

CHAPTER 2

Rationale and Features of Federalism

4. Why pursue federalism? Why not just amend the local government code?

The unitary state has existed in the Philippines for almost 500 years. Several efforts have already been made to decentralize the highly centralized unitary state. Federalism is the highest form of decentralization given its inherent principle of self-rule and shared rule between the national government and the local government units.

The Philippine archipelago has long been burdened by an overconcentration of political and administrative powers in Manila, which prevents full support and services from benefiting the farthest reaches of the country. Moreover, the unitary state has stunted growth and development in the different regions. There have been several incremental and piecemeal attempts to decentralize the unitary state. These include the *1959 Act Amending the Laws Governing Local Governments by Increasing their Autonomy and Reorganizing Provincial Governments* (Republic Act 2264), the *Barrio Charter Act of*

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1960 (Republic Act 2370), the *Decentralization Act of 1967* (Republic Act 5185), the *Local Government Code of 1983* (Batas Pambansa Bilang 337), the *1987 Constitution*, and the *Local Government Code of 1991* (Republic Act 7160) (Brillantes and Moscare 2002).

Despite the long experimentation with decentralization, Metro Manila, CALABARZON (Region IV-A) and Central Luzon (Region III) account for 62 percent of GDP, while fourteen out of seventeen regions account for only 38 percent. For 2016, the budget for Metro Manila and Luzon accounted for 56 percent of the entire General Appropriations Act (Republic Act 10717) compared to 16 percent for LGUs. The traditionally poor regions of western Mindanao slipped further behind, because of prolonged state of conflict. Thus, government expenditures and revenues have remained highly centralized even after the passage of the Local Government Code and the devolution to local government units (LGUs). It has become apparent that rather than enhancing decentralization in the Philippines, the unitary state has impeded it. Thus, we have reached the limits of expanding autonomy under this centralized form of governance.

In the groundbreaking book *Why Nations Fail: The Origins of Power, Prosperity, and Poverty*, Daren Acemoglu and James A. Robinson underscored the role of history in shaping the functions of present institutions. In their view, political institutions configure economic institutions. Furthermore, they distinguished extractive from inclusive institutions. Extractive institutions are forged by the powerful elites to extract resources from the rest of society. On the other hand, inclusive institutions level the playing field in order to create incentives for investments and innovation.

The unitary state is a vestige of the colonial era. The centralized system of government was entrenched under three colonial rules: Spain from 1521 to 1896, the United States from 1899 to 1941, and Japan from 1941 to 1945. By the time the country gained its independence in 1946, the unitary state institutionalized the logic of extraction to serve the ruling elite and their colonial masters (Brillantes and Moscare 2002; Reyes 2016). Moreover, the unitary government in the Philippines has continuously superimposed the concept of “one-nation, one-state,” conveniently overlooking the existence of ethnolinguistically distinct societies among the Filipinos (Buendia 1989, 131).

The American colonial government accepted the conclusion of the Schurman Commission that “there is no Philippine people . . . [but rather] more than eighty different tribes, speaking more than sixty different languages . . . [occupying] hundreds of islands” (cited by Anastacio 2016, 39). Thus, the Americans deemed their newly-acquired territory “incapable of self-government.” They adopted the Spanish colonial infrastructure that was essentially established for revenue extraction. It also restored the same elite families to their preeminent socio-economic roles and retained the central role of Manila in overseeing the activities of the local government units. These colonial legacies that found form in the unitary state would be institutionalized in the 1935 Constitution, and later revived in the 1987 Constitution (Anastacio 2016).

Hence, the Philippine experience demonstrates that local governments continue to be institutionally shackled in a domestic colonial and overcentralized structure. This limits the space for local governments in taking initiatives and becoming self-reliant. The dependent relationship between the central

government and the local government units has reduced the latter into mere brokers of assistance to their constituencies (Buendia 1989, 125). This brokerage function mirrors the extractive role performed by the local governments during the colonial rule. The “logic of extraction” has been embedded in the unitary state, thereby curtailing the emergence of self-sustaining local development. Unfortunately, this structural malaise can no longer be addressed by piecemeal reforms within the unitary state. Federalism offers a more viable alternative premised on the principles of self-rule and shared rule.

5. What are the different models of federalism extant in the world today?

Through the years, federalism has taken a variety of forms that include new variants and innovations. Federalism involves the “advocacy of multi-tiered government combining elements of shared-rule and regional self-rule.” On the other hand, “federal political systems” refer to a genus of political organization encompassing a variety of species. Consequently, “federation” refers to one species within the wider genus of federalism (Watts 2013, 20–21).

The United States, which adopted a federal constitution in 1787, is considered the first modern federation. However, the history of federalism is older, stretching back to ancient and medieval times. Switzerland, for example, has the longest history in experimenting with federalism. The Swiss confederation existed from 1291 to 1847. After a brief civil war, Switzerland shifted from a confederation into a federation in 1848. In Latin America, federalism emerged in Mexico (1824), Brazil (1899), Venezuela (1830), and Argentina (1853). Canada became a federation in 1867, followed by Australia in 1901 (Watts 2013; Hueglin and Fenna 2015).

The second half of the twentieth century has seen the rise and fall of several forms of federal structures to unite multi-ethnic communities in former colonies in Asia, the Middle East, and Africa. In Asia, these include Indochina (1945), Burma (1948), Indonesia (1949), India (1950), Pakistan (1956), Malaya (1948 and 1957), and Malaysia (1963). The federal experiment extended in the Middle East with the United Arab Emirates (1971); and in Africa with Libya (1971), Ethiopia (1952), Central African Federation (1953), Nigeria (1954), Mali (1959), the Congo (1960), Cameroon (1961), and Comoros (1978). In central and eastern Europe, federations were founded or restored, such as Austria (1945), Yugoslavia (1946), Germany (1949), and Czechoslovakia (1970) (Watts 2013).

Currently, there are twenty-seven functioning federations worldwide, representing over 40 percent of the world's population. This number grew from an original of nine federations in the nineteenth century (see Table 1).

Between the 1960s and the late 1980s, the failure of a number of federal systems exposed the limits of the federal solution or its application in particular circumstances (see Table 2). Nonetheless, there has been a revival of interest in federalism as a liberating and positive form of political organization. Belgium gradually shifted from unitary to federal form beginning in 1993. South Africa adopted the federal form post-Apartheid in 1996. Spain, while unitary in form, was federal in practice under its 1978 constitution (Watts 2013).

