

POLITICS AND THE RECENT CONSTITUTIONAL CHANGES IN THE PHILIPPINES *

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Introduction

Why so many democratic nations suddenly turned to authoritarianism in this modern era has been the object of study and analysis by political scientists and social psychologists.

One group says that democracy cannot be imposed on an authoritarian culture; that democracy cannot be exported; that European national experiences, such as those of Germany, Italy, Spain, or even France, suggest that much in the failures or misadventures of democracy is attributed to cultural variations. Some even assert that the African or the Asiatic is basically authoritarian and dictatorial.¹ A psychologist says that in a democratic culture, people often revert to a despotic rule when the democratic formula cannot provide them with adequate satisfaction, and that the reversion to this cultural pattern of authority is meant to bring a greater degree of security and stability than that available in a democracy.²

As observed by Professor Samuel P. Huntington, in each historical period, one type of political system usually seems to be relevant to the needs and demands of the age. Thus, in the seventeenth century, the pattern state was absolute monarchy; in the eighteenth and nineteenth, the parliamentary, and in the twentieth century, in Asia, Africa, and Latin America, the political systems face the need to centralize authority. Patterns of totalitarian regimes have dominated a large part of the world in this century. Although authoritarian systems have existed throughout history and have assumed a variety of forms, the one-party system is the principal modern form of authoritarian government. An authoritarian regime may have to organize and develop a political party as an essential structural support.³

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¹ Kraus, *Notes on Democracy and Leadership in the New Afro-Asian States*, in *NEW NATIONS IN A DIVIDED WORLD* 107-9 (1963).

² GILBERT, *PSYCHOLOGY OF DICTATORSHIP* 5 (1950); BARBU, *DEMOCRACY AND DICTATORSHIP* 140 (1956).

³ *Social and Institutional Dynamics of One-Party Systems* in *AUTHORITARIAN POLITICS IN MODERN SOCIETIES* 4-9 (1970); HUNTINGTON, *POLITICAL ORDER IN CHANGING SOCIETY* 190-7 (1964).

Professor Richard Lowenthal calls the recent political changes in developing countries as "regimes of development", where political means are used to catch up with the technology, economy, and cultural development of modern societies. He attributed this to the emergence of the intelligentsia in these countries who assigned to political action and to state power a creative revolutionary function: that of modernization. This begins with the assumption of power by a new regime, with a revolutionary act. Plebiscitary military dictatorships have repeatedly become the form in which revolutionary movement of the intelligentsia have won power, particularly in Islamic countries, and in a few cases, in Latin America. All these forms of government claim to represent the will of the people, as a result of "democratic legitimation."⁴

Professor Lowenthal made the following political forecast in 1964. He said,

In developing countries where the institutions of democracy could not fulfill the functions of a regime of development, either the interests of the economically privileged groups would prevail unchecked, leading to an oligarchic degeneration of democracy and a failure to tackle the tasks development, as traditionally in Latin America or Egypt or more recently in Iran, South Korea or the Philippines, or the struggle between the parties and separate organs of power would assume such unrestrained and anarchic forms that the ruling group would either founder in the general dissolution of the state or would itself suspend the democratic constitutional guarantees and introduce some form of "guided democracy" or open dictatorship, or finally would be overthrown in a *coup d'état* in which the military proclaims itself the guardian of public order and national unity.⁵

Defenders of army coups blame the failure of parliamentary democracy on the corrupt professional politician. When Sukarno abolished democracy in Indonesia in 1959 and imposed a "guided democracy", he revived the lost tradition of Indonesian village rule. In Thailand, the military coup became the recognized way of changing the government because military power was the only secure source of political authority. When General Ayub Khan took over Pakistan in October, 1958 and imposed martial law, he said they were given a system of government totally unsuited to the temper and climate of the country. He instituted a novel system of political organization intended to introduce a large illiterate population to the uses and practices of democracy, and divided Pakistan into 80,000 wards, each with a population of 800 to 1,050, which could elect a "basic democrat" to constitute a local council. He later established a presidential system along the lines designed by de Gaulle for the fifth French Republic; with the adoption of a new constitution in 1962, which, according to him,

⁴ *Government in Developing Countries in DEMOCRACY IN A CHANGING SOCIETY* 190-7 (1964).

