



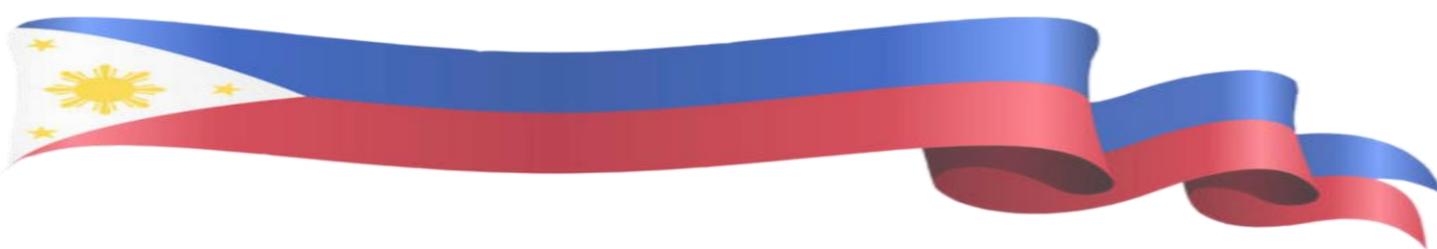
SHARED POWERS (Article XII Sec. 4)



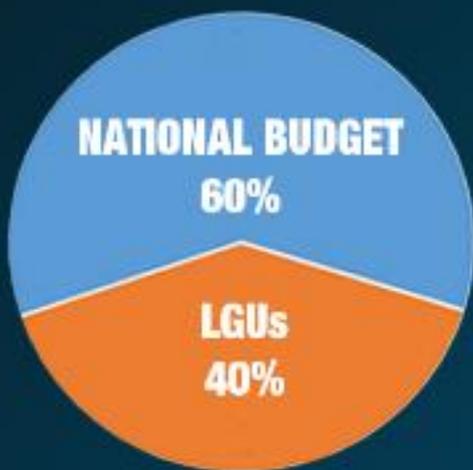
- Powers not exclusively given to either the Federal Government or to the Federated Regions.
- They fall within the relative competencies of the Federal Government and the Regional Government and can be exercised jointly or separately.
- In case of dispute or conflict in their exercise, the federal power shall prevail.

RESERVED POWERS (Article XII Sec. 5)

- Powers which are not exclusively given to the Federal Government or to the Federated Regions nor shared by them and not prohibited by the Constitution
- Reserved powers shall be vested in the Federal Government.



**LOCAL GOVERNMENT CODE
OF 1991 AS MANDATED BY
THE 1987 CONSTITUTION PROVIDES THAT:**



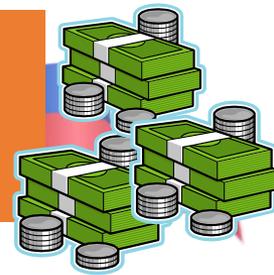
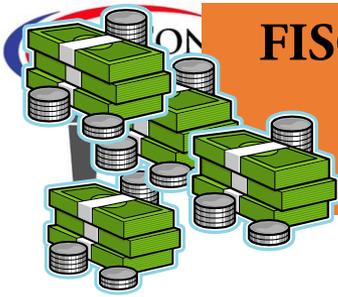
**THE 40% SHARES OF THE LOCAL GOVERNMENT UNITS
SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:**



THE LGC STATES THAT INTERNAL REVENUE ALLOCATION IS SOURCED ONLY FROM COLLECTIONS OF THE BUREAU OF INTERNAL REVENUE.

FISCAL POWERS AND FINANCIAL ADMINISTRATION (Article XIII)

(Revenue Sources for the Federated Regions)

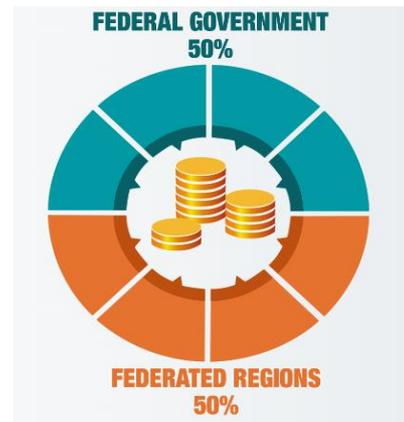


The Federal Government shall have the power to levy and collect all taxes, duties, fees, charges, and other impositions except the power to tax granted to the Federated Regions.