6. How do federal models differ?

There are varieties of federalism depending on a combination of institutional choices. Hueglin and Fenna (2015, 49)

Table I. Current Federation in Order of Formation

Formed before Twentieth Century	Formed during Twentieth Century
United States (1789)	Australia (1901)
Mexico (1824)	Austria (1920)
Venezuela (1830)	Germany (Federal Republic) (1948)
Switzerland (1848)	India (1950)
Argentina (1853)	Malaysia (1963)
Canada (1867)	Nigeria (1963)
Germany (2nd Reich) (1871)	United Arab Emirates (1971)
Brazil (1899)	Pakistan (1973)
	Spain (1978)
	Micronesia (1979)
	Belau (1981)
	St. Kitts and Nevis (1983)
	Russia (1993)
	Belgium (1993)
	Ethiopia (1995)
	Bosnia and Herzegovina (1995)
	Comoros (1996)
	South Africa (1997)
	Sudan (2005)
	Iraq (2005)

Source: Adapted from Forum of Federation (2017), T. Hueglin and A. Fenna (2015), and R.L. Watts (2013).

provide a very helpful analytical framework to compare and contrast the major types of federal models. These include the following:

1. **Rationale** – A federation can emerge on the basis of *cultural* (multinational) diversity or *territorial* division of power.
2. **Form of government** – Federal systems may adopt a *presidential* or *parliamentary* form of government.

Table 2. Defunct Federations

Defunct	Became Unitary States
Soviet Union (1919–1991)	Libya (1934)
Indochinese Federation (1945–1954)	Cameroon (1961)
Burma (1948–1988)	Indonesia (1968)
Czechoslovakia (1948–1992)	
Yugoslavia (1946–1991)	
Central African Federation (1953–1963)	
United Arab States (1958–1961)	
West Indies (1958–1962)	
Mali (1959–1960)	
Congo (1960)	
Serbia and Montenegro (1992–2006)	

Sources: Adapted from T. Hueglin and A. Fenna (2015), E. Kavalski and M. Zoloss (2008), and R.L. Watts (2013).

3. **Bicameralism** – Second chambers can be composed of either *senators* representing regional populations or *council members* representing regional governments.
4. **Division of powers** – Powers of subnational governments can be either *legislative* in which they make their own laws or *administrative* in which they implement and administer national laws.

In some instances, federalism offers a means by which cultural communities, characterized by ethnicity, language, religion, or distinct cultural identities, are accommodated through the formation of cultural (or multinational) federations. Canada, Spain, and Belgium are perfect examples of this type of federation. In other cases, federations are constructed on the basis of territorial (or regional) rather than cultural autonomy, with

exemplars such as the United States and Australia (He et al. 2007; Hueglin and Fenna 2015).

In terms of form of government, the United States is the first to combine federalism with presidentialism. Outside the US, this form is found largely in Latin America. Most federal systems operate in tandem with the Westminster (or British) parliamentary form of government, with bicameralism as one of the hallmarks of federalism.

Practically, all federal systems (except for the small island-nation of Comoros) have a second chamber that represents the local level at the national legislature. However, there are two different second chamber representations: the principle of divided federalism in which the senate represents the people of the local unit and are not bound by the instructions of the state or regional governments; and the principle of integrated federalism in which representatives of the state or regional governments constitute the second chamber as a council. The latter takes its roots from the unique German federal tradition in which members of the German *Bundesrat*, or Federal Council, sit as delegates of the *Länder* executive governments. Simply put, the senators represent the population of a constituent unit, while councils represent the constituent units as collectivities (Hueglin and Fenna 2015, 53).

In terms of creating multiple levels of governance, there are two basic approaches in dividing powers and responsibilities between central and local governments: a legislative division of power patterned after the American version of divided federalism, and an administrative division following the German version of integrated federalism. In the former, the national and subnational governments are each responsible for its own policy formulation, legislation, and implementation, while in

the latter, most legislation are concentrated at the national level and most administrative powers are given to the subnational governments. Various combinations of these features in a given federation impact the nature of **inter-governmental relations**. Some federations are characterized by either cooperation or competitive dynamics, while others are dominantly regulatory (Hueglin and Fenna 2015, 56).

7. **What lessons can be learned from the American, Canadian, and German federal models?**

Following Hueglin and Fenna (2015, 56), we can reduce the twenty-seven existing federal systems to three paradigmatic cases (see Table 3). Variations have been either adapted or imitated by other federal systems to suit their specific needs and context. These models can also help in formulating a federal system suitable to the Philippine context. These cases include:

1. **The American model** – federalism combined with a presidential form of government with divided legislative powers and a senate as a second chamber.
2. **The Canadian model** – federalism combined with a parliamentary form of government and similarly uses legislative divisions of power. The combination of federalism and parliamentarism became common with former British colonies that became federations, such as Australia and India.
3. **The German model** – federalism combined with a parliamentary form of government but differentiated with a council-type second chamber and by its administrative division of power. This model takes its roots from the European continental tradition.

Table 3. Three Models of Federalism

Model	Rationale	Form of Government	Second Chamber	Division of Powers	Intergovernmental Relations
American	Territorial	Presidential	Senate	Legislative	Regulatory
Canadian	Cultural	Parliamentary	Senate (nominal)	Legislative	Competitive
German	Territorial	Parliamentary	Council	Administrative	Cooperative

Source: T. Hueglin and A. Fenna (2015).

The American model is the pioneer for modern federal design. Despite the success of its innovative approach to federalism, it has remained an exceptional case. By combining federalism with presidentialism, the American model reinforces the combination of the principle of (vertical) division of powers among levels of government with the principle of (horizontal) separation of powers among branches of government. Initially, intergovernmental relations evolved under the aegis of congressional supremacy in which the states cooperated in the implementation and administration of national policies in exchange for congressional grant moneys. However, since there is an institutional disconnect between the state legislature and the national lawmaking, intergovernmental relations have shifted from cooperative to regulatory (if not coercive) relations. The American model of federalism coupled with presidentialism was extensively adopted in Latin America, particularly Mexico, Venezuela, Brazil, and Argentina. Switzerland, ironically the oldest federation in the world, copied the American model with a popularly elected second chamber with equal cantonal representation. Current Swiss federalism evolved from a mix of American constitutionalism, direct democracy, consociational (coalitional) power-sharing, and German-style

administrative division of powers (Hueglin and Fenna 2015, 67).