⁵ *Id.* at 202.

was in accordance with Islamic tradition. Martial law regulations were frozen into the constitution, and disputed issues were to be decided by referendum. He framed a constitution well-suited to provide a strong leadership, stability of administration, and continuity of policy.⁶

As observed by Professor Karl Loewenstein, constitutional referendums enjoy suspicious popularity in autocratic and authoritarian regimes of our time. The obvious reason, according to him, is less the ultrademocratic procedure than the fact that a popular vote can be manufactured by propaganda and constraint with more ease than an approval by the more rational process of a representative assembly.⁷ He also stated that an open vote is the sure-fire proof that the regime wishes to influence the result, and the compulsory vote identifies the stay-at-homes as adversaries.⁸

Plebiscites became mere political instruments which can serve democracy as well as other forms of government. Nazism was a typical one-party system in which the democratic electoral methods were replaced by occasional plebiscites on issues selected by the leader.⁹ Professor Samuel P. Huntington explained the actuations of the masses in this way: in contrast to the middle and upper strata, the lower classes tend to be less tolerant, less liberal, more ethnically and religiously prejudiced, and more favorable disposed to authoritarian solutions. Hence, in one-party states, mass participation in politics serves the interest of the political elite.¹⁰ He further concluded that people who are really poor are too poor for politics and too poor to protest. Those who are concerned about the next meal are not apt to worry about the grand transformation of society. Slum-dwellers, according to him, are realists in politics. They tend to support a person who is in a position to provide material improvement, even if he is a dictator or a politician with an unsavory record. And there is also the traditional rural attitudes of social deference and political passivity.¹¹

Historical Background

Let us see if these conclusions apply to the Philippine situation.

Before we were colonized by Spain, the barangay was the unit of government which consisted from 30 to 100 families, ruled by a chieftain who exercised all functions of government and was the supreme commander in war. Written laws were promulgated by the chieftain, in consultation with the elders,¹²

⁶ HUNTINGTON, *op. cit.* at 251; KRAUS, *op. cit.* at 109; 1 MYRDAL, *ASIAN DRAMA* 331-5 (1968).

⁷ LOEWENSTEIN, *POLITICAL POWER AND THE GOVERNMENTAL PROCESS* 265 (1965).

⁸ *Id.* at 271.

⁹ BARBU, *op. cit.* at 12, 129.

¹⁰ *AUTHORITARIAN POLITICS IN MODERN SOCIETY* 37.

¹¹ *POLITICAL ORDER IN CHANGING SOCIETIES* 52-3, 280.

¹² AGONCILLO AND GUERRERO, *HISTORY OF THE FILIPINO PEOPLE* 45 (1973).

Spain later ruled us through the Council of the Indies which was vested with all governmental powers and transmitted royal decrees to the Governor-General. The latter wielded military, ecclesiastical, and legislative powers. Provincial government was first vested in *encomiendas* by the King of Spain on Spaniards who helped in the pacification and settlement of the country. Pueblos were under appointive *cabezas de barangay* who were formerly the chieftains of the barangay, before they were replaced by a *gobernadorcillo* elected by twelve land-owning and propertied citizens who could read, write, and speak Spanish. The natives were exploited and kept ignorant and poor.¹³

It took the Filipinos three centuries before they could unite and revolt against the Spanish rule. When the Americans came to take over the Philippines, as a war prize from Spain, our leaders clamored for independence. We were promised independence, after we shall have been trained to govern ourselves under a democratic form of government. The American Bill of Rights was extended to the Philippines as early as 1902. We were given legislative representation as early as 1907. A system of public education was established throughout the country, resulting in a high rate of literacy. Our country was later boasted of as the "showcase of American democracy" in the Orient.

