

Southeast Asia: Religions





Spanish colony from 1565 to 1898



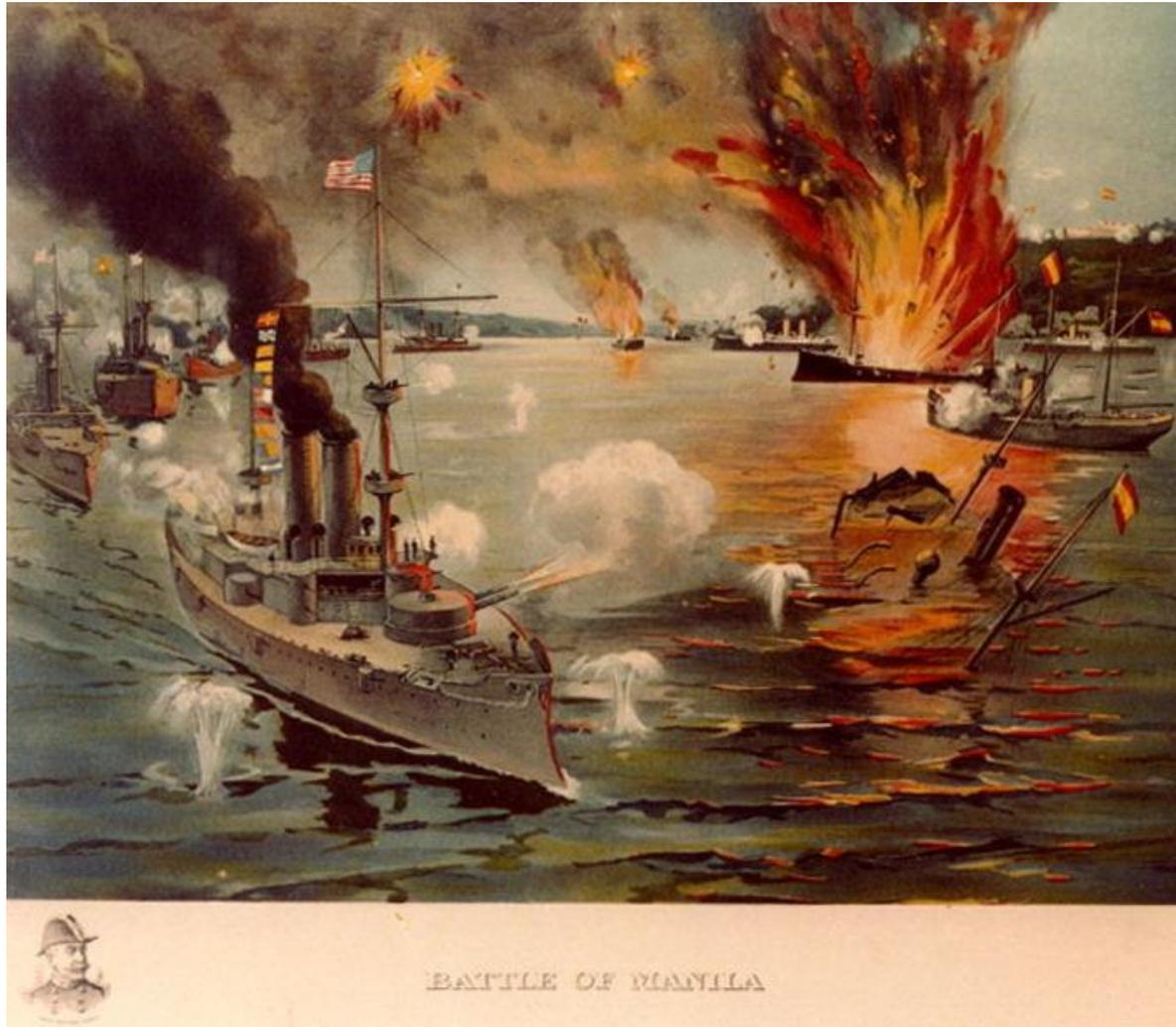
Arrival of the Spanish
Museum of St. Augustine, Manila

1896 Revolution against Spain



Spanish-American War

Battle of Manila Bay: May 1898



BATTLE OF MANILA

Declaration of Independence



Proclamation of Philippine Independence in Kawit, Cavite on June 12, 1898.

