



Electoral System, Parties and Bureaucracy: The Missing Links in the Charter Change Debate

Introduction

Efforts to amend the 1987 Constitution have distinctively marked the national agenda since the early 90s. Years of political instability and economic downturns have prompted key sectors of society, and the constituency it has spawned, to propose changes in the post-Marcos charter. Specifically, they want a shift to a parliamentary system of government. According to them, this form of government will correct the structural deficiencies inherent in the country's political system that inhibit sustained stability and growth.

However, the proposal is stalled by a lack of consensus on the process or mode of amending the country's fundamental law. While indeed agreement on a process is important, the divisive nature of arriving at this consensus has sidestepped the substantive elements of the debate.

The Philippines is no stranger to charter change having amended or drafted its constitution many times in its history. The current effort is the third wave of charter change efforts in the post-EDSA revolution. During the term of President Fidel Ramos, charter change was pushed by a people's initiative lodged by a civil society organization. However, it was stopped by a Supreme Court decision stating that there was no enabling law on the said initiative. The second wave was in the time of President Joseph Estrada when he created a commission that studied possible changes in the economic provisions of the constitution. The result of the study was shelved as President Estrada was deposed before his term expired. Meanwhile, the Gloria Macapagal-Arroyo administration introduced charter change in the President's 2004 State of the Nation Address (SONA). Since then, the President

has made a strong pitch to revise the Constitution in her two succeeding SONAs. Even the Medium-Term Philippine Development Plan (MTPDP) 2004-2010 mentions charter change as an important reform measure of the Arroyo administration. These policy statements depart from past initiatives to change the charter in that for the first time, a post-EDSA revolution president has insistently and openly advocated charter change.

The present drive also comes at the heels of the worldwide trend in the last two decades of constitutional engineering. From 1990-2004, a total of 122 constitutions have been adopted worldwide (ADB 2005), majority of which are in Africa and Asia. This is said to have been triggered by democratization that has swept the world since the 1970s (Lijphart 1992:1) and the renewed academic focus on the link between economic growth and institutions (Adsera and Boix 2004:2).

**Table 1. Constitutions Adopted by Region
1990-2004**

Region	Number of Constitution Adopted
Asia	38
Africa	54
Europe	17
Americas	13
Total	122

Source: Asian Development Bank

However, despite the constituency and advocacy for a parliamentary system, this paper argues that institutional arrangements related to a shift in the form of government have received little attention from key advocates. Specifically, it

contends that the interplay or dynamics of the electoral system, political party and the bureaucracy is left out in the discourse on charter change. In short, this paper suggests that these matters should be addressed and given enough space in the debate so as to deepen and generate informed analysis of institutional choices the country can take. Implicit in the paper is the notion that constitutional engineering is a process that reflects a country's vision of its goals and how to reach them.

The paper begins by introducing the nature and basic features of a parliamentary system, its types, advantages and disadvantages and proceeds with a brief narrative of the Philippine experience in constitutional design. It then discusses the role of the electoral system, political parties and the bureaucracy in any political system and presents persistent problems that hound these institutions. Based on this, the paper provides issues that need to be dealt with if the country's political system will tread the path of change. The discussion is limited to issues discussed in the context of the shift to a parliamentary system. It does not include concerns raised relative to proposals for a federal form of government and those that pertain to the mode of amendments.

Modern Democracies and the Parliamentary System

Forms of Government

Modern democracies can be grouped into parliamentary, hybrid or presidential, semi-parliamentary (Table 2). The point of divergence of modern democracies¹ lies mainly in the relations between the executive and the legislative branches (NDI 2000: 4-6).

Presidential systems are characterized by separation of powers,² while parliamentary forms' main feature is the fusion of powers between the executive and the legislative branches of government. Hybrid systems, which are sometimes called semi-presidential or semi-parliamentary, are called as such since it combines the features of both parliamentary and presidential forms of government. The model and prototype of

¹ Notably, democracies cannot be classified according to the nomenclature they attach to their leaders. Indeed, some presidential systems do not have 'presidents' while some parliamentary and hybrid models have 'presidents' (Lijphart 1992:5).

² There are some scholars who describe presidential systems as having separation of institutions, rather than separation of powers (Fabrini 2000).

Table 2. Modern Democracies and Form of Governments

Characteristics	Parliamentary	Hybrid	Presidential
Executive/ Selected by:	Prime Minister/ Legislature	President/ Prime Minister Voters/ Legislature	President/Voters or via an electoral college
Role of Cabinet	Collegial/ Collectively	Collegial/ Collectively	Advisory
Cabinet is drawn from	Legislature	Legislature	Executive
Sample Countries	United Kingdom, Australia, New Zealand	France, Finland	United States, most Latin American countries, Philippines

Sources: NDI 2000 and Heywood 2002

parliamentary system is the United Kingdom (UK) model also known as the Westminster model, while the primary models of presidential, semi-parliamentary, and hybrid systems are the United States (US), German, and French models, respectively (NDI 2000:6). The hybrid model was introduced in France during its 5th Republic where it has 'dual executives' with a president that shares power with a prime minister and his cabinet. They are accountable to the legislative assembly from whom their power emanates (Heywood 2002:315).

