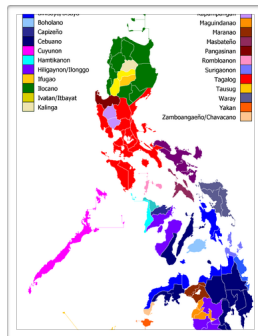
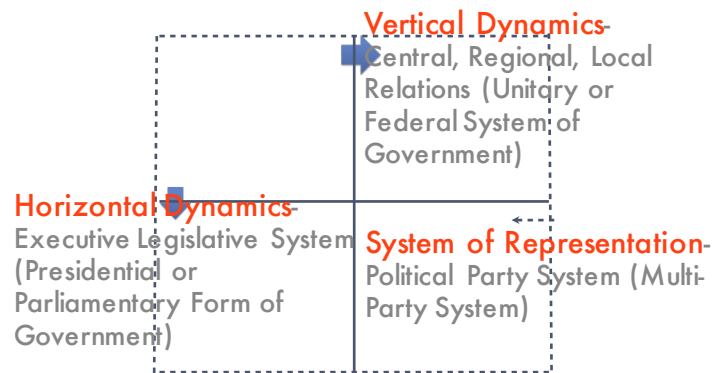


**The Initial draft**  
Philippine semi-presidential federal model of government



Understanding the Political System



**THE DIFFERENT CONTEXT OF FEDERALISM IN THE PHILIPPINES**

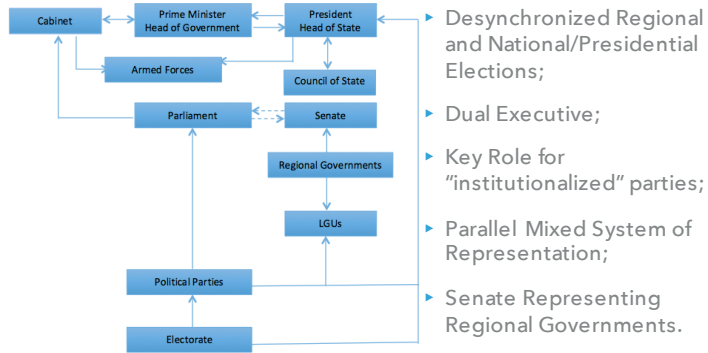
- ▶ Federalizing from a Unitary and not from separate independent states;
- ▶ Third Wave States or Democracies don't have to share the principle of "shared sovereignty";
- ▶ We have to seriously look at the "process" and "basis" of forming Regional Governments;
- ▶ We should learn from our experience in decentralization where devolution took place without serious consideration of transition.

**DIFFERENT NOT LESS ROLE FOR NATIONAL GOVERNMENT**

- ▶ Federalism is more on "shared" rule than "delineated" rule;
- ▶ Power and Authority depends on capacity and capability, currently limited due to "fragmentation";
- ▶ Mechanism of Intergovernmental Relations is key

Federal / National Government Powers	Shared Powers (to be further defined, regulation-national execution-state)	State Government Powers
Monetary policy	Taxation	Fire protection
National security/defense	Police	Traffic management
Foreign policy and relations	Correctional, jail management and penology	Health and Social welfare
Coinage	Environment and natural resources	housing
Postal	customs	agriculture
Professional regulation	education	Labor and employment
ICT	energy	Local government
Immigration	Transportation (land, sea, air)	Urban/spatial planning and development
Audit	Trade and commerce	Sports development
Civil service	DRRM/ climate change	State infrastructure
Science and technology	Finance (budget)	Games and amusements
Human rights	justice	
Economic and development policy	tourism	
Securities regulation	Election administration	
Insurance regulations	Culture and the arts	
Social security	Inter-state infrastructure	
	Land regulation	
	IPS	
	banking	
	Corporate regulations	
	mapping	

**THE EVOLVING PHILIPPINE SEMI-PRESIDENTIAL MODEL OF GOVERNMENT**



**THE REGIONAL GOVERNMENT**

- ▶ Regional governments may already be provided in the draft constitutional following territorial and population size requirements, including (e.g.) regional GDP or a good measure to determine sustainability;
- ▶ Cordillera and Bangsamoro Regions as provided in the 1987 Constitutions are deemed qualified as Regional Governments;
- ▶ A Regional Government may be formed by at least three (3) Provinces and or Highly Urbanised cities provided that it satisfies requirements provided by the constitution.

**SENATE AS PRINCIPAL INTERGOVERNMENTAL INSTITUTION**

- ▶ 2 Senators elected at large in each Region
- ▶ Powers on Consent Legislation (i.e. a. Bills that amend the constitution, b. Bills affecting Region's Budgetary Revenue, including bills on taxes and fees that region's collect, and c. Bills that affect administrative jurisdiction of regions
- ▶ Concur on treaties and international agreements
- ▶ Confirm appointments made by the President or PM to positions of security of tenure
- ▶ Break impasse, if any, between the President and PM and or Cabinet
- ▶ Prepare and send Articles of Impeachment
- ▶ Propose Amendments to the Constitution

**PROPOSED TAXATION**

- ▶ Federal Govt shall have authority over ff taxes: a. Customs, b. VAT, c. Excise Tax (except on minerals), d. Energy tax, e. Capital Gains Tax (except on property), f. Documentary Stamp Tax.
- ▶ Regional Govt shall have authority over ff taxes: a. Real Property Tax, b. Business Tax, c. Excise Tax on Minerals, d. Donor's Tax, e. Estate Tax, f. Motor Vehicle Tax, g. Amusement Tax, h. Capital Gains Tax (on property), i. Fees and Charges
- ▶ Joint authority on the following: a. Corporate Income, b. Personal Income, c. Effluent Charges

## TRANSITION

- ▶ Symmetrical first with weakest Region as Benchmark;
- ▶ Graduated exercise of "concurrent" powers;
- ▶ Upon approval of the new constitution, it is proposed that a Federal Transition Commission to be automatically formed to prepare mechanism to prepare regional governments.
- ▶ A Regional Government Transition Fund is also proposed to be provided

IT'S A LONG ROAD AHEAD

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**WE LOOK FORWARD TO YOUR  
COMMENTS AND CONTRIBUTIONS**