- (a) Real Property Tax;
- (b) Estate Tax;
- (c) Donor 's Tax;
- (d) Documentary Stamp Tax;
- (e) Professional Tax;
- (f) Franchise Tax;
- (g) Games and Amusement Tax;
- (h) Environmental Tax, Pollution Tax, and similar taxes;
- (i) Road Users Tax;
- (j) Vehicle Registration Fees;
- (k) Transport Franchise Fees; and
- (l) Local taxes and other taxes which may be granted by federal law.

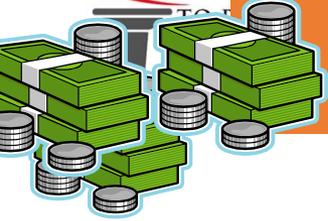
50% of all the collected income taxes, excise taxes, value-added tax, and customs duties, which shall be equally divided among them and automatically released.

50% all net revenues derived from the exploration, development, and utilization of all natural resources within their territory.





FISCAL POWERS AND FINANCIAL ADMINISTRATION (Article XIII) (Revenue Sources for the Federated Regions)

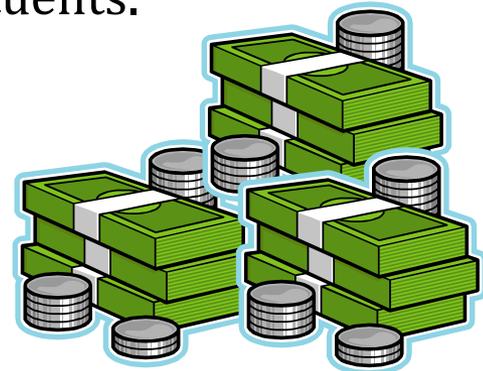


Equalization Fund

3% of the annual General Appropriations Act.

The Fund shall be distributed based on the needs of each region, with priority to those that require support to achieve financial viability and economic sustainability as determined by the **Federal Intergovernmental Commission.**

The Congress, through the **annual General Appropriations Act, may provide additional finances** for the regions to effectively and efficiently deliver government services to their constituents.



COMPOSITION OF THE FEDERAL INTERGOVERNMENTAL COMMISSION

15 Members



Chairman

(To be appointed by the President)



(To be appointed by the President)



(2 members from the House of Representatives)



(2 members from the Senate)



(4 members to be appointed by the Council of Regional Governors)



(1 from the Bangsamoro to be appointed by the Bangsamoro Parliament)



(1 from the Federated Region of the Cordilleras to be appointed by their Regional Assembly)



