

SOCIAL SCIENCE INFORMATION

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Social Science Perspectives on Charter Change for Social Transformation

SCHOLARS DISCUSS CHARTER CHANGE ISSUES IN INTERNATIONAL WORKSHOP •
PHILIPPINE DEMOCRATIC AUDIT FORUM SERIES KICKS OFF • IFP FELLOWS UNDERGO
TRAINING ON SOCIAL RESEARCH • AFA FELLOW PRESENTS PRELIMINARY FINDINGS
OF STUDY ON FILIPINO YOUTH • PSSC AMENDS BY-LAWS • PHILIPPINE SOCIAL
SCIENCE CENTER GETS A NEW LOOK • TRIBUTE TO DR. LAGMAY

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TABLE OF CONTENTS

PSSC FORUM **1**

- Charter change from a political science perspective by Dr. Jose Abueva - 3
- Social perspective on constitutional continuity and change by Dr. Florangel R. Braid - 9
- Economic perspective on charter change by Dr. Cayetano W. Paderanga Jr. - 13
- Drawing lesson from the 1986 charter change by Mr. Ponciano L. Bennagen - 19

NEWS **33**

- Scholars discuss charter change issues in international workshop - 33
- Philippine Democratic Audit Forum Series kicks off - 35
- IFP fellows undergo training on social research - 37
- AFA fellow presents preliminary findings of study on Filipino youth - 38
- PSC amends By-laws - 39
- Philippine Social Science Center gets a new look - 40

DR. ALFREDO V. LAGMAY, PIONEERING PSYCHOLOGIST **41**

SOCIAL SCIENCE PERSPECTIVES ON CHARTER CHANGE FOR SOCIAL TRANSFORMATION

Opening Remarks

Prof. Ronald D. Holmes
Philippine Political Science Association

Magandang umaga po sa inyong lahat. As you may have noticed, our invited colleagues here were involved in all previous constitutional reform efforts, with the exception of the bodies that drafted the 1898 and 1935 constitutions.

When we started to plan for this particular activity, the precipitating event was largely the State of the Nation Address where President Gloria Macapagal-Arroyo mentioned that we should start the great debate on constitutional change. Social scientists said that there would not be any debate in the House since it is being railroaded. The debate would probably ensue somewhere else, specifically in public fora such as this and even in the soon to be convened Consultative Commission, or in other venues where we can really discuss what will be the expected and unexpected consequences of such changes.

This forum flows from the workshop that we had sometime in early July 2005. In that particular workshop, we basically noted that if the Philippines would shift to a parliamentary system, it would be the first country in the entire history of the world that would shift radically from a presidential-unitary to a parliamentary-federal. In that regard, it is best to prepare ourselves.

This is the value of having social scientists look into processes of charter change; the consequences of a shift are things that we can discern better using the terms of the social scientists. It is in this regard that I would like to congratulate the Philippine Social Science Council. This is the first forum that we will hold on this issue. We will have other activities that hopefully will contribute to an intelligent decision on this burning issue of charter change. Good morning to all of you.

Charter Change from a Political Science Perspective

DR. JOSE V. ABUEVA

Professor Emeritus, University of the Philippines

Member, 1971 Constitutional Convention



Despite the fact that the principal initiator of the great debate on charter change is the most-maligned and lowest-rated president since 1986, President Gloria Macapagal-Arroyo set the agenda for public debate when she spoke and delivered her State of the Nation Address last July 25. It is amazing how even a severely-wounded president can really set the agenda. That is the power of the presidency.

This morning, I'm glad that we are focusing on the social science perspectives of charter change for social transformation. This topic needs to be approached from different social science perspectives. From a political science perspective, we can start by talking about Richard Thacker's idea of politics.

Thacker says that we can look at politics as a political leadership. He defines political leadership in a very functional and parsimonious way. He says, stripped of all the debates on the description of politics and the description of leadership, leaders the world over essentially perform three functions. First, they define the problem or the situation to be addressed. Then they devise a course of action to deal with the problem or situation defined. Lastly, they mobilize all kinds of resources needed to deal with the situation and to carry out the course of action decided.

So charter change, from a political science point of view, may be viewed that way. First, how do we define the problem? Well, we have all defined the problem; there is no lack of definition of the problem from all sides of the political spectrum. However, for charter change, the problem can be defined in particular ways. We can define the problem in terms of bad governance or the lack of good governance. If we define the problem that way, we also define good governance as the sustained and institutionalized way of dealing effectively with problems, effectively meeting the challenges that we face, and fulfilling our goals as a nation. Hence, there is good governance when our institutions and our political culture, our leaders and our citizens enable the institutions of the state as well as other institutions like political parties and even the private sector and civil society, to gather together to effectively deal with these problems to meet our needs as a people, and to fulfill our goals.



Paradigm of Charter Change for Good Governance

CHARTER CHANGE FOR GOOD GOVERNANCE & SOCIO-POLITICAL TRANSFORMATION

CHARTER AND SOCIAL CHANGE

- Demands/Support of leaders and citizens
- Reform pressure of intellectuals, youth, media, Civil Society organizations
- Challenge of militants and rebels
- Challenges of globalization

- Divine Love, Mercy, Grace
- People's faith, hope, love for *kaptwa*
- Power of prayer/good works
- Awakened power of the poor/marginalized

"THE GOOD SOCIETY"

"SOFT STATE"/ BAD GOVERNANCE

Oligarchy of powerful families/ economic interests dominating the State/Government
Powerful military/police
Elinist/exclusive/weak and dependent citizens
Unresponsive/inefficient/ineffective / Unaccountable
Marginalized poor and indigenous peoples
Inaccessible/secretive/corrupt
Dominated by powerful States/MNCs

"STRONG STATE"/ GOOD GOVERNANCE

Autonomous State/Government.....
under the rule of law
Civilian authority over military-police
Representative/inclusive/empowered.....
in relation to the elite
Responsive/efficient/effective/.....
Accountable
People-centered/human-rights based
Accessible/transparent/honest/trustworthy.....
Globally interdependent/autonomous/competitive.....

Free/Democratic/
Well governed

Peaceful/Pluralistic

United in diversity
Concern for the common good

Egalitarian/Enlightened
Resourceful/Productive/
Globally competitive

CHARTER AND SOCIAL CHANGE

GOOD GOVERNANCE

Unitary System → Federal System → Regional & local self-rule/.....
Institutionalized people-power
vis-à-vis government and the elite/ruling families
Presidential System → Parliamentary System → Unified executive-legislative powers
in Parliament, accountable government.....
Dysfunctional Party System → Functional Party System → Accountable majority party.....
rule in Parliament and State assemblies.....
Parochial/ Subject Culture → Civic Culture → Responsible political/civic.....
participation in governance

Prosperous/Progressive

Just and humane

Pro-environment

God-centered/Prayerful

Truthful/Honest/
Loving/Caring

Contributing to a peaceful,
just and humane world

In the diagram, I used a high sounding word to catch attention: paradigm. I don't know exactly what that means; sometimes you say it's an analytical model for examining the problem.

One might say that as a social scientist, we are engaged in social systems analysis. On the left side of the diagram are the inputs, which are independent variables. On the right side, farthest right, are the outputs or the outcomes of the political-social process. On the right side are dependent variables. In the middle of the systems analysis diagram are the intermediate variables. Sometimes, between inputs and outputs, they use through puts. So on the left side, if you look at the charter change process, one might think of the demands for it. Are there demands for charter change? Yes there are: there are advocates and proponents of charter change from intellectuals, politicians, some from media, and some civil society organizations. However, we are in such a bitterly polarized society.

Two months ago, the Citizens Movement for a Federal Philippines (CMFP), of which I am a member, had a very happy alliance with all the NGOs. This was called Citizens for ConCom (C4CC). This was done before the political crisis. We thought we had a good alliance and civil society practically was united for charter change. When the President was on the brink of falling out of office, there was a rally from around the country, by city mayors, provincial governors, and municipal mayors who looked at Metro Manila with deep disapproval. Then came the impeachment. So the polarization is very well defined. Adding to these are pressures that affect charter change such as the challenge from the militants and rebels, as well as the challenges of globalization. All of these are factors that affect charter change, in favor of it or against it.

We refer to the diagram again, where we placed the variable of faith and religion. Social science does not normally use this, although some social scientists recognize the variable of religion and faith and the idea that divine love and mercy and grace are factors in our lives. After all, Christians and even Muslims believe in God, and they both believe that we are mortals, and we have souls. They both believe in the power of prayer and good works and the efforts of the religious and the lay people who bring into the picture the values, forces and the power of spiritual life.

Still, on the left side of the diagram, we analyze from a political science perspective the fact that we have an oligarchy of very powerful families, an economic interest that dominates the state and the government. We have a powerful, politicized military and police. We have, because of mass poverty, weak, dependent and vulnerable citizens. We have bad governance characterized as ineffective, unaccountable, inaccessible, secretive and not



transparent, very corrupt, and of course, the domination by powerful states and multinational corporations. We also have the disadvantages of globalization, despite its advantages as well.

Now we look at charter change from the input side of the diagram. We have the concept of good governance in the middle. We hope to move to a more autonomous state of government in relation to the oligarchy-an autonomous state under the rule of law, civilian authority over the military and the police, a representative state. A state where people are empowered in relation to the elite. A state that is responsive, efficient, effective, and accountable. We have concepts of people-centered development, human rights-based development, and description of a bureaucracy or governance as accessible, transparent, honest, trustworthy, and globally interdependent, allowing us some degree of autonomy and competitiveness. That is the strong state or good governance that we would like to move into, partly through instituting charter change. But at the far right of our diagram, we envision the outputs and the outcomes of charter change and social change. In the end, we really aim to bring about our concept or our vision of a good society.