The Canadian model is the primary example of federalism that emerged from the accommodation of cultural differences. It was a result of the political settlement between English Canada and French Québec. While American federalism was a product of constitutional invention, Canadian federalism was born out of constitutional adaptation—an evolutionary rather than revolutionary process. Historically, it was the first instance of combining federalism with a parliamentary form of government following the Westminster model of a weak second chamber. However, it follows the American model of legislative division of powers in which each level of government is responsible for the legislation, implementation, and administration of its area of jurisdiction. To avoid confusion, there are two long lists of powers for each level of government, with the residual powers assigned to parliament. Ironically, this has resulted in a more centralized federal system, given the lack of legitimate regional representation and participation at the national level. Hence, intergovernmental relations in Canada is more politicized and competitive than in the United States. Canada was the first federation established in the British dominions. Australia and India followed Canada's example of parliamentary federalism, but eschewed its appointed upper chamber. Australia opted for popularly elected representatives, while the members of India's upper chamber are selected by the state legislatures (Hueglin and Fenna 2015, 68).

The historical origin of the German model is quite distinct from the American and Canadian models. It has its roots in the cultural federalism of the Second Reich established in 1871, the democratic federalism of the Weimar Republic in 1919, and the territorial federalism in the postwar West

Germany in 1945. This series of federal experiments helped institutionalize the federal states or *Länder* as the agent of local autonomy. The primary contribution of the German model is the establishment of a second chamber as a council instead of a senate. The *Bundesrat* (Federal Council) evolved from a dynastic upper chamber with legislative powers to the current democratic chamber composed of representatives from the federal states or *Länder*. The *Bundesrat*, however, directly represents government interests and indirectly represents popular interest. This system of governance is complemented by an administrative division of powers, where legislative powers are concentrated at the national level, while most administrative powers have been given to the *Länder*. The concept of administrative division of powers evolved from conventional German terminology. Under this setup, national legislation generally focuses on framework legislation identifying general policy goals while the *Länder* concentrates on implementation and administration. The *Länder* also exercises concurrent legislative powers shared with the federal government and can legislate on matters not reserved for the federal government. The participation of the representatives of the *Länder* in national legislation in the *Bundesrat* allows for a more integrated and collaborative policy. The German model of administrative division of powers was adopted by Austria and South Africa (Hueglin and Fenna 2015, 54, 231).

8. Which model of federalism fits the Philippines?

The traditional models of American, Canadian, and German federalism are examples of “*coming together*” federations comprised by previously independent or autonomous polities that decided to create a federal union to pursue common economic and security interests. A more current model of “*holding together*” federations underscores the granting of a guaranteed

measure of autonomy to subnational entities in an already existing polity. This guarantee of autonomy has revived the interest in federalism as an institutional tool for conflict management around the world (Hueglin and Fenna 2015, 345). Federalism has been utilized to address the grievances of local minority groups and their quest for more autonomy or outright secession. Recent examples include Spain's transition to federalism in the post-authoritarian Franco period in 1975; addressing the various intra-state conflicts in the post-Cold War period that include Russia (1993), Ethiopia (1993), Bosnia and Herzegovina (1995), Nigeria (1999), Serbia and Montenegro (2002), Sudan (2005), Iraq (2005) and Nepal (2103); and the ongoing federalism discussion in Nepal and the Philippines (Pi-suñer 2010; Keil 2015; Adhikari 2010; May 2007).

The Western models of regional (territorial) federalism and multinational (cultural) federalism have not been widely implemented in Asia. Among the countries in Asia, India appears to be the most successful case. India, together with Pakistan, Malaysia, and the semi-federated Hong Kong, are all former British colonies that embraced federalism in the process of decolonization. Prospects for federalism in Sri Lanka and Myanmar (Burma) had earlier been frustrated but continue to be an option in the present. Mainland China has adopted a "quasi-federal" setup in the autonomous regions of Guangxi, Inner Mongolia, Tibet, Xinjiang, and Ningxia, and in the special administrative regions of Hong Kong and Macau. The Philippines and Indonesia, while both unitary states, can be considered "incipient federalist states" since they have adopted federal-style governance in addressing ethno-linguistic conflicts (i.e., Bangsamoro in the Philippines and Aceh in Indonesia). A hybrid form of federalism is evolving in Asia that does not need to replicate wholesale Western federalism,

but following a process that is more appropriate to the Asian context (He 2007, 13).

9. Is federalism in the Philippines a “new” idea?

Federalism has long been advocated as an alternative governance structure in the Philippines. In an essay entitled *Las Filipinas Dentro de Cien Anos* (The Philippines a Century Hence), published in *La Solidaridad* in 1889–1890, Jose Rizal wrote “(once liberated) the islands will adopt probably a federal republic (as cited in Trillana 2016).” In 1898, the provisional revolutionary government of Negros headed by Aniceto Lacson established the *Gobierno Republicano Federal del Canton de Ysla de Negros* or the Federal Republican Government of the Canton of Negros Island. Soon after, it recognized the authority of the Malolos Republic headed by Emilio Aguinaldo and issued a certification that the Negros Canton was a part of the Philippine Republic. Hence, the Negros Canton was seen as a precursor for a nascent Federal Philippine Republic (Aguilar 2000).

A similar initiative was made with the establishment of the Federal State of Visayas in Santa Barbara, Iloilo, headed by General Martin Delgado. In 1899, Apolinario Mabini and Emilio Aguinaldo considered adopting a federal system representing the three islands of Luzon, Visayas, and Mindanao in the drafting of the Malolos Constitution. Another proposal called for the establishment of ten federal states distributed among the three island groups: four in Luzon, three in Visayas, and three in Mindanao, with one state reserved for the Muslim communities. However, the realities of war and the need for a unified front against the American colonizers prevented the establishment of the Federal Republic. Under American colonial rule, a group of Filipinos submitted a draft

constitution in 1899 that outlined a Federal Republic composed of eleven states. In 1900, Isabelo de los Reyes trimmed the proposed number of states to seven. These proposals were rejected by the American colonial forces, since a highly decentralized republic would make it difficult for them to control the archipelago (Coronel 2005; Cureg and Matunding 2006).