Secretary of Department of Budget and Management



Secretary of Department of Finance

FEDERAL INTERGOVERNMENTAL COMMISSION

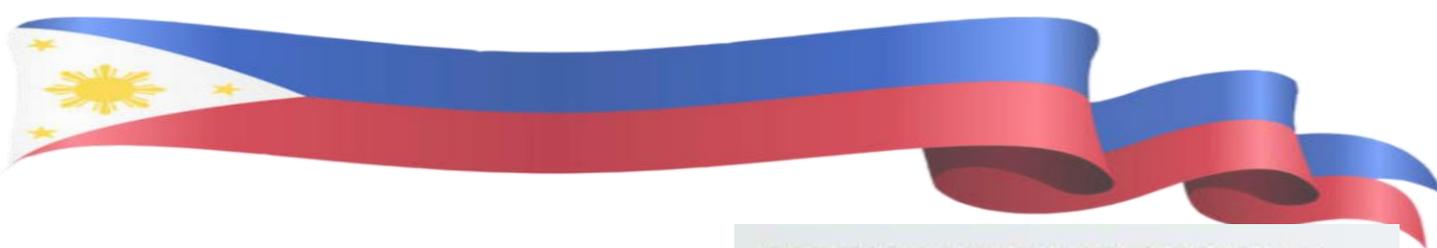


POWERS AND DUTIES OF THE FEDERAL INTERGOVERNMENTAL COMMISSION

- To administer the Equalization Fund and assist the Federated Regions in need in order to attain economic viability and sustainability;
- To formulate programs and policies in regard to grants-in-aid and fund transfers that will address the specific economic needs of the regions;
- To ascertain the effectiveness and efficiency of the fiscal administration and management of the Regional Governments;
- To assess the sufficiency of the Regional Governments in raising revenues to determine and reduce causes of financial imbalance;
- To promote friendly and cooperative relationship among the regions through the use of conciliation and mediation practices in the resolution of their disputes;
- To provide for a system of equitable allocation of resources that will enable the people to achieve the goals of establishing a Federal Republic in accordance with the Constitution;
- To recommend to Congress the passage of laws to support the foregoing powers; and
- To promulgate its own rules

COUNCIL OF GOVERNORS

There shall be a Council of Regional Governors composed of all the elected Regional Governors, including the Regional Governor of the Federated Region of the Cordilleras and the Bangsamoro.

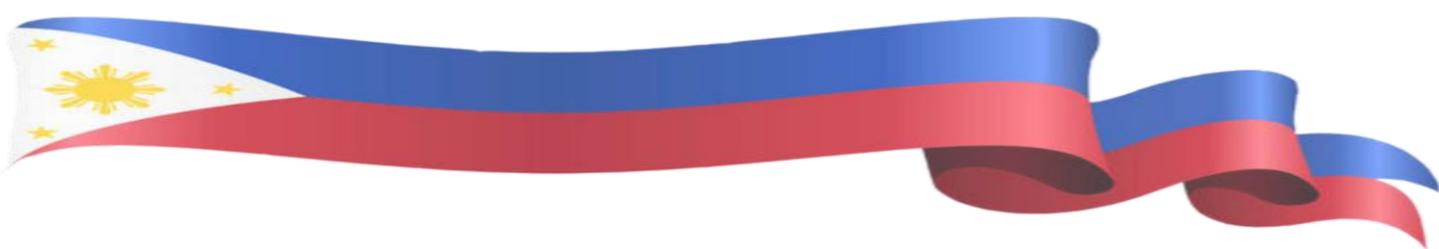


ECONOMIC REFORMS: LEVELLING THE BUSINESS LANDSCAPE



THE FEDERAL COMPETITION COMMISSION SHALL HAVE THE FOLLOWING POWERS:

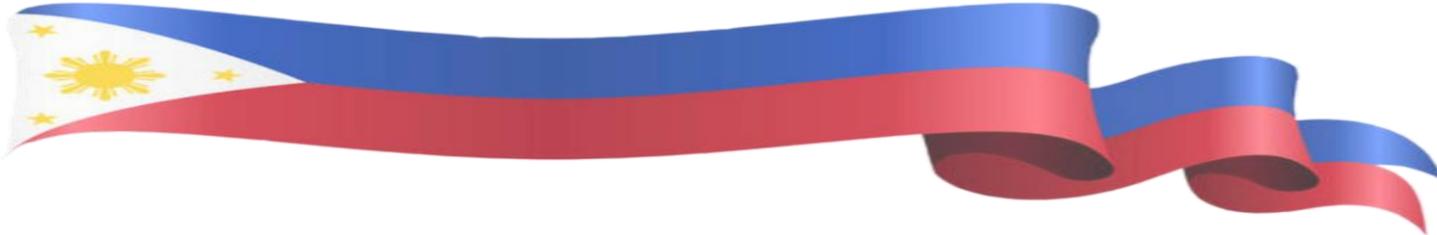
- Investigate and prosecute violations of competition laws
- Prevent and break up monopolies, oligopolies, cartels, and mergers that distort market structures
- To impose such orders as injunctions and sanctions as divestment, disgorgement of profits, and corporate reorganization