Parliamentary systems usually have the following basic features: "(1) governments are formed as a result of assembly elections, based on strength of party representation; there is no separately elected executive; (2) the personnel of government are drawn from the assembly, usually from the leaders of the party or parties that have majority control; (3) the government is responsible to the assembly in the sense that it rests on the assembly's confidence and can be removed (generally by the lower chamber) if it loses that confidence; (4) the government can, in most cases, 'dissolve' the assembly, meaning that electoral terms are usually flexible within a maximum limit; and, (5) the head of government (usually a prime minister) is a parliamentary officer, there is a separate head of state: a constitutional monarch or a non-executive president" (Ibid.:313).

There are often two misconceptions about parliamentary systems. First, they are sometimes equated with a unicameral legislature. However, this is not the case as there are parliamentary systems, which have bicameral legislatures such as Canada, Australia, India, Malaysia and Japan. The Westminster model is, in fact, bicameral as the UK parliament is composed of the House of Lords and the House of Commons. However, in parliamentary systems, it is usually the case that the Lower house is more powerful than the upper

house. It is actually rare to see a parliamentary system with both Houses of Congress having co-equal powers.³ There are two reasons for this. In parliamentary bicameral systems, it is the lower house that is the focal point of politics and governance as it is where the executive is drawn. Another reason is to prevent the cabinet from being subjected to 'contradictory pressures, unable to command the confidence of one or other chamber' (Wheatre in Hague and Harrop 2001:221).

It is also interesting to note that all countries with federal systems have bicameral legislatures (Heywood 2002:321). The literature claims that a second chamber or the Upper House is especially important in federal states because they tend to balance tensions that may arise between national and local governments as a result of their shared sovereignty (Ibid.). This argument should therefore inform charter change advocates who wish to combine parliamentary and federal systems with a unicameral legislature.

Advantages and Disadvantages of the Parliamentary System

The parliamentary system draws its advantages and disadvantages in relation to its features. By its design, parliamentary system is said to foster **effective governance** as it avoids the legislative-executive gridlock that so often occurs in a presidential form of government. Given that the executive and the legislature are usually controlled by the same majority party, it is claimed that it is easier and expedient to pass legislation in a parliamentary system. In relation to this, the parliamentary system follows the principle of '**collective responsibility.**' In coming up with decisions on government rules and policies, a consensus should be reached, lest the government break down if a minister or some ministers publicly articulate antagonism towards a certain proposed legislation (NDI 2000: 6). In addition, parliamentary systems pave the way for **strong party discipline** because deviation from the party line could result in the dissolution of the government. To ensure the political system's survival and the efficacious and efficient formulation, enactment, and implementation of government policies, cooperation and coordination between the executive and the legislature are imperative.

It is argued that a parliamentary system is **more flexible** because electoral terms are not rigid and a

vote of no confidence can depose the prime minister. It allows a more predictable and efficient leadership change and ensures stable governance. This accordingly prevents extra-constitutional leadership change such as military coups (Abad in Abueva et al. 2002: 7) and the like. However, this flexibility can become a disadvantage if the party system is polarized such as the case of Italy which had 59 governments from 1945 to 2001 (Heywood 2002:314-315). The marriage of highly proportional electoral system and a fractured party system is often the culprit in this case which leads to **instability and a fragile government** (Ibid.).

Parliamentary systems are said to be **less corrupt** according to a recent cross-country study (Lederman et al. 2005). Because nationwide popularity-based elections will no longer be held, corruption and patronage politics are diminished.

However, a common critique of parliamentary systems is the tendency for **dominance of the executive** branch (Heywood 2002:314). According to a report by the United Nations Development Programme (UNDP), the executive generally controls the legislative agenda because it initiates legislation, while the legislature's role, in most models including the Westminster model, is limited only to amending legislation. In addition, because too much power can be concentrated and vested in the executive, the legislature has little or no power at all to administer checks and balances in the government.

In recent years, studies show mixed results regarding the merits and demerits of both presidential and parliamentary systems based on such variables as **stability, democratic survival and accountability.** Specifically, the argument raised by those who advocate the parliamentary system is its advantage in terms of democratic survival (Stepan and Skach in Abueva et al. 2002). However, this thesis has been accused of methodological gaps and case selection bias, thus undermining its validity.⁴ Indeed the literature on parliamentary systems and forms of government is still evolving given the current academic focus on institutions and governance. Nonetheless, what is clear is that the decision to transform institutions rarely occurs in a vacuum, it is guided by a

³ Italy is the exception.

⁴ For a complete discussion on the counter-arguments to the Stepan and Skach's study that argues the superiority of parliamentary systems in terms of democratic survival, see Crisline G. Torres' Democratic Survivability and the Parliamentary Critique of the Presidential Form of Government in the Philippines in *Public Policy*, Volume VII, Number 2 (July-December 2003).

country's historical experience, political culture and the goals agreed upon by key stakeholders in the reform process.

