

The Road to Change: The Perspectives of Academicians on Charter Change in the Philippines

Catherine T. Basinillo¹, Danielle Vine A. Dondoyano²,
Ferdie D. Salao, LPT, MAEd³, Brian James N. Rodriguez⁴,
Antonio G. Rivera⁵, Maria Jessa Tenero⁶

^{1,3}Associate Professor, School of Arts and Sciences, National University Philippines

^{2,4}Assistant Professor, School of Arts and Sciences, National University Philippines

⁵Instructor, School of Arts and Sciences, National University Philippines

⁶Teacher, Senior High School Department, Colegio de San Juan de Letran

Abstract

The ongoing campaign to modify the current 1987 Philippine Constitution is part of being a democratic society. Resisting such an endeavor, if supported by a logical public consensus-building process, is also an important component of democracy. As a democratic country, the Philippines fits ideally into this constitutional reform setting. As such, this paper will examine the perspectives of Filipino academicians in addressing the growing pursuit of constitutional change to assist people in making better decisions and ideas for contemporary societal concerns. Using purposive sampling, in-depth interviews were conducted with the selected Filipino academicians. The interview elicited participants' perspectives on the growing concerns about the charter change in the Philippines, considering the timeliness, scope of changes, complicated legal procedure, and impact on the economy, politics, and Filipino people. Furthermore, it investigates if the implementation is necessary in the current circumstances. According to the data, most Filipino academicians oppose the present constitutional amendments since the government's goals are unclear. As suggested, there must be clear rules and intents that the charter change aims to solve, as this cannot be accomplished alone through a constitutional amendment, ordinary legislation, or executive action. The government must establish definitive rules and give the Filipinos the exceptional political leadership that all citizens deserve.

Keywords: charter change, democracy, constitution

1. Introduction

Constitutional reform in the Philippines, also known as "Charter Change," is the political process of revising and amending the 1987 Philippine Constitution (Cepeda, 2024). It has long been a contentious issue in the country that discusses the various issues that must be changed. The transition to a new form of government and the ongoing debate about whether a charter change is necessary are the two aspects of the said reform that caused some controversy.

The Philippines adopted its present constitution in the aftermath of the 1986 People Power Revolution,

which ousted the Marcos dictatorial administration. Since its enactment, various governments have made attempts and suggested amendments to address social challenges motivated by opposing objectives and efforts toward economic and political reform.

Several Philippine leaders attempted to change the Constitution. According to them, Charter Change is a method to fix these shortcomings and "improve" the country. However, retired Supreme Court Justice Vicente Mendoza believes that a request for charter reform is simply an attempt to extend the President's term of office (Tomacruz, 2018). Critics and supporters of the 1987 Constitution recognize that they are no defects exist, but all attempts to change them, in part or whole, have failed.

Former President Fidel V. Ramos caused public outcry in 1997, with many believing his primary goal was to extend his tenure (Palatino, 2021). His successor, former President Joseph Estrada, then changed the word "charter change" to "constitutional correction for development" to obtain support from the public. (Palatino, 2021). Meanwhile, in 2005, Arroyo's presidency attempted to transition the country's governing system to a parliamentary framework, which was met with considerable opposition in 2009. (Palatino, 2021). Unlike past presidents, former President Rodrigo Duterte's push for charter revision began before he officially announced his presidential bid, but he faced similar opposition despite his popularity throughout the campaign. Recently, President Bongbong Marcos and his allies have recently proposed a charter reform, particularly for economic provisions.

Several research, journals, and other publications have explored and uncovered the benefits and drawbacks of the Philippines' charter change. Some believe, or even urge, that constitutional amendments are required to overcome economic constraints, decentralize power, and increase government efficiency. For example, supporters of this "economic cha-cha" argue that the time has come to open this possibility, which will eventually allow the country to capitalize on rising investor confidence in the economy, increasing its chances of maintaining its recent impressive economic performance (Mendoza & Melchor, 2015). Aside from the economic charter change, some suggest replacing the political institutions we already have, such as Senator Robin Padilla, who is quite open about his support for and contribution to the Federalist process (Galvez, 2022). Opponents argue that eliminating limitations on foreign ownership may have negative economic and social consequences, including job losses. (Bello, 2014). Considering the substantial amount of research in this field, a more complete examination is required to arrive at a more plausible resolution.

