

# **The Shift to Parliamentary System: Changing the terrain for PO/NGO Intervention**

**By Mr. Earl G. Parreño**

Every political system is at once unique and different from all others and is in Flux. The Philippine political system is no exception. While it is a creation of colonialism (Its first operational constitution an imitation of the American charter), it has undergone the subtle process of evolution, constantly modifying the political environment. In this process, new political actors in both local and national politics have emerged.

The progressive POs/NGOs today have definitely emerged as important actors in the present political arena. They have sustained their role in getting or preventing action and in influencing government decisions and policies. The dismantling of the US military bases is a prime example. The 1992 elections, wherein a number of PO/NGO candidates won, also show their significant power in local politics.

As significant actors in an evolving Philippine political stage, progressive POs/NGOs should be interested in whatever proposal to redesign the stage where it is currently performing. A presidential or a parliamentary form of government? A strong or weak executive? Bicameral or unicameral legislature? These are the issues being argued today in an attempt to redesign the political theater.

The debate on the proposal to shift to the parliamentary form of government has heated up after the members of the House of Representatives passed a resolution calling for the transformation of Congress into a constituent assembly to amend the 1987 Constitution. Gridlock in the legislative process. Checks and balance. The ancient and persistent problem of governmental responsibility. Stability. These are the bases being presented for or against the shift.

There is nothing new in these issues. Students of history would point out that these are the same issues tackled by Sen. Claro M. Recto in 1949 when he proposed a shift to parliamentary system. Or even by Felipe Calderon in 1898 when he drafted the Malolos Constitution and opted to adopt a unicameral assembly. However, its significance today can be gleaned in the light that both the Senate and the House, and even Malacañang, have vested interests in the revision or retention of the present Constitution.

But is the proposal to revise the 1987 Constitution irrelevant to the POs/NGOs?

The answer is, of course, no. The present debate on whether to shift to the parliamentary form of government or not can be very relevant if seen in the context of the progressive POs/NGOs as emerging political actors in both local and national politics. In what system of government can the POs/NGOs have greater influence on, and more access to, the political leadership? In what system of government can the POs/NGOs have more opportunities for direct intervention on government actions and policies?

This paper will try to answer the above questions. It shall tackle the possibilities each proposed system presents to the POs/ NGOs in the context of its particular political institutions and processes. What are the functions of the legislative and executive in the presidential or parliamentary system? What are the interrelationship between them and the restraints on them? How are the political leaders chosen? What are the roles of the parties and the various interest groups? In what manner can individual citizens participate in politics?

Political systems are not just fitted neatly in a given social environment. In this regard, the reader should avoid the tendency to “choose” between the systems presented below, in its “purest form. It may be possible to choose features from various systems that are most suitable to the interest of the POs/NGOs, in particular, and the Filipino people, in general.

## **Systems of Government**

Broadly, governmental systems can be classified by the kind of relationship existing between the executive and the legislature. The most familiar types are: 1. the Parliamentary or Cabinet system; 2. the Presidential System; 3. the Assembly government; and 4. the Council government. We shall discuss more deeply the first two types later on.

A political scientist, Michael Curtis defines Assembly government as a system where the legislature is the dominant force over the executive, which has little disciplined control over legislative and financial matters. The legislature is in many ways the real decision-making body in the system. The regimes most characteristic of this type where the French Third (1875-1940) and Fourth (1946-1958) Republics, with weak political executives, constant government instability and few disciplined parties. The legislature saw itself, rather than the executive, as the true representative of the sovereignty of the people.

Curtis also defined Council government as a system of collective leadership. The oldest example is the Federal Council of Switzerland. This political executive of seven, elected by the legislature, shares ministerial duties and administers the country. Communist systems have also experimented with this type. In the (former) Soviet Union, collective leadership has existed for short periods before an individual consolidated his political position.

Both systems of government are now rarely used.

## **The Presidential and Parliamentary Systems**

The **Presidential** form of government is one where the executive is constitutionally independent of the legislature in respect to the duration of his or their tenure and is not responsible to it for his or for their political policies.

There is a clear-cut separation between the executive and the legislature. The president, to whom the executive power is entrusted, is elected in one process, and the parliament is chosen on its own. The president cannot be held responsible by parliament and he cannot dissolve the latter.