Vision of a good society

I'd like to stress the fact that as a people we are not as bad as we so often would like to believe. Among the accusations against us is that we are an aimless people who have no sense of national purpose, no direction, and no love of country. Contrary to that, we have a very clear vision of a good society. As in every country, it is an evolving vision. But in our case, it is an authoritative vision because it is embodied in the text of the 1987 Constitution. Appointed commissioners framed the 1987 Constitution, but our people ratified it overwhelmingly. So the most authoritative document we have is our 1987 Constitution. Nowhere in the constitution can you read or see 'a good society' or 'a vision of a good society'. You have to content analyze the whole text, that very long text of the 1987 Constitution to come out with a very clear description of a good society. And here is the description. It is better in Tagalog because it is more forceful: *malaya at mapayapa na lipunan* (a free and peaceful society), *mabuting pamamalakad* (a well governed society), *maramihan* (pluralistic), *at magkakaiba* (diverse), *nagkakaisa* (united), *makabansa* (pro-nation), *makabayan* (nationalistic), *demokratiko* (democratic), *pagkakapantay-pantay* (equality), *may karunungan* (enlightened), *resourceful*, *masagana* (bountiful), *maunlad* (wealthy), *makatarungan* (just), *makatao* (humane), *makakalikasan* (environmental), *makaDiyos* (loves God), *makatotohanan* (honest), *mapagmahal* (loving), *mapagkalinga* (caring).

It is the only constitution probably in the world that has the word 'love' in it. I have not read all the constitutions in the world but I would hypothesize. So there we see, we have a very clear vision of what we would like to do. What is surprising is that none of our leaders used this vision in our constitution as our national vision for the country. No one that I know has ever used it. Maybe they haven't really read the constitution, analytically.

At the far end, that is our *patutunguhan*, our goal. It's very distant, but it is there. And for those who care, it has very clearly delineated the good society, ang mubuting lipunan. That's what we would like to be. Now the challenge to social scientists and charter change advocates is to go out to the countryside, where we meet with people, laymen, and even educated people who are not too interested or who don't follow very closely political developments. We need to translate charter change and social change in very meaningful, practical ways to the layman, to the average citizen. Many of them say, will it give me a better life? Will it create jobs? Will it give me employment or a better paying job? Will it enable me to feed my children? To give them the health care that they need, to educate them? Will it enable me to have a house of my own? These are the questions that they ask. They don't ask about the social science perspectives of charter change. That is the challenge of social science charter change advocates. However, we social scientists are weighed down by our jargon, our language. And so when you go out there and face a mixed group of people, how do you escape this prison? That is why I envy the journalists. They have this knack of making sense to ordinary people.

Reform of political parties

In the CMFP, we are pushing for a few major changes in the 1987 Constitution, the principal one of course is to shift from a unitary system to a federal system, from a presidential system to a parliamentary system. The reform of our political parties is central to our advocacy because the lack of functional political parties is a missing link between the government and the people. Our political parties are tentative alliances among politicians to elect themselves or their partisans to office and to dispense patronage when they succeed. It has very little to do with formulating a program of government or responsibility in pushing for a program of government once elected to office. It has nothing to do with the democratic selection of candidates for public office. It is full of opportunism or personal reasons on the part of members who shift from one party to the other. This is the reason why there is no political accountability. Take the case of President Arroyo. We want her to become accountable. There is, in a sense, a personal accountability that she can fulfill to the degree that she wants, but there is nothing like the political accountability if she were a member of a cohesive, purposeful, stable, political party with a program of government.



We want to hold the President accountable, but the President doesn't have the support of her own party, let alone her coalition. You look at the Senate, most of the members of the Senate are against her, even senators who are supposed to be in her party and in her coalition in 2004. It is only in the House where she has solid support. The program of the administration is merely the program of the President; it is not the program of the ruling party. Because there is no ruling party really; it is amorphous and divided.

A parliamentary government creates inducements for politicians to be better-behaved party members. The inducement is that the party that gains the majority in the parliament elects the Prime Minister and forms the government of the day, the Council of Ministers. That is the incentive that encourages members of the parties to be united, to put up good candidates, to be loyal, to campaign for their program, and to be responsible to the people when the party assumes power, because they will be held accountable.

A parliamentary form of government must also have corresponding electoral reforms. One is to make our citizens vote for a candidate to be a member in the parliament, the party they would like to govern in the parliament, a candidate for state assemblyman, and the party they favor at the regional level.

In short, we want positive inducements for parties to transform themselves and for the voters to think more about the party and the significance of voting for the party. That's the social change that the charter change is supposed to induce. By changing the structure of executive and legislative power, by combining the executive and legislative power in parliament, you induce the change of behavior of politicians and also of citizens.

Social Perspective on Constitutional Continuity and Change

DR. FLORANGEL R. BRAID

Trustee and Senior Adviser,
Asian Institute of Journalism and Communication
Commissioner, 1986 Constitutional Commission



My brief presentation is comprised of some provisions that could be inputs to the incoming Constitutional Commission (ConCom).

Individual and social rights

The first one is the balance between individual and societal rights and obligations, one of the themes of the 1987 Philippine Constitution. The bill of rights, which was patterned after the US bill of rights, of course became very dominant despite the attempt to balance obligations and rights. However, the theme of balancing has always been there in most of the provisions. One example is the balance set forth in the constitution between the rights of labor and industry, and the rights of landowners and tenants.

A comprehensive developmental framework

The second is a comprehensive development framework. In the 1987 Constitution, we also tried to balance and interrelate the social, cultural, economic, political, and technological, as well as the moral and human dimensions. However, this has not been implemented to the fullest. Our response has primarily been economic or political or technological, and none of the moral, human dimensions of development.

Sharing of power

The third dimension is the sharing of power among the executive, legislative and judiciary in a parliamentary-federal structure, which apparently has not worked very well. This is probably why we are pushing for a parliamentary-federal form or structure. We've also had problems in the perception that the judiciary is infringing on the executive branch in some economic issues. There is a need to define that, and to encourage people's participation in planning and implementing development. Here, we hope to strengthen the role of civil society and the



business sector. It is in the constitution, but the role of these two sectors should be emphasized.

Devolution

The next one is the devolutionary and win-win approach. In terms of labor negotiation and devolution of power to local government, we need a transition from unitary to federal, and from executive to parliamentary. We should develop an evolutionary approach in terms of mechanisms for moving, transitioning to parliamentary-federal structure.

Strengthening local culture

Then there is also the provision for strengthening local, indigenous culture within the realities of globalization. We are now in an information society and it is extremely important that we understand the implications of growth of new information technology and globalization and its effect on our well-being and economic life. We also need to consider the growth of biotechnology and geopolitical developments. To prevent problems, we ought to be able to respond and anticipate how we can be proactive in terms of creating policies.

Human rights

The common buzzword now is the rights-based approach to development. It's now a buzzword in the Commission on Human Rights and this implies a more comprehensive approach to human rights. In the 1987 Constitution, we were really responding to the abuses during the martial law, so it's a very political and civil human rights approach in terms of orientation. But now, I think the rights-based approach-the right to food, education-especially by marginalized sectors is needed.

Cooperation, solidarity and subsidiarity

Cooperation, solidarity, and subsidiarity are themes in the 1987 Constitution. In fact, we have a provision on cooperatives. But I think we should try to come up with more innovative and creative ways of responding, of using this concept, as an underlying concept in the age of globalization – cooperative, cooperative management. Now, in the days of mergers, we can come up with a Filipino type of economic response. Maybe the cooperative structure could be an economic response to mergers and collaborative efforts, a response to mergers of big business.

An integrated approach to asset reform

We should not talk of agrarian reform as merely rural reform. The urban areas need reform, but hopefully they could return to the human settlements approach. I know that's a Marcos thing, but I think the human settlements approach is a very comprehensive approach to urban and rural land reform.

Liberal economic policy

We need a liberal economic policy that protects Filipino interest. In this era of globalization, amendments to economic provisions, which are very pro-Filipino yet open enough to opportunities, are needed. We can play around these concepts in terms of developing appropriate provisions, especially in communications technology and advertising. As you know, ownership of media is 100 percent Filipino and in advertising, 70 percent. These provisions may not do anymore in our borderless world, but we should be able to develop a way by which we can also protect Filipino interest. We also need to consider the globalization and impact of trade policies, the need to attend to the WTO problems on fund subsidies. We could not put that in the constitution, but I think we could come up with a general provision that would enable us to have a better leverage and bargaining in the world trade.

Territorial rights

A cooperative and collective approach to solutions on conflicts arising from regional territorial claims like the law of the seas is also needed. One example is the Spratlys issue, where the cooperative approach would be a better approach rather than win-lose. How do we manage that so that we don't forfeit our rights to our territories, to China or to Malaysia? We were silent on that because during that time we were deliberating we were courting good relationships with Malaysia and so we did not want to ruffle their feathers. We need a better definition of territorial rights, law of the land and law of the sea.

Balance between public domain information and intellectual property rights

In our age of knowledge explosion, we want to protect our intellectual property rights (IPR). This is very critical and important because we are generating knowledge which we put in print, CDs, and audiovisual formats. A very good



provision on intellectual property rights yet still considering the need for public domain information is needed in the constitution. This means protecting information outside of the intellectual property rights, and protecting information that should be given to the poor which should not pay through their nose to obtain information.

Restructuring of critical government institutions

The judiciary, Commission on Elections, Office of the Ombudsman, Commission on Human Rights, need to be restructured within the criteria of transparency, accountability, independence, common good, and Filipino cultural values. We also need to strengthen political parties, implement innovations in the judiciary in terms of selecting judges, its disclosure policy, mediation, and jury system.