The Department of Political Science at the University of the Philippines, Diliman, argues that revising or amending the current constitution is a challenging task with long-term consequences for the nation's development. Additionally, UP National College of Public Administration and Governance argues, that while the new constitution may address some of the country's issues, it will be critical to investigate the various concerns raised by various groups regarding its adoption (Quilinguing, 2023).

Under a new presidency, resentment of the charter revision is in full swing. For example, recently, the House passed a bill to modify the charter through the costly organization of a constitutional convention, but the bill failed to advance in the Senate. In December of that same year, Romualdez announced the House's plan to start a popular initiative to resolve the procedural standoff between the House and the Senate. (De Leon, 2024) However, in early 2024, signing documents circulated across the country, attempting to modify the Constitution to allow the House and Senate to vote as one when a resolution to convene a constituent assembly is presented. Regardless of an initial agreement to pursue the process through a joint resolution, the House has been claimed of continuing to push for Charter change through a people's initiative, which the Senate overwhelmingly opposes, resulting in a conflict between the Senate

and the House of Representatives over charter change, specifically through a people's initiative (Ramos, 2024).

In view of the Philippines' leader's charter change initiative, the researchers believe that additional research and analysis are essential. This allows them to assess whether charter change is neither essential nor sufficient for the Philippines, particularly given its mounting worries.

The objective of the research is to examine the perspectives of Filipino academicians in addressing the growing pursuit of charter change to assist people in making better decisions and ideas for contemporary societal concerns. This research also aims to shed light to policymakers on the advantages and disadvantages of charter change for ordinary citizens and throughout the country.

2. Limitations of the Study

The research attempts to examine Filipino academicians' perspectives on the growing concerns about charter change in the Philippines, considering the timing, breadth of changes, complicated legal procedure, and its impact on the economy, politics, and Filipino people. It also states whether the implementation is necessary in the current situation.

Additionally, it is important to understand and acknowledge the extent and limitations of this research, which was done within the Philippines and is invalid outside the country. As such, this research emphasizes the expert's analysis and views, which may be subjective or erroneous. Also, this research may not cover all factors influencing charter change, including political institutions and proposed modifications to the current charter. Finally, the research was completed during the academic year 2023-2024.

3. Methodology

The researchers used a qualitative case study approach. Singh S. (2024) characterized qualitative research as exploratory and subjective, with the goal of identifying the relationship between observations and data sets. Meanwhile, in a case study, researchers can assess and explore a specific instance utilizing the case study approach. The initial phase of this research was identifying academicians with remarkable knowledge and understanding of charter change, such as sociologists, attorneys, political analysts, economists, and historians. These academicians were interviewed in depth utilizing a semi-structured questionnaire to learn and understand their thoughts on charter change, where they stand on the issue, personal experience, possible solutions, and how they envision adaptation of charter change. The third phase entails analyzing documents and other secondary sources to provide context and background data, which includes reviewing reports, important documents, and gathering background information about charter change and its prospects to identify patterns, concerns, and perceptions regarding attempts to change the constitution. Finally, the content gained from the interviews, oral recordings, and document analysis is transcribed, encrypted, and examined using thematic analysis.

Ten Filipino academicians, including attorneys, sociologists, political scientists, economists, and historians, volunteered to participate in this research. The academicians' expertise aligns with the research topic, which focuses on charter changes, constitutional changes, and how critical conditions can affect normal citizens.

Moreover, the researchers understand that selecting an appropriate population and sampling procedure is critical. The researcher used purposive sampling to obtain the appropriate number of individuals who will participate in this research. Purposive sampling is commonly utilized when researchers want to obtain a thorough understanding of certain phenomena rather than generating statistical inferences from very tiny

and specific populations (Mc Combes, 2023). The researchers employed purposive sampling to ensure participants had the necessary knowledge and expertise to give significant insights and opinions on the research topic.