The Filipinos mastered the art of politics that, according to a foreign observer, it became a "major industry, a way of life, and the main route to power and wealth."¹⁴ Democracy became a way of life and our press was considered the freest in Asia. But we continued to have an agricultural export economy, and had to depend on imports for industrial and manufactured products and on the United States for military assistance.

After a series of violent demonstrations, we woke up one morning to find our radio and television network silent, and martial law proclaimed. In less than four months thereafter, a "constitutional authoritarianism" was foisted on us, by a *viva-voce* referendum, where even fifteen-year olds participated. The revolutionary change came peacefully, after all political activities were interned, thanks to the ingenuity of lawyers.

Revolutionary Change

It began on September 22, 1972, after the special session of Congress ended, that martial law was proclaimed, in order to "save the Republic and reform our society."¹⁵ On the same day, several orders and instructions were given to top government officials. The possession and carrying of firearms outside one's residence was punishable by death.¹⁶ The Secretary

¹³ *Id.* at 83-9.

¹⁴ TAYLOR, PHILIPPINES AND UNITED STATES: PROBLEMS OF PARTNERSHIP 164 (1964).

¹⁵ Proc. No. 1081 (1972).

¹⁶ Gen. Order No. 6 (1972).

of National Defense was ordered to take over and control all media of communication and transportation.¹⁷ Rallies, demonstrations, and other group actions, strikes in critical public utilities and vital industries were prohibited, and those who engaged in such activities were to be detained until ordered released by the President.¹⁸ All those who conspired to overthrow the government were ordered arrested and detained, until ordered released by the President.¹⁹

It was then announced that the President would govern the nation and direct the operation of the entire government as Commander-in-Chief.²⁰ Civil courts were deprived of jurisdiction to determine the constitutionality of any decree, order or acts of the President, and to try crimes against national security, crimes against the law of nations, against the fundamental law and public order, usurpation of public authority, and crimes committed by public officials.²¹

The first decrees the President issued were legislative in character, and not for the purpose of meeting the emergency or suppressing insurrection or rebellion, such as the reorganization of the different departments of the government,²² the creation of the National Labor Relations Commission,²³ the amendment of the rental law,²⁴ utilization of the Highway Special Fund,²⁵ exemption of capital gains from income tax,²⁶ reduction of the percentage tax on stock transactions,²⁷ promulgation of the Oil Exploration and Development bill which he certified to Congress and was then pending before such body,²⁸ appropriation of an additional four million pesos for the continued operation of the Constitutional Convention until January 31, 1973,²⁹ use of savings of the Executive Departments for the implementation of his decrees,³⁰ and others. Hence, there was need for validating his decrees, which were legislative in character.

One month after the proclamation of martial law, the President decreed the transfer to the tenant-farmers of rice and corn lands, the ownership of a portion of the land tilled by them, with an area of five hectares, if un-irrigated, and three hectares, if irrigated.³¹ Thus, with a single stroke of the pen, he solved the centuries-old problem of feudalism, making such

¹⁷ L.O.I. No. 1 (1972).

¹⁸ Gen. Order No. 5 (1972).

¹⁹ Gen. Order No. 2-A (1972).

²⁰ Gen. Order No. 1 (1972).

²¹ Gen. Order No. 3 (1972); Gen. Order No. 3-A (1972).

²² Pres. Decree No. 1 (1972).

²³ Pres. Decree No. 21 (1972).

²⁴ Pres. Decree No. 20 (1972).

²⁵ Pres. Decree No. 17 (1972).

²⁶ Pres. Decree No. 16 (1972).

²⁷ Pres. Decree No. 10 (1972).

²⁸ Pres. Decree No. 8 (1972).