There are other inputs we can consider for the Consultative Commission, such as strengthening sustainable development provisions like incentives for indigenous energy resources; resource management of natural resources including a very good statement on population management innovations in health care and delivery systems; strengthening social and human security structures, especially for the aged and the marginalized; provisions on development of human and social capital; strengthening provisions on both tangible and intangible culture, with focus on moral, ethical values; culture of productivity and accountability, creative and critical thinking, and of course participation of business sector in science and technology; and strengthening knowledge production, exchange, distribution.

There is also a need to consider provisions for a law on freedom of information which is different from press freedom. We also need to strengthen gender provisions, and opportunities for women, and strengthen mechanisms for participation of cultural communities. We also need to have provisions for effective implementation structures for alternative and life-long learning. We can also rationalize ownership of private education and rationalize transitory structures of governance from unitary to federal. And I'd like to end by emphasizing the importance of information campaign, especially on the federal-parliamentary structure, using grassroots communities and those that have had good track record in terms of relations with very basic communities.

Economic Perspective on Charter Change

DR. CAYETANO W. PADERANGA JR.

Professor of Economics, University of the Philippines
1999 Preparatory Commission on Constitutional Reforms



I think there are two reasons why I am here. One is I, in effect, represent the Philippine Economics Society (PES), but I won't represent PES views, I am here to share my views. And second, I am here because I was part of the Preparatory Commission for Constitutional Reforms (PCCR) that was convened during the time of President Joseph Estrada. I will present a summary of some of the results of the PCCR, which at that time had the nickname ConCord.

First, I would like to give a background on why there is a charter change issue. It differs from my senior colleague, Dr. Jose Abueva. My impression is that President Arroyo did not set the agenda for charter change; it has been there for a long time. She is essentially just responding to what is felt at the fundamental level—a need to change a system that seems to be dysfunctional. And so the initiatives, including that of the 1999 ConCord, were really in response to certain bottlenecks.

The PCCR confined itself to reviewing the economic provisions of the 1987 Constitution to allay concerns that the president wants to prolong his stay in office through constitutional change. We essentially concentrated on four main points: (1) land ownership and natural resources; (2) key public services such as education; (3) media and related activities; and (4) economic management and regulation. The results of the PCCR review were actually short-circuited, having been interrupted by political upheaval that of course resulted in the unseating of President Estrada.

Reasons for charter change

As I mentioned earlier, one of the main impetus for charter change was to address perceived bottlenecks in policymaking. The 1987 Constitution contains certain features that make it difficult for the executive as well as Congress to act on certain issues because their hands are tied by constitutional provisions. For instance, the media is being fundamentally and substantially changed by developments in communication as well as political developments all over the world. It has become very difficult to keep out information from media



primarily because it is available on the Internet anyway. Thus, the question as to who would be able to participate in the provision of this kind of service was taken up by the PCCR at the time. The other issue debated on by the PCCR was education. The question posed was, if a small religious group can set up a school, why is it that such world-renowned universities like Harvard University or Yale University cannot put up a branch in the Philippines if they want to? What is it about education that people were afraid of? Both the executive and Congress were essentially hamstrung by constitutional provisions.

Flexible constitution for a changing world

There was also an emerging consensus to make the 1987 Constitution shorter and smaller in scope, rather than to expand its coverage. The reason was not that we were afraid to touch certain issues, but rather to retain flexibility. There is a need to keep to the fundamentals and leave the other provisions for legislative and executive policymaking. Putting these provisions in the constitution present a very serious danger of fossilizing responses that can become inappropriate in a very short time.

One of the problems cited was that the 1987 Constitution has too many guarantees. It has a provision guaranteeing a living wage or a living income. And so the question that came up was, who is responsible for delivering that provision? What are the procedures and processes that would bring this about? I think it is very dangerous to mistake outcomes for principles. This is very important especially for economic policymaking. Some of these kinds of provisions were included in the 1987 Constitution and may have unintentionally restricted executive discretion.

In the 1987 Constitution, we also have provisions for independent bodies that then started to interpret their mandate irrespective of what was the prevailing consensus on how to do things. A very good example—this should not be taken as a criticism of what they are doing, but just a criticism of the structure—is the setting up of an independent Commission on Audit, which is insulated from public consensus on how certain provisions should be applied. You have a situation where government bureaucrats who have very little experience in the market are deciding on the valuation of the asset to be sold, disagreeing with people who have a lot of market experience. But because they are constitutional, these decisions made by people who really have very little market sense are made to stick. The sale of assets, therefore, gets delayed for a long time and in the process a lot of value is lost. It is this kind of inflexibility that we want to remove from the 1987 Constitution.

We also need to be careful about very exact and very concrete provisions in the constitution because situations and circumstances change. In the case of the Philippines, provisions that have been written in 1987 based on knowledge that may have been founded in research in the 1960 or 1970 may no longer applicable. The world is changing. It was changing then and is continuing to change at an accelerating pace. It would be a disservice to the present and the future generations to tie their hands to certain procedures that may no longer apply. These are really the reasons why constitutional provisions need to be looked at with a very critical view. We need to be careful as to what should be put into the constitution. Perhaps leave most of what we thought as good outcomes to future legislative and executive decision-making.

Finally, when we are writing a constitution, I think it is very important, especially for the economic provisions, to be careful about the principles that should go into the constitution and the provisions that should be left to the Congress and the executive. It's a very important part of management.

The PCCR report

Let me now present, very briefly, the report of the PCCR. The eight topics that we deliberated on were: (1) the exploitation, development, and utilization of our natural resources; (2) land ownership, its use and its disposition; (3) public utilities and franchises; (4) trade and competition policy; (5) the practice of professions and educational institutions; (6) mass media and advertising; (7) bureaucracy, decentralization, and the economy; and (8) the amendment process.

Other topics that were discussed were citizenship requirements, factors affecting foreign direct investment, exploitation of natural resources, as well as the restriction of certain economic activities to citizens, including equity ratios in corporations. We also discussed flexibility in policy formulation. Finally, there was also a discussion on the ambiguity in language.

REPORT OF THE PREPARATORY COMMISSION ON CONSTITUTIONAL REFORMS

Some Findings:

1. Comparative East Asian studies

- Countries' approaches to foreign investment policies disclosed that the mode of regulation is by legislative rather than constitutional mandate
- No constitutional restrictions
- Numerous laws and regulations do exist regulating or limiting foreign investment
- Economic planners in cooperation with legislature are afforded the flexibility to modify economic policies from time to time

2. The origin and impact of the protectionist tradition

- Some important provisions in the Constitution are a continuing reflection of the spirit of our fundamental laws since 1935
- What many do not realize is that Philippine protectionism can be directly traced to United States colonial policy
- Part of this colonial tradition was that economic development in the Philippines would have to be supported by domestic capital resources

3. Capital resource requirements

- The country requires an enormous amount of capital to spur the development of public utilities, basic infrastructure, natural resources, mass media and educational institutions
- Available statistics lead to the conclusion that domestic capital resources are severely limited and domestic capital formation is grossly inadequate

4. Restrictions on land ownership

- Lands in the Philippines are either public or private, and the bulk of private land is devoted to agricultural and residential use— a small portion is classified as commercial or industrial
- The Commission's recommendation for possible liberalization and foreign ownership relates only to that small fraction— private lands classified as commercial or industrial

5. Plenary Legislative power

- In other areas of investment, there did not appear to be any compelling policy reason to preserve constitutional restrictions on foreign equity participation
- Any protection or regulation is better accomplished and can be periodically adjusted, when necessary or desirable, through appropriate legislation

Some Conclusions and Recommendations:

1. Certain provisions of the Constitution relating to economic principles ought to be clarified and reviewed, with a view to avoiding ambiguity, moderating the traditions of protectionism, and affording flexibility to future policy-makers.
 - Revising the provisions pertaining to the economic and planning agency and the central monetary authority.
2. Afford maximum flexibility to Congress and the country's economic managers to determine from time to time, pursuant to the current economic needs and circumstances of the country and the particular industry sector, policy and regulation relating to foreign investments.
 - Specific capital ratio requirements in the constitution relating to natural resources, and public utilities must be removed, while restrictions on individual foreigners should remain
3. On the issue of improving the government bureaucracy and promoting honesty and transparency in the government as an essential component for providing an efficient and productive business and investment climate, these concerns are strongly endorsed for the attention of the President and an addition of a policy statement to this effect in the constitution is recommended.
4. Ownership of agricultural and residential lands ought to remain with Filipinos, but, that, to further economic growth and productivity in other sectors, the ownership of private lands devoted to commercial or industrial uses ought to be liberalized and made available to foreign investors in accordance to be established by law.
5. The Regalian doctrine, coupled with the inherent authority of government to exercise regulatory powers over the natural resources development sector and the public utilities sector, as well as the plenary legislative power of Congress, provide ample safeguards for the effective control and management of these sectors and protection of state interests, in accordance with pragmatic principles of stewardship.
6. On the mode of effecting the amendments to the constitution, given the limited nature of the recommended changes, the most cost-efficient option would be to convene Congress as a constituent assembly, failing which, the only alternative would be revision by a constitutional convention.

Let me also mention that the more provisions you have in the constitution, the more chances are that the Supreme Court will be brought into play. I remember discussing with two Justices why they have to decide on the constitutionality of the Oil Deregulation Law, an action that for a while clouded foreign direct investment picture for the Philippines because it gave the impression that the Supreme Court was meddling too much in policy and current affairs. And the response was, they had no choice. There are provisions in the 1987 Constitution that talk about anti-trust and level market playing field. And so provisions that you perceive to be good turn out to be double-edged because they actually allow Justices, who may or may not be well-trained in areas of decision-making such as economic regulation and policymaking, to decide on issues that are of current interest, rather than of long-running and permanent impact.

