

Constitutional Revision under Pres. Rodrigo Duterte:

Cha-cha Circa 2018

KEY POLICY ISSUES ON FEDERALISM : A Policy Action Conference

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- **February 7, 2018**

Three Pending Cha Cha Proposals

1. Resolution of Both Houses No. 8
• (RBH 8 Filed August 2, 2016)

2. PDP-LABAN Proposed Federal Constitution

3. House Committee on Constitutional Amendments Draft Constitution
(Consolidated in Concurrent Resolution No. 9)

Critique of Cha Cha Proposals

1. Centralizes repressive powers in Pres. Duterte
2. Constitutionalizes the self serving agenda of politicians and rent seekers
3. Attacks human rights and social justice policies
4. Dismantles the protectionist provisions in the current Constitution and exacerbate poverty and underdevelopment

I. Centralizes repressive powers in Pres. Duterte

a. “Upon ratification of this Constitution, the present Congress shall be dissolved and the incumbent President shall exercise legislative powers until the first Federal Congress is convened [Article XVIII Section 6 RBH 8]

b. “The members of the Interim Parliament shall be the incumbent Members of the Senate and the House of Representatives and by appointment of the President, members of the Cabinet with Portfolio” [Sub Committee 1 on “Transitory Provisions” (p. 3)]

c. Control of the Judiciary

1) lower the retirement age of INCUMBENT justices and judges from the current 70 years old to 65 years old
[page 2 of Sub Committee 2 of the House Committee]

2) *Justices and judges under the Federal Constitution shall “hold office until they reach the age of seventy-five (75) years old”, [Article VIII Section 12, RBH 8]*

Control of Independent Commissions

- *Article XVIII Section 12*

“The incumbent members of the Civil Service Commission, the Commission on Elections and the COA shall continue in office for one year after the ratification of this Constitution, unless sooner removed for cause x x x”

d) Oversight function over the entire government

“The powers of the President shall include xxx oversight power over all branches of government (legislative, executive and judiciary), constitutional bodies, independent bodies, departments, agencies and offices of the government.”

[Sub Committee 1 on “Powers of the President” page 2]

II. Self-serving provisions for the benefit of politicians and top officials

a) Income Tax exemption (Art. VIII, Sec. 15)

“Until the Federal Congress provides otherwise, the President, Vice-President, Senate President, Speaker of the House, the Chief Justice, the Senators and Members of the House of Representatives, xxx, shall continue to receive the annual salaries that they are presently receiving at the time of the ratification of the Constitution without any income tax deductions.” [Art. VIII, Sec. 12 RBH 8]

Pork Barrel Enshrined in the Federal Constitution

“Each district shall be entitled to an annual share in the state and federal budgets for its infrastructure, as well as for the medical, educational and social services of its inhabitants.

- Each member of the Senate and of the party list shall likewise be entitled to an amount not less than the allocation for a district from the state and federal budgets for their constituents within the region **or nationwide.**”

[*Sub Committee 1 on “The Parliament” (p.1)*]

Hold over and Reelection

“ The first election under this Constitution shall be held on the second Monday of May 2022.”

“NO PERSON SHALL SERVE AS PRESIDENT FOR MORE THAN TWO (2) CONSECUTIVE TERMS”

[All THREE Proposals contain this provisions but without qualification or Disqualification]

Rody nixes no-el unless cha-cha speeds up
— Roque [Daily Tribune]
by Ted Tuvera, 10 January 2018

“If they are able to amend the Constitution and have the people ratify it before 2019, that’s the only possibility of the postponement of the elections,” Roque said

“Unless and until the Constitution is amended and ratified by the people, elections will push through in 2019,” Roque said.

Duterte denies he’s seeking term extension by Frinstom Lim [Inquirer Jan 4 2018]

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III. Attack on civil liberties and human rights

a) Clipping the sovereign power of the people

“Sovereignty resides in the Filipino people THROUGH SUFFRAGE and all government authority xxx emanates from them.” [Section 3, RBH 8 amending Article II]

Section 15 Art II *“The Federal State and all its Regions shall be a drug free country”*

Qualifying the bill of rights

“No law shall be passed abridging the ‘RESPONSIBLE’ exercise’ of the freedom of speech, of expression, or the press, or the right of the people to peaceably assemble for and petition the government for redress of grievances.” [Sub Committee 2 on “The Bill of Rights”, page 1.]