²⁹ Pres. Decree No. 14 (1972).

³⁰ Pres. Decree No. 13 (1972).

³¹ Pres. Decree No. 27 (1972).

tenants invulnerable to communism, and at the same time, winning their support of martial law.

In the meantime, the Constitutional Convention, which was previously rocked by the exposé of Delegate Eduardo Quintero, continued with its task. After the deadline for the submission of proposals for amendments to the Constitution had expired, a proposal to form an ad-interim government was recommended by Study Groups II and III, headed by Delegates Jaime Opinion and Salvador Balane, based on Resolution 5805 sponsored by Delegates Clemente Abundo, Oscar Leviste, Emil Ong, Antonio Velasco, Arnulfo Ascuñas, Pedro Castillo, Raymundo Baguilat, Amado Yuson, Ramon Nisco, Greg Tingson, Antonio Olmedo, and Ricardo Quintos. The result was the transitory provisions of the 1973 Constitution which provided for the supreme authority to be lodged in an ad-interim National Assembly, composed of the incumbents President, Vice-President, members of Congress, and the delegates to the 1971 Constitutional Convention. It was, however, provided that the delegates should vote affirmatively for the adoption of the proposed Constitution, as a *sine qua non* for membership in the interim National Assembly.

The explanation given for the creation of the interim National Assembly to be composed of incumbent officials was to provide for the transition to the parliamentary system, and to "free the country from the distraction of politics and the burden of elections." The reason given for including the delegates to the Constitutional Convention in the interim National Assembly was that they were already familiar with the provisions of the proposed Constitution. And when asked why the delegates should vote for the adoption of the Constitution to qualify for the National Assembly, the answer was to determine their willingness to serve in the interim government.³²

The proposal to adopt an ad-interim government was sponsored on the floor by Delegate Venancio L. Yaneza. The incumbent President was to be given a triple personality: the powers of the President under the presidential system, the powers of a Prime Minister under the parliamentary system, and the powers of a martial law administrator. This was justified by the sponsor as necessary to effect reforms in the social and economic system, and promote our economic development, citing as examples, the countries of Singapore, which, under Lee Kuan Yew's extraordinary powers, became an industrialized nation, of South Korea, Taiwan, Thailand under Sarit and Kittichachorn who steered their country to economic and political stability, and France under de Gaulle who had special prerogatives and emergency powers.³³

³² Minutes of Constitutional Convention 6 (1972).

³³ *Id.* at 15-21.

Examining the transitory provisions, the following are peculiar provisions:

First. — The membership of the interim National Assembly was to include the 1971 delegates to the Constitutional Convention, obviously to get their votes for the adoption of the draft.

Second. — The incumbent President was to be given the powers of the President under the 1935 Constitution and the powers of the Prime Minister under the proposed draft, to be exercised by him as long as he wants, for he would cease to have such powers only, when he should convene the interim National Assembly which would elect the *interim* President and Prime Minister.

Third. — The proclamations, orders, decrees, instructions, and acts of the incumbent President would become permanent statutes, even after the lifting of martial law, until repealed by him or by the regular National Assembly. This includes Proclamation 1081, making martial law, a "law", Presidential Decree 90 and General Order No. 19 which authorized the arrest and detention of any person who shall publish, circulate rumors, false news, information, and gossip which tend to discredit or breed distrust for the authorities, and General Order No. 5 which prohibited rallies and demonstrations. Thus, the 1973 Constitution carried in itself the seeds of its own destruction, nullifying the portions of the Bill of Rights guaranteeing freedom of speech, the press, the right of the people to peaceably assemble and petition the government for redress of grievances, the privilege of the writ of habeas corpus, the right to bail, freedom from arbitrary arrest and detention, and the right to speedy trial.