The research began with a thorough literature analysis that focused on charter change, its timeframe, and critical challenges in the Philippines, as its primary objective is to educate people about the topic at hand. The reviews serve as a foundation for the research in identifying areas that require additional research. The interviews were then performed in person with the identified Filipino academicians. The interview focused on charter change, its implications, consequences, elements, and expert perspectives, as well as the potential influence on ordinary Filipino citizens.

In terms of ethical considerations, the researchers prioritize the privacy rights of the participants. As a result, they have taken all necessary precautions to safeguard them. The participants received a consent form outlining the research purpose, procedures, risks, and benefits prior to the interview. The researchers also kept the participants' personal information and identities private, and they assured them that they would not be required to submit information outside of the research. Finally, they were informed of their legal rights and were given the option to withdraw from the research at any moment. In accordance with this, the research demonstrates its ethical responsibility by ensuring its validity, participant safety, and by ensuring that only researchers have access to the data. The researchers additionally inform the participants that their involvement is optional, based on their preferences.

Finally, completing this research entails assessing the collected data to evaluate assumptions and respond to research questions. The inquiry demonstrates a variety of data, including participants' perspectives and opinions on the topic at hand. After gathering data from participants, researchers examined the findings by categorizing methods, topics, and codes to solve issues, evaluating interview responses to verify enough data, and drawing conclusions based on the analytical results.

4. Results and Discussion

4.1 Perspectives of Filipino Academicians on Charter change: Its timing, Scope of Changes, and Process

According to one of the participants, the majority of the public was against changing the constitution. Throughout history, various attempts have been made to amend the Philippine constitution, beginning with the country's independence from Spain, the country's colonizer. One of the participants stated that the problems with the current constitution must be clearly defined and that the goal to revise the constitution must have clear and strong criteria, as this process cannot be carried out without evidence.

In terms of scope and changes in the constitution, most participants believe that constitutional changes do not require any special justification to proceed. Revolutions, coups, postcolonial wars, democratic upheavals, post-peace agreement-controlled transitions, or regime change are common motivations for constitutional revisions.

There have been countless times in the Philippines where campaigns for charter change have been launched by various government administrations, and this recent move for changes to the country's constitution is not unprecedented. Since 2016, various proposed resolutions in both Congress, including those supporting the federal shift or charter change, have claimed that there is a "public clamor" for the move or change. In fact, a 2018 survey found that approximately 67% of the population was opposed to modifying the charter at the time the survey was done, while 37% were opposed. While 30% of the

population is currently opposed but may be open to it in the future, 18% of the population supports charter revision now, and 14% are uncertain on the matter (UP Department of Political Science, n.d).

As stated by most the participants, many Filipinos know little to nothing about the country's constitution or the planned federal government. As mentioned in the studies, revisions to the constitution are not an immediate priority for Filipinos, as they are more concerned with issues such as inflation, labor wage increases, criminality, job creation, and corruption. Since then, most of the population has opposed amending the constitution, which is not an urgent problem. public does not support any move to amend the constitution. In addition, as stated by the participants, there is no compelling cause to modify the constitution; this is simply an election campaign agenda made by the present government administration. Furthermore, as mentioned by one of the participants, creating a constitution is a national concern that necessitates precise standards to ensure that democratic processes are followed and that desired outcomes are obtained. There must be clearly defined plans so that all people will understand and are motivated to participate.

4.2 Perceived Impact of Charter Change on the Filipinos

According to most participants, most Filipinos oppose the charter change. In fact, many Filipinos today are concerned about constitutional change since they have little to no awareness of the constitution. One of the participants even stated that many Filipinos reject the constitutional change because they believe it is merely an instrument to extend the tenure of the current government administration. This is confirmed by a comment made by UP College of Law Professor Dante Gatmaytan, who believes that Filipino distrust stems from the Marcos era when former President Ferdinand Marcos Sr. took advantage of constitutional reform to extend his term in power (CEDTyClea, 2019). Furthermore, a Pulse Asia survey found that 88% of Filipinos still oppose charter reforms, while only 8% support changes to the constitution. It is also indicated that most Filipinos are more conscious of the problem of charter change than in past years, however, those who were well-directed by the text of the constitution itself remain unaffected.

