

# Turning the tables on the opponents of Charter change

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BY ANTONIO P. CONTRERAS ON JULY 26, 2018 ANALYSIS

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ANTONIO CONTRERAS

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THEY keep on saying that this is not the right time to change the 1987 Constitution. It is just fair to ask them. When is the right time?

Many of these opponents of Charter change are the same people who at one time in their lives rallied on the streets and chanted “Kung hindi ngayon, kailan pa?” (If not now, then when?)

I have personally interacted with people who belong to this crowd. These are good people, some of them well-published academics. And on many instances, I have heard them criticize the 1987 Constitution. Some of them articulate the belief that a federal set-up can ideally bring in more development to the regions. They are champions of decentralization, and they appreciate the principles of subsidiarity, where putting key decisions closer to the locale where the issues being decided exist and prevail, and is more desirable than a centralized system that is associated with a unitary form of government. This, for them, is the essence of a transparent, accountable and participatory form of governance.

Yet, now that they are offered the opportunity to have a charter that embodies all of these principles, they do a 180-degree turn and tell us this is not the right time.

Some of them also insist that there is no more need for Charter change, and that all we have to do is to strengthen Republic Act 7160, or the Local Government Code of 1991. This is the law that defines the powers of provincial, city, municipal and barangay governments. We have to ask them how they wish it to be strengthened, and why it would not be strengthened better if we shift to a system where these local government units will now exist in a federal set-up where stronger executive, legislative and judiciary powers are given to regions, and where the administration and development of these local government units would now be the exclusive power of these regions.

We have to demand from them a rational explanation of why granting the regions the exclusive powers to make key decisions on matters such as socio-economic development planning; creation of sources of revenue; financial administration and management; tourism, investment and trade development; infrastructure, public utilities and public works; economic zones; land use and housing; justice system; business permits and licenses; and municipal waters would not enable them to have a better chance compared to now.

It behooves us to ask those progressive voices fighting for the rights of indigenous peoples, and those who lament the lack of focus on sports development, parks and recreation, and culture and language development why these things would not be nurtured if these are turned over to the federated regions as issues over which they now have exclusive powers.

Many of the opponents of federalism are the same people who lament the unfair distribution of the internal revenue allotments, or IRAs, under RA 7160. Yet, when presented with a proposed charter that not only liberalizes the shares of revenues, but even empowers the federated states to generate their own sources of revenue without the approval of imperial Manila, they would tell us that this is not the right time.

These people have been harping on the existence of political dynasties. I even see familiar names among the academics who signed a statement opposing Charter change. These are people who authored studies that paint dynasties as anti-development and lament the weakness of our political parties.

Yet, when given the opportunity to have a charter that clearly articulates mechanisms not only of how to address the problem of political dynasties, but even have provisions that would install a system to punish political turncoats and create a fund to support the development of political parties, they now tell us this is not the right time.

These people are critical of Congress and oppose converting it into a constituent assembly. Yet some of them insist that the 1987 Charter doesn't have to be changed, and instead urge the same Congress they dislike to formulate the enabling laws that are needed to ban political dynasties.

These are people who are against centralized systems of power, and who are advocates of people and community empowerment, yet now speak of the lack of capacity of the regions to govern themselves. They speak of liberalizing development even if it means spending taxpayers' money on poorer regions, yet now balk at the financial costs that are needed in empowering them through a federal set-up. They paint for us the unimaginable financial risks that the Republic will face should we pour in money in developing the federated regions. Yet, they fail to realize that the Republic survived despite the humungous leakages that the likes of Janet Napoles enabled when billions of pesos were siphoned off from public coffers, ending up in the pockets of corrupt politicians and government officials through their fictitious NGOs, a system that was not checked and was even enabled by a highly centralized unitary system.

The draft charter as prepared by the Consultative Committee created by President Duterte is not perfect. Many provisions need amending or rewording, and there is an urgent need for it to be simplified and shortened without losing its essence. But a draft constitution is not a commodity that one can just decide to either buy or ignore.

Those who oppose it are bestowed with the ability to think critically. And yet when offered a draft, instead of contributing to its improvement by providing specific recommendations, like most of us are doing, they turn into simplistic minds that treat the issue as just one answerable by yes or no. Some of them have become naïve about opinion surveys as to now deploy as a reason the survey results that say people are not yet ready for change, even if such an answer is does not come from an informed understanding of both the 1987 Charter as well as the proposals to change it.

These people identify themselves as progressive liberals. Yet at a time when they are offered the opportunity to help in affecting meaningful political change, they become an unassailable rock of conservatism. They subordinate their reason and allow their political partisanship to get the better of them. They turn a complex matter into a simplistic opportunity to bash Presidents Marcos and Duterte. They see the Marcosian flavor of the proposed charter, and this is why for them any time under President Duterte will always not be the right time.