The Philippine Experience

It can be said that should charter change push through, this is the first time in Philippine history that the country is writing its constitution under what is generally perceived as 'normal' times. The Malolos Constitution was drafted under duress when the Philippines was barely out of the Spanish Regime and was about to be colonized by the Americans. The 1935 Constitution and its subsequent amendments were written during the Commonwealth Period, under the auspices of the Americans. In the same manner, the country was under dictatorship when the 1973 Constitution was finally drafted. Lastly, the 1987 charter was made in the atmosphere of a revolutionary government wanting to institutionalize its authority and 'de-Marcosify' the post-EDSA political system.

Understandably, these varying periods informed the character of the different constitutions under which the Philippines operated. Essentially, they provided the rationale for the kind of powers the drafters gave the legislative and executive branches.

The main feature of the 1899 Malolos Constitution was its provision for a strong unicameral legislature. It was vested not only with legislative functions but also with the election of a President who will come from among its members (Catilo and Tapales 1988:138). Under its system, the President would serve for a term of four years. However, the executive (the President including

cabinet members who were also members of the assembly) would also share power with the Assembly, having the right to initiate the introduction of bills (Ibid.). The fusion of executive and legislative powers technically makes the Malolos Constitution, parliamentary in form. However, the onset of American rule eventually rendered the Malolos Constitution inoperative.

Unlike the period of the drafting of the Malolos Constitution, there already were many Filipinos versed in the finer points of American constitutionalism. The experience under the Instruction of Philippine Mc Kinley and under the Philippine Autonomy Act had prepared Filipinos for the task of writing a constitution. What came out of the 1934 Constitutional Convention was a republican form of government with a presidential system and a unicameral National Assembly patterned after the American system (Bernas 2005).

In 1941, the 1935 charter was amended and made the Legislature bicameral. Still, the President was very powerful under this set up because of the threat of war and the intent of the Americans to prepare a colony for independence. Vast powers were given to the President, including the suspension of the writ of habeas corpus and the declaration of Martial Law in the event of insurrection and rebellion.

Under the auspices of Martial Law, the 1973 Constitution was ratified. Initially, it provided a parliamentary form of government with the president as the symbolic head of state. The Prime Minister had all the powers of the president under the 1935 Constitution, except he was no longer the Chief of State. The Prime Minister was the head of Government in the National Assembly and together with the Cabinet, was responsible to the National Assembly for the program of government and national policy.

However, before the said Constitution was to be implemented it was amended in 1976 giving the president the powers of the executive and legislative. It was further amended in 1981 which made the president elected by the direct vote of the people for a fixed term of six years. The amendments vested the exercise of political power, the making of laws and the execution of laws on a very powerful President and the *Batasang Pambansa* became a weak legislature negating the principle of separation of powers. The 1981 amendment stated that the President "shall

Table 3. Philippine Constitutions, Form of Government, Type of Parliament and Manner of Electing the Head of State

Constitutions	Form of Government	Type of Parliament	Manner of Electing the Head of State
Malolos Constitution	Parliamentary in form	Unicameral	Appointed by the National Assembly
1935 Constitution	Presidential	Unicameral	Voted directly by the people
1935 Constitution as amended in 1941	Presidential	Bicameral	Voted directly by the people
1973 Constitution	Parliamentary	Unicameral	Voted directly by the people (after the 1980 amendment)
1987 Constitution	Presidential	Bicameral	Voted directly by the people

formulate the guidelines of national policy.” The Prime Minister is elected by the majority of all the Members of the *Batasang Pambansa*, but he is elected only “upon nomination of the President from among the Members of the *Batasang Pambansa*. Thus, the 1973 Constitution morphed from a semi-parliamentary government into a Constitutional Dictatorship.

In 1986, when Marcos was deposed, Corazon Aquino declared a Revolutionary Government under the Freedom Constitution. Subsequently, she appointed members of the Constitutional Commission to draft the 1987 Constitution. Ratified in February 2, 1987, it adopted the presidential form of government with a bicameral legislature. However, it has adopted some characteristics of a parliamentary government such as the provision on the question hour and the multi-party system, among others.

It is evident from this brief historical background that Philippine presidents have always been given vast powers, even the two occasions that the government was supposed to be parliamentary in form. Coupled with the absence of genuine political parties, and the extra constitutional powers and resources available to the President, the dominance of the President is an inherent characteristic of Philippine politics (Rocamora 2002).

In its ideal form, it is the Legislature which is the center of power in parliamentary systems. Transferring the power from the Executive to the Legislative branch is therefore an institutional paradigm shift for the country. As such, should the charter change push through, there are institutional arrangements required to ensure the Parliament’s authority and effectiveness.

The Missing Links: Challenges and Institutional Choices

As argued in the beginning of this paper, the other equally important institutions that are linked to a change in the form of government is receiving less attention. The discussion that follows brings to light important issues that should be addressed.