Another possible reason why Filipinos oppose the charter revision, as indicated by the participants, is a lack of transparency in the drafting process. This originates from a report that a copy of a draft was not immediately made accessible to the public, which caused doubt among the people. To summarize, as mentioned by the participants, there is a significant gap between the people and the charter, and Filipinos would never make a good decision by supporting the government's efforts to amend the constitution.

Given these circumstances, most participants stated that Filipinos are not yet prepared for a new form of government due to a lack of information about the process of amending the Constitution. Furthermore, the participants agreed that Filipinos should become more aware of this topic so that they can make an informed decision about whether to support the charter reform and that they should be encouraged to engage in a genuine conversation about it. It is apparent that this charter change will only increase the Filipino people's worry and distrust of the government.

It is crucial to understand that the Constitution is not a simple document. It is the result of long-term effort and must be explicit and free of ambiguity. According to Encinas et al. (2006), the viability of a constitution as a framework for nation-building and growth depends on legitimacy and popular consent.

4.3 Impact of Charter Change on Philippine Politics and Economy

On the issue of economic reform, numerous studies have found that removing barriers to international investment could result in increased foreign direct investment inflows into the country. At least one analysis predicts that lifting constitutional constraints might increase net foreign direct investment inflows by much to 78% (Mendoza & Melchor, 2015). The proponents of the charter change agreed on this,

arguing that the charter change will increase the chances of maintaining impressive economic performance by relaxing economic restrictions, which could offset other obstacles in the country, such as a lack of infrastructure, energy shortages, and other challenges that impede foreign investment. Another argument is that nations that have relaxed foreign ownership limits in services might attract more foreign direct investment, increasing the competitiveness of service and goods manufacturers (Seráfica, 2015). Although limits on foreign ownership may impede more robust foreign investment, they are not necessarily the most significant barrier to investment and growth.

On the contrary, most participants believe that changing the constitution will allow government leaders to abuse their power and lead to increased corruption. One of the participants even stated that economic changes in the current charter amendment process could have a detrimental impact on national income ranging from 25 to 45% of foreign direct investment projects. Historically, foreign direct investment had little influence on the expansion of top performers. Institutional hurdles are impeding the expansion of foreign direct investment. Foreigners can effectively control firms by bypassing regulations.

On the issue of changing the system of government, changing the form of governance to federalism has been a long-standing issue that nearly every government administration has attempted to address. Federalism supporters said that because of the Philippines' multiethnic and multilingual qualities, federalism is better suited to the country. It is also believed that the existing system of government is prone to corruption since it allows government leaders to take wealth and income from the local community to feed the central government, with Metro Manila being the richest area in the country. According to house resolutions, embracing the transition to federalism will allow regions to plan and control their own development without intrusion from the national government. Furthermore, the former administration of President Duterte said that federalism is the best way to deal with the Bangsamoro (Montiel and Uyheng, 2020).

Most of the participants criticized this viewpoint, claiming that federalism has problems. The first issue that may arise is jurisdictional overlaps, which must be resolved immediately in order to maintain peace. Furthermore, there is a higher likelihood that it will cause the country to become more divided rather than united (Dela Cruz, 2019). One of the participants points out that even if some provinces come together, the perceived limited fiscal capabilities and share of government revenues of local governments, and other issues might be adequately handled by enacting a new government code.

The lack of trust in the government's commitment to change the constitution is considered a more serious concern than the legal obstacles. The majority of participants believe that the underlying purpose of the charter change is to allow the incumbent president to serve for a longer period of time, as a transition to a new system of government would allow for unlimited terms in office. According to the participants, the distrust might be attributed to the experience with former President Ferdinand Marcos Sr., who utilized the constitutional reform process to establish a dictatorship in the country.

5. Conclusion

In conclusion, the various discussions among the participants provide a diverse inquiry into the charter change. First, the charter change process has resulted in competing viewpoints, making it more difficult to gain public support. Second, the political backdrop surrounding all initiatives to change or revise the current constitution has always been dominated by a lack of confidence stemming from the country's historical challenges during the administration of Former President Ferdinand Marcos Sr. Finally, there is

a significant disconnect between the people and the charter, making it difficult to launch a viable charter change movement due to a lack of understanding of it.