POLITICAL REFORMS: SELF-EXECUTING ANTI POLITICAL DYNASTY PROVISION

“The Federal Republic shall guarantee equal access to opportunities for public service and prohibit political dynasties to prevent the concentration or perpetuation of political power in persons related to one another.”
Section 8, Art. V

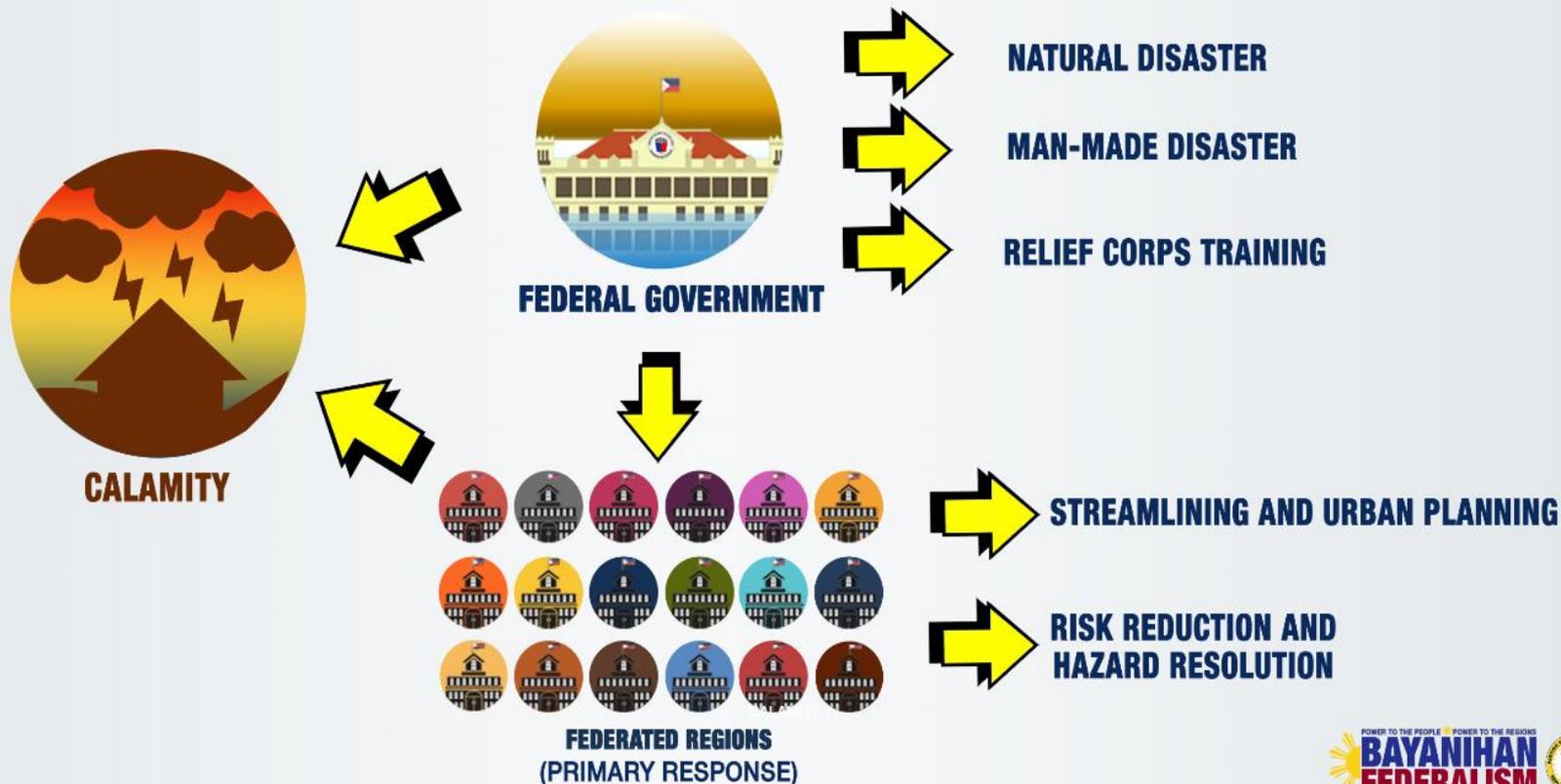