Electoral System

The electoral system is a set of rules and regulations governing the voting process. It is a vital pillar of democracy as it shapes the nature of representation in any system of government and

structure the arena of political competition. Its far-reaching implication to governance has been recognized (IDEA, 2002:10). Specifically, it transforms the votes cast in elections into seats won by parties and candidates. In a parliamentary system, elections usually serve as a mechanism for stability and legitimacy since a vote of no confidence may render a government shakedown.

Moreover the choice of the electoral system has an influence on the way district boundaries are drawn, how voters are registered, the design of ballot papers, and how votes are counted, etc. (Arugay 2003). Also, the type of party system that develops (relative sizes of political parties in parliament) is also heavily influenced by the choice of electoral system. For instance, it is said that majoritarian electoral systems encourage the formation of two-party systems in the sense that its winner takes all aspect pave the way for a ruling and an opposition party⁵ (Duverger in Hague and Harrop, 2001:137) while proportional electoral systems produce multiparty systems.

There are three broad types of electoral systems that are adopted worldwide. The **majoritarian**, **proportional** and **mixed hybrid systems**. There are three subcategories that fall under majoritarian systems: the single member plurality (**SMP**), the two-round or the second ballot system and the alternative vote. Under the **SMP**, the country is divided into single-member districts wherein a single candidate is chosen by the electorate. The candidate who garners a plurality of votes wins the election. The two-round system is similar to the **SMP** except that a second round of voting or a run-off is held between two leading candidates if no overall majority winner emerges in the first round. The alternative or supplementary vote retains the single member districts, but candidates are voted in order of preferences such that 1 refers to the voter’s first preference, 2 for their second preference. If no candidate garners at least 50 percent of the votes, the votes of the candidate with the least number of votes cast will be redistributed to the subsequent preferences. Under this system candidates are eliminated until there are only two remaining in the line-up and the process continues until one candidate gains a majority (Heywood 2002:235).

Proportional electoral systems have two types: the single transferable vote (**STV**) and the party-list.

⁵ Though a classic theory in politics, Duverger’s theory has been criticized by Rokkan (1970) and Lijphart (1994). They contend that other factors influence the emergence of party systems other than the electoral system.

The **STV's** version of proportional representation is primarily designed to avoid the wastage of votes such as that of the alternative vote system. However, under this system, multimember districts are created wherein parties are allowed to field as many candidates as there are vacant seats. Candidates are then voted preferentially and are elected if they achieve a certain quota (Droop formula). **STV** initially counts a candidate's vote according to the most preferred candidate. After the counting, if seats are unfilled, the votes of the bottom candidate are transferred to the second preference and so on, until all the seats are filled.

Under a pure party-list, parties draw up a list of candidates according to order of preference, the first being the most preferred. Parties are elected and not the candidates, and they gain seats that are proportional to the percentage of votes they

garnered in the election. The candidates from the list of the winning party are those that would occupy the seats. Usually, there is a threshold imposed so as to avoid small extremist parties from being represented in parliament. The Philippines, however, adopted another version of party-list as it merely allocated 50 seats of the House of Representatives to members of the party-list. It has also imposed a two percent threshold.

While the above-cited electoral systems present a menu of options available to constitutional engineers, designing an electoral system should also consider a country's political culture and the socio-economic context of politics (Heywood 2002:237). Even if the range of choices are diverse, there really is no best electoral system (Hague and Harrop 2001:137). Thus, issues and problems that characterize the Philippine electoral system should

Table 4. Type of Electoral System and Their Sub categories, Advanges and Dis-advantages

Type of Electoral System	Subcategories	Examples	Advantages	Disadvantages
MAJORITARIAN	Plurality or SMP (Single Member Plurality or 'first-past-the post')	UK	<ul style="list-style-type: none"> • clear democratic accountability • strong constituency representation • governability and stability • decisive nature of elections • tendency to produce two-party systems • simplicity 	<ul style="list-style-type: none"> • elections are "zero-sum" • exclusion of other interests and sectors (multiple cleavages societies) • presence of wasted votes • open to "gerrymandering" • creation of "regional fiefdoms"
		France		
		Australia		
	Two-Round System			
	Alternative Vote			
PROPORTIONAL	Party List STV	Netherlands	<ul style="list-style-type: none"> • facilitative of deliberative and collaborative governance • inclusion of minor parties • maximizing electoral participation/proportionality • parliamentary diversity 	<ul style="list-style-type: none"> • indecisive election results • propensity for weak, ineffective and unstable governing coalitions • open spaces for extremist parties • reduced accountability
		Ireland		
MIXED/HYBRID	Additional Member System (AMS)	Germany	<ul style="list-style-type: none"> • can combine positive features of majoritarian and proportional systems 	<ul style="list-style-type: none"> • can combine defects of majoritarian and proportional systems

be the foundation of any move to redesign the electoral system. Experts have listed down several criteria for designing electoral systems (Table 5) depending on which best addresses the particular electoral problems of countries.