Since then, there have been several proposals to introduce federalism in the country. The 1935 Constitution adopted the American-style presidential form of government, but not its federal system. When the 1971 Constitutional Convention was convened to revise the country's charter, a proposal for the establishment of a Federal Republic was introduced by industrialist and constitutional delegate Salvador Araneta. The proposal was named "Bayanikasan Constitution" and called for the creation of five states: Northern Luzon, Southern Luzon, Visayas, Mindanao, and Christian Mindanao (Cureg and Matunding 2006, 180).

In the post-Marcos period, several individuals, parties, and movements continued to advocate for the establishment of a federal system in the Philippines. Senator Aquilino Pimentel Jr., founder of the Partido Demokratiko Pilipino-Lakas ng Bayan (PDP-Laban), has been a staunch proponent of federalism since the Marcos dictatorship. Reuben Canoy, another Marcos opposition leader, founded the Mindanao Independence Movement (MIM) to push for the adoption of federalism in the country. Vice President Salvador Laurel incorporated federalism in the platform of the resuscitated Nacionalista Party (NP). Senator John Osmeña advocated federalism within his party, the Nationalist People's Coalition (NPC), while his brother, Cebu Governor Lito Osmeña, ran for the presidency in 1998 under a platform of federalism with his own party—the Probinsiya Muna Development

Initiative (PROMDI). In 2005, President Gloria Macapagal-Arroyo convened the “Constitutional Commission on Charter Change” (ConCom), tasked to conduct consultations and studies and to propose amendments for a shift from the Philippines’ present presidential-unitary system to a parliamentary-federal form (Cureg and Matunding 2006, 183).

Three major proposals during this period delineate the type of federalism that may be appropriate for the country. These include the federal-parliamentary model advocated by former University of the Philippines (UP) president and Constitutional Commission chair Jose V. Abueva and the Citizens’ Movement for a Federal Philippines (CMFP); the federal-presidential model outlined in the Senate Resolution No. 10 introduced in 2008 by former Senator Aquilino “Nene” Pimentel, Jr.; and the federal-semi-presidential model endorsed by current Senate President Aquilino “Koko” Pimentel III and the PDP-Laban Federalism Institute (see Table 4).

The federal model proposed by former UP President Jose V. Abueva originally emerged from the study group organized by the Philippine Political Science Association Committee on Constitutional Continuity and Change (PPSA-4Cs). Abueva continued to refine the model, which would be adopted by the Citizens’ Movement for a Federal Philippines (CMFP). His model would also be largely adopted by the 2005 Constitutional Commission that he chaired. The so-called Abueva model of federal-parliamentary system envisions eleven states, a president as the symbolic head of state, a powerful prime minister who is head of the government, and a bicameral parliament. This model is patterned largely after the German federal setup, especially with the members of the upper chamber Senate being selected by the state assemblies

Table 4: Proposed Federal Structure in the Philippines

Proponent	Model	Proposal
Jose V. Abueva* Citizens' Movement for a Federal Philippines	federal-parliamentary	Eleven (11) states, a president as the symbolic head of state, a powerful prime min- ister who is the head of government, and a unicameral parliament
Aquilino Pimentel Jr. Senate Resolution No. 10 of 2008	federal-presidential	Twelve (12) autono- mous regions, a federal presidential govern- ment with a bicameral Congress
Aquilino Pimentel III PDP-Laban Federalism Institute	federal-semi- presidential	Eleven (11) regions, a bicameral parliament, and a dual executive where powers are shared by a president and a prime minister

*As of April 2017, Abueva has turned his back on his lifelong federalist advocacy and now advocates the enhancement of local autonomy within a unitary state similar to the United Kingdom model.

Source: Collated by Julio Teehankee

rather than being elected directly by the regional constituencies. Recently, after decades of advocating for federalism in the Philippines, Abueva reversed his position and now supports enhancing local autonomy under a unitary system of government patterned after the United Kingdom.

On the other hand, the model proposed by former Senator Aquilino “Nene” Pimentel, Jr. was a culmination of his long years of federalist advocacy, which started when he founded

the Mindanao-based Partido Demokratiko Pilipino in the 1980s. As Senate Minority Leader in 2008, he sponsored Senate Resolution No. 10, which called for the establishment of twelve autonomous regions, a federal presidential government with a bicameral Congress. The federal-presidential structure he proposed was more similar to the American model, including the joint election of the president and the vice president and the popular election of six senators per region.

Senate President Aquilino “Koko” Pimentel III is continuing the advocacy of his father in pushing for a “uniquely Filipino” federal system of government. His proposal for a federal-semi-presidential structure came at the heels of the victory in the 2016 presidential election of Rodrigo R. Duterte, the only candidate who strongly campaigned on a platform of federalism. The younger Pimentel organized the PDP-Laban Federalism Institute, which was tasked to conduct research, study, and advocacy work on federalism in the country. The Institute partnered with the Local Government Development Foundation (LOGODEF) and the Political Reform Exponents of the Philippines (PREP)—an umbrella organization of government, academic, and civil society organizations—to organize workshops and consultations on the development of a Filipino model of federalism. The recommendation of the Institute was accepted and endorsed by Senate President Pimentel and House Speaker Pantaleon Alvarez. Under this proposal, the Philippines shall establish eleven regions, a bicameral parliament, and a dual executive where powers are shared by a president and a prime minister. Aside from adopting federalism, it proposes a shift to a parliamentary form, with the members of the second chamber, the Senate, popularly elected in the regions. It also proposes

the institutionalization of a French-style semi-presidential system with powers clearly delineated between the president and prime minister.

10. Which form of government fits the Philippines best: presidential, parliamentary, or hybrid?

The Philippine presidency is the first and most durable in Asia. As a political institution, it has been rendered enough constitutional power to have a formal semblance of a “strong presidency,” but apparently not enough to totally control strategic interests in Philippine society (Teehankee 2016). The country has adopted (with variations) the U.S. presidential form of government for a total of 67 years under three regimes: Commonwealth (1935–1946), postwar (1946–1972), and the post-Marcos regime (1986–present).