A government, on the other hand, is said to be the **parliamentary system** when the powers that are considered executive and those that are considered legislative in nature are vested in the same person or group of persons. They exercise both legislative and executive powers.

In a government organized in accordance with the parliamentary system of the English type, this person or a group of persons are legislators and executive officials at the same time. They are leaders of parliament and at the same time heads of ministries. Hence, it has been said that under the parliamentary system there is no principle of the separation of powers as a principle of law.

The United States is the model for the presidential system, which has been imitated by many other countries, including the Philippines. A single head of the executive, the popularly elected president, is both the political leader and the head of the state, hence the major policymaker. The president appoints all the chief members of the government and executive agencies. The members of the cabinet are all subordinate and responsible to the president. Collective responsibility to the legislature does not exist.

The classical model of the parliamentary system is the British government. Political leadership is provided by the cabinet ministers, a small group of leaders of the party or parties headed by the prime minister who controls a majority in the legislature, of which they are also members. The link between the executive and the legislature is crucial. The cabinet is collectively responsible to the legislature for political decisions, government policies, and legislative programs. Individual ministers are responsible for the conduct of their administrative departments and for their political actions.

Below is a table of the salient features of the two systems:

<b><u>PRESIDENTIAL</u></b>	vs.	<b><u>PARLIAMENTARY</u></b>
1. The Executive's term of office is fixed in the Constitution. He remains in office until the expiration of his term unless removed by impeachment.		1. The executive power is exercised by a cabinet headed by a Prime Minister, who is directly elected by the legislature. The cabinet is composed of some members of the legislature belonging to the majority party.
2. The legislature is independent from the Executive. The doctrine of separation of powers is observed.		2. Major Bills passed by the Legislature are initiated and introduced by members of the cabinet.
3. The heads of the executive department (cabinet) are appointed by the Chief Executive and serve at his pleasure. They are not responsible either collectively or individually to the legislature.		3. In case of deadlock between the executive and the legislative on important issues either of the following remedies are available: (a) the legislature may force the cabinet to resign upon a vote of confidence, or, (b) the Prime Minister who feels he has popular support may call for the dissolution of legislature and the holding of general election where the issues are decided by the people. A defeat means a repudiation of the policies and the Prime Minister and his cabinet then resign, and a new one is formed.

From the characteristics and features presented above, the following advantages of the presidential system have been cited:

1. With the theory of separation of powers, the three departments of government (the executive, the legislative, and the judiciary) are within such bounds that no one man from any department can constitutionally override the other two and transform himself into a dictator;
2. It operates through a system of checks and balances. With the power of the executive limited, it cannot effectively exercise control of/or authority over the legislature and the judiciary. Neither can the concentration of governmental powers in the legislature be achieved;
3. The fixed terms of the president and legislatures make for stability and continuity in the implementation of the policies of government;
4. By fixing the dates of elections at regular intervals, the possibility of toppling down an unpopular administration prior thereto by an irate nation is minimized. Time for reflection and cooling off is afforded the impatient;
5. Under the presidential system, the president is elected for a fixed term of office directly by the people, the source of all governmental authority, without prejudice to his being removed by impeachment or recall. A direct vote of the people gives more stability to the government, lends more prestige and affords effective leadership.

On the negative side, the presidential system gives the chief executive very wide powers of patronage at his disposal, giving way to the 'spoils system' to take its roots. The system also breeds inflexibility on the part of the executive. An incompetent president can continue in office until his tenure is over. The people for their part are prevented from developing full political maturity in the presidential system. The issues which they are periodically called upon to decide (during the regular elections) are meaningless contests in personal popularity. The meat of national policy is deemed too strong for them so the "presidentiables" feed them with superficialities.