Impact of political structures on the economy

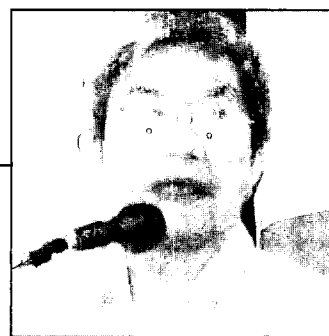
In the breakfast fora that we had, there were a few key people who were interested in constitutional issues and how they apply to the economic future of this country. One of the most important consensus that was emerging was that it would be wrong to confine ourselves to the economic articles and sections of the constitution because the political structure has a substantial impact on the economics of the country. One very good example is how Congress actually distorts the allocation of public funds for infrastructure. The public funds for road building and bridge networks, for example, are divided into many funds that are then put together or are called pork barrel funds. There are of course two sides to this. People think that those in the village have more knowledge on which road should be built. The other side of it, of course, is that you are unable to put together or to amass large funds for very large projects such as sub-international airports, large and very efficient seaports that then connect the country together. The process of decision-making for the budget and for the infrastructure funds is actually found in the political provisions and not in the economic provisions of the Constitution.

I think it is best to retain management and regulatory provisions to executive and legislative discretion instead of fossilizing them in the constitution. Finally, it is important to allow current perspectives, technologies, and the domestic and world environment to influence economic management and outcomes rather than try to restrict flexibility by putting them all in the constitution. I always worry if I see a long constitution. I think what you have are a bunch of people who are trying to run the country for the next 150 years. Something that I think is best avoided.

Drawing Lessons from the 1986 Charter Change

MR. PONCIANO L. BENNAGEN

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1986 Constitutional Commission



When the 1987 Constitution was being marketed, the Philippine Social Science Council (PSSC) was an active participant in the educational campaign. It was marketed as a pro-God, pro-poor, pro-social justice, pro-human rights document. And now we want to change that document. Why do you want to change that document? It is pro-God, pro-poor, pro-social justice, pro-everything that is good, that is true and beautiful.

Constitutions ought to be changed, only in the sense that they are not written in granite. They should be written in the hearts and minds of the citizenry. In any case, when we were through drafting the 1987 Constitution, I remember Fr. Bernas telling me, "You should write a sociology of constitution-making." I should have listened to his advice so I'll have something to present to you.

This morning when I woke up, I looked into my old baul and I got out this document. It's one of the first editions prepared by a member of the 1986 Constitutional Commission, Commissioner Nollado. So it's not, as far as I'm concerned, self-serving. And I discovered I wrote this thing. Let me quote, "The Constitution does nothing more than inscribe the social contradictions of Philippine society along with the tensions between law and experience, between ideals and reality. Ultimately, a constitution is what people make of it." In hindsight, I would have said it's what the Supreme Court says the constitution is.

In any case, what I would like to share with you is probably the whole process of constitution making in 1986 and draw some lessons on how to change the constitution, especially in a time of extremely rapid change. The context in many ways impacts on how constitutions are drafted and how they are ratified. If one needs to look at some social perspectives in trying to help us navigate through this troubled times, there is a debate in between agency and structure and also text and context. In relation to constitution making, I would think that this would help us understand what needs to be done if indeed the pressure or the need for changing some of the provisions of the constitution becomes inevitable. I think that there is an admirable desire in the draft of the CMFP, which has an eye for continuity. It emphasizes the need to retain the 1987 Constitution as revised.

Balancing disparate interests

In the 1986 ConCom, we wanted to dismantle a structure of dictatorship. That was the very context of that. I recall the advice of then President Corazon Aquino. She said, be quick and try to finish it in three months. We finished it in four months. One died in the process, others got sick, but we managed to finish it in four months. But in all of those four months, there was a great deal of uncertainty. In fact, towards the end of those four months, 'God Save the Queen' was launched. For me, it is necessary to understand why the 1987 Constitution is as it is. Most constitutions come out of the worst of times and best of times situations, and you don't know whether you are reacting to the worst of times or to the best of times. That is the nature of constitution making in the sense that a constitution is seen as a kind of social glue that should bring together the disparate interests, the stakeholders or agents in society. The selection of the 48 commissioners also reflected that context. In fact, there was an effort to balance local concerns, sectoral concerns, with national concerns. And so the selection of the commissioners somehow reflected that attempt to balance diverse interests. But something wrong, I think, happened in the process in the sense that almost all of the drafters were pigeon-holed and they became authorities almost only in their areas that they were expected to represent.

The next advice is to draft a constitution, and not to legislate. But as we were coming in from the anti-Marcos, anti-dictatorship struggle, we were not too sure how long the constitution would last. We heard one drafter saying that we were drafting a constitution that we expect to last for the next 100 years. And I remember saying that you never can tell, maybe next year we'll be writing another constitution. Such was the fluidity, the volatility of the situation at that time. And so there was a strong temptation to legislate. Under a more stable situation probably that would have been avoided. But in fairness to many of us in ConCom, some of the elders said it was fortunate we were present to insist on the provisions, which for veterans of the 1971 Constitutional Convention, were acts of legislation.

The participants in the drafting of the constitution came from many sectors. One represented big business, others represented the social sectors—peasants, fisherfolks, mass media and communication, labor force, and the Church—and a number of those who were part of the 1971 Constitution were brought in to give a sense of having been elected by the people. Even at that time charges were flying quick and thick that this is a Cory Constitution selected by Cory herself. I don't know how many of them, maybe 10, were members of the 1971 Constitution. So in that sense they were selected.

Waging a sustained educational campaign

I think we have to be very keen about the very context within which the proposed charter change is to take place. And I think it is in this part that PSSC can play a key role. We have in our work with communities what we call stakeholder analysis, a kind of agency analysis in relation to existing structures at the community level, at the national level, and at the global level. We identify the stakeholders and analyze what their key interests are. Like for instance you have a big business wanting to push in plantation economies, but you also have churches wanting to win over the souls of all sorts of people in the communities. So by making a thorough agency analysis or stakeholder analysis, we are able to design the appropriate intervention. And I think that PSSC can do something like that in terms of systematic and massive educational campaign. The idea being that if this is to be a democratic constitution, it should at least have the consent of the majority of the citizenry. PSSC for me is pre-eminently prepared for structure to do something like that because you have networks in schools, research institutions all over the country. I remember Oca Evangelista and a few others who were with me in the educational campaign were able to provide up-to-date information in terms of the questions that were being raised during the campaign.

Incidentally, one of the things that struck me during the educational campaign was that those members of political organizations who were engaged in the anti-dictatorship struggle were the only ones asking questions of national significance. The rest, they would ask provisions that were sectoral. There was really a strong pressure to legislate. Like, for instance, we were attacked because of the provision on the family— some said we were meddling with their private lives. This, I think, tells us that there is an urgent need for waging a sustained educational campaign so that in the end we have what we call, similar to our community work, prior and informed consent.

In other words, in the educational campaign then, many of us simply said, “Okay, this is a pro-God, pro-social justice, pro-poor, pro-human rights constitution, those who approve raise your hands.” Given that kind of marketing strategy, which seems more like a commercial ad simply stating the problem and the solution, people immediately said yes without even understanding what is there in the constitution. While it is said that an overwhelming number of voters ratified the constitution, we need to ask how many of those who voted yes really understood the constitution. And assuming that they voted yes or no, how credible was the Comelec already at that time? I can’t even recall now. In other words, there also has to be a kind of credible organization that shall undertake a plebiscite. And if you look at the Comelec right now, I’m not sure if that is the right institution to undertake this, without undergoing really serious reforms so that it becomes a credible institution.



The whole idea really is to enable as many citizens as possible to participate in the debate before any serious attempt to change the charter is made. And for that, we need the stability of institutions that shall undertake this. I am not too sure about the larger social context. We'll just take it as given that we will be drafting a constitution and amending the old constitution to write a new one under, again, what I mentioned as best of times and worst of times situation.

When we started the debate on the system or form of government, many of us were holding on to a document that was for a parliamentary and federal form of government. In fact, if you look at the 1987 Constitution, there's something mongrel-like about it. It combines certain elements of a parliamentary form and a presidential form. In the process, because of the tensions, the context, the deadline, we didn't have the time to harmonize the provisions. One missing provision for example, given the result, was a provision on run-off election. We don't have that, which is why we only have plural officers. That has affected very much the legitimacy question of the presidency.

Let me conclude by saying that there is one provision that I'd like to revise. I'm saying this as a metaphor, an argument for amending the 1987 Constitution. This is Article 2, Section 19, the article on education, science and technology, arts, culture and sports which states "All educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors." Well we say, constitutions should be elegant documents, sacred documents. Definitely, this constitution doesn't pass the test of elegance, but it is pro-God anyway, pro-poor, pro-social justice, so let's keep those provisions.

Open Forum

Participant: My question is addressed to the last speaker, Mr. Bennagen. My understanding is that you've been working with the indigenous population. My query takes into consideration the experience of African and South Asian countries vis-à-vis the new economic reform ushered by their respective countries. How does it go when it comes to the Philippines? What are the mechanisms which have been there first of all to protect their rights and what's new in the charter change?

Mr. Bennagen: There is an article, I think it's Article 22, the Declaration of State Policies which says that the right of indigenous communities is to be protected, which led to a law, RA 8371 or the Indigenous Peoples' Rights Act. However, we have a very messy situation because even the concept of indigenous people in the Philippines is highly contentious. This is an interesting point and I think this is

something that we need to weigh. Because of the provision on self-governance and the failure of the central state to respond to that fully, some are thinking of establishing indigenous people's state.

