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## **BAGONG ALYANSANG MAKABAYAN**

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### **POSITION PAPER ON THE ARROYO ADMINISTRATION'S PROPOSED CONSTITUTIONAL AMENDMENTS**

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The Bagong Alyansang Makabayan (Bayan) is strongly opposed to the latest moves by the Arroyo administration to change the constitution. This self-serving initiative of the administration has urgent and far-reaching implications on the country's politics, economy, sovereignty, patrimony as well as the people's civil liberties.

Charter change has been touted as the solution to the current economic and political crisis. It is regarded by the administration as a requirement for a country "poised for take-off".

But beneath the promises and illusions generated by charter change are the sinister and self-serving moves to perpetuate an illegitimate regime in power, open the country's economy and patrimony to unbridled foreign exploitation and plunder, further degrade our nation's sovereignty and threaten the already limited and fragile constitutional provisions on human rights and civil liberties.

Among the contentious and objectionable recommendations of charter change are the:

- a. postponement of the 2007 elections and the lifting of term limits for elected officials, while allowing Arroyo to serve as transition head till 2010
- b. allowing 100% foreign-owned corporations to own land and exploit our natural resources, public utilities, education institutions and even the mass media
- c. removing or amending provisions on civil liberties
- d. removing provisions that limit the martial law powers of the president
- e. removing or amending provisions on nuclear weapons and foreign troops

Charter change is a surefire formula for national regression because it will reverse whatever limited and positive provisions left in what is otherwise an imperfect constitution. It will bring the country from bad to worse. It will blast the country back to an era of direct colonial rule and martial law, of US bases and lifetime dictators.

Mrs. Arroyo has given a six-month deadline for charter change. A plebiscite is targeted for June 2006. The administration is going full-blast with its plan. Charter change is therefore a challenge that we must urgently take up.

Bayan calls on all freedom-loving and patriotic Filipinos to unite and stand against this latest monstrosity from the Arroyo administration. Let us not fall for the illusions peddled by charter change. Let us join hands and link arms in resistance.

## **1. Charter Change is a self-serving move aimed at perpetuating Mrs. Arroyo in power despite widespread calls for her resignation/ouster and despite unresolved questions as to her legitimacy.**

In its final report, the Consultative Commission on Charter Change headed by former UP President Jose Abueva recommended that no elections be held in 2007. The Con-Com instead recommended that Arroyo remain the transition head of government with powers to appoint new members of parliament. Arroyo has endorsed the Con-Com proposal to Congress. Arroyo's allies in Lakas have said that they will let the people decide on the "no-elections" proposal.

At the end of the day, even if the country shifts from a presidential to a parliamentary form of government, Arroyo retains control of government and enjoys the majority support of her allies. She will continue to exercise her powers as president and commander-in-chief of the AFP, even if there is a Prime Minister who heads the parliament. In the House of Representatives proposal for cha-cha, Arroyo is also given the power to dissolve parliament.

The "no-el" provision is a bribe both for administration and opposition lawmakers and elected officials who are being urged to rush the approval of charter change. The "no-el" provides all elected officials down to the barangay level a free three-year term.

Charter change will not resolve the issue of Arroyo's legitimacy. On the contrary, the move will only reinforce an illegitimate regime serving until 2010. Charter change will also obstruct any impeachment case that may be filed by the Opposition in July this year.

Despite calls from former President Ramos for Arroyo to step down by 2007, Arroyo and her allies are intent on consolidating their hold on power up to 2010, and perhaps even beyond. There is no explicit provision that prohibits Arroyo from running as Prime Minister beyond 2010.

## **2. The shift to a parliamentary form of government will not resolve the political crisis as the administration claims.**

What the shift will do is limit the election of the highest positions of government to the members of parliament. Instead of the public electing the president or prime minister, we will have a president or prime minister elected by the members of parliament. The president or prime minister can be replaced by a simple vote of no confidence. No more need for people power or coup attempts, say the defenders of charter change. The future of the country will now be in the hands of the politicians.

Charter change also proposes that the Philippines adopt in the future a federal form of government wherein "autonomous territories" or regions are self-governed.

Despite all the promises of reforms, the proposed Parliament will still be dominated by big business, the landed elite, corrupt bureaucrats and the political clans, all of whose interests sharply contradict those of the people. Shifting to a parliamentary form does not address the issue of who really wields political power in this country. A study by the PCIJ shows that in 2004, 2/3 of the members of Congress come from political families or clans. The study goes on

to show that Congress remains a “fortress of privilege” with the average net worth of a congressman being P21.9 million and a senator P59.3 million. A quarter of all senators have a net worth of P100 million. Shifting to a parliamentary form of government will not prevent the same multi-millionaires from entering the corridors of power nor will it check the already endemic problem of corruption because those in power continue to amass wealth and privilege.

Even the constitutional provision for party-list organizations which is intended to give very limited representation for marginalized sectors is being threatened under the proposed revisions. Party-list representation can be subject to new laws and restrictions. Worse, traditional political parties may be allowed to run under the partylist system, thereby destroying the intent of the partylist system to represent marginalized sectors.

The proposal to shift to a federal structure of government, given the current balance of power, will only empower the big landowners, local political dynasties and local warlords. A new layer of government will be created but the old problems of corruption, electoral fraud, patronage politics and violence will persist.