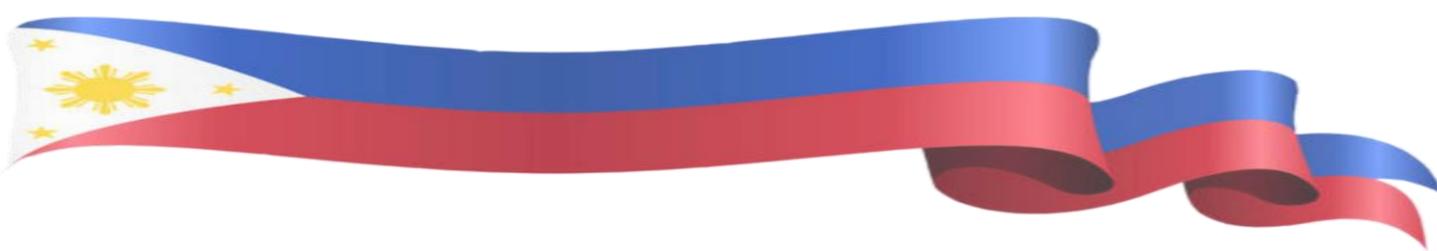


DISASTER RESPONSE

“DURING TIMES OF NATURAL OR MAN-MADE DISASTERS AND CALAMITIES, THE FEDERATED REGION SHALL PRIMARILY RESPOND THROUGH ITS LOCAL GOVERNMENT UNITS, OFFICIALS, AND AGENCIES.

THE PRESIDENT THROUGH THE EXECUTIVE DEPARTMENT SHALL PROVIDE RELIEF AND REHABILITATIVE ASSISTANCE TO THE AFFECTED REGION. ”
(SEC. 8 & 9, ART. XIX)