JUSTIFICATION: “the right to free speech OR ANY RIGHT ENSHRINED IN THE BILL OF RIGHTS, comes with an equal burden of responsibly exercising the same.”

Clipping the checks and balance power of the Courts

[Sub Committee 2 on The Judiciary (page 1)]

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Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, **[DELETE ‘and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government’]**

“no amendment” constitution

Article XVII, Section 5 “(a) ***No amendment or procedure shall be commenced or continued where the integrity of the national territory is placed in jeopardy.***”

-- Attacks and violates:

- a) peoples right to initiative and to amend
- b) Indigenous peoples demand for genuine autonomy (BBL, Cordillera etc.)
- c) Peace process and just and lasting peace

IV. REVISION OF ECONOMIC PROVISIONS: Further Opening the Country to foreign economic Exploitation

- a) Allowing foreigners and foreign corporations ownership of lands**
- b) Allowing foreign corporations to solely explore, develop and utilize our natural resources**
- c) Allowing private corporations to lease more than 1000 hectares of lands of public domain beyond 50 years**

d) Allowing Foreigners to operate public utilities

e) Allowing foreigners control of the governing body and management of public utilities, even if they do not own it

“Article XII Sec 11

xxx UNLESS OTHERWISE PROVIDED BY LAW, the participation of foreign investors in the governing body of any public utility enterprise shall be limited to their proportionate share in its capital,xxx.”

Impact on Education

a) **Allowing Foreigners to own or manage universities and educational institutions**

b) Possible Impact on cost of education, text books and school needs

[**DELETE** All revenues and assets of non-stock, non-profit educational institutions used actually, directly, and exclusively for educational purposes shall be exempt from taxes and duties.]

Art. XIV, Sec. 4 of the PDP Laban Constitution

Granting Congress the Power to Otherwise the Constitution RBH 8 Article XII, Section 10.

The Congress shall, upon the recommendation of the economic and planning agency, when the national interest dictates, reserve to citizens of the Philippines or to corporations or associations at least sixty per centum of whose capital is owned by such citizens, x x x certain areas of investments **UNLESS OTHERWISE PROVIDED BY LAW**

Deleting social justice and equitable economic provisions

1) **DELETED** “The use of property bears a social function, and all economic agents shall contribute to the common good”

2) **DELETED** “industrialization and full employment based on sound agricultural development and agrarian reform”

Delete agrarian reform and industrialization

3) **DELETED** “The State shall, by law, undertaken an agrarian reform program founded on the right of farmers and regular farmworkers, who are landless, to own directly or collectively the lands they till” [PDP Laban]

Agrarian Reform Replaced by:

“EQUITABLE LAND OWNERSHIP ARRANGEMENTS”

Attack on small scale utilization of resources

5) **DELETED** “The Congress may, by law, allow small-scale utilization of natural resources by Filipino citizens, as well as cooperative fish farming, with priority to subsistence fishermen and fish-workers in rivers, lakes, bays, and lagoons”

6) **DELETED** [The State’s xxx protection shall extend to offshore fishing grounds of subsistence fishermen against foreign intrusion.]

Abandoning the urban poor

7) DELETED [“Urban or rural poor dwellers shall not be evicted nor their dwelling demolished, except in accordance with law and in a just and humane manner.”]

8) DELETED [“No resettlement of urban or rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated”.]

ATTACK ON LABOR

9) **DELETED** “The State shall afford full protection to labor, local and overseas, organized and unorganized”

10) **DELETED** workers entitlement to “security of tenure” and labor’s “just share in the fruits of production”.

Why Con Ass must be opposed

1. Congress cannot perform an unrestricted self serving function
2. Congress failed to perform its main task in passing laws, much more pro-people laws
3. Congress has wasted public funds in highly irregular budgetary items/projects
4. No provision against self interest
5. "The need for speed" is dangerous

Cha Cha must be opposed

1. It grants Pres. Duterte repressive powers
2. It attacks peoples rights
3. Further opens up to the country's economy to foreign exploitation

THE INTIMIDATING POLITICAL
CONDITION DOES NOT ALLOW FOR
A FREE CHA CHA DELIBERATION