Table 5. Criteria for Designing Electoral Systems and their Indicators

Criteria	Indicators
Ensuring a Representative Parliament	<ul style="list-style-type: none"> Geographical representation Functional representation Descriptive representation
Making Elections Accessible and Meaningful	<ul style="list-style-type: none"> Ease of Voting: ballot box, polling place Lesser number of wasted/invalid votes The relative influence of parliament
Providing Incentives for Conciliation	<ul style="list-style-type: none"> Political parties are more inclusive
Facilitating Stable and Efficient Government	<ul style="list-style-type: none"> The electoral system is perceived to be fair The electoral system is neutral The government can do its job
Holding the Government and Representatives Accountable	<ul style="list-style-type: none"> The electoral system has mechanisms for holding governments accountable to the constituents
Encouraging Cross-Cutting Political Parties	<ul style="list-style-type: none"> Parties represent broad-based constituencies
Promoting a Parliamentary Opposition	<ul style="list-style-type: none"> The electoral system does not foster a 'winner-take-all' environment
Cost and Administrative Capacity	<ul style="list-style-type: none"> The cost outweighs the benefits to the country in terms of stability and democratic consolidation

Source: *The International IDEA Handbook of Electoral System Design*

Though the list is not exhaustive, it is argued that a certain degree of prioritization must be done to accommodate some of the criteria and an assessment of which option best fits the country's goals (IDEA 2002:9). Indeed some criteria may overlap and may even compete with each other (Ibid). This then underscores the need for consensus-building among key stakeholders in the charter change issue.

Given these criteria, it is worthwhile to look into the Philippine case and assess whether some of them may answer the nation's particular problems.

The 1987 Constitution provides a majoritarian/plurality type of an electoral system. By this, it means that the country's national and local elective officials win through a plurality of votes. Interestingly, while the country has undergone several constitutional revisions, little has changed since 1935 when the Philippines adopted this type of an electoral system.

Much of the problems associated with the electoral system can be traced to the above-mentioned institutional design (Hutchcroft and Rocamora 2003). This design, as scholars noted, is still a clone of the pre-Martial law institutions borrowed from the Americans that favored the elite and inhibited the entry of marginalized sectors in politics (Hutchcroft and Rocamora 2003:278). Proof of this are reports of the Philippine Center for Investigative Journalism (PCIJ) that show that electoral politics in the country is still a millionaires club, dominated by families with links to vital business interests (2004). Little has changed in the political power base which in turn reinforces assessments that indeed the country can be described as a 'weak state' that is vulnerable to predatory interests (Hutchcroft 1998; McCoy 1994).

In terms of gender, women still comprise a minority in Philippine politics even if they comprise half of the electorate and the country's population. More than seven decades since they gained the right to suffrage, only about two of 10 electoral positions are held by women (Table 6). This is way below the international benchmark of at least 30 percent political participation of women set by the United Nations.⁶ It is also worth noting that women are better represented in systems that use proportional representation rather than in plurality-majoritarian types (Dahlerup 2005:26).

Table 6. Women in Elective Positions, 2004

Position	Women	Men
President	1	0
Vice President	0	1
Senators	3	20
Congressmen	32	178
Governors	15	62
Vice Governors	7	70
Board Members	124	616
Mayors	244	1,354
Vice-Mayors	222	1,377
Councilors	2,253	10,895
TOTAL	2,902	14,585
Percent Total	16.6	83.4

Source: NSCB

The election of the president under a First-Past-the Post (FPP) or simple majority under an "open party system" is another case in point. Because there are many candidates vying for the presidential post, minority presidents get to be elected after the EDSA revolution (Table 7).

⁶ In 1990, the United Nation's Economic and Social Council set a global target of 30% women in decision-making positions by 1995. Today, women parliamentarians comprise an average of 16% of the legislature all over the world (Dahlerup 2005:17).

Table 7. Total Percentage of in Votes Garnered By Winning Presidential Candidates 1992,1998, 2004

Candidate	Party	Votes	Total Number of Voters	%
Fidel V. Ramos	Lakas - NUCD-UMDP	5,342,521	22,654,195	23.60%
Joseph E. Estrada	Partido ng Masang Pilipino	10,722,295	21,841,760	39.90%
Gloria Macapagal-Arroyo	Lakas - Christian and Muslim Democrats / Koalisyon ng Katapatan at Karanasan sa Kinabukasan	12,905,808	32,269,100	40.00%

As such, this means that since 1987, Philippine presidents hardly represented a big majority of the electorate. Consequently, this situation weakens the election's viability as a mechanism for democratic representation.

For one thing, the synchronized elections of national and local politicians have been criticized as being a circus and too complicated for the electorate to make an informed decision on (Rood 2002). The write-in system which is said to be 'unknown' in the world (Montinola 1999:135) is also partial to candidates with easy name recall rather than the party. This then favors the incumbent, media personalities and the moneyed in entering the political fray, to the detriment of other sectors who lack machinery.