BILL OF RIGHTS

CIVIL AND POLITICAL RIGHTS



DUO PROCESS OF ALL PERSONS



INVIOABILITY OF RIGHT TO PRIVACY



RIGHT OF PERSONS AGAINST UNREASONABLE SEARCHES AND SEIZURES



INVIOABILITY OF PRIVACY OF COMMUNICATION



PRESERVATION OF FREEDOM OF SPEECH, OF EXPRESSION, OR OF THE PRESS



PRESERVATION OF FREEDOM OF RELIGION



RIGHT TO INFORMATION



RIGHT TO TRAVEL



RIGHT TO FORM UNION AND ASSOCIATIONS NOT CONTRARY TO LAW



PRIVATE PROPERTY SHALL NOT BE TAKEN WITHOUT JUST COMPENSATION



FREE ACCESS TO COURTS AND QUASI-JUDICIAL BODIES AND ADEQUATE LEGAL ASSISTANCE



NO PERSON SHALL BE DETAINED SOLELY BY REASON OF ONE'S POLITICAL BELIEFS AND ASPIRATIONS

ENVIRONMENTAL AND ECOLOGICAL RIGHTS

RIGHT TO HEALTHFUL ENVIRONMENT AND BALANCED ECOLOGY

RIGHT TO SEEK IMMEDIATE RELIEF FROM THE COURTS THROUGH THE WRIT OF KALIKASAN

RIGHT TO BE PROTECTED FROM AND SEEK COMPENSATION FOR DAMAGE TO ENVIRONMENT AND ECOLOGY



SOCIAL AND ECONOMIC RIGHTS



RIGHT TO ADEQUATE FOOD



RIGHT TO UNIVERSAL AND COMPREHENSIVE HEALTHCARE



RIGHT TO COMPLETE AND QUALITY EDUCATION



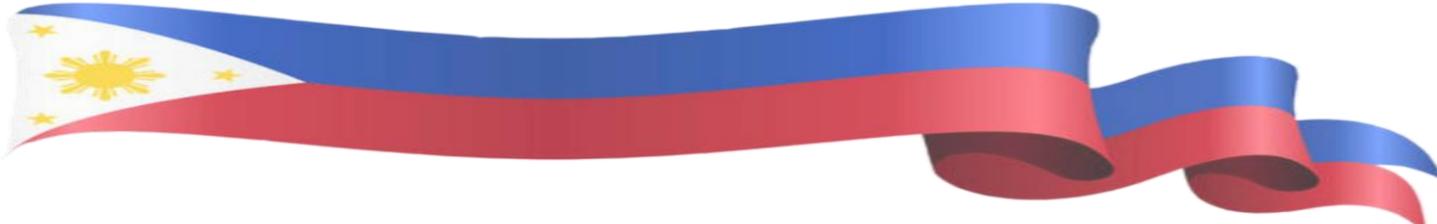
RIGHT TO ADEQUATE AND DECENT HOUSING



RIGHT TO LIVELIHOOD AND EMPLOYMENT

“ THE RIGHTS UNDER THIS ARTICLE ARE DEMANDABLE AGAINST THE STATE AND NON-STATE ACTORS, AND THEIR ENFORCEMENT SHALL BE CONSISTENT WITH INTERNATIONAL STANDARDS. ”

(SEC. 1, ART. III)



NATIONAL SECURITY AND PUBLIC ORDER

**AN ENTIRELY NEW ARTICLE ON
NATIONAL SECURITY AND PUBLIC ORDER**

**STATES THAT THE AFP MUST PROTECT THE
REPUBLIC'S SOVEREIGNTY AND TERRITORY INCLUDING:**



LAND



AIR



SEA



SPACE



CYBERSPACE



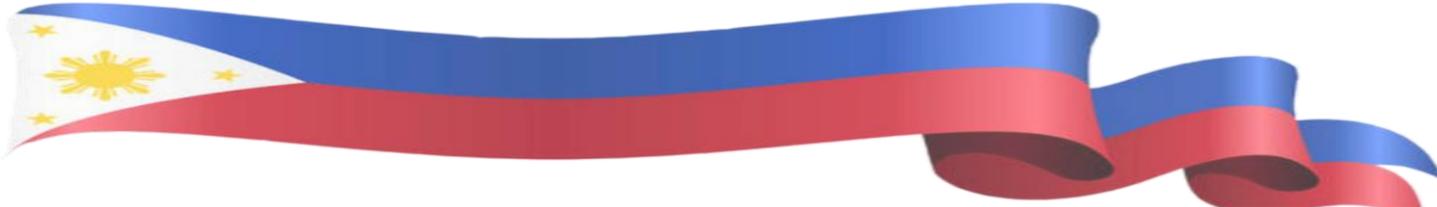
**BENEFITS TO WAR VETERANS WERE
EXPANDED**