Participant: Dr. Paderanga, you mentioned a section on land ownership. Are you proposing that we liberalize land ownership, that we allow foreigners to own agricultural lands?

Dr. Paderanga: The PCCR actually proposed or recommended that land ownership by foreigners be allowed for some restricted purpose, essentially for industrial and commercial use. The idea behind it was that it would help increase foreign direct investment and therefore ease the unemployment problem in the Philippines. Most countries actually allow land ownership even for residential purposes. In most countries, actually, there is full freedom to buy land, the idea being that foreigners cannot cart the land to their home states.

Participant: Your proposal is specific to industrial?

Dr. Paderanga: Yes, the suggestion was not for full liberalization of land ownership. The reason given was a partial change should be suggested first, and then later on it can be fully lifted. It is important to put the suggestion in context; many of the suggestions were essentially not against certain provisions. The suggestion was to take them out of the 1987 Constitution and leave them to the legislative process. In other words, there were provisions where most of the members of the PCCR agreed with in substance and where also almost all thought should not be found in the Constitution, but should be found in a law that would be passed by Congress and therefore could be modified and revised to fit whatever the current circumstances. That's a very important context in which to read the recommendations of that PCCR.

Participant: My question is addressed to Dr. Braid. I would like to thank Dr. Braid for making women visible again to the Constitution. You proposed gender protection provisions. My question now is, were you able to spread the good news of your provision to women's organizations?

Dr. Braid: I think the provision was used by many women's group in preparing many agenda for the women including our response to the Beijing Summit. So every time I think they would, the preface is always the provision on equality. So I think that's where we made a difference; that it has become part of the women's agenda, the political agenda and other areas of advocacy.

Participant: We drafted the Philippine Constitution way back in 1987. From among the drafters, from among the framers, how do you measure this



constitution as to where we are now? There must be a process to measure the effectiveness of this constitution.

Mr. Bennagen: Yes and no. No in the sense that all those things that I said about pro-poor, pro-social justice, etc. If you go by the social service and by the indicators, I think that the mandate has failed in the sense that there were no appropriate translation into the needed legislation and the actual programs and projects. But in terms of politico-legal maturity, I think that in a way it has contributed in the hastening of that maturity. I am amazed, regardless of the motives which are difficult to analyze, by the fact that almost everybody now throws away the slogan rule of law and constitution. I think that's an important trigger for social scientists to further elaborate on. What does rule of law mean? What does constitutional order mean?

Participant: We have in the constitution the provision on Comprehensive Agrarian Reform Program (CARP). Has CARP been measured? Has it been effective? We have the provision on dynasty, yet there was never any legislation. There were many limiting provisions, especially in the economic areas. Even lawyers find difficulties in interpreting the provisions and a lot of squeezing in and out of the provisions is being done, even in the interpretation of the provisions by the Supreme Court. The framers should be the first one to shout that it should be changed after not measuring up to expectations. The changes should neither be related to Gloria nor to any political personality, but to the needs of the society.

Dr. Braid: Many provisions were left to Congress to legislate. Perhaps the very critical provisions should not be left to Congress, such as political dynasties. We also have to measure the impact of CARP. It has covered a lot of ground, but its impact in terms of effectiveness to people's lives has yet to be measured. I want to mention this because I was talking about this during the time we wanted to limit the term of presidency to six, but then we did not anticipate that there would be a fluke, that there would be someone who could take over, so she has eight years instead of six years. The future framers should be able to anticipate even the unimaginable, and should be responsive. The procedure could have been made less controversial because right now it is interpreted in different ways.

Dr. Abueva: I would like to comment on the anti-dynasty provision because ConCom of 1986 is faulted for not spelling out this anti-dynasty principle and leaving it to Congress, but Dr. Paderanga was saying that as much as possible the constitution should limit to the Congress or law-making body to spell out the needed legislations, otherwise the constitution would get even longer. But in this particular case, it could have been anticipated that Congress would never pass an anti-dynasty bill. On hindsight people can be wise. But the newly formed Consultative Commission will have a chance to look at this provision; that no

incumbent elected official may be succeeded by any relative within the fourth degree of consanguinity or affinity. During the ConCom in 1986, I don't know how I voted on the anti-dynasty provision. For me the anti-dynasty provision runs counter to the right of suffrage. The right of suffrage, the capacity of the citizenry to make choices, is primordial. I think it is more a challenge to the maturity of the citizenry rather than having a law which says that certain persons would not be allowed to run for office. If I am a relative of a politician and I am qualified and I can win, why not?

Why do dynasties last? There must be two kinds of dynasties, a good dynasty and a bad dynasty. The bad dynasties are those that employ violence, money and coercion to remain in office. The good dynasties are those that don't. They are persuasive because of their service. Then the challenge is name one good dynasty, and I can always name one, and get away with it: the Ortegas of La Union. Nobody has disputed me, even when I was in La Union or in the Ilocos. But the other argument I have is maybe based on social science. If you look at the mature democracies that are also industrialized societies, there are not too many dynasties. Why? Because the economy and the society are so diversified that there are so many avenues for people to fulfill themselves, gaining fame, success, popularity, wealth, and so on. There are so many other ways. For us, the way to wealth particularly seems to lead to the political road. Some of you might have experienced this, when you go home to the province. If you don't go home too often, you're asked "When are you going to run for Congressman? When are you going to run?" That happens to me because I don't go home as often as I should. I'll say "Why should I run for Congress?" The only way they think you can really succeed, be prominent, be acclaimed, is to hold elective office.

Dr. Braid: I am now also against constitutionalizing political dynasties after seeing the performance of many children of the dynasties, the Escuderos, the Cayetanos, the Jaworskis. I would like them to continue because some of them turn out okay.

Participant: I would like to share something. Some complain that the 1987 Constitution is too long. But what is wrong with a long constitution if it has recognized socioeconomic and cultural rights never recognized before. Some are asking that we reduce the guarantees. Are we now asking that we delete these socioeconomic and cultural rights that are now enshrined in our constitution? Some say that this constitution legislates, but I beg to disagree. So many provisions of this constitution still await legislation until today. And I doubt whether legislation will ever take place because these are provisions of the constitution which are contrary to the interest of those who rule society today. Now if ever there will be a change in the constitution, we are speaking of charter change for social transformation, it must first be clear to us what needs to be transformed in Philippine



society. Unless that is clear to us, I don't think we will have a constitution that will uplift the living conditions of our people.

Dr. Paderanga: Let me say something about that and let me bring it back to an apparently desirable feature of the constitution, the agrarian reform. I argue for having a constitution that is very fundamental. For example, there is a specific provision for agrarian reform in the constitution that had to be stipulated as a law. Yet the question is what really is the objective? Is it the distribution of land? Or is it a good life? The reason that you need to be careful about this is that many provisions have unintended consequences. The one on political dynasty is a good example. Suppose there is a very good scion of a political dynasty, you will therefore prohibit him from practicing or from contributing to society. It is very important to understand that many of what you want can actually be done through law. If you have a long constitution, for me it expresses some lack of confidence in the political process. And maybe people are justifying that. However, we have to understand that the mature economies are economies that have also gone through all of these. If there are many provisions in the constitution, when you try to frame a policy or a program, you need to weave your way through a minefield. It makes the application of policies and programs so tedious that you often end up with compromised programs and compromised results. It is very difficult to be clean.

However, the framers didn't trust the lawyers. That's why I said we need to look at the political structure. I, for example, think that one of the causes of the dysfunction in this country is the electoral process. The way the organs of government are organized and how we elect people to public office are the key. What we found out as I said during my presentation earlier was that certain political structures have very profound impact on economic management. A very good example is how infrastructure funds are allocated. It is subject to the political process and the pork barrel process, which is not necessarily bad but within the context where we discussed them, it is debilitating. For example, in agrarian reform. What's the best size? That depends on the technology. Suppose the technology tomorrow changes. The best size for a farm is no longer five hectares, maybe 15 hectares. What do you do? Change the constitution? This is an example why it is very difficult to include specific provisions in the constitution.

Participant: This is for Dr. Jose Abueva. I understand it correctly that the Constitutional Assembly will confine itself to only a few large issues like federalism and the switch to a parliamentary system. Therefore we will have no chance to revise many parts of the 1987 Constitution.

Dr. Abueva: The proponents, the advocates of charter change are saying that

we don't want to rewrite the 1987 Constitution because it has some very good provisions that should be retained. That is why I am one of the advocates saying we are not writing a new constitution. If we succeed in the endeavor, what we will have is the 1987 Constitution as revised. This means that we should really limit the task to pinpointing a few important provisions or set of provisions to be changed. One of the most popular ideas is the change in the form of government. Many of the advocates are publicly committed to shifting to a parliamentary system and some to a federal system. And then the matter on economic policies, that is included. The reform of the political parties and some electoral reforms, CMFP is moving for it, in addition to the article on duties and obligations. The idea is to limit the provisions. The idea is to alter or revise. There may be some amendments, for example, on the provision about the role of the military as the protector of the state and of the people. This seems to be the basis for the military to justify its political adventurism. We will also discuss the mode of change. Our movement (CMFP) still prefers a Constitutional Convention as the more advantageous way to change the constitution, especially in light of our very polarized, volatile society now. So that's where we are moving.

As Senator Franklin Drilon said, charter change is dead upon arrival at the Senate. If you analyze the proclivities of our senators, indeed, most of them are against charter change, but for different reasons. So we are so divided. Thus, the question is, for example, why would I keep to this process of becoming a member of the Consultative Constitutional Commission? Our argument in the CMFP is that we have been advocating this for a long time. Some of these changes are long overdue. As a matter of fact, the 1986 Constitutional Convention already favored a parliamentary system. We would have had a good parliamentary system if it were not for martial law, if the dictator did not pervert the 1973 Constitution to serve his ends. We would have wanted a parliamentary system. There was great consensus.