During this period, the country experienced a persistent boom-bust cycle in its economy, along with a pattern of political growth and decay (Philippines Country Report 2007). Since Philippine independence in 1946, the economy has withstood numerous crises. In addition, since the 1970s the Philippines has not experienced a constant period of growth. Growth momentum fell sharply in the 1980s and fluctuated unsteadily in the 1990s.

Philippine political history is also replete with recurrent institutional breakdowns that ruptured into full-blown crises of legitimation. These crises usually emerged from intense intra-elite competition that led to contested elections (1953, 1969, 1986, and 2004), threats to national security that led to militarization (1972), or extra-constitutional challenges that led to people power uprisings or coup attempts (1986–2007).

It is assumed that alternative regime types would have accorded the country more flexibility in sustaining economic growth and addressing political crises. It is also assumed that the presidential form is rigid, inflexible, and conflict-prone. On the other hand, the parliamentary form of government is seen to be more flexible with its “confidence vote” mechanism, while the semi-presidential form is seen to promote stability with its “dual-executive” mode of governance.

The election of President Rodrigo R. Duterte and the formation of a legislative “super majority” in both chambers of Congress provide a political opportunity to review and revise the 1987 Constitution. Aside from the shift from a unitary to a federal form of government, there is also a need to consider the shift from a presidential to a parliamentary or semi-presidential form of government.

The modern constitutional state is organized based on structures and processes of authority that include decision-making, implementation, and adjudication. The primary institutions responsible for performing these institutions are the legislative, executive, and judiciary. Political systems are often defined based on the horizontal power relationship among these institutions (concentration or dispersal of powers of government). Under this classification, there are three regime types: separated powers (presidentialism), concentrated powers (parliamentarism), and mixed (semi-presidentialism) (Eagles et al. 2004).

There are essentially three regime types or forms of government in the world today: presidential, parliamentary, and semi-presidential. More than a third of the total 196 countries (36%) are under parliamentarism, followed by semi-presidentialism (27%), presidentialism (26%), monarchical (4%), transitional (3%), suspended (1%), and other forms (3%) (see Table 5).

Table 5: List of Countries and their Forms of Government

Forms of government	Countries
Presidential 51 countries (26%)	Afghanistan, Angola, Argentina, Benin, Bolivia, Brazil, Burundi, Chile, Colombia, Comoros, Rep. of Congo, Costa Rica, Côte d'Ivoire, Cyprus, Djibouti, Dominican Rep., Ecuador, El Salvador, Equatorial Guinea, Gambia, Ghana, Guatemala, Guinea, Guyana, Honduras, Indonesia, Kenya, Rep. of Korea, Liberia, Malawi, Maldives, Mexico, Nicaragua, Nigeria, Palau, Panama, Paraguay, Philippines, Seychelles, Sierra Leone, Singapore, Sudan, South Korea, Tajikistan, Turkmenistan, Uganda, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia
Parliamentary 71 (36%)	Albania, Andorra, Antigua & Barbuda, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bhutan, Botswana, Cambodia, Canada, Cuba, Denmark, Dominica, Eritrea, Estonia, Ethiopia, Germany, Greece, Grenada, Hungary, India, Iraq, Israel, Italy, Jamaica, Japan, Jordan, Kiribati, Kuwait, Micronesia, Lao PDR, Latvia, Lebanon, Lesotho, Liechtenstein, Luxembourg, Malaysia, Malta, Marshall Islands, Mauritius, Moldova, Monaco, Morocco, Nauru, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, South Africa, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Samoa, San Marino, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Switzerland, Thailand, Trinidad & Tobago, Tuvalu, United Kingdom, Vanuatu, Vietnam

Semi-Presidential 53 (27%)	Algeria, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Burkina Faso, Cameroon, Cape Verde, Chad, Congo (Republic of), Croatia, Czech Republic, Dem. Rep. of Congo, Egypt, Finland, France, Gabon, Georgia, Haiti, Iceland, Ireland, Kyrgyzstan, Lithuania, Macedonia, Madagascar, Mali, Mauritania, Mongolia, Montenegro, Mozambique, Namibia, Niger, Peru, Poland, Portugal, Romania, Russia, Rwanda, São Tomé e Príncipe, Senegal, Serbia, Slovakia, Slovenia, Sri Lanka, Syria, Taiwan, Tanzania, Timor-Leste, Togo, Tunisia, Turkey, Ukraine
Monarchy 7 (4%)	Brunei, Monaco, Oman, Qatar, Saudi Arabia, Tonga, United Arab Emirates
Transitional 6 (3%)	Libya, Nepal, Somalia, South Sudan, Zimbabwe
Suspended 2 (1%)	Fiji, Tunisia
Other 6 (3%)	Bosnia & Herzegovina, China, Iran, North Korea, Myanmar, San Marino
Total: 196 countries	

Source: Adapted from R. Elgie (2015).

In the Asian region, countries under parliamentary forms of government (41% or 7 out of 17) also outnumber those that have presidential and semi-presidential forms (see Table 6).

The first presidential republic was founded in Philadelphia by the American founding fathers in 1787. Pure presidentialism of the United States separated the powers of government to prevent tyranny by separating a popularly elected president from the assembly (or congress). Moreover, it fostered checks

Table 6: Regime classification in Asia

Forms of government	Countries
Presidential	
5 countries (29%)	Afghanistan, Bangladesh, Indonesia, South Korea, Philippines
Parliamentary	
7 (41%)	Cambodia, India, Japan, Malaysia, Nepal, Singapore, Thailand
Semi-Presidential	
5 (29%)	Kyrgyzstan, Mongolia, Sri Lanka, Taiwan, Timor Leste
Total: 17 countries	

Source: Adapted from Y. Kasuya (2013).

and balances by providing the executive the right to presidential veto and the legislature the power to conduct congressional review of executive action. Presidentialism can be described in Richard Neustadt's words: "separated institutions sharing power" (Bolongaita 1995; Blondel 2015).