1899
 Malolos
 Constitutio
 n

EL HERALDO DE LA REVOLUCIÓN

REVISTA BI-SEMANAL BILINGÜE
 DE POLÍTICA DE DERECHO Y ECONOMÍA
 DIRECCIÓN Y ADMINISTRACIÓN
 Casa del Sr. Gregorio Rosales
MALOLOS

AÑO II. Malolos 22 de Enero 1899. NÚM. 7

AVISO IMPORTANTE

MANABANG PATRAK

OFICIAL

CONSTITUCIÓN POLÍTICA

PRESIDENCIA
 DEL
 GOBIERNO REVOLUCIONARIO DE FILIPINAS

D. EMILIO AGUINALDO y FAMY, PRESIDENTE
 DEL GOBIERNO REVOLUCIONARIO DE FILIPINAS, Y
 CAPITÁN GENERAL Y GENERAL EN JEFE DE SU
 EJÉRCITO.

Sepan todos los ciudadanos filipinos: Que la Asamblea de Representantes de la Nación, en uso de su soberanía, ha decretado y yo, he sancionado la Constitución política del Estado.

Por tanto:

Mando á todas las Autoridades tanto civiles como militares, de cualquier clase y dignidad, que la guarden y hagan guardar, cumplir y ejecutar en todas sus partes, porque es la voluntad soberana del pueblo filipino.

Dado en Malolos á veintuno de Enero de mil ochocientos noventa y nueve.—Emilio Aguinaldo.—El Presidente del Consejo, Apolinario Mabini.

Nosotros los Representantes del Pueblo Filipino, convocados legitimamente para establecer la justicia, proveer á la defensa común, promover el bien general y asegurar los beneficios de la Libertad, implorando el auxilio del Soberano Legislador del Universo para alcanzar estos fines, he mos votado, decretado y sancionado la siguiente

CONSTITUCIÓN POLÍTICA

Título I.
De la República.

Artículo 1.º La asociación política de todos los filipinos constituye un Nación, cuyo Estado se denominará República Filipina.

Art. 2.º La República Filipina es libre é independiente.

Art. 3.º La soberanía reside exclusivamente en el pueblo.

Título II
Del Gobierno.

Art. 4.º El Gobierno de la República es popular, representativo, alterativo y responsable, y se ejercen tres poderes distintos, que se denominan legislativo, ejecutivo y judicial.

Nunca podrán reunirse dos ó más de estos poderes en una persona ó corporación, ni depositarse el legislativo en un sólo individuo.

Título III
De la Religión.

Art. 5.º El Estado reconoce la libertad é igualdad de todos los cultos, así como la separación de la Iglesia y del Estado.

Philippine-American War (1898-1901)

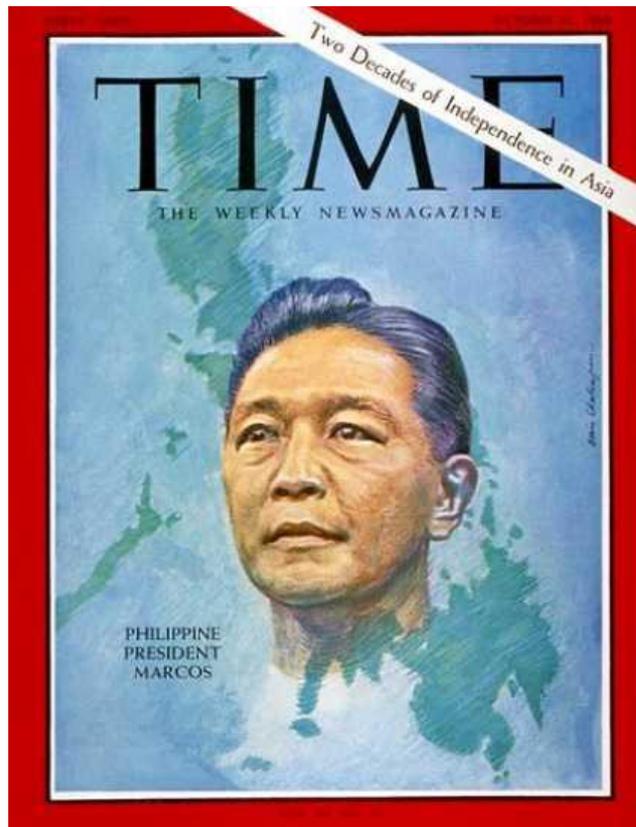


Constitutional History

- June 1898: Declaration of Independence from Spain
- Dec 1898: peace treaty between Spain and U.S., ceding Philippine islands to the U.S.
- 1935 Constitution: transition to independence from the United States
- 1942-45: World War 2; Japanese occupation
- Fourth of July 1946: Independence Day!
- 1965: Marcos becomes President
- Sep 1972: Marcos dictatorship begins

Ferdinand Marcos

Constitutional Rule (1965-72)



Dictatorship (1972-86)



Marcos declaring Martial Law on September 21, 1972

Cory Aquino (1986-92)

1986 People Power Uprising



1987 Constitution



1987 Constitution: The **constitutional moment** of Philippine post-Marcos democracy

- Drafting commission was appointed by Cory Aquino
- Reflected broad centrist anti-Marcos coalition
- Maintained unitary republic
- Provided for “local government autonomy”
- Provides expressly that the “separation of Church and State shall be inviolable”

Two autonomous regions

- There shall be created autonomous regions in **Muslim Mindanao** and in the **Cordilleras** consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics **within the framework of this Constitution and the national sovereignty as well as territorial integrity** of the Republic of the Philippines.

