

CALL FOR A STRONG AND IMMEDIATELY ACCOUNTABLE GOVERNMENT

Whereas, since the birth of the Republic of the Luzon, Visayas and Mindanao archipelago, its successive national government administrations have always been weak, incapable or unwilling to promote the legitimate, diverse and indigenous interests of its traditional and emergent peoples, whenever these interests come into conflict with the vested interests of the oligarchy;

Whereas, on the other hand, the local governments have always been dominated by family dynasties that put familial interest above those of the public, that they are by law beholden to serve;

Whereas, among other factors, the weakness of the national government is inherent and comes from the way it is structured; in other words, it was designed to be weak; instead of concentrating all the political powers of government in a unified body of representatives (i.e. parliament), the framers chose to separate the lawmakers (i.e. congress) from the law implementor (i.e. president), and further divided the lawmakers into two separate groups (i.e. senate, house of representatives);

Whereas, the separation of the lawmakers (i.e. congress) from the law implementor (i.e. president) has made the national government vulnerable to an institutional gridlock between the lawmakers and the law implementor, whenever they come from opposing political parties;

Whereas, the separation of the lawmakers (i.e. congress) into two separate groups (i.e. senate, house of representatives), has likewise made the legislative branch susceptible to an institutional gridlock between the two houses, at times when they come from opposing political parties;

Whereas, the use of two separate groups of lawmakers to enact laws, has institutionalized the useless and wasteful duplication of the law making process; otherwise, if duplication were the key to good governance, then we might as well have two presidents and two supreme courts holding office at the same time;

Whereas, apart from the inherent weakness in the structure of the national government, it is also vulnerable to capture by the “rich” and “famous” candidates, because it uses large constituencies in the election of the law implementor (i.e. president) and the functional half of the lawmakers (i.e. senators);

Whereas, on the other hand, the local government has similarly been susceptible to capture by the “rich” and “famous” candidates, because also uses relatively large constituencies for the election of the law implementor (i.e. governor, mayor);

Whereas, the “rich” candidates are those who can afford to spend millions and even billions to make themselves known to the voters; the “famous” candidates are the entertainment,

sports and media celebrities who are already known to the voters;

Whereas, this bias for “rich” and “famous” candidates has given rise to personality cults, and threatens the very existence and relevance of political parties; this development needs to be reversed, because it is the political parties and not the individual personalities that provide consistency, continuity and stability;

Whereas, notwithstanding the bias of elections in large constituencies for “rich” and “famous” candidates, this mode of election has also become a popular avenue for a protest vote in favor of a chosen candidate (i.e. president), short of launching a people’s power revolution; accordingly, any new structure of government will have to take this meritorious aspect into consideration;

Whereas, to address the inherently weak structure of the national government, a parliamentary or semi-parliamentary system may be adopted, where the body of people’s representatives will be vested not only with the power to make law, but also with the power to hire-and-fire the implementor/s of the law;

Whereas, to address the inherently weak structure of the legislative branch of government, a unicameral legislature may be adopted either by merging the upper house with the lower house (and changing the constituency of the senators from national to regional), or by abolishing the upper house altogether and simply keep the lower house;

Whereas, on the other hand, to address the inherently weak structure of the local government, a “council type system” (i.e. collective rule) may be adopted to replace the existing “mayor type system” (i.e. one-man rule); the local council will be vested not only with the power to enact ordinances, but also the power to hire-and-hire the local chief executive (i.e. governor, mayor);

Whereas, the “council type system” of local government is in keeping with the indigenous culture of the people of the Luzon, Visayas and Mindanao archipelago, where powers of governance are vested in the tribal leaders council;

Whereas, to address the bias for “rich” and “famous” candidates, large constituencies may be divided into multiple small constituencies, to give the small political parties a reasonable chance to win elections against the oligarchs and the family dynasties;

Whereas, a manipulative mass media is less effective in small constituencies, because here the voter has greater chances of knowing the competence and integrity of the candidate;ⁱ that furthermore, the electoral process involving multiple small constituencies requires a substantially lower number of votes to win the post of chief executive.ⁱⁱ

Whereas, the division of large constituencies into multiple small constituencies complement other efforts to check the overreaching power of the oligarchs and the family dynasties, i.e. imposition of term limitsⁱⁱⁱ, disqualification of relatives by consanguinity or affinity from holding elective or appointive positions, requirement for statements of assets and

liabilities^{iv};

Whereas, to hold accountable the chief executive of the national government (i.e. president), the remedy of impeachment is practically impossible; the other options are equally untenable, either to suffer the excesses of the incumbent until the next elections and just come back with a protest vote, or to launch of a people's power revolution; it would have been better if the chief executive were subject to immediate removal by the body of elected representatives on mere "loss of confidence";