**RECOGNIZES CYBER ATTACK
AS THREAT TO NATIONAL
SECURITY**



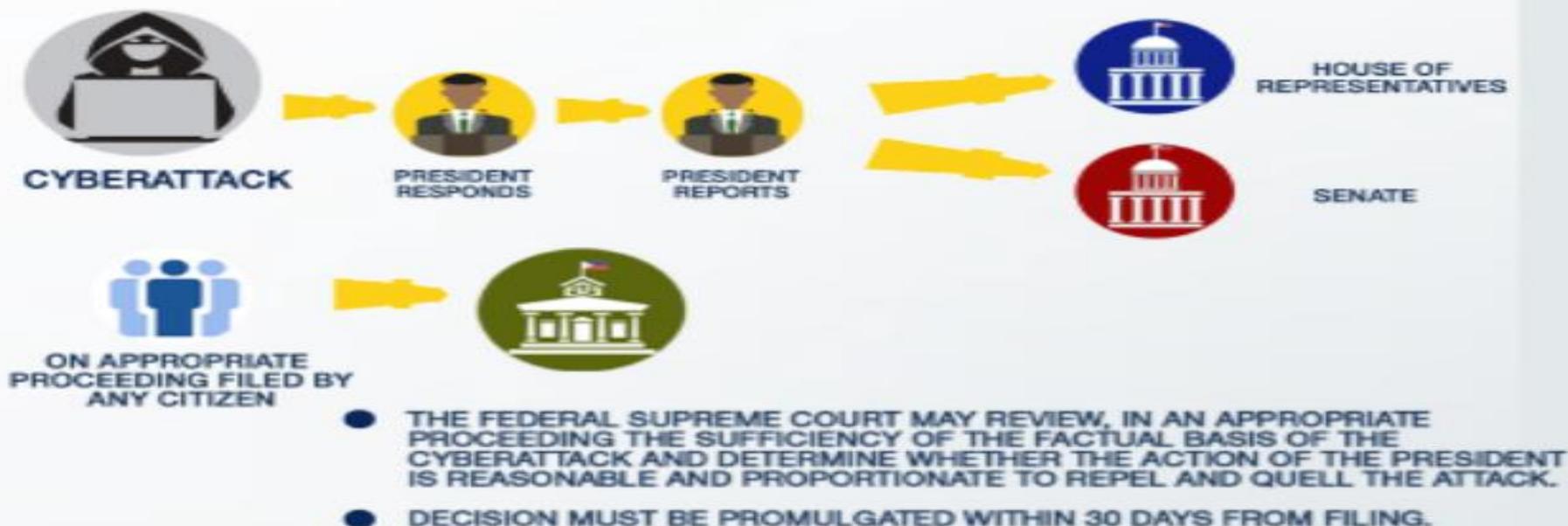
**MAINTAIN ONE POLICE FORCE AND A
PHILIPPINE COAST GUARD**

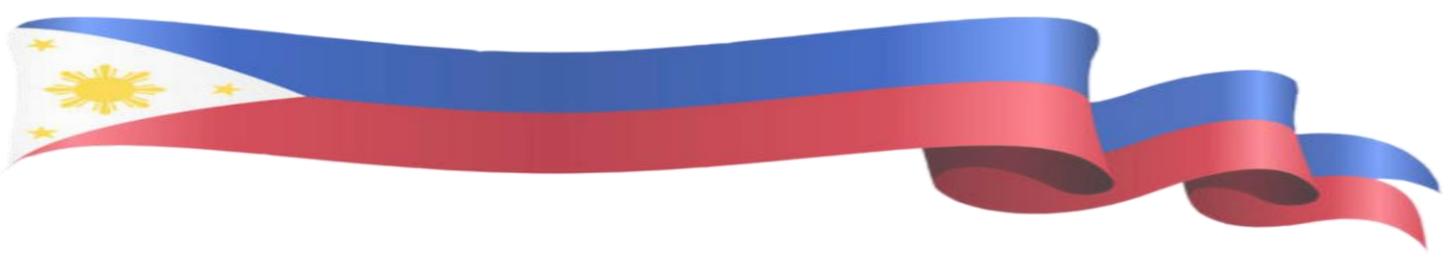


CYBER SECURITY AS CREDIBLE THREAT

THE FEDERAL REPUBLIC SHALL ESTABLISH AND CONTINUOUSLY DEVELOP AN EFFECTIVE INFORMATION AND CYBER SECURITY INFRASTRUCTURE TO PROTECT ITSELF AND THE PEOPLE FROM UNAUTHORIZED DOMESTIC OR FOREIGN INTRUSION SUCH AS CYBERATTACKS AND CYBER WARFARE ON ITS PUBLIC UTILITIES, CYBER INSTALLATIONS, AND PRIVATE ENTITIES.

(SEC. 6, ART. XIX)





Thank You