

Written by Bobby Reyes

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An

online constitutional-convention forum (as updated) has been launched by the proponents of the “Philippine ReVOTElation 2013-2038” (www.revotelution.com , which is under construction and is presently a section of this MabuhayRadio.com website). A primer has been distributed to a select group of participants but the public may join in the discussion. This is Part One of the primer. Readers may type in their remarks in the User’s Comments at the end of this article.

Here are the components of the proposed changes in the present Philippine Constitution, as suggested by some of the present participants in the online forum (as updated):

1.0 One of our ideas in forming an OFW-led political party or alliance of parties is the submission (as part of our platform of government) of a recommendation that the country goes back to the 1935 Constitution, pursuant to a draft that will incorporate the proposed amendments to it. The draft shall seek to incorporate the best features of the Malolos, the 1973 (Marcos) and the 1987 (Aquino) Constitutions plus the Federalization proposal of (now former) Senator Nene Pimentel.

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2.0 The proponents propose that we organize what we call tentatively as an "Online Constitutional Convention (O-ConCon)" that would exchange ideas and formulate the working draft, as may be amended.

2.1 There may be a possibility that those who will participate in this initiative shall be called also as our "O-Concon Delegates." It is also possible that our "O-ConCon Delegates" will get to meet in person as a body in 2014 -- as a "Constitutional Convention of the Streets" (named after the "Parliament of the Streets"). If there will be an election (after June 2013) for choosing the members of a real ConCon called by the Philippine Congress and signed into law by the President, then our own "online delegates" shall be encouraged to run in their respective home districts in the Philippines -- if they meet the requirements of residency and other qualifications.

2.2 If there are too many able and willing participants for our "Online ConCon," then we will group ourselves into provincial teams. Then the provincial delegates will elect their own chair. In the final analysis, the voting (for the approval of the final draft) will be done by one official representative per province (or per congressional district), as the body may agree upon. Two alternates per province may be allowed but they are non-voting "Online ConCon" delegates.

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3.0 It is further proposed that we use as the first draft the 1935 Constitution, minus its Parity Amendment.

3.1 Why choose the 1935 Constitution? Because its framers (even if all of them are dead) probably are held in higher esteem than the members of the 1973 and the 1987 constitutional bodies, with apologies to certain distinguished members of the last two groups.

3.1.1 To give you an idea of the composition of the 1935 ConCon, here is the description of its so-called "Seven Wise Men," as written in the MabuhayRadio.com's article, [Filipino Literature in English \(Part Two\)](#): ". . . (Jose S.) Reyes represented the Province of Sorsogon in the 1934-1935 Constitutional Convention. He was a member of the committee of seven delegates who wrote in English the first draft of the 1935 Philippine Constitution. The other members of the committee were Claro M. Recto, Jose P. Laurel and Eusebio Oreense of Batangas, Miguel Cuaderno of Bataan, Jose M. Aruego of Pangasinan and Camilo Osias of La Union. The Manila press called them the Seven Wise Men of the constitutional convention. Dr. Reyes eventually became secretary of education under Presidents Manuel L. Quezon and Sergio Osmeña. Later President Osmeña named him executive secretary."

3.1.2 Dr. Jose S. Reyes was the uncle of this writer and he told me before his death in 1973 that replacing the 1935 Constitution would mean an endless change of THE constitution to suit the ends and motives of the current President. He was certainly correct, as Presidents Marcos and Aquino made up their own Constitution. And now, President Arroyo is trying to

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"reinvent" the 1987 Constitution to suit her own purposes.

4.0 If we go back to the 1935 Constitution, we have to propose amendments to the said Constitution. Here are some of its suggested changes and/or innovations -- as proposed by some distinguished members of the Filipino-American community of Southern California:

4.1 The Vice President will automatically become the president of the Senate (following the United States practice) or become the Prime Minister if a Parliamentary system is adopted (assuming the French model is selected). There are many advantages for making the vice presidency carry more responsibility and it would lessen the influence of politics in the selection of the Senate president or even of the Prime Minister.

4.2 The Philippine Senate will be composed of one senator per province, as this will create more representation than electing them on a regional basis; besides, small provinces will not have a chance to elect a senator for the region.

4.2.1 Overseas-Filipino communities and Overseas-Filipino workers (OFWs) will be represented in the Philippine Senate and the House of Representatives with the number of seats constituting ten (10%) per cent of the membership of the Philippine Congress.

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4.2.2 The so-called "Party-List" members of the House of Representatives will be abolished and the provisions in the national budget for them will be used by the expanded Senate (as represented by one senator per province).

4.3 Both the members of the House of Representatives and the Philippine Senate will hold part-time positions and they will not be paid their salaries and/or allowances after Congress has adjourned for vacation or recess.

4.3.1 The Local Government Code will be amended, so that members of the Provincial Board and Municipal-and-City Councils will also hold part-time positions and only per diem and travel allowances per session actually attended will be paid as their remuneration.

4.4 Pork-barrel funds in any form or terminology will be eliminated as unconstitutional.

4.5 The national government will maintain full control only of the following Departments: Defense, Foreign Affairs and Treasury-Finance. The rest of the Executive Departments (like

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Education, Public Works and Highways, Social Welfare, Tourism, Trade and Industry, etc.) and national agencies like the Board of Investments, the National Economic Development Authority, etc., will be abolished and their functions and funding be parceled out to autonomous regions (if and when the Federal System is adopted and implemented).

4.5.1 Regional Education Departments will be mandated to adopt the "School District" system, as practiced in the United States and the school-district supervisors will be elected by their respective school-board districts.

4.5.2 The Philippine National Police will be abolished and in its place, Regional Police Agencies will be established, as may be assisted by Provincial Sheriff Agencies.

4.6 Constitutional Bodies like the Commission on Elections, the Commission on Audit, Civil Service Commission, etc., would be also eliminated and in their places, regional bodies shall be organized.

5.0 Guidelines for Taxation. The proposed ConCon may submit resolutions for the imposition of

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taxes along the following guidelines:

5.1 The Federal Government (if a Federal Form of Government is chosen) or the National Government can only impose customs duties, immigration fees and receive a one-third share of any corporate tax or energy taxes imposed by the regional state assemblies or state Congresses.

5.2 The proposed New Constitution will provide provisions for the elimination of the individual income tax and the Value Added Tax (VAT) -- just like in the State of Nevada. It will authorize only the imposition of national sales tax (estimated @ 7%) to finance government operations both on the national, regional and provincial levels, which will be kept simple, inexpensive and fat free (no pork barrel, no discretionary funds, etc., etc.). The New Constitution will also do away with many other taxes such as inheritance tax and lower the rates (by 50% or more) for the corporate income tax and/or capital-gains' tax.

6.0 After the New Constitution is ratified, amendments made by the Parliament or Congress (acting as a Constitutional Assembly) or by a Constitutional Convention can only be made final upon its approval by a majority of the regional or provincial assemblies or congresses, as may be organized pursuant to the provisions of the New Constitution.

Editor's Note: This "one senator per province" feature has been suggested by Atty. Antero

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Pagunsan, the president of the Antique Circle of Southern California.

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