Whereas, to hold accountable the lawmakers of the national government (i.e. congressmen), the remedy of expulsion by peers is likewise practically impossible^v; it would have been better if lawmakers were also subject to recall just like the local elective officials^{vi};

Whereas, to hold accountable the chief executives of the local government (i.e. governors, mayors), the remedy of administrative proceedings^{vii} or criminal prosecution is also practically impossible; it would have been better if local chief executives were also subject to immediate removal by the body of elected councilors on mere "loss of confidence";

Whereas, the major concern of instability of a parliamentary or semi-parliamentary system, may be addressed in a practical and prudent manner to avoid a headless government; the method to hire-and-fire the chief executive may be modified, to make it easy to "hire" the chief executive (such as by simple majority vote), and difficult to "fire" (such as by qualified 2/3 majority vote); this modified method of hiring and firing the chief executive may strike a balance between the need to address the disadvantage of instability, and the need to retain the advantage of immediate accountability;

WHEREFORE, in order to establish a strong yet accountable government at both the national and local levels, that will ensure the empowered representation of the diverse peoples in the system of government of the Republic, and uphold the recognized rights of all the traditional and emergent people of the Luzon, Visayas and Mindanao archipelago, WE, concerned citizens and people's organizations, hereby CALL for the following:

- (a) The amendment of the 1987 Constitution and conduct of the required plebiscite on or about the next national and local elections set on the second Monday of May in the year 2019 under the term of office of the incumbent Duterte administration, to provide for the following:
 - (1) The establishment of a unicameral legislative assembly (i.e. congress) to strengthen the legislative branch of government;
 - (2) The provision of recall for lawmakers (i.e. congressmen), in the same manner that elective local officials are subject to recall, to promote accountability;
 - (3) The constitution of the candidates for congressional districts as pledged electors for chief executive (i.e. president), to secure to the voters the choice of electing the president, promote the political party system and avoid turncoatism;
 - (4) The provision for removal of the president by congress on the ground of "loss of confidence", to promote accountability;

- (a) Pending the amendment of the 1987 Constitution, the urgent amendment of the Local Government Code to shift to a “council type system” from the present “mayor type system”, vesting in the local council not only the power to enact ordinances, but also the power to elect and remove for “loss of confidence” the local chief executive.

Federation of Free Workers

By:



Atty. Jose Sonny G. Matula
President
City of Manila, 15 May 2017

Lumad Mindanaw Peoples Federation

By:



Gukom Jose Catiag Macarial
President, Governing Council
Kidapawan City, 08 May 2017

Tanggulang Demokrasya (TanDem), Inc.

By:



Evelyn Kilayko / Teresita Daza-Baltazar
Chairman President
Makati City, 11 April 2017

ⁱ The electoral process for public officials needs to be designed in a manner that is immune from any deliberate manipulation of public opinion by mass media, considering that many television stations, radio stations, broadsheets, tabloids and online news sites, are by common knowledge owned or influenced by the oligarchs and the family dynasties.

ⁱⁱ For example, in a state with 10,000,000 voters and only 2 candidates, a candidate needs 5,000,000 + 1 votes to win as president (chief executive), assuming that all voters vote in a “presidential system” with direct voting. On the other hand, in a “parliamentary system” assuming 100 districts with 100,000 voters per district, the party of a candidate for prime minister (chief executive) needs to win only 51 seats in the parliament (national assembly). This would be 2,550,000 + 51 (or 50,000 + 1 per district) or total of 2,550,051 votes only, assuming all voters in all districts vote.

Another example, in a town with 10,000 voters and only 2 candidates, a candidate needs 5,000 + 1 votes to win as mayor, assuming that all voters vote in a “mayor type system”. On the other hand, in a “council type system” assuming 10 districts with 1,000 voters per district, the party of a mayoralty candidate needs to win only 6 seats in the council. This would be 3,000 + 6 (or 500 + 1 per district) or total of 3,006 votes only, assuming all voters in all districts vote.

ⁱⁱⁱ 1987 Constitution, Article VI Legislative Department, Section 7. Republic Act No. 7160, as amended, also known as the Local Government Code, Section 43(b).

^{iv} Supra Constitution, Article XI Accountability of Public Officers, Section 17. Republic Act No. 6713, also known as the "Code of Conduct and Ethical Standards for Public Officials and Employees", Section 8. Supra Local

Government, Section 91.

^v Supra Constitution, Article VI Legislative Department, Section 16(3).

^{vi} See supra Local Government, Sections 69-75.

^{vii} Id, Sections 60-68.