Fourth. — The Constitution specified the measures to be enacted by the *interim* National Assembly: namely, the eradication of graft and corruption, effective maintenance of peace and order, implementation of declared agrarian reforms, standardization of compensation of government employees, and such other measures as shall bridge the gap between the rich and the poor.

The question was raised as to why the Constitution should enumerate the measures to be passed by the *interim* National Assembly, when the date it should convene was not provided for. The answer given was the need to give priority to such measures, and according to Delegate Antonio Tupaz, even without a presidential order, the Assembly could convene itself.³⁴ The intention seems to be to ensure its ratification by the masses.

The draft was approved by 273 delegates, 15 voted "no", one refused to vote, and 27 were unable to vote. It was approved on November 29, 1972, and Resolution 5843 delegated to the President the calling of a

³⁴ *Id.* at 26.

plebiscite. On November 30, 1972, a presidential decree called for a plebiscite to be held on January 15, 1973.

From December 7 to 16, 1972, several cases were filed with the Supreme Court to enjoin the holding of the plebiscite.³⁵ On December 31, 1972, Presidential Decree 86 created citizen assemblies to include 15-year olds in each barrio, district or ward for the purpose of consulting the people on national issues.

The following questions were submitted to the citizen assemblies:

- “1. Do you approve of the new Constitution?
2. Do you want a plebiscite to ratify it?
3. Do you want martial law to continue?”

On January 17, 1973, at the scheduled hearing of the plebiscite cases before the Supreme Court, the Court was informed by the President that the Constitution was already ratified by a vote of almost 15 million in favor and less than a million against. The result was based on the sworn reports of the barrio and ward captains to the mayors, who, in turn, forwarded them to the Department of Local Governments. In the same referendum, it was decided that there was no need for holding a plebiscite, and that martial law should be continued. It was also a “qualified ratification”. The majority of those who voted for the ratification was against the convening of the interim National Assembly for at least seven years. It was a strange ratification because the discretion to convene the interim National Assembly was vested in the President, and that question was not among those submitted to the people. The referendum was merely “consultative”. Congress under the 1935 Constitution was scheduled to meet in regular session on January 22, 1973. Hence, the rush to hold a *viva voce* referendum. Proclamation 1103 was issued on the same date, announcing that there was no need to convene the *interim* National Assembly, and Proclamation 1104 announce the continuation of martial law, in accordance with the “needs of the times and the desire of the Filipino people.”

In a statement before the press on August 18, 1974, the President said that martial law should have been legally terminated on January 17, 1973 but the popular clamor was for its continuation. He said further that he intends to submit this matter to the people at least once a year and when they say “we should shift to the normal function of government, then we will do so.”

³⁵ Planas v. COMELEC, G.R. No. 35925; Sanidad v. COMELEC, G.R. No. 35929; Roxas v. COMELEC, G.R. No. 35941; Ordoñez v. Nat. Treasurer, G.R. No. 35948; Monteclaro v. COMELEC, G.R. No. 35942; Tan v. COMELEC, G.R. No. 35948; Diokno v. COMELEC, G.R. No. 35953; Jimenez v. COMELEC, G.R. No. 35961; and Gonzales v. COMELEC, G.R. No. 35965, all decided on Jan. 22, 1973, 69 O.G. 3167 (April 1974); 49 SCRA 105.

The 1935 and the 1973 Constitutions did not give the President/Prime Minister legislative powers. Hence, the need for the continuation of martial law. As the term of the President was to expire on December 30, 1973, another referendum was held on July 27 to 28, 1973, on the question as to whether the people wants the incumbent to continue in office and "finish the reforms initiated under martial law". More than 18 million voted in the affirmative while less than two million voted in the negative. The affirmative vote meant that the incumbent can continue in office until he has finished reforming our society.