The cited advantages of the parliamentary system, on the other hand, are the following:

1. Exacting immediate accountability from the government. The parliamentary system would make the government more sensitive to public opinion because they have to account to the majority party (or coalition parties) whose support provides not only the government's strength but also their existence. The government is also accountable to the parliament itself, whose vote of no-confidence or motion of censure due to unsatisfactory performance or abuse of powers means the forced resignation of the government;
2. Parliament can be made more responsible. In parliamentary system, the right to dissolve the parliament is open to the executive, and thus deadlocks in the governmental machinery

can be solved by an appeal to the people by calling for mid-term elections. Hence, the parliamentary system is a system of maximum and immediate responsibility to the people who will ultimately decide great public issues as they arise, without the necessity of waiting out the terms of elective officials;

3. Greater coordination between those who formulate the laws and those who execute them because of the fusion of the legislative and executive departments. This could stimulate and broaden the minds of our legislators for they have opportunity to participate actively in the formulation and execution of national policies. In the system where there is separation of powers, members of Congress have little incentive to study national problems. They have neither voice nor vote in their solution, for they can neither aspire to be a member of the cabinet which prepares the program of the administration, nor withhold their vote in its support lest he be permanently deprived of the patronage at the exclusive disposal of that administration;

4. Would reinforce the multi-party system by allowing smaller parties an opportunity to participate in the formation of coalition governments, whenever these are made necessary by prevailing circumstances. This would, in effect, promote the qualitatively new politics that have developed in the Philippines during the last few years.

On the other hand, those against the parliamentary system cite the instability of parliamentary governments which may lead to paralysis of its operations. It has also been cited that the system widens the opportunities for the barter of legislative votes and encourages the formation of factions to bargain with the balance of power.

These are the merits and the demerits of both the presidential and the parliamentary system. Which system best suit the needs of the POs/NGOs? Before delving on the topic, let us first examine some interesting mixture of the presidential and parliamentary system.

### **The French Model**

France's present governmental system (the Fifth Republic) set up by Charles de Gaulle in 1958, may be described as one of the most misunderstood system in the Western world. Instituting reforms that will ensure political stability after almost a century of instability, it is perceived at present as a highly centralized regime revolving around a president vested with almost dictatorial powers. This perception has continued despite the fact that it was only during the Fifth Republic that France had her first Socialist Government backed by a sizable majority in parliament in 1981.

It is therefore not surprising, 'though very lamentable, to hear Filipino political analysts conclude that "the French model was adopted in the Philippines during the tenure of the President Ferdinand Marcos, for obvious reasons." Lamentable because for one, the Marcos constitution is more akin to the South Korean and the Egyptian model (both dictatorial systems) than to the French. Secondly, although the French president has acquired an authority which enabled him to be the main actor in French Political profile life, a repeat of Louis-Napoleon (the only popularly elected president who made himself emperor after coup d' etat in 1851) has never occurred.

Obviously, to have a strong president does not necessarily mean to have a dictator. To understand more fully the presidency of the Fifth Republic let us take a glimpse of the dynamics of the French government:

"The legal powers of the president of the Republic are relatively limited. According to the letter of the constitution, the president is not much more than head of the state, at least in normal times. In the summer of 1958, when the constitution was drafted, de Gaulle had to agree to compromises with the Fourth Republic politicians who were anxious to retain most of the parliamentary arrangements which had prevailed in the past.

Thus the president of the Republic, elected for seven years as under the previous Republic, has only limited set of constitutional powers in normal times. Most of these existed in the Third and Fourth Republics. There is nothing unusual, by French republican standards, in the following eight powers being granted to the president: (1) appointment of the prime minister, or premier, and of the ministers on the proposal of the prime minister (but not the power to dismiss the prime minister); (2) promulgation of laws voted by Parliament (the president may ask Parliament to reconsider a law within two weeks of its having been voted, but he has no power of veto); (3) signature of decrees, including those appointing some higher civil servants and officers of the armed forces (but the decrees must be approved by the Council of Ministers); (5) chairmanship of the high councils of the armed forces; (6) the right to send messages to the National Assembly; (7) the ratification of treaties, which are negotiated in his name; and (8) the power of pardon.

In the Third, Fourth and Fifth Republics, presidential decisions have had to be countersigned by the prime minister and, where appropriate, by some of the ministers. The technique of the countersignature is basic to the operation of the parliamentary system. The seal of authority of the state is given to a decision in the form of the presidential signature, but the only persons who are deemed responsible are the members of government and not the head of state. No significance must therefore be attributed to the fact that the president of the Fifth Republic signs decrees or ratifies treaties.