Based on the data obtained, a thorough and complete strategy is critical to the success of such undertakings. It is recommended that the charter modification include explicit rules and intents, as this cannot be accomplished just through constitutional amendment, conventional legislation, or executive action. The government must set clear regulations and provide Filipinos with the great political leadership that all citizens demand.

6. Acknowledgment

The researchers are grateful to everyone who helped bring it to fruition. They would want to express their deepest gratitude to the Almighty God for guiding and strengthening them during the research process, as well as their families for their constant support and encouragement. Special thanks are made to their schools. They would also want to thank their colleagues and peers for their support and collaboration, as well as the participants for sharing their knowledge of the subject. Finally, they would want to thank everyone who helped make this research possible.

7. References

1. Bello, W. (2014, August 30). Charter change: Why Beijing Would Love It. <https://opinion.inquirer.net/77996/charter-change-why-beijing-would-love-it>
2. CEDTyClea. (2019, March 5). Can't leave charter change to politicians. <https://www.bworldonline.com/opinion/2019/03/05/218068/cant-leave-charter-change-topoliticians/?amp>
3. Cepeda, M. (2024 February 25). Thousands gather on anniversary of Philippine revolt to protest Marcos' charter change plans. <https://www.straitstimes.com/asia/se-asia/thousands-gather-on-anniversary-of-philippines-revolt-to-protest-marcos-jr-s-charter-change-plans>
4. De La Cruz, H. (2019, October 22). How federalism works: Federal form of government in the Philippines, explained. <https://kami.com.ph/2492-federalism-philippines-explained.html>
5. De Leon, D. (2024, January 23). Cash in exchange for Cha-Cha signatures? 'Wala namang ganoon,' says Marcos. <https://www.rappler.com/philippines/marcos-dismisses-cash-for-signature-charter-change-scheme-allegations/>
6. Galvez, D. (2022, July 22). Robinhood Padilla files resolution for PH's "shift to federalism and
7. parliamentary government. <https://newsinfo.inquirer.net/1632160/robinhood-padilla-files-resolution-for-phs-shift-to-federalism-and-a-parliamentary-govt>
8. Mc Combes, S. (2023, June 22). Sampling Methods | Types, Techniques & Examples. <https://www.scribbr.com/methodology/sampling-methods/>
9. Mendoza, R. and Melchor, M. (2015). Economic Charter Change: Examining the pros and cons. Archium Ateneo. <https://archium.ateneo.edu/asog-pubs/22/>
10. Montiel, C. and Uyheng, J. (2021). Foundations for a decolonial big data psychology. Special Issue: Decolonial Approaches to the Psychological Study of Social Issues, 78 (2). <https://doi.org/10.1111/josi.12439>
11. Palatino, M. (2024, January 22). Charter change bid moves forward in the Philippines. <https://thediplomat.com/2024/01/charter-change-bid-moves-forward-in-the-philippines/>

12. Quilinguing, K. G. (2023, February 11). Promoting an awareness of federalism. University of the Philippines. <https://up.edu.ph/promoting-an-awareness-of-federalism/>
13. Ramos, J. (2024, January 24). Senate and House clash over people's initiative for Charter change. https://newsinfo.inquirer.net/1893343/senate-house-clash-over-peoples-initiative/amp?fbclid=IwAR3ZjgH5Bj4MzZn0fBNIoB6O_GHfnTUiDWmFp_InqxS0R5cVrAXLxR2XV8
14. Singh, S. (2024, February 23). What is Research Design? Types, Elements, and Examples. <https://researcher.life/blog/article/what-is-research-design-types-examples/#:~:text=Example%3A%20A%20researcher%20wants%20to,how%20people%20adopt%20that%20app>.
15. Serafica, R. (2015). A Comprehensive Philippine Government Strategy on the Competitiveness of the Services Sector. Philippine Institute for Development Studies. Discussion Paper Series 2015-05
16. Tomacruz, S. (2018, January 17). LOOK BACK: Past Charter Change attempts and why they failed. <https://www.rappler.com/newsbreak/193825-past-attempts-charter-change-philippines-failed/>
17. UP Department of Political Science (2023). UP Department of Political Science faculty members on the congressional
18. initiative to undertake constitutional revision. <https://polisci.upd.edu.ph/position-paper-on-constitutional-revision/>