When President Cory Aquino came to power, she wanted to be the opposite of Marcos. And part of that was completely canceling the 1973 Constitution and the parliamentary system. In other words, the advocacy of a parliamentary system has been validated by our experience with the resurrected presidential system, at least in our view. Thus, we are limiting our efforts.

Participant: I sense some moral dilemma that you went through in accepting this position. Did you have any moral dilemma accepting this position given the context in which it is being pushed?

Dr. Abueva: We keep saying that being social scientists, behaviorists, and so on, gives the impression that we are not concerned with spiritual matters, the nonbehavioral, the nonquantitative variables. But I think we all are. Let me share



with you a millennium prayer— some of you may know this— by Archbishop Oscar Romero. Archbishop Romero was a champion of the oppressed and the poor in El Salvador. And he was assassinated while holding the host during the consecration in a mass. And he wrote this: we accomplish in our lifetime only a tiny fraction of the magnificent enterprise that is God's work. Nothing we do is complete. No statement says all that could be said. No prayer fully expresses our faith. No profession, not the social science profession, brings perfection. No program accomplishes fully the vision and mission of development. We are all advocates of development. No set of goals includes everything. We simply plant seeds today that one day will grow. We water seeds already planted knowing that growth is a future promise. We lay foundations that will need further development. We provide the yeast that produces effects far beyond our capability. We cannot do everything. This enables us to do something and do it very well. It may be incomplete, but it is the beginning; a step along the way, an opportunity for the Lord's grace to enter and do the rest. We may never see the end results. We surely will not see the end results. But that is the difference between the master builder and the worker. We are workers, not master builders. Servant leaders, not messiahs. We are prophets of a future not our own. So we should do what we can.

Participant: It seems that the current anxiety over charter change has to do much with the fact that recent attempts to change the head of government have resulted in instability. I have a sense that it is not really about the constitution's provisions on national economy, patrimony, social justice, human rights, or whether or not the constitution has the longest Preamble. These are provisions which I think are good enough and the people could live with and could give enough time for them to work out. I think the clamor or the anxiety is more towards the possible shift in our political system towards a parliamentary system. So that changes at this level - the level of the head of government - which will reflect the dynamism and vitality of the political institution rather than its instability. Are we prepared for this culturally? It's something that we haven't really tried. It should have been changed for change's sake. But are we prepared for this culturally, politically? Are we mature enough as a people?

Dr. Braid: My own personal opinion is we postpone charter change and do a lot of political education, build parties, platforms, political parties, and maybe wait until about 5 years. But do a lot of consultation, the grassroots, build them, because they are the ones that need a lot of political nurturing and political consultation and bring them into the political process. Having said that, the reason why I would like a ConCon is that we need time and we need to revise the constitution. I agree that it needs to be revised, even the cultural provision. There are many things that can be contained under a declaration of principles. But if we have more time,

and in fact I've been studying this, I would have put this under a very well thought out comprehensive declaration of principle. All of these can be brought out, including a debate on the proceedings, so that legislators would have a basis for framing certain legislations, because this is what we meant. But what happened is we came up with a fragmented, well-meaning declaration of principles, but not thought out enough to write that kind of guidance. Then we would have to be able to provide unifying structures. Why are we always in conflict? What are the needed unifying structures that should be there that would be able to harmonize and unify the various sectors of society? Then add of course to the values concepts of transparency, accountability, and stronger spiritual values.

These are the things we missed out, beyond love. Maybe we can form statements that can be handled by a very good, well-crafted declaration of principles. In fact, I think, this is something that I would like to be involved in if PSSC actively engages in helping whatever committee that will draft the Constitution. I hope the committee will wait until after five years. Because I think we should take time out to draft. The dynamics of the present are very rich in insights that can be accommodated.

What I have presented is merely the skeleton, not even the skeleton, but actually changes in both the nation and the structures of globalization and how they affect our negotiation processes. We had a very parochial economic provision, but at that time we were not really part of this whole globalization business. We need to be able to respond to the changes that are happening. Information technology, biotechnology, geopolitical realignment, all of these will strengthen our leverage. Then there's the provision on environment which we need to strengthen because the whole survival of the Filipinos is dependent on sustainable development. We have to find an anchor for that. The way we dealt with comprehensive development, the interrelatedness of social, moral, political, cultural, has been done in a fragmented way because of lack of time. We did not interrelate these. Every provision must have the six elements of a comprehensive framework.

Please let's lobby for postponement. We are not in a hurry. In the meantime we begin feeding the public some of these concepts. The media have a great role to play. I'll try in my own way to translate these into simple concepts that can be understood by the Filipino. In fact I would even like to volunteer going to the grassroots and help political education. So let this be my legacy.

Mr. Bennagen: At the end of the day, it's a numbers game. In hindsight, I would be happy with simply the Preamble. It has everything there including the word love. It's the only constitution in the world that has the word love. How can



you beat that? We can have that, along with the declaration of state policies and principles, the bill of rights, and the structure of government. That for me would be enough. And then leave the rest of the political process which poses a challenge to all of us who are interested in all those pro-poor, pro-justice, and other arguments.

Dr. Abueva: The question of whether we are mature enough, whether we are really ready, seems to me to be a very elitist question. I think we underestimate the capability of the average Filipino citizen. My experience over six years of going around the country and having meetings practically in every province is that the reaction of ordinary people shows an appreciation that many of us are not aware of.

I had a privilege of interviewing Prime Minister Nehru just about two years before he died, at a time that I went around Asia interviewing leaders on their views about other leaders in Asia. I asked him one question, "Mr. Prime Minister, what do you think about national leaders who say that their people are not yet ready for democracy and therefore they have to go through a period of learning before they institute democratic institutions?" He was very brief in his answer. He said, "The only way to learn how to swim is to jump in the water." I think we are ready with the changes that we are proposing. In fact there's a lot of receptivity. If we miss constitutional reform before 2007, we will have to wait until after 2016 to institute changes because we will still be with the presidential system after 2007 or 2010. It's a matter of judgment, it's a matter of opinion whether these proposed changes are really that urgent and imperative. What I see is that there are so many extra-constitutional, maybe even extra anti-democratic methods of changing leadership being proposed right now. This is alarming because they are serious about these undemocratic and some extra-constitutional ways of changing our leadership. It seems that the real cause of postponing constitutional change is the collapse of our constitutional democracy.

Participant: I would just like to take exception to what you said that the question was elitist. I meant the question in a neutral way, in fact I even support attempts to change from presidential to parliamentary form of government. Which proves that maybe elitism or beauty is in the eye or the ear of the beholder.

Mr. Bennagen: I want to end in a note of hope and experience, from the perspective of 18 years in relation to the 1987 Constitution and from the perspective of centuries in terms of the democratic process. I think that the 1987 Constitution hastened and facilitated the democratization. I will cite two important provisions which are extremely helpful. One, is the right to information.

The marginalized communities in Mindanao, the poor and indigenous people, for example, use this right when they deal with the government and other agencies. The code of ethics governing bureaucrats has also been very helpful, specifically for the indigenous peoples and the Muslims, given the perspective of five hundred years of marginalization, they are now beginning to speak up. In fact, we are saying that they are now arguing for a separate state within a federal republic. So I think that all told, there have been some positive gains within the democratization as a kind of value that we all cherish.

Participant: Is there a right time to amend the constitution?

Dr. Abueva: Let's review the times when we wrote or we changed our constitution.

The Malolos Congress that adopted the Malolos Constitution was in a way a triumphant period, a euphoric period. We were a free nation, the first democracy in Asia. But when we adopted the Malolos Constitution, secretly, Spain already ceded the islands to America. And in a matter of four weeks we were in the Filipino-American War. So it was hardly auspicious.

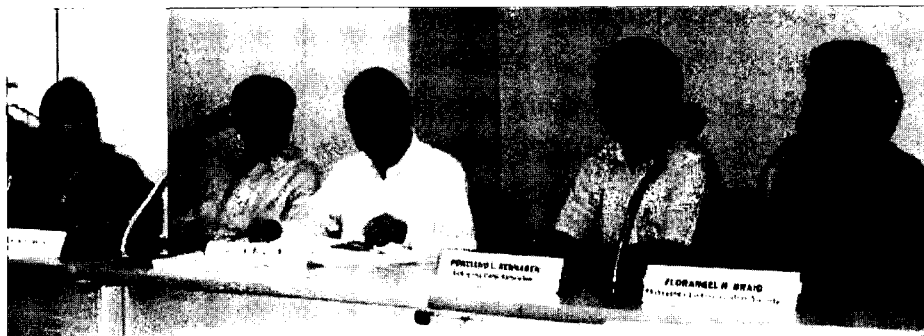
The year 1935 was maybe a relatively good time. But we were a colony of the United States. The authority for writing the constitution was the Tydings-McDuffie Act. In the end President Roosevelt and the US Congress had to approve our constitution. So if you think that was a happy period for writing a Constitution, let it be that way.

In 1943, during the Japanese Occupation, the constitution was for a puppet republic. In 1971, the Constitutional Convention was writing the 1973 Constitution. In 1968, the Maoist Communist Party of Jose Maria Sison came into being. The New People's Army in 1969, and there was a lot of radicalization, the Diliman Commune, and all that. There was a lot of political turmoil. In fact, some days when I would go home from the Constitutional Convention, I would have to pass through Diliman and the students were holding rocks, threatening to smash my windshield. I didn't consider that an ideal time for writing a constitution. So now, we are also in the same situation of turmoil, of great anxiety, of polarization as I've mentioned. Maybe our leaders think about adjustments in our structures and processes of governance because of these very difficult times and in anticipation of very difficult times.