There are four powers which are new to the Fifth Republic and are the prerogative of the president alone; however, by their very nature and by the restrictions to which they are subjected, they are powers which can be exercised only at rare intervals or in emergencies... First, the president can dissolve the National Assembly, but not more than once a year. Second, the president may decide that a constitutional amendment proposed by the government to Parliament need not be approved by referendum after it has been adopted by Parliament. In this event the proposal is sent to a joint meeting of the two chambers separately. Third, the president is entitled to refer certain government bills to the electorate (Article 11). And, fourth, Article 16, allowing the president to assume full powers in certain emergencies, but parliament is required to meet, and powers of this type does not give him the effective power to command the armed forces, the civil service, or any other body." (underscoring supplied)

On the relationship of the president, the prime minister and good government in the Fifth Republic:

"Institutional changes have brought about a new framework and introduced hurdles which have helped the Fifth Republic to give France a stable political system. But institutional changes alone are sufficient to account for the transformations of the structure of the French executive. The Constitution calls for collective government; yet effective arrangements are more hierarchical. The president is not constitutionally entitled to determine policies; yet, from the very start, de Gaulle did intervene, and Pompidou, Giscard, and Mitterand followed his lead.

As time passes, the extent of presidential intervention has tended to increase. Presidents have come to view their role as one of steering many important matters which affect the well-being of the nation, directly or by implication. Many aspects of regional or cultural policy, economic development, or social security reform can be ascribed to the president's steering.

Yet the system remains only half presidential in that, on many issues as well, the president remains an arbiter rather than an actor. On various important economic and social problems, especially under de Gaulle and Pompidou, prime ministers and individual ministers have initiated policies with the president of the Republic being seemingly neutral. Mitterand embarked on the same path, keeping some distance from the daily turmoil and letting his prime minister deal with the major economic and social problems.

The structure of the new French executive has thus evolved in a complex fashion since 1958. At first there seem to be no democratic middle way between, broadly speaking, the role of the British monarch and that of the US president. Gradually, a hybrid system developed, and this system remained a feature of the Fifth Republic. The arrangements stabilized around a model of a dual executive, where the president is ready to allow important, though ill-defined, segments of government activity to be directed and not merely implemented without his direct involvement. " (all underscoring supplied)

And lastly, on the general principles of parliamentary organization in the Fifth Republic,

"The framers of the Constitution of 1958 decided to introduce a number of technical devices designed to enhance the position of the government and to give the chambers the possibility of controlling, but not blocking, executive action. These devices come under five headings. First, there are general provisions aimed at reducing the harassments and at diminishing the opportunities for conflict in the general organization of Parliament. Second, the scope of legislation is reduced and the governmental prerogative is correspondingly increases. Third, opportunities for "guerilla" warfare during debates are reduced by the introduction of a number of restrictions. Fourth, the operation of censure motions is severely restricted. Fifth, an overall control of parliamentary activity is provided by the possible intervention of the Constitutional Council.

The legislative struggle goes on with the wholly different weapons in the hands of the protagonists. The government is not permanently on the defensive. Many said that

the 1958 Constitution went too far in tilting the balance in favor of the government. This is arguable in light of the past experience of both Gaullist or Giscardian and Socialist governments. The executive had to be strengthened, but, as all procedural means were used with great skills in the past by the chamber, very strong procedural checks had to be built in to prevent the game from following its traditional rules."

The political system of France has evolved very differently from those of other Western countries in that it gives the president not merely executive powers but a dominance over the whole system which exceeds by far the authority of the American president. However, its system is far from dictatorial and its legislature not a rubber stamp parliament, as others are wont to conclude.

The political evolution of the French system shows us two very important things. One, that it is not impossible to devise safeguards against whatever 'dangers' a political system harbors. And, two, whatever major transformations a political system has to undergo it should be firmly rooted on its past-on its historical experience as a nation.

### **The German Model**

The political system of the Federal Republic of Germany (FRG) illustrates, in a different way than the British model, the dynamics of the parliamentary system. Its policymaking institutions include the legislative, executive and judicial agencies.