To add to this, the COMELEC's public image has suffered a beating in recent years. Multilateral institutions blame this on the weak institutional structure of the polling body which hampers its capacity to handle election administration (ADB 2005). Moreover, while consistent high voter-turnout is one of the hallmarks of Philippine democracy, surveys show that Filipinos have expressed (Table 8) decreasing trust in the electoral system. It is also worth noting that perception data in March 1995 and in April 2004 indicate that it is the upper to middle classes that have registered the highest decline in satisfaction compared to other sectors of society.

Table 8. Net Agreement* on Political Efficacy of Elections

	Philippines	Metro Manila	Balance Luzon	Visayas	Mindanao	ABC	D	E
Mar-95	+63	+75	+63	+63	+54	+78	+63	+53
Nov-97	+65	+71	+61	+61	+71	+85	+63	+60
Apr-01	+63	+73	+63	+69	+52	+79	+63	+55
Jan-04	+54	+56	+57	+47	+52	+64	+56	+44
Apr-04	+48	+55	+51	+36	+46	+54	+50	+42

Source: SWS 2004 as cited in Holmes and Teehankee, 2005 (Test Statement: together with the vote of other citizens, my vote has a big influence in determining what kind of government Filipinos will have.

*Difference between respondents who agree and those who disagree.

Given these problems of the Philippine electoral system, it is incumbent upon those who advocate a parliamentary form of government to design an electoral system that will address these issues and in which there is consistency and compatibility of rules. Ending the centuries-old dominance of the elite in politics and making the electoral system more accessible to other sectors should be a vital element of these reforms. Political party institutionalization is a step in the right direction.

Political Party and the Party System

Political parties play important roles in modern democracies. Ideally, they aggregate interest demands and educate the polity on the vital issues of the day. They serve as vehicles for stability and good governance as they help in resolving societal conflicts (Reilly 2003:2). While they have essential functions in both presidential and parliamentary systems, there is empirical evidence that suggest the imperative need for program-based parties in parliamentary systems. Weak parties make parliamentary systems unstable. This happened in France (1945-1958) which had 25 governments in 12 years, and in Italy which had 59 governments from 1945-2001 (Heywood 2002:315). Moreover, the fusion of the legislative and executive branches makes party dynamics very important in terms of legislative-executive relations in parliamentary systems.

Patronage-ridden and personality-oriented parties characterize the country's politics (Lande':1965). Thus, they are unable to aggregate demands of the electorate and fail to serve as a mechanism to educate the public on vital development issues. This then leads to a political system dominated by the elite. Scholars blame this on the institutional design transported by the Americans at the turn of the 19th century (Hutchcroft and Rocamora 2003) that privileges the landed and educated. Consequently, political parties have often been used by the elite to further their interests and build big one-party coalitions even after the Marcos leadership (Ibid.).

Table 9. Party Systems in Democracies

Type	Definition	Examples
Dominant Party System	One party is constantly in office, either governing alone or in coalition	<i>Historic:</i> Japan (Liberal Democrats), India (Congress) <i>Current:</i> South Africa (African National Congress)
Two-Party System	Two major parties compete to form single-party governments	Great Britain (Conservative and Labour), United States (Democratic and Republican)
Multiparty System	The assembly is composed of several minority parties, leading to coalition government	Belgium, Netherlands, Scandinavia

Source: Hague and Harrop 2001, p.173

While a system of party-list representation was introduced in 1995, administrative constraints, inadequate information and loopholes in the law such as the threshold and the three-seat limit (Tangkia and Habaradas, 2001) render it unable to bring more access to the politically weak sectors of society (Wurfel 1997; Teehankee 2001; Reilly 2003). More than a decade since the enactment of the party-list law little has changed in the structure of elite dominance in the legislative branch.

Moreover, the 1987 Constitution seems to have failed to make a connection between the electoral system and the party system. The latter defines the interrelationship between and among parties. As discussed above, the open party system mandated by the Constitution does not exactly fit a majoritarian type of an electoral system as it results in minority presidents. Scholars usually associate it with presidential systems that have relatively stable two-party systems such as that of the United States. Therefore, the combination of an open or multi-party system with a majoritarian electoral system in the Philippines, results in many parties competing for the presidency. Because party ideologies are not present, the common post-election scenario shows parties consolidating into coalitions with the winning presidential candidate. In terms of governance, these shifting coalitions yield an unstable political climate, vulnerable to breakdowns and crises.

Given this situation, the design of party systems (Table 9) is as important as the need for stable and programmatic parties. Essentially, the success of parties to effectively perform its role is a function of the party system (Reilly 2003:2). Reilly observed three ways that some countries have adopted to design political parties and party systems: (a) the development of a national party system that hamper the growth of local, regional and secessionist parties; (b) the attempt to control, influence, or restrict the number of parties, and (c) strengthening party

organizations by building stronger party systems from the top down (Ibid.). Nonetheless, political scientists agree that a small number of programmatic parties is preferable to several weak and patronage-based ones (Ibid. 2003:2). Other factors should also be considered in designing and in determining the number of parties such as culture, history, and social cleavages (Jackson and Jackson 1997:374). This is important for the Philippines in which the formation of political parties has been essentially engineered by the American colonizers to encourage elite democracy (Hutchcroft and Rocamora 2003).

