

When “direct democracy” and “people power” are needed. - MabuhayRadio

Written by Atty. Manuel Faelnar (As Posted also in the Botomo)
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When “direct democracy” and “people power” are needed. by Jose V. Abueva

Representative Democracy. Our Constitution says: “The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them.” (Section 1. Article II.). In our “republican State” with a “representative government,” our people usually govern indirectly through elective representatives. But our people at all times remain sovereign in principle and law. In yet another sense, the national and local governments are “subsidiary to the people.” Philip Blond explains: “Traditionally, subsidiarity means that no function should be performed at any level that could be performed by a level below it. So in a dramatic reverse of the trend towards centralisation, bureaucracy and monopoly, subsidiarity insists on a radical decentralization, and delegation to the level below it. In practice this means that the State defers to civil society, civil society to institutions, and institutions to individuals (The Guardian).”

Direct Democracy. In fact our Constitution allows “direct democracy” through referendum, plebiscites, and recall of elected officials. Moreover, our people’s direct action for their welfare is encouraged in the constitutional provision: “The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation (Section 23. Article II). This speaks to the vital and irreplaceable role of civil society organizations in our democracy. And when it becomes absolutely necessary, we the people may protect our freedom and democracy through extra-constitutional means and direct “people power.” As we did in the EDSA people power revolt that ended the Marcos dictatorship in 1986 and enabled the restoration of democracy. And at EDSA II in January 2001 when “people power” forced the resignation of President Joseph Estrada, an extra-constitutional act that the Supreme Court would legitimize as “constructive resignation.”

Oligarchy. We recall our lofty political principles and constitutional doctrines because in fact they are often nullified in practice. When too many citizens are poor, uninformed, vulnerable, and insecure, they cannot be sovereign in relation to the minority who govern them and are so much richer, powerful and influential. We know that democracy is consolidated in societies with broad middle classes and thin layers of poverty. To favor their political interests, our national political leaders design political institutions that concentrate power and authority in the national government at the expense of the local governments, despite the constitutional provision that says: “The State shall ensure the autonomy of local governments (Section 25. Article II).”

Vice-President Jojemar Binay, an experienced local government leader, is proposing a major reform of the barangay as the basic unit of government. Instead of electing barangay officials, he wants them to be appointed by the mayor who shall be directly accountable to the citizens. He argues that most elected barangay officials, in practice, are not accountable to the people who elected them. The Vice-President is also proposing the abolition of the elected Sangguniang Kabataan (Barangay Youth Council) as an institution that has corrupted the youth instead of training them for democratic leadership. These two reforms affecting our citizens in their own communities all over the country deserve the utmost consideration by our political leaders and citizens. At the same time workable ways should be found to encourage and enforce the responsiveness, efficiency, effectiveness, and accountability of the city and municipal mayors.

Community self rule. As our country becomes more populous and urbanized, we see the rise of voluntary village or community home-owners’ associations alongside thousands of barangays. The associations unite their members as a community in a city or big town where residents might otherwise feel alienated by their anonymity. They elect most of their officers and co-opt others to help in the work to be done voluntarily. With their own private funds, they provide the community with such services as security, beautification, sanitation, maintenance of streets,

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preserving the environment. They instill and reinforce the spirit of community self-help and self-governance. In most places the homeowners' associations and the Sangguniang Barangay (SB) co-exist. Their officers are rarely the same persons. While the former are community-based people's organizations, the latter are political and governmental in nature. The SB administers and spends public funds for the same community. In many instances problems and conflict arise between the two sets of governance: one private, the other governmental. Many SBs are not accountable to the community. Some enlist barangay outsiders as “flying voters” during elections and this keeps them secure in their control of the SB. On the initiative of homeowners' associations in Greater Manila, Congress passed the Magna Carta of Homeowners' Associations, R.A. 9904, to promote and regulate the various homeowners' associations and protect both the associations and their members, as well as to mediate between them, and in their relations with the SBs. Unfortunately, the Magna Carta has empowered the Housing and Land Use Regulatory Board, a national agency under the Office of the President, to regulate all the homeowners' associations in the whole country. This centralized regulation of a voluntary, civil society and local community self-help initiative violates the principles of popular sovereignty and subsidiarity. The HLURB is an ineffectual and unwanted national regulatory agency that violates the constitutional principle of local autonomy.

Reform and nation-state building. We need “direct democracy” and “people power” to govern each of our many communities. Community homeowners' associations are best left alone and encouraged. It would be far better to assign their liberal regulation to the nearest city or municipal council consistent with local autonomy. Congress should look into the local government reforms proposed by Vice-President Binay. It should also consult the associations of homeowners' associations with a view to amending R.A. 9904. To build a strong Filipino nation-state let us be true to our constitutional principles of democracy, popular sovereignty, people empowerment, civil society participation in governance, and local autonomy. Let us also observe the vital Catholic principle of subsidiarity first enunciated by Pope Leo XIII in 1891 in his encyclical Rerum Novarum. # # # [Joomla SEO powered by JoomSEF](#)