Three years later, 40,000 barangays and various sanggunian members proposed the replacement of the *interim* National Assembly in the transitory provisions, and the Tagapagpaganap ng Katipunan ng mga Sungguniang Bayan voted to submit the proposed amendments to a plebiscite on October 16, 1976, "in order to hasten the political evolution towards a parliamentary system". The Constitutional amendments were proposed by a five-men committee of the PHILCONSA. Presidential Decree 1033 formalized the proposals of the barangay members and called for a referendum-plebiscite. The question in the referendum was: "Do you want martial law to continue?", while the plebiscite would decide on the following amendments: (1) the creation of an interim Batasang Pambansa which would have the same powers of the interim National Assembly and the regular National Assembly, except the ratification of treaties; and the (2) incumbent President shall be Prime Minister and shall continue to have legislative powers until martial law shall have been lifted.

The amendment was ratified by a majority of the voters. What is again strange in the amendment is the fact that there are two sources of legislative power, and that there is no term of office fixed for members of the *interim* Batasang Pambansa. Cases were filed with the Supreme Court, questioning the validity of the ratification of the amendment. The Supreme Court ruled that the Constitution could be amended by plebiscite.³⁶ As if to reward the judiciary for said decision, a proposal to amend the constitution raising the retirement age for members of the judiciary to 70, was submitted by plebiscite in the elections of local officials in March, 1980.

A new political party was organized by the President before the election of members of the *interim* Batasang Pambansa in 1978, and almost all seats were won by members of such party.

In the cases involving martial law and the plebiscite, members of the Supreme Court came up with novel statements:

1. Martial law can continue to exist to reform a society.³⁷

³⁶ Sanidad v. COMELEC, G.R. No. 44640; Guzman v. COMELEC, G.R. No. 44684; Gonzales v. COMELEC, G.R. No. 44714, all decided on Oct. 12, 1976, 73 O.G. 1886 (March 14, 1977); 73 SCRA 333.

³⁷ Antonio, J., *In re* petition for writ of *habeas corpus* of Benigno Aquino, G.R. No. 35546, Sept. 17, 1974; 19 SCRA 183, 489.

2. The President, exercising legislative powers, could proposed amendments to the Constitution and submit the same to the people.³⁸
3. In a referendum, even 15-year olds and the feeble-minded can be consulted to determine their reaction on public issues.³⁹

Suddenly on December 5, 1980, the President announced his intention to lift martial law the following month, without consulting the people, and to submit himself to a presidential election. When asked why, the President said he was "getting off the tiger", and he wanted to show the opposition that he has still the support of the people. The real reason came out later, when a newspaper item carried the report that the acting Deputy Secretary of State for East Asian and Pacific Affairs stated before a U.S. Congress subcommittee that the administration changed its vote in the multilateral development banks to "yes" on Philippine loans, in recognition of the improvement towards political normalization following the lifting of martial law and the state of human rights.⁴⁰

Pleased by the enthusiastic welcome given him in Hawaii by former Filipinos, the President promised to have the Constitution amended to enable them to acquire lands in the Philippines should they want to retire in the Philippines. So on December, 1980, he called the interim Batasang Pambansa to convene as a constituent Assembly to consider amendments to the Constitution. He did not want to run for election to the Batasan and risk not being elected Prime Minister by the newly elected Prime Minister by the newly elected members. He had better chances of being elected directly by the people, especially when his strong political opponents are charged of capital offenses. In the event, however, of losing in the election, he wanted to make sure that he would not be held answerable for his acts during his tenure. So he had the organization of the government re-structured, promising his cabinet that they will all have a chance to be Prime Minister. To get the approval of the Batasan to his proposals, they were to become automatically members of the Batasang Pambansa until May, 1984, at the very least. And to ensure this, the date of election of the Batasang Pambansa is engraved in the Constitution.

Two days later, he announced his intention to lift martial law before the holding of the presidential election. But before he lifted martial law, he issued Presidential Decree 1737 (Public Order Act) and Presidential Decree 1498 (National Security Act) which embodied all his martial law orders, regulations, and instructions. So even as he lifted martial law a few days before President Reagan took his oath of office, he still retained the power to issue the much-feared ASSO (Arrest, Search, & Seizure Order) and detain persons arrested pending investigation and trial by the military

³⁸ Sanidad v. COMELEC, *op. cit.*, at 333, 368.