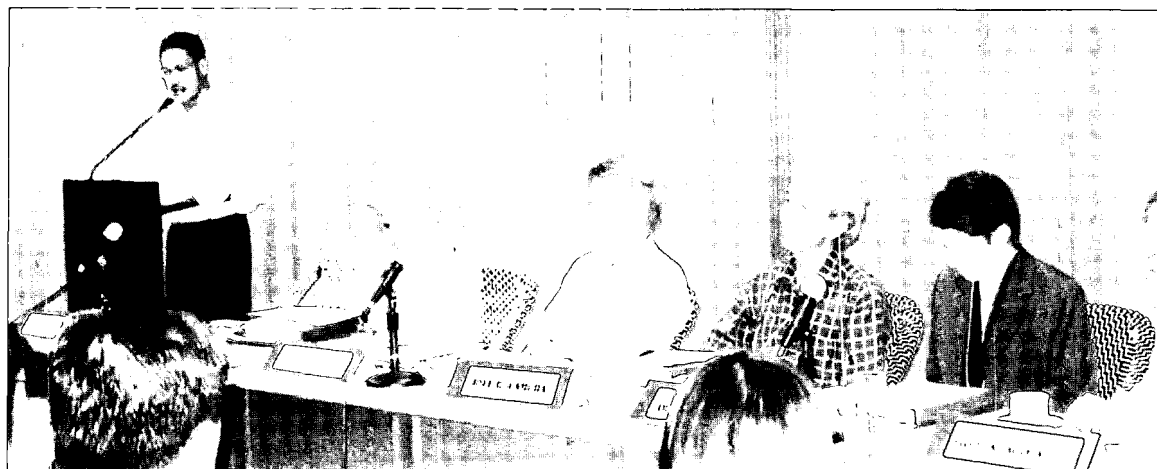
Participant: I would like to address this question to Mr. Jose Abueva. For a long time now, the words federalism and parliamentary have been a part of intellectual gatherings and exchanges. What type of parliamentary government will more or less fit our diversified political, social, and cultural scenario in our

country? But before you answer my question sir, since I'm the last person to ask a question, I'll just leave this statement coming from Benjamin Franklin and he said, "If we do not hang together, we will hang separately."

Dr. Abueva: The answer is not really simple. What we are proposing is a parliamentary system that fuses the executive and legislative power in parliament. We will be electing members of parliament. We are proposing to use the existing Congressional districts, make them parliamentary districts, which means we will be electing more or less 225 members of parliament, thus there will be no nationwide election anymore. Then the president of the state will be a ceremonial president. The head of government will be the prime minister who will form the council of ministers and the government of the day. And in the government of the day, the majority party or coalition assumes responsibility for governance. But we hope that the establishment of a parliamentary system will induce the development of our political party system by the inducements of being able to elect the prime minister and govern the nation in the parliament. And by the electoral reforms, we require the voters to vote for parties in addition to candidates for a parliament, for the state assembly. So with a parliamentary system, we intend to also develop political parties and bring in hopefully within due time the idea of party responsibility and party accountability to the people, which is an effective form of asserting the people's power. In fact, in our campaign for charter change, we really say *Lakas Sambayanan* is our aim. We want to institutionalize people power, instead of resorting to people power sporadically to change an unwanted leader. People power should be institutionalized through the electoral system, through the parliamentary system, through the party system, and through participation in decision-making at the regional level, because it's difficult to participate at the national level. By participating in regional assemblies, by bringing down political power and authority much closer to the people, the government will be accessible, and will be forced to be more transparent and accountable.



Scholars discuss charter change issues in international workshop

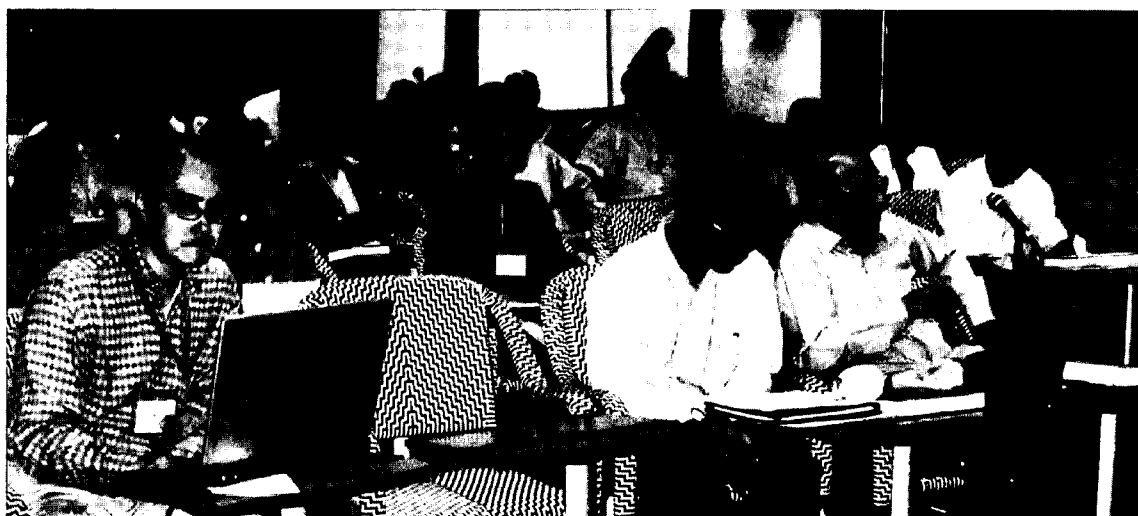


Local and foreign scholars converged to discuss charter change issues in an international workshop organized by the Philippine Social Science Council (PSSC), Asia Research Institute of the National University of Singapore (ARI-NUS) and Konrad Adenauer Stiftung-Manila (KAS) on 8-9 July 2005 at the Eugenio Lopez Center, Antipolo City. Themed "Political Reform and Charter Change in the Philippines: Perspectives from the Nation and the Region," the workshop sought to provide a general forum for the in-depth analysis of major issues bearing on constitutional reform efforts in the Philippines.

Fr. Joaquin Bernas, SJ (Ateneo de Manila University), Dr. Paul Hutchcroft (ARI-NUS), Dr. Joel Rocamora (Institute of Popular Democracy) and Dr. Donna Amoroso (National Graduate Institute for Policy Studies, Japan) began the discussion by providing a historical overview of constitution-making in the Philippines on the first day of the workshop. Fr. Jojo Magadia, SJ (Ateneo de Manila University) was then joined by political reform experts from other countries including Dr. Allen Hicken (University of Michigan), Dr. Suzaina Abdul Kadir (NUS) and Dr. Jungug Choi (Konkuk University, Korea) in the second panel to talk about the recent reform experiences of Thailand, Indonesia, South Korea, Colombia and Argentina, and the lessons that the Philippines can draw from them.

On the second day, Dr. Resil Mojares (University of San Carlos), Prof. Rudy Rodil (Mindanao State University-Iligan) and Dr. Macapado Muslim (Mindanao State University-General Santos City) shared the views of communities, groups and sectors outside Metro Manila on moves to amend the constitution. The last group of speakers, composed of Dr. Jose Abueva (University of the Philippines), Dr. Belinda Aquino (University of Hawaii), Prof. Ronald Holmes (De La Salle University) and Dr. Juergen Rueland (University of Freiburg, Germany), discussed contending perspectives on representational structures, electoral systems and federalism.

Workshop organizers expect to publish the papers presented at the workshop to contribute to the continuing debate on charter change.



Philippine Democratic Audit Forum Series kicks off



How democratic is the Philippines at present? The Philippine Social Science Council (PSSC) and Participatory Research Organization of Communities and Education towards Struggle for Self-reliance (PROCESS) in partnership with the Ateneo de Manila University's Institute of Philippine Culture, La Salle Institute of Governance, UP Law Center's Institute of Human Rights and UST Graduate Law Association sought to address this question by conducting a Philippine Democratic Audit Forum Series from September 2005 to February 2006. The objective of the forum series was to provide a rapid assessment of the state of Philippine democracy by bringing together recent study findings and existing indicators on different dimensions of democratic practice.

The first forum, convened by the UP College of Law's Institute of Human Rights on 22 September 2005, focused on the rule of law and access to justice. Sharing their views on how the country has fared in observing the rule of law and providing citizens access to justice and due process were Atty. Ibarra Gutierrez and Atty. Glenda Litong of the UP College of Law, Atty. Percida Acosta of the Public Attorney's Office, Atty. Luie Guia of Libertas and Ms. Carol Ruiz-Austria of WomenLEAD.