11. What are the perils of the presidential system?

According to Juan Linz (1990), there are major "perils" of presidentialism [also outlined by Fukuyama, Dressel, & Chang (2005) and frequently identified in the other scholarly articles]:

1. The winner-take-all presidential elections can produce a minority president (and in turn suffer from a legitimacy gap);
2. The inflexibility of presidential terms and difficulties in removing a president make changes in the executive

difficult, and term limits may turn efficient incumbents into lame ducks;

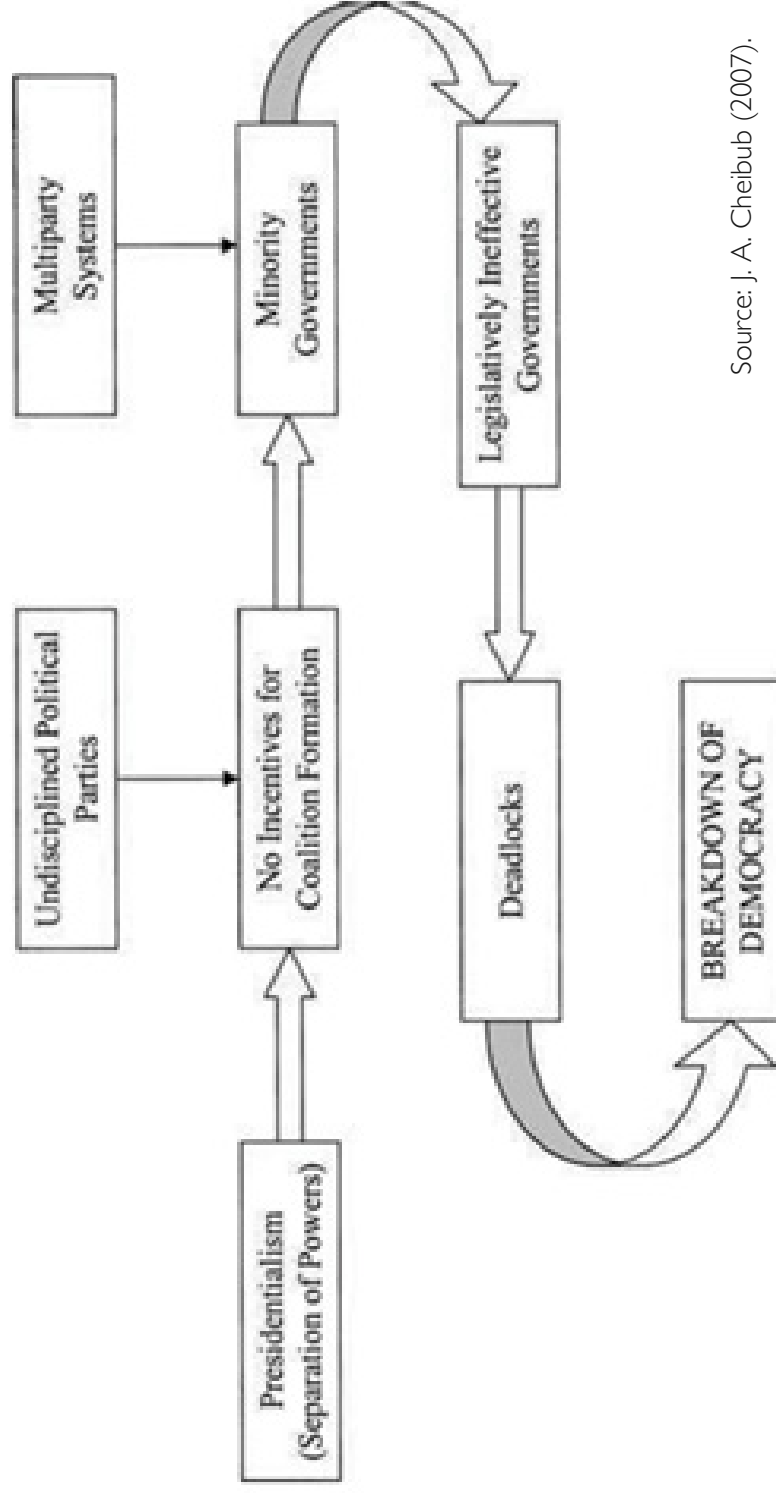
3. The “dual legitimacy” of elected executives and legislatures often leads to gridlock; and
4. Presidentialism can promote “personality politics” and make it possible for unproven outsiders to rise to the top post.

In the Philippine experience, the weakness of presidentialism can be attributed to the plurality-based First-Past-the-Post (FPTP) electoral system, which limits competition and representation. This is exacerbated by the personality or candidate-centered elections that weaken the party system. The combination of weak parties and separation of powers (between the assembly or congress and the executive or the president) encourages pork barrel politics and turncoatism to get things done through the gridlocked government.

At the minimum, the presidential form of government can still be reformed to function efficiently. Following the proposal of Mainwaring and Shugart (1997, 464), this may entail providing the president with restricted legislative power. The more doable options would include the development of parties that are reasonably disciplined in the legislature by passing the Party Development Act and the prevention of extreme fragmentation of the party system by reforming the Party List System to introduce a strict Proportional Representation System.

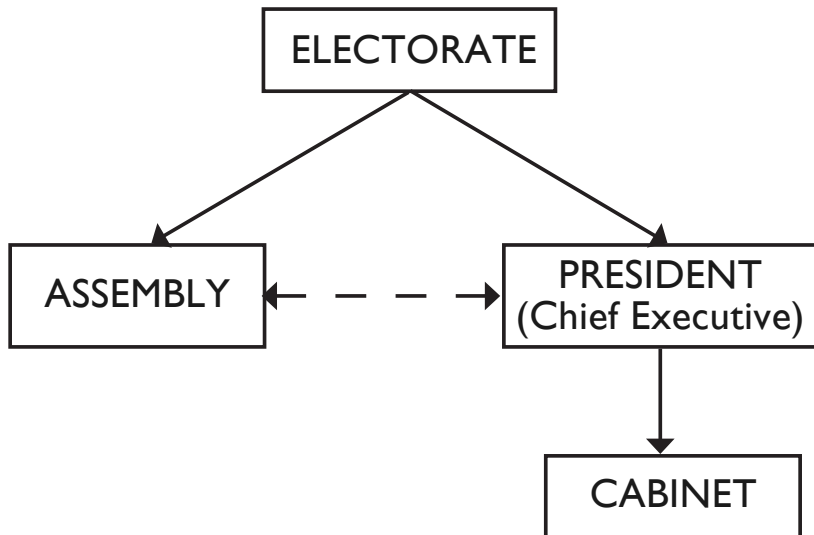
The Philippines experienced brief periods of parliamentary rule under the Spanish Cortes, the Malolos Constitution, and the U.S. Organic Laws (Philippine Bill of 1902 and Jones Law of 1916). A pure parliamentary system was promulgated by the 1973 Constitution, but was amended by Marcos into his version of “semi-presidentialism” (See next question below).