For parliamentary systems, another important factor to consider is to have an institutionalized role for the Opposition so as to contribute to the stability of the government. The losing party or coalition must have a definite role that is institutionally present in the rules of the parliament.

Bureaucracy

The absence of a fixed term of office and the perennial threat of government shake-up make a professional, competent and effective bureaucracy crucial in a parliamentary system. It not only provides continuity and stability in times of crises but also makes the delivery of vital services possible in periods of conflict. Despite its crucial role, it is surprising that it is not part of the discussions on the move to amend the charter. The role of the bureaucracy in a parliamentary system is especially significant in the light of parallel attempts to also change the economic provisions of the 1987 Constitution to make it more attuned to liberalization. Any state that seeks to further liberalize its economy needs the proper regulatory framework so that it can manage the risks and volatilities that increased competition brings. However, a proper role of the bureaucracy in a parliamentary set-up must consider its endemic and structural problems such as the spoils system,

overlapping agencies and the huge number of political appointments (ADB 2005).

For instance, the nature of political appointments is worthy of examination. The Civil Service Commission estimates that the President of the Philippines appoints 11,000⁷ officials in the bureaucracy as a result of the constitutional provision allowing the president to appoint heads of agencies, naval captains, and other personnel provided by law. As such, this must be given attention by those advocating charter change precisely because the future Prime Minister cannot appoint this many officials. Frequent leadership change will render the civil service inoperative if these officials need to be changed every time there is a vote of no confidence.

Because the criticism often hurled against a parliamentary system is the tendency of the executive to consolidate power, the nature of legislative oversight of the bureaucracy should also be an important issue. Some tools that can be explored are the creation of Public Account Committees (PAC) and the institution of a set of 'parliamentary auditors' such as the one in Sweden, exclusively for oversight (NDI 2000). However, this must be complemented by greater public and media access to information to enhance external oversight mechanisms and also intra-chamber discipline. After all, 'guarding the guardians' is also an important element of democratic accountability.

Lastly, there is also a need to professionalize and institutionalize the bureaucracy of the Parliament. A career system similar to the one instituted in the Executive Branch should be matched by the legislature. Legislators' capacity to perform oversight is related to the capability and competence of its permanent staff. This is especially important in a parliamentary system where theoretically the power is lodged in the parliament more than the executive.

Conclusion

Constitutions are not only legal documents, they are first and foremost products of political struggle about competing goals. The initiative to make revisions in the 1987 Constitution may have its merits and demerits but it should be widely disseminated to the people. Shifting to a parliamentary form of government or revising its economic provisions is a complex process that requires an informed discussion of issues. Notably, the success of constitutions as a framework for nation-building and development rests not only on legality but also on legitimacy that is founded on the informed consent of the people.

The foregoing discussion raises key issues that advocates of charter change must explore and study in redesigning the country's political system. It presents institutional problems as well as a menu of institutional choices that framers must address. Finding an electoral system and instituting genuine political parties and a professional bureaucracy that seek to address age-old problems is no easy task. While the leaders of our country continue to debate on the means of revising our constitution, these basic issues should be thoroughly presented to the public.

Clearly, the paper implies that shifting to a parliamentary system is not as simple as it is presented to the public. It is an intricate weave of institutional design based on a consensus of goals of the different stakeholders. Without an understanding of these, the purported benefits of a parliamentary system stand on shaky ground.

⁷Testimony of Civil Service Commission Chairperson Karina David before the Senate Committee on Civil Service and Government Reorganization during a public hearing on SB 1889 "Establishing the Career Executive System" on June 2, 2005.