The main legislative institutions are the popularly elected Bundestag (house of representatives) and the Bundesrat, the indirectly nonelected upper house, whose delegates represented the Laender governments. The leading executive institutions are the chancellor and the cabinet collectively known as the federal government. The president, once a powerful head of state, directly elected by the people, has been reduced in the Federal Republic to a figurehead, akin to the British monarch. But the separation of general administrative authority between the federal and the local governments, particularly in the area of public finance, is a carry-over from the past. Finally, empowered to enforce the provisions of the Basic Law, the judiciary, at the top of which is the Federal Constitution Court, serves as a check on the activities of the other branches of government.

FRG's political concept is described as follows:

"The constitutional regime for the Federal Republic of Germany was established only after the wartime defeat of Hitler's Third Reich, some years of Allied military occupation, and the gradual reestablishment of German local and state governments. Because the West Germans hoped to avoid a permanent separation of the East Germans under communist control, they insisted that the new instrument be called a Grundgesetz, or Basic Law, until a constitution could be adopted for a united Germany. The document prepared the German parliamentary council was nevertheless a complete constitution, drawn with great care to avoid both the weaknesses of the earlier Weimar Republic and to prevent the resurgence of neo-Nazi influence. The result was a constitution that struck a balance between German institutional traditions, emphasizing on strong state authority, on the one hand, and the principles of liberal democracy.

The basic Law of 1949 was thus designed to establish a dominant executive with control over the legislature, the lack of which was a basic flaw in the Weimar Republic. The office of the chancellor was strengthened considerably, as were the powers of the upper house. The powers of the lower house and of the president was reduced. Many checks and balances were added to a parliamentary structure, including the establishment of a court empowered to decide not only the constitutionality of legislative and administrative acts, but also basic questions of constitutional interpretation. Civil liberties were given a prominent place in the Basic Law, including the right of a citizen to take a case directly to the Constitutional Court. The powers of the Land (State) governments were strengthened, although they are in all cases subordinate to the federal government. Formal amendment of the Basic Law requires a two-thirds vote of both houses of parliament, and has been done frequently."

Thus, executive authority rests with the federal chancellor who heads the federal government. He is elected by the members of the Bundestag, usually at the commencement of a new legislative term, and his dismissal can only be effected by the process of electing a successor (called the constructive vote of no confidence).

The head of state, the federal president, is elected for a five-year term by a Federal Assembly, consisting of the Bundestag and an equal number of representatives from the states. The president's powers are very limited and his functions largely ceremonial.

Legislative authority is shared between the directly elected Bundestag and the Bundesrat, which represents the interests of the state governments. The Bundesrat has a power of veto over legislation which affects the power of the states.

Party discipline in the Bundestag is strong, each party organized as a party group or Fraktion. The president and four vice presidents of the Bundestag are usually members of the Bundesrat selected according to the size of the party groups, make up of the Council Elders (Altestanrat). The Council determines the business agenda of the house and appoints the chairmen of some twenty specialist committees. The great bulk of legislation is initiated by the federal government, and since the government has a disciplined party majority its bills invariably pass the Bundestag, although frequently in amended form.

### **Local Autonomy, Federalism, Unitary?**

As earlier pointed out in this paper, all political systems carry out certain functions, which in the traditional language can be defined as legislative, executive and judicial functions of powers. Constitutions usually determine what institutions are to carry out these functions as well as the extent and limit of their powers. The interrelationship between functions and institutions depends on whether there is separation or non-separation of functions.

Just to refresh, the concept of separation of powers is identified with the presidential system while the parliamentary system does not embody this concept. In the latter type of system the concentration of the legislative and executive functions to one institution has often led to strong governments or executive as in Britain, France and Germany.

However, an additional determinant in the interrelationship between functions and institutions is whether the system is unitary or federal. A unitary system is one in which a set of central institutions exercises authority as in Britain and France. Local and regional authorities obtain their powers from the central authority, which can amend those powers if it desires.

A federal system is one in which powers are divided between a central government and state or provincial governments. Both levels of government have certain powers of their own derived from the constitution or the interpretation of it. The states or provinces do not get their powers from the central government; power is shared between central and state institutions. In this study, Germany and the United States have this kind of system.

The purpose in discussing the distinction between federal and unitary is useful for our study, because of the persistent clamour of local officials for the decentralization of powers. In fact, with the new Local Government Code, some decentralization of powers have already occurred. What is best for the POs/NGOs? Or can there be a middle road that is even better?