Figure 1. The Perils of Presidentialism



Source: J. A. Cheibub (2007).

Figure 2. The Presidential Form of Government



Source: M. S. Shugart (2005).

12. What are the advantages of the parliamentary system?

Parliamentarism has been an attractive alternative to presidentialism in the Philippines for many years. One of the country's foremost advocates of parliamentarism, former University of the Philippines President Jose Abueva (2005, 12-15), listed the advantages of a parliamentary form of government:

1. It ensures the coordinated and effective exercise of legislative and executive powers that are fused or united in the Parliament.
2. It is more likely than our Presidential System to ensure the election of a Head of Government—the Prime Minister—who is known to fellow party leaders for his/her leadership and experience in governance.
3. It fosters the development of political parties that are democratic, disciplined, united, and effective in formulating a

program of government that can secure the support of the people.

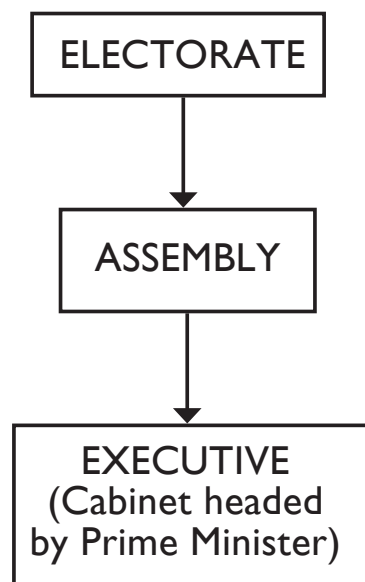
4. It will facilitate the timely change of the Head of Government, whenever it becomes necessary, by a vote of no confidence in the Prime Minister and the majority political party or coalition in the Parliament.
5. The program of the Government is shaped by the majority political party led by the Prime Minister.
6. It will empower the people to choose not only the candidates but also the political party that they want to govern the country
7. It will reduce the very high cost of electing the Head of Government, by choosing the leader of the majority party or the majority coalition in the Parliament as the Prime Minister.
8. It will help prevent the election of the Head of Government on the basis largely of personal wealth, personal popularity, or name recall as a celebrity projected in the media or cinema.

The fusion of powers between an assembly (or parliament) and the executive (or prime minister) offers a more coordinated, efficient, and responsible government. There will be more focus on parties and programs, instead of personalities and popularity. A politician will have to work up the party ladder to become party leader. Moreover, the “no confidence vote” provides a political safety valve that can prevent people power uprisings and coup attempts. In order to prevent political instability that might result in constant political intramurals within the parliament (e.g., Italy and Japan), a system of constructive vote of confidence (e.g., Germany) shall be instituted. Under this system, the parliament must immediately vote for a successor government while voting against an incumbent.

13. What are the possible weaknesses of the parliamentary system?

The parliamentary system also has inherent problematic features. Immobilism, where there is no majority party or coalition in parliament, coupled with a fractured party system may lead to unstable governments and revolving prime ministers (i.e., France's Fourth Republic from 1946 to 1958, Italy from 1946 to 1952, and post-Koizumi Japan from 2008 to 2012).

Figure 3. The Parliamentary Form of Government



Source: M. S. Shugart (2005).

Conversely, a parliament with a strong disciplined party holding the majority promotes the “winner-take-all” scenario more than presidentialism. In the Westminster model of the United Kingdom, for example, a party-winning majority of the parliamentary seats (despite winning less than 50% of the popular votes) can end up controlling the entire executive and

legislature for a protracted period of time (Mainwaring and Shugart, 1997).

14. The hybrid model with a strong presidency—was that not what Marcos wanted?

Ferdinand Marcos only adopted a bastardized version of semi-presidentialism to legitimize his dictatorial powers under the 1973 Constitution. He introduced a series of amendments (first in 1976, then in 1981) to the Constitution in order to institutionalize his authoritarian regime. Originally, the transitory provision of the 1973 Constitution provided for the shift from a presidential to a full parliamentary system. The 1976 amendments, however, vested the president with legislative powers: Amendment No. 5 affirmed the president's legislative prerogative under Martial Law and Amendment No. 6 extended the powers of executive legislation. Hence, the 1976 amendments introduced dual sources of legislation for government. The 1981 amendments grabbed all the prime minister's powers and diverted them to the president. Thus, the president had the prime minister's powers, but not the prime minister's limitations (i.e., accountability to parliament). Marcos' fake semi-presidential system was a ruse to concentrate dictatorial powers in the presidency (Pangalanan 1981, 236).

Ideally, the hybrid semi-presidential system offers the best of both worlds. However, given its hybrid nature, it should not be treated as presidential or parliamentary, nor should it be seen as alternating from one to the other (Shugart 2005, 324). According to Maurice Duverger (1980, as cited by Shugart 2005), semi-presidentialism has three characteristics: (i) a president is popularly elected; (ii) the president has considerable authority; and, (iii) there also exists a prime minister subject to the confidence of the assembly majority. Jean Blondel

(1984, as cited by Shugart 2005, 324) calls this institutional setup a “dual executive” where the president not only functions as a symbolic head of state but also exercises executive powers together with a prime minister.