### **3. Charter Change open the country further to unbridled foreign exploitation and plunder.**

While there may be debates on the form of government, the proponents of charter change all agree on the provisions for economic liberalization. In the Abueva Con-Com report as well as in the proposal of the House Committee on Constitutional Amendments, foreign corporations will be allowed to own industrial, commercial and residential land. They will also be allowed to lease public lands for a period specified by congress.

These privileges were erstwhile reserved only for Filipinos in the view that our people should have the priority to develop our resources for the good of the country.

The provisions on liberalization will further aggravate landlessness in the countryside, land-use conversion on an unprecedented scale, foreign mining and exploitation of our natural resources, food insecurity and the destruction of the environment. Filipinos will be deprived of the right to use the country’s resources for their own benefit. Local industry and agriculture that cannot compete with the big multinationals will also be destroyed.

Changing the constitution will also harmonize the basic law of the land with other controversial laws such as the Mining Act of 1995 or the Electric Power Industry Reform Act (EPIRA) both of which allow foreign firms to exploit our natural resources.

Citizenship restrictions on franchises will also be removed. This will allow foreign firms to take over vital public utilities such as power, water, telecommunications and transportation.

Foreign firms will also be allowed to take control of advertising, mass media and educational institutions thus strengthening the colonial orientation of Filipino culture in general. Through mass media and advertising, Filipino consumers will find imperialist globalization and its products more acceptable. Foreign entities will also be able to influence the outcome of internal or domestic affairs because they will be in a position to shape public opinion on certain issues and events.

Proponents of charter change have hailed economic liberalization as the means to attract more foreign investments and as an engine for economic growth. This glosses over the fact that even during the period of increased foreign investments in the country, economic growth remained low and unemployment remained high. While foreign investments are said to create jobs, imperialist globalization and liberalization of the economy also destroys local industries and agriculture. Foreign direct investments also mean profits being repatriated 100% to their mother companies. This is on top of the profits being siphoned out of the country through speculative investments and debt payments.

#### **4. Charter change will trample on civil liberties, curtail basic freedoms and provide the government vast powers to impose martial law.**

One proposal for charter change suggests that the term “responsible exercise of the freedom of expression” be used to qualify a fundamental right enshrined in the Bill of Rights. The term “responsible” changes everything since this right will now be subject to strict standards of what government holds as responsible. Hence, remarks critical of the government may be seen as “irresponsible” acts and thus would not fall under freedom of speech and can easily be suppressed.

Another proposal for charter change gives the president or prime minister extraordinary martial law powers that will be unchecked both by Parliament and the Supreme Court. Important provisions on martial law and the suspension of the writ of habeas corpus have been deleted in the proposed new charter. The president no longer has to report to Congress or Parliament within 48 hours after the declaration of martial law. The Supreme Court no longer has the power to review the factual basis of the declaration of martial rule. The proposed draft also deleted a constitutional provision limiting martial law and the suspension of the writ of habeas corpus to 60 days.

Worse, the proponents of charter change have introduced new grounds for the declaration of martial law: insurrection or the imminent danger thereof. With such a broad definition, threats of “destabilization” or even “people power” can be used as a pretext for imposing martial rule.

Having the power to dissolve parliament and declare martial law without restraint are very dangerous provisions which can only benefit would-be dictators.

#### **5. Charter change will remove existing provisions in the constitution that ban nuclear weapons and foreign troops and bases.**

The House proposal for charter change deleted the constitutional ban on the entry of nuclear weapons and the presence of foreign troops and bases sans a treaty. The proposal effectively removes legal obstructions to the return of US military bases. The revision also harmonizes the constitution with the provisions in the Visiting Forces Agreement (VFA) and the Mutual Logistics Support Agreement (MLSA). As they stand, these two agreements already provide the legal framework for the stationing of troops and positioning of US military equipment in the country minus any formal treaty ratified by both countries. If this pushes through, cha-cha would reverse the gains of the 1991 bases treaty rejection.

In the light of current development regarding the VFA and the Subic rape incident, removing these important constitutional restrictions will further expose the country to the danger of having

an unlimited number of foreign troops armed with weapons of mass destruction and who can stay in the country for an unlimited duration.

### **Oppose Arroyo's charter change!**

For all its avowed advantages and promises, charter change will only worsen the current economic and political crisis. It is a prescription for economic disaster at the hands of foreign vested interests. It would also serve perpetuate an illegitimate regime and give it more powers to violate people rights.

The charter change issue challenges all of us to unite in a common struggle to defend our national patrimony and economy and to uphold basic freedoms against those who wish to violate them.

While the constitution is far from perfect, charter change at this time, given the dominance of vested political and economic interests, will only make the constitution worse.

The administration has vowed to use its "superior force" to bulldoze the approval of charter change. It intends to use the House of Representatives and Local Government Units to squeeze the Senate into accepting cha-cha. Despite the objections of the people as reflected in recent surveys, the administration is intent on forcing charter change through the efforts of the pro-Arroyo majority in Congress.

The people must respond to the challenge of charter change by resoundingly rejecting these maneuvers of the Arroyo administration.

Real progress can only be achieved through the genuine representation of the people, especially the vast majority of workers and peasants. National development goals must be geared towards serving the interests of the Filipinos, not the interests of big foreign business. Genuine land reform and nationalist industrialization are the real requisites for economic growth. And instead of limiting the already limited rights of the people, the government must strive to enhance and expand basic rights and civil liberties. Bayan is committed to advancing these goals in the continuing struggle for national freedom and democracy.