### **Number of Houses**

Hitchner and Levine point out that traditionally, most parliamentary bodies have had two houses presumably because bicameralism permits a dual system of representation, which is essential if there are two significant bases within the nation with which to base representation such as a federal set-up. Today however, unicameral national parliaments outnumber those that are bicameral by a ratio of three or two.

Another justification for bicameralism is that it avoids the concentration of legislative power and the possibility of its abuse. Although the second chamber does not usually possess powers equal to the lower house, it can act as a balance. In addition, a second chamber can provide a forum for a fuller deliberation, often based on special knowledge and long experience, thus perhaps preventing hasty, impulsive action by a lower house. The members of some second chambers may be particularly well suited to this advisory function, for example the West German Bundesrat members, who are state government officials, and the British House of Lords, which has many peers with long public service.

The mere presence of the second chamber, however, does not assure that it will act to produce these beneficial results. The two chambers may act as irresponsibly as one. The theoretical advantage of a unicameral legislature are that it can avoid duplication of effort, expense, and needless argument; that it provides the electorate with a focus of responsibility for legislative actions; that it may act more quickly in the law-making process; and finally, that it is more democratically elected. However persuasive these arguments may appear, they are not easily proved, nor do they explain the incidence of unicameral houses.

Whether a country chooses a unicameral or bicameral legislature thus depends partly on its national traditions, but also on its contemporary political circumstances and experiences. There are few grounds upon which to argue a distinct superiority for either form, except perhaps in some very well-established political systems.

## **Political Parties and the System of Election**

We have discussed the political institutions of both the presidential and the parliamentary system above. Let us now go to the political processes: how political leaders are chosen, the roles of the parties and interest groups and the manner individual citizens participate in politics.

To start with, in all systems, the extent of direct participation by any considerable part of the people is limited. People generally take part in political activities through membership in a party or interest group or by voting.

Party systems have often been classified according to the number of parties competing in the elections such as one-party, biparty or multiparty systems.

Logically, a one-party system is an impossibility, because there is no system within which the single party could interact.

In biparty system, only two major parties realistically compete for the opportunity to form a government, regularly divide the largest part of the electoral vote between them, and enjoy some rotation at intervals in the exercise of government power. Minor parties also exist here but they have no reasonable chance to gain power for themselves. Classic Example of this is the British and the American system.

A multiparty system, on the other hand, exists where there are three or more parties, with considerable distribution of support among them, contest elections. There are three types of multiparty systems: operative, single-dominant and fragmented.

Operative system generally avoid polarization and emphasize the importance of holding middle ground, with the opposition contributing to the promotion of consensual policies. Coalition governments thus are formed with no great difficulty. Examples here include Belgium, Israel and Switzerland.

In the second type system, a single party is dominant, and regularly leads all coalitions, or may even govern with its own majority. An example is Japan's Liberal Democratic Party.

The fragmented type is where the parties are sufficiently fragmented to make the formation of government majorities or coalitions at least difficult, and in some cases the future of the regime uncertain. Examples here are France and Italy.

Members of a party work together to win elections so as to gain and maintain political power. Parties struggle for power to achieve certain policies and goals.

Systems of election is determined by the prevailing methods of representation and of voting. There are two methods of representation: one is the functional representation consisting of legally defined social or sectoral groups. This is the method adopted by the 1987 Philippine constitution providing for 25 seats for sectoral representation.

The other one is territorial representation consisting legally of defined geographic areas. The latter is further divided into single-member constituency where in a relatively small area, often approximately equal in population, people elect a single representative; and the multimember constituencies where a number of representatives are chosen by each voter. The Philippines has often adopted the single-member method.

There are three types of voting method: the plurality system, the majority, and the proportional representation. A plurality system is where the candidate with the highest number of votes win. This system has the virtue of simplicity and generally fosters a two-party system. This can lead to the formation of strong single-party governments and make coalition unnecessary. But it is also a system that is mathematically inequitable. A candidate may win with a minority of the total votes cast for the various constituency. The US and Great Britain, and also the Philippines, adopt this method.

The majority system uses the second-ballot method (or run-off) when no candidate has won an overall majority at the first ballot.