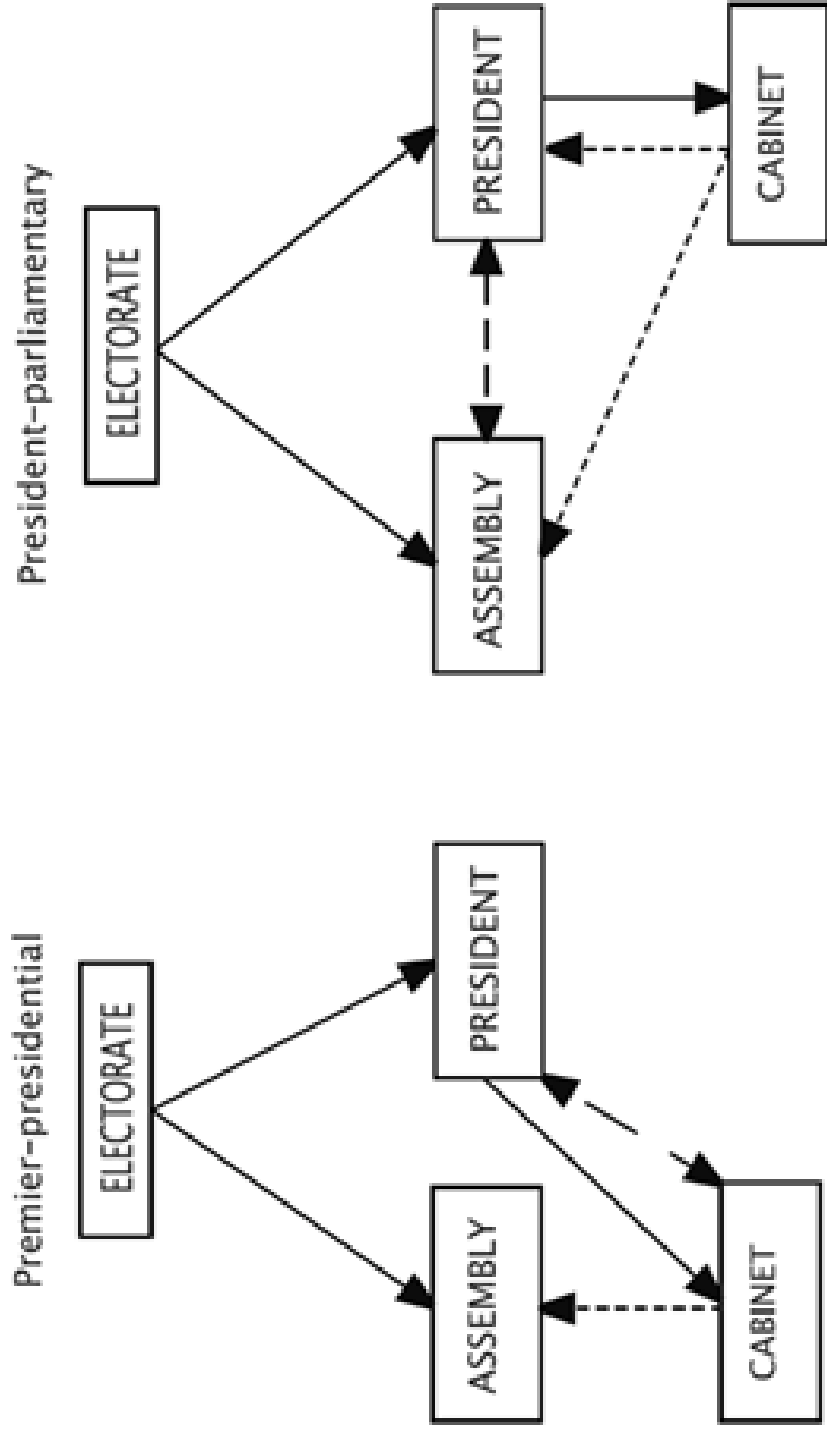
At the core of semi-presidentialism is the combination of a popularly elected president with a cabinet accountable to an assembly (or parliament). This institutional innovation was first introduced in the German Weimar constitution but became popular in the French Fifth Republic under Charles de Gaulle (Shugart 2005, 332).

The semi-presidential system can be compared to a corporation where the president acts as the chief executive officer (CEO) and the prime minister as the chief operating officer (COO).

In presidentialism the fusion of powers necessitates an inter-branch transactional relation, while in parliamentarism the fusion of powers means an executive that is hierarchically subordinated to the legislature. The dual executive of a semi-presidential system, on the other hand, mixes a transactional executive-legislative relationship with a hierarchical one (Shugart 2005, 323).

In terms of the advantages of the semi-presidential system for the Philippines, Araral (2017) argues the following: (i) the system is more democratic and fair as it opens the possibility for marginalized but meritocratic candidates to become a national leader; (ii) it will make legislation faster and implementation easier by removing the gridlock between the executive and legislative branches and the duplication of lawmaking powers existing in the upper and lower houses of the national assembly;

Figure 4. The Semi-Presidential Form of Government



Source: M. S. Shugart (2005).

and, (iii) it has a more flexible and cost-effective mechanism to check executive abuses.

On the other hand, Elgie (2011, 177) cites the following as the disadvantages of semi-presidentialism: (i) the dual executive problem: under this system, there can be two competing actors within the executive—the president and the prime minister; (ii) the dual legitimacy problem: problem of cohabitation (conflict within the executive between the president and the prime minister) and the divided minority government (conflict between the executive and the legislature); and, (iii) zero-sum presidential elections: the legislature might fail to act as a check on the executive if they, along with the president, are from the same party. In addition, democratic breakdown might occur when the system becomes so personalized or when powerful presidents exceed their constitutional authority (Tsai 2009, 24).

Nevertheless, it should be noted that semi-presidentialism—in practice—has been diverse. There are two types of semi-presidentialism: (i) *premier-presidentialism*, where the prime minister and cabinet are exclusively accountable to the assembly majority (e.g., France); and (ii) *president-parliamentarism*, the prime minister and cabinet are dually accountable to the president and the assembly majority (e.g., Taiwan).

In terms of government dismissal, Choudhry et al. (2014, 10) provides the distinction between the two types of semi-presidentialism. Under *president-parliamentarism*, both the legislature and the president can dismiss the prime minister. On the other hand, under *premier-presidentialism*, only the legislature can dismiss the prime minister.

The president is therefore weaker under premier-presidentialism.

However, this weak power of the president under premier-presidentialism may actually produce more efficiency in the government. As stated also by Choudhry et al. (2014, 11), the president may “become overly strong relative to the prime minister and the prime minister may become the president’s puppet” if the president has the authority to dismiss the prime minister. On the contrary, if the president does not have such authority or if it is restrained such as in the system of *premier-presidentialism*, the probability of successful power-sharing is enhanced, because the two leaders can become co-equal executives. Therefore, it is averred that the *premier-presidentialism*, compared to *president-parliamentarism*, provides a stronger check on presidential power as it “guards against autocracy, enhances power sharing and serves the normative principle of limiting presidential power” (Choudhry et al. 2014, 11).

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