References

Books and Journals

- Adsera, Alicia and Boix, Carles. 2004. Constitutional Engineering and Stability of Democracies, A Paper Presented for the Annual Conference for New Institutional Economics (ISNIE), Tucson, Arizona, 30 September-3 October 2004. <http://www.isnie.org/ISNIE04/Papers/> Retrieved July 23, 2006.
- Abueva, Jose et.al. eds. 2002. *Towards a Federal Republic of the Philippines With a Parliamentary Government: A Reader*. Manila: Kalayaan Center for Social Policy and Governance and the Local Government Development Foundation.
- Arugay, Aries. Unpublished. Constitutional Reform and the Electoral System: Reshaping Representation in the Philippines Institute for Popular Democracy (IPD).
- Bernas, Joaquin. 2005. Constitution-making in Historical Perspective: the 1898, 1935, 1973 and 1987 Constitutions. Paper Presented in a Workshop on Political Reform and Charter Change in the Philippines: Perspectives from the Nation and the Region, Eugenio Lopez Center, Antipolo City, 8-9 July 2005.
- Catilo, Aurora and Tapales, Proserpina. 1998. *The Legislature in Government and Politics of the Philippines*, eds. Raul de Guzman and Mila Reforma, pp.133-163. Singapore: Oxford University Press.
- Coronel, Sheila et.al. 2004. *The Rulemakers: How the Wealthy and Well-Born Dominate Congress*. Quezon City: Philippine Center for Investigative Journalism (PCIJ).
- Dahlerup, D. 2005. *Strategies to Enhance Women's Political Representation in Different Electoral Systems in Gender, Governance and Democracy: Women in Politics*, ISIS Monograph Series, Issue No1. Volume 1.
- Dressel, Bjorn. 2005. *Strengthening Governance Through Constitutional Reform in The Governance Brief*. Asian Development Bank (ADB). <http://www.adb.org/Documents/Periodicals/GB/> Retrieved June 1, 2006.
- Hague. Rod and Harrop, Martin. 2001. *Comparative Government and Politics: An Introduction*. New York: Palgrave.
- Heywood, Andrew. 2002. *Politics*. New York: Palgrave.
- Hutchcroft, Paul. 1998. *The Politics of Banking in the Philippines*. Quezon City: Ateneo de Manila University Press.
- Hutchcroft, Paul and Rocamora, Joel. 2003. *Strong Demands and Weak Institutions: The Origins and Evolution of the Democratic Deficit in the Philippines* in *Journal of East Asian Studies* 3, no. 2: 259-292.
- Lande, Carl. 1965. *Leaders, Factions and Parties, the Structure of Philippine Politics*. Yale University Southeast Asia Studies Monograph Series, Number 6. New Haven: Yale University.
- Lederman, Daniel et.al. 2005. *Accountability and Corruption: Political Institutions Matter in Economics and Politics*, Volume 17, Number 1: 1-35. <http://wbIn0018.worldbank.org/lac/lacinfoclient.nsf/> Retrieved September 5, 2006.
- Lijphart, Arend, ed. 1992. *Parliamentary versus Presidential Government*. in *Oxford Readings in Politics and Government*. Oxford: Oxford University Press.
- McCoy, Alfred, ed. 1994. *An Anarchy of Families: State and Family in the Philippines*. Quezon City: Ateneo University Press.
- Montinola, Gabriela. 1999. "Parties and Accountability in the Philippines." *Journal of Democracy* 10(1).
- Reilly, Benjamin. 2003. *Political Parties and Political Engineering in the Asia-Pacific Region* in *East-West Center Asia-Pacific Issues*, Number 71.
- Rood, Steven. 2002. "Elections as Complicated and Important Events in the Philippines." Pp. 147-164 in *How Asia Votes*, John Fuh-Sheng Hsieh and David Newman, eds. New York: Chatham House Publishers.
- Tangkia, Fritizie and Habaradas, Ma. Raceli. 2001. *Party-List System: The Philippine Experience*. Friedrich Ebert Stiftung Online Papers. http://www.fes.org.ph/papers_partylist.htm Retrieved on September 5, 2006.
- Teehankee, Julio. 2002. "Electoral Politics in the Philippines." Pp. 149-202 in *Electoral Politics in Southeast and East Asia*, Aurel Croissant, Gabriele Bruns, and Marei John, eds. Singapore: Friedrich Ebert Stiftung.
- Teehankee, Julio and Holmes, Ronald. 2005. *Electoral Administration and National Electoral Reform*. Paper Presented in a Workshop on Political Reform and Charter Change in the Philippines: Perspectives from the Nation and the Region, Eugenio Lopez Center, Antipolo City, 8-9 July 2005.
- Torres, Crisline 2003. *Democratic Survivability and the Parliamentary Critique of the Presidential Form of Government in the Philippines* in *Public Policy* Volume VII. Number 2: 1-36.
- Wurfel, David. 1997. *The Party-List Elections: Sectoral or National? Success or Failure?* In *Kasarinlan*, Volume 13. Number 2: 6-19.

Other Documents

Asian Development Bank (ADB). 2005. Country Governance Assessment: Philippines. <http://www.adb.org/Documents/Reports/CGA/> Retrieved September 5 2006.

National Democratic Institute (NDI). 2000. Strengthening Legislative Capacity in Legislative-Executive Relations in Legislative Paper Series Number 6. <http://www.undp.org/governance/eventsites/LegislatureTechniques2001/> Retrieved May 5, 2006.

International Institute for Democracy and Electoral Assistance. 2002. International IDEA Handbook of Electoral System Design. <http://www.upd.oas.org/lab/>

Documents/fiapp/ Retrieved August 24.

Transcript of the Public Hearing of the Senate Committee on Civil Service and Government Reorganization on Senate Bill 1889 "Establishing the Career Executive System" on June 2, 2005.

United Nations Development Program. 1999. *Governing Systems and Executive-Legislative Relations*. <http://magnet.undp.org/Docs/parliaments/governing%20system.htm>. Retrieved on May 12, 2006

Government Websites

Commission on Elections (COMELEC)
National Statistical Coordinating Board (NSCB)

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