In the proportional representation (PR), seats in the legislature are allocated to parties in proportion to their share of the electoral votes. A more accurate representation of electoral opinion is thus produced. This is the most common voting method in the multimember areas.

There are of course variations in the voting system. In Germany's voting system, described as a form of "personalized PR" half of the 496 members of the Bundestag are elected as individuals in local districts by plurality vote and the other half from the list presented by the parties in each Land. Each voter has two votes, one to choose the constituency representative and the other, the second vote, for the party list. The second vote is decisive for determining a party's total number of seats in the Bundestag, while the first vote partly influences which members of the party will have seats.

In France since 1986, seats were allocated among parties receiving at least 5% of the vote in each Department (equivalent to our province) in the order of appearance of candidates in the party lists. Each of the departments was guaranteed at least two seats. Otherwise, the seats were allocated among the departments proportionate to population.

As can be deduced in the preceding discussion, there are no hard and fast rules in determining what political processes best suit a particular system of government. The choice of the process greatly depend on each country's political tradition and prevailing circumstances.

### **The Philippine System of Government**

The Philippine Constitution (at least those which became operational) had been revised four times. The 1916 charter which adopted a presidential-bicameral system gave way to the 1935 constitution which provided for a presidential-unicameral set-up. This was amended in June 1940 giving way for the establishment of a legislature of two houses; a change in the term of office of the President and Vice-President from six years without reelection to four years with reelection for a second term; and the creation of a Commission on Elections.

The 1935 constitution was scrapped upon the declaration of Martial Law and was changed in 1973 with a charter that provided for a "semi-parliamentary" governmental system with a unicameral legislature. The subsequent amendments to the charter, especially those in 1976, vested dictatorial powers to the president. When the regime of President Ferdinand Marcos was toppled down in 1986, the Constitutional Commission created by President Corazon Aquino, re-adopted the 1935 Constitution with modification in the term of office of the president.

Sen. Claro M. Recto, president of the Constitutional Convention 1934 which drafted the 1935 charter, describes the Philippine political system this way:

"Our Constitution was frankly an imitation of the American charter. Many of the delegates were products of an American system of education and consequently were obsessed with the sincere belief that Democracy can be defined only in American terms.

Necessarily, therefore, the Philippine presidency became a copy of the American presidency, with its vast concentration of powers and only periodical accountability to the people. Like the man in the White House, the man in Malacañang is now safe from immediate responsibility. And like the men on Capitol Hill, the men on Taft and Lepanto (the old Congress) do not have to render accounts for the fixed limits of their terms. A bad President and a bad Congress may not, in Lincoln's phrase, fool all the people all of the time. But they can make fools of the people - they can make fools of themselves - for at least four years.

Only God and impeachment can remove the President from high office, no matter how incompetent or dangerous he may have proved himself to be in the eyes of the majority of the electorate. He may quarrel with his Congress. Congress may rebel against him and systematically obstruct his administration. But the issue must remain unresolved for the duration of their arbitrary terms. Neither the President nor the Congress may be changed although those two active powers of government may be stifling the Nation in a stubborn and unbreakable deadlock.

Under the Constitution the Presidency is potentially more powerful. I do not believe it an exaggeration to state that the President of the Philippines could easily convert himself into an actual dictator within the framework of the Charter. With his control of local governments and all that it signifies in terms of elections, with huge sums and unlimited sinecures to distribute, with emergency powers to rule by executive decrees as a last resort, he is restraint only by his own conscience from perpetuating himself or his party in power.

I do not recall any considerable discussion in the Constitutional Convention on this ancient and persistent problem of governmental responsibility. I believe we were too deeply under the spell of the American system to give much thought to any alternative. But now that we have presumably been freed by the declaration of our independence... the Filipino people may soberly consider (another) system... to harness the power of government to the will of the people."

Since then, various issues on the interrelationship of governmental institutions and political processes have constantly cropped up and debated upon. Most persistent of these are the issues of whether to adopt a presidential or parliamentary form of government and whether to have a unicameral or bicameral legislature. The 1971 Constitutional Convention was swayed in favor of a parliamentary-unicameral set-up. In 1987, proponents for the presidential-bicameral form won only by one vote over those advocating for a parliamentary-unicameral system in the Constitutional Commission.