³⁹ Aquino v. COMELEC, G.R. No. 40004, Jan. 31, 1975; 73 SCRA 333, 371.

⁴⁰ Bulletin Today, Nov. 18, 1981.

tribunals, until ordered released by him. Although he lifted martial law and restored the writ of habeas corpus, certain offenses are still non-bailable under the National Security Code. By lifting martial law, he lost his legislative powers under the 1976 amendments, although he retained his so-called emergency power to issue decrees which shall have the force and effect of law.

Under the Public Order Act, prosecution witnesses can be bribed by the Government in the form of monetary rewards ranging from ₱25,000 to ₱50,000, depending on the severity of the penalty, and given immunity from prosecution.

Under the 1981 amendments, the President retained the powers of the President under the 1935 Constitution with an untrammelled power of appointment, and to contract and guarantee foreign and domestic loans on behalf of the Government. In addition he could control legislation through his cabinet who are also members of the Batasan, and his party-dominated Batasan, aside from his power to dissolve the Batasan.

While the members of the Batasan debated on whether we have a presidential or parliamentary system of government, and the Supreme Court has spoken on the matter, the President said it is patterned after the French Constitution of the Fifth Republic under Charles de Gaulle, with the main differences that the President of France is the highest magistrate of the land. With the recent legitimization of the judicial revamp, the President has the untrammelled power to handpick the persons to fill the 1,803 positions in the judiciary. This approximates his ideal. I shudder at the thought of being charged of a political capital offense by paid prosecution witnesses before a handpicked judge.

A French political scientist explained the paradoxical French ideas about their readiness to accept a paternalistic form of temporary dictatorship in the Roman sense in this way: the history of France shows a ceaseless fight against the authority of the State to secure some liberties for the citizens. Thus, the essence of democracy for the French was freedom of speech, freedom of assembly, freedom of association, freedom against the State, and freedom to express their ideas in all possible forms.⁴¹

Conclusion

Hence, we have a de Gaulle-type of government, with no civil liberties. Although we have a Bill of Rights, the ASSO remains the psychological weapon to repress political criticism: in short, depolitization. This is dangerous for the Philippines, because we will be raising a generation of conformist and pliant subjects who will be ripe for exploitation and colonization,

⁴¹ Duverger, *The Development of Democracy in France*, DEMOCRACY IN A CHANGING WORLD 69-70 (1964).

like the Filipinos of the pre-Spanish period. Although we have a literate but indifferent public, without vigorous public discussion of public issues, there is no adequate protection against any possible abuse and excesses of the administration.

How else can we explain the irrational behavior of the people who voted for a parliamentary system with a transition government in 1973, then voted for a change in the transition government in 1976, and entirely revamped the parliamentary system in 1981, without even giving the parliamentary system a try, I believe they will say "yes" to anything, even though contradictory questions are posed before them in a plebiscite.

We have also seen the dangers of the power to declare martial law. The Constitutional Convention of 1971 did not place any time-limit for the duration of martial law, because the Prime Minister in their draft who was given such power, could be removed by Parliament in case of abuse. The power to declare martial law is vested in the President under the 1981 amendment. Although the term of office of the President is fixed at six years, what could prevent history from repeating itself?

The fault lies not in the law or the Constitution, but in the people who place a price tag on their votes. The adage that "Power corrupts" still holds true. As one French writer said, "The dizzy heights of power and his chance of becoming rich corrupt politicians very quickly."⁴² If a virtuous man is able to repress public criticism, can he avoid becoming corrupt himself?

⁴² ELLUL, *THE TECHNOLOGICAL SOCIETY* 262, (1965).