Moro National Liberation Front



SOURCE: Presidential Museum and Library

On September 5, 1986, President Corazon C. Aquino flew to Sulu to personally meet with Nur Misuari, Chairman of the MNLF. With the President were then Secretary of National Defense Juan Ponce Enrile, then AFP Chief of Staff General Fidel V. Ramos, Maj. Gen. Jose Magno, and Foreign Affairs Deputy Minister Mamintal Tamano. In the above photo, President Aquino is flanked by Nur Misuari and by his wife Desdemona.

Cordillera Peoples' Liberation Army



Indigenous peoples in Cordillera mountain range in North



KALINGA WARRIORS AT LUBUAGAN.

Devolved powers

- (1) Administrative organization;
- (2) Creation of sources of revenues;
- (3) Ancestral domain and natural resources;
- (4) Personal, family, and property relations;
- (5) Regional urban and rural planning development;
- (6) Economic, social, and tourism development;
- (7) Educational policies;
- (8) Preservation and development of the cultural heritage;

Residual powers

- All powers, functions, and responsibilities not granted by this Constitution or by law to the autonomous regions shall be vested in the National Government.

1976 Tripoli Agreement



But 1987 Constitution requires a plebiscite!

- The Congress shall enact an organic act for each autonomous region with the assistance and participation of the regional consultative commission composed of representatives appointed by the President from a list of nominees from multi-sectoral bodies.
- The creation of the autonomous region shall be effective when approved by majority of the votes cast by the constituent units in a plebiscite

Abbas versus Comelec

- Tripoli Agreement was not a proper treaty because it hadn't been signed with a sovereign state
- Assuming that it is a treaty, it is superseded by the 1987 Constitution.

Governor, Autonomous Region of Muslim Mindanao (1996-2002)



2008 Memorandum of Agreement on Ancestral Domain: Devolved powers

- Economic agreements with foreign countries
- Exclusive control over natural resources, sharing 75:25 with national government
- Power to cancel all --
 - forest concessions
 - timber licenses
 - mining concessions
 - Forestry agreements
 - Land tenure instruments

“Associative relationship”

- The relationship between the Central Government and the Bangsamoro juridical entity shall be associative characterized by shared authority and responsibility.
- Supreme Court: [T]he concept implies powers that go beyond anything ever granted by the Constitution to any local or regional government.
- It also implies the recognition of the *associated entity* as a state.

Core of constitutional objection

- The MOA-AD provides that its provisions requiring “amendments to the existing legal framework” shall take effect upon signing of the Comprehensive Compact and upon effecting the aforesaid amendments,

Supreme Court decision

- Struck down by the Supreme Court in **Province of North Cotabato versus Government Peace Panel on the Ancestral Domain**
- Given the limited nature of the President's authority to propose constitutional amendments, she **cannot guarantee to any third party that the required amendments will eventually be put in place, nor even be submitted to a plebiscite**. The most she could do is submit these proposals as recommendations either to Congress or the people, in whom constituent powers are vested.

Subtle use of language

2008

- Bangsamoro homeland
- First Nation
- Bangsamoro Juridical Entity

2012

- Bangsamoro
- President Aquino: it deserves a name that symbolizes and honors the struggles of our forebears in Mindanao”

2012 Framework Agreement

- Retained powers:
 - Defense and external security
 - Foreign policy'
 - Common market and global trade
 - Coinage and monetary policy
 - Citizenship and naturalization
 - Postal service

The “annexes”

- Revenue sharing and wealth sharing
- Bangsamoro Waters and Zones of Joint Cooperation
- Transitional Arrangements and Modalities
- Powers sharing

March 27, 2014 signing of Peace Agreement



Constitutionalism

1. “Flip flopping” by Supreme Court. In order to validate the 2014 agreement, Court will have to ignore its 2008 ruling
2. The President needs Congress to pass a law to implement the agreement. Dubious given abolition of pork barrel.
3. Foundational norms: church-state separation; gender equality; public accountability
4. Populist politics: Republic institutions hostage to popular president