The present debate have once again focused on the proposal to shift from the presidential to the parliamentary form of governance. On the side, but essentially as important, is on how to go about the revisions, and on whether to adopt a unicameral or bicameral legislature.

### **Alternatives for the POs/NGOs**

In any proposal to alter the present political system, the principal consideration for the POs/NGOs should be the enhancement of its position to intervene in governmental actions and policies: in what system of government can the POs/NGOs have greater influence on, and more access to, the political leadership? In what system of government can POs/NGOs have more opportunities for direct intervention on governmental actions and policies?

This is the framework of this study and the basis of the following recommendations:

1. The POs and NGOs position for the intervention can be enhanced with the fusion of the legislative and executive functions of government.

It has been proven in the past elections that the strength of the POs/NGOs are at the local level. More than a hundred candidates whom the POs and NGOs fielded in the 1992 elections were elected into public office. They are spread nationwide. Logically, however, their program of government have remained local. But even then, the implementation of its program have not too seldom been frustrated because of the intervention (or non-action) of the national executive. Examples here are the problems of devolution, the implementation of the party list provision of the 1987 constitution and the election of the sectoral representatives in the local legislative bodies.

The enhancement of the position for intervention can come from the increased chances of the PO/NGO candidates to be part of the executive through their election in the legislative body. It can also come from the increased sensitivity of the government to PO/NGO pressures because they could no longer remain confident that they will remain secure in their positions for a fixed term.

2. The system of “personalized” proportional representation, as in Germany, will give greater chances for PO/NGO candidates to be elected in the national legislature. Increasing the membership of the parliament, by decreasing the number of voters per representative (size of the district), will also greatly benefit the POs/NGOs.

With the above, it is my proposal to increase the membership of the parliament to around 360, two-third of which shall be elected as individuals in local districts by plurality vote and the

other one-third from lists presented by the parties participating in the election in each province through the system of proportional representation.

The above recommendation is again, based on the view that our electoral base is at the local level and its machinery can best be harnessed at a relatively small geographical area.

3. The ideal relations between the central and local government for the POs/NGOs is the federal system. In this setup the local government's programs can be implemented free from intervention of the central government. In this system, progressive public officials, with the help of the POs/NGOs, can better consolidate their position in the local governments.

4. As to the number of houses in the legislature, it will depend on whether the setup is federal or unitary. If federal, then it is best to adopt a bicameral legislature. But for the POs/NGOs to have greater chance of capturing seats in the second house, the manner of representation in this body should either be provincial or regional.

4. The stability of the government should also be considered. A very weak government, prone to constant change, will get the agenda of the POs/NGOs nowhere. In this regard, it is recommended that a President shall be vested with enough powers to enable him to act as an effective arbiter in state affairs. To add credibility to the Presidency in his role as arbiter, he shall be popularly elected, with no chance of reelection.

5. The executive power shall be vested in a Prime Minister and ministers elected from among the members of the parliament. Safeguards to prevent frequent elections can be instituted like the experience of France.

6. The development of a multiparty system also favors the POs/NGOs. It will give more opportunity to smaller parties in the formation of coalition governments. In this regard, we should push for the legislation of measures that will encourage parties to participate in elections, such as, subsidies in campaign expenses and access to the media.

The constitution should also discourage turncoatism and raiding of parties to ensure the healthy development of political parties. Provisions such as the forfeiture of seat if an individual switches party can be instituted.

7. A system of recall can be instituted, on the initiative of a party or of the constituency concerned. The bases of this is obvious.

8. There are only two procedures constitutionally available for the revision of the Charter. One is to convene the present Congress into a constituent assembly to revise the constitution. The second is to call for a Constitutional Convention for the same purpose. The exercise of the power of initiative and referendum can only be used to amend the constitution. However, the proposal to shift to the parliamentary system needs a revision, not mere amendment, to the constitution.

Between a constitutional convention and the convening of Congress into a constituent assembly, the former is more favorable to the POs/NGOs. They can have greater chances to send delegates to the convention for a more direct hand in the framing.

However, if the Senate will be persuaded by the House to convene as a constituent assembly, the POs/NGOs should be active in influencing the assembly to adopt their proposals.