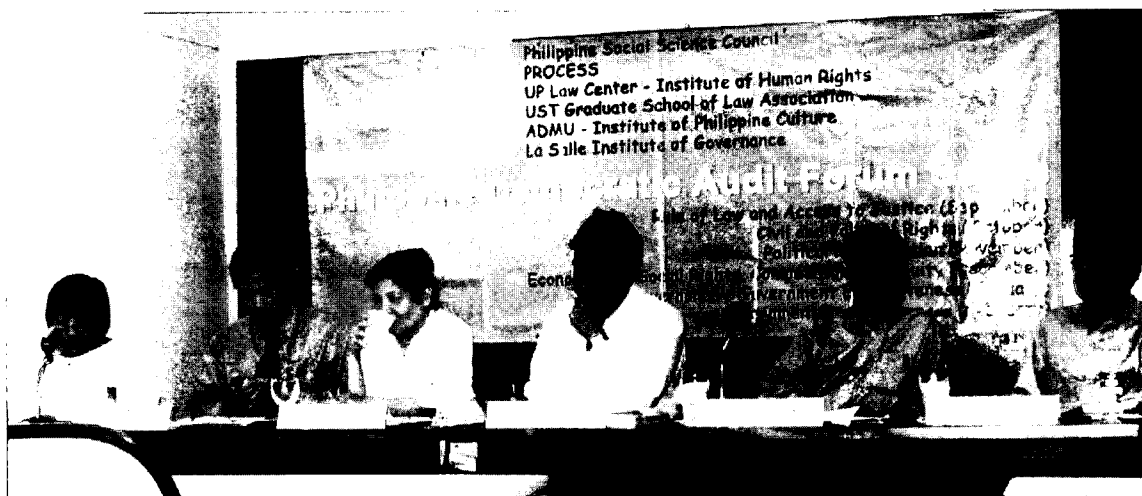
This was followed by a forum on civil and political rights on 29 October 2005 convened by the UST Graduate Law Association. Atty. Rogelio Fernandez, Atty. Jerome Aragon, Atty. Leonides David and Atty. Domingo Lucenario of the UST College of Law discussed the extent to which the state has promoted freedom of

thought, conscience and religion as well as right to life, liberty, security, privacy, movement, and family and property, as mandated in the Philippine Constitution.

Political participation was the theme of the third forum held on 16 November 2005 and convened by the Institute of Philippine Culture of the Ateneo de Manila University. Representative Nereus Acosta, Dr. Liza Lim of the Institute of Social Order, Mr. Guillermo Luz of the Makati Business Club, Mr. Manolo Quezon of the Philippine Daily Inquirer, Prof. Miriam Coronel-Ferrer of the University of the Philippines and Vice Mayor Gabriel Bordado of Naga City specifically examined the range of citizen participation in public life and political parties' role in advancing democracy.

The fourth forum held on 9 December 2005 centered on economic, social and cultural rights and was spearheaded by PROCESS. A candid assessment of the government's performance in providing health, shelter, education and work, and guaranteeing cultural rights was provided by Mr. Ponciano Bennagen of Sentrong Ganap na Pamayanan, Mr. Geoffrey Ducanes of the UP School of Economics, Dr. Celia Reyes of the Philippine Institute of Development Studies, Dir. Joselito Torres of the DOLE Institute of Labor Studies and Mr. Zacarias Abanes of the Housing and Urban Development Coordinating Council.

The last two fora, scheduled in January and February of 2006, will focus on government effectiveness and government responsiveness. These will be convened by the La Salle Institute of Governance (government effectiveness) and PSSC (government responsiveness).



IFP fellows undergo training on social research



From 24 November to 16 December 2006, PSSC conducted a training workshop on social research for 43 recipients of the 2005-2006 International Fellowships Program (IFP) fellowship.

The training workshop was part of the pre-academic training program designed by PSSC to prepare fellows for the rigors of graduate work. "The goal of the workshop was to help the IFP Philippines fellows review and refresh their understanding of the underlying philosophy and rationale of social scientific research and of the various stages, procedures, norms and quality standards followed in social research," said PSSC Executive Director Virginia Miralao. Dr. Miralao added that the workshop was meant to prompt the fellows to begin seriously thinking of the research topic they want to pursue in their graduate study program.

The workshop combined lecture-discussions and practical training. The first week featured eleven experts from different disciplines who lectured on theoretical developments and current research issues in their areas of specialization. These were Dr. Manuel Diaz (Philippine Sociological Society), Prof. Elizabeth Enriquez (UP), Dr. Emma Liwag (ADMU), Dr. Francis Gealogo (ADMU), Mr. Finardo Cabilao (DWSD), Dr. Filomeno Aguilar Jr. (ADMU), Dr. Doracie Nantes (UP), Prof. Meliton Juanico (UP), Prof. Benjamin Endriga (UPLB), Dr. Segundo Romero (DAP), and Dr. Cesar Mercado (Development Consultants for Asia, Africa and the Pacific). A week-long research break followed to enable fellows to work on their thesis/dissertation proposals, which they presented toward the end of the training workshop.

AFA fellow presents preliminary findings of study on Filipino youth

Dr. Sanghmitra Acharya, a grantee of the ASIA Fellows Awards (AFA), presented the preliminary findings of her research entitled "Youth in the Philippines: Some Issues and Concerns" in a special lecture held at the Philippine Social Science Council last 9 November 2005.

Dr. Acharya investigated the Filipino youth's level of knowledge about their health and sexuality, the nature of interaction between adults and youth with regard to health and sexuality, the constraints encountered by service providers, and the preparedness of the health care system for the needs of youth. She conducted her study in six barangays in Central Luzon.

Dr. Acharya is an associate professor at the Centre of Social Medicine and Community Health, School of Social Sciences, Jawaharlal Nehru University. She received the AFA fellowship in 2004, and was based at the UP Population Institute while doing her study in the Philippines.

PSSC amends By-laws

Member-organizations of the Philippine Social Science Council (PSSC) ratified the proposed amendments to the PSSC By-laws in a unanimous vote during PSSC's 2005 midyear meeting.

The amendments were ratified following a comprehensive review of the By-laws by an ad-hoc Committee composed of Prof. Ronald Holmes, Dr. Emma Porio, Dr. Dante Liban, Ms. Nancy Herrin, Dr. Isabel Martin and Mr. Finardo Cabilao, and the subsequent approval of the Governing Council on the recommended revisions of the Committee.

The amended By-laws aims to make the Council more inclusive by lifting its restriction on having a discipline be represented by only one member-organization. Social science societies or associations that are national in scope can now join the ranks of the fourteen regular member-associations of the PSSC, namely, the Linguistic Society of the Philippines, Philippine Association of Social Workers, Inc., Philippine Political Science Association, Philippine Statistical Association, Psychological Association of the Philippines, Philippine Economic Society, Philippines Communication Society, Philippine Geographical Society, Philippine National Historical Society, Philippine Population Association, Ugnayang Pang-Aghamtao, Philippine Historical Association, Philippine Society for Public Administration, and Philippine Sociological Society.

"The move is in recognition of the increasing pluralism within social science disciplines," said PSSC Executive Director Virginia Miralao.

With this new admission policy, representation to the PSSC Board of Trustees was likewise amended. Regular member-organizations belonging to the same social science discipline will be required to designate only one set of disciplinary representatives to the Board.



The newly amended By-laws also introduces significant changes to the leadership structure of PSSC. It seeks to re-emphasize the stewardship nature and policy-making function of the Governing Council by renaming it Board of Trustees. It also constitutes an Executive Committee to oversee Council operations. Prof. Holmes said these revisions are intended to make PSSC "a more responsive and better-managed organization."



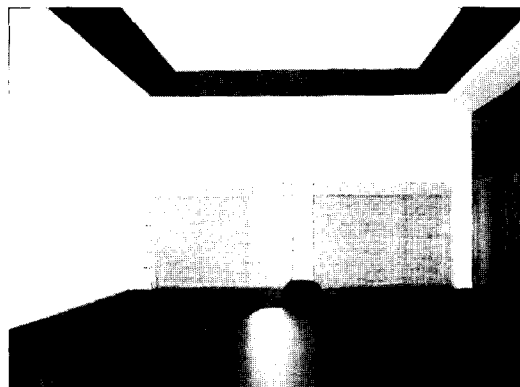
Philippine Social Science Center gets a new look

The Philippine Social Science Council completed major renovation works at the Philippine Social Science Center, giving its interiors a new and improved look. While the Center has been well-maintained over the years, it has changed very little in terms of design and appearance since its construction in 1983.

The goal of PSSC was to make the Center a much more enjoyable and dynamic place of work and scholarly interaction. Architect Ning Encarnacion-Tan and her team complemented the Center's austere exteriors characteristic of Japanese architecture with more colors evocative of the Asian palette in its interiors.

The renovation transformed the ground floor lobby, the Frank Lynch SJ Library, the Secretariat's offices and the Loretta Makasiar-Sicat Boardroom, as well as the front garden and inner courtyard. A new café cum diner constructed along the same theme also opened at the Center.

PSSC intends to next work on improving the Center's function rooms to make them an ideal venue for seminars, conferences and other scholarly gatherings.



DR. ALFREDO V. LAGMAY

Pioneering Psychologist, 1919-2005

TRIBUTE BY
DR. ALLEN L. TAN

Psychological Association of the Philippines

I first met Dr. Alfredo Lagmay when I enrolled in Psychology 130, Analysis of Human Behavior, sometime in the mid 1960s at the University of the Philippines. The course was basically a survey of psychology from the Skinnerian point of view and the text was B. F. Skinner's Science and Human Behavior. B.F. Skinner was the champion of behaviorism and arguably the most famous psychologist in the 1950s. Dr. Lagmay worked under him at Harvard University, earning his doctorate there in 1953.

In that course, Dr. Lagmay made a case for a staunch, tough minded view of psychology – a psychology that was solidly grounded in science. He may have been tough minded, but his demeanor was always calm, and his responses to questions were always thoughtful and sober. It was a fascinating course, and I felt very fortunate to have Dr. Lagmay as my professor.

Upon his return from Harvard, Dr. Lagmay dedicated himself to the establishment of psychology as an academic discipline and its recognition as a science in academic circles and by the general public as well. One of the first steps he took was to move the Department of Psychology of the University of the Philippines out of the College of Education and into the College of Arts and Sciences. Within the department, he introduced a course on Experimental Psychology which included laboratory hours.

The next major step in the establishment of Psychology as a discipline was the establishment of a professional organization. The story is often told of how 10 psychologists, spearheaded by Dr. Lagmay, Fr. Jaime Bulatao of Ateneo, and Dr. Estefania Aldaba-Lim of the Philippine Women's University, met one day at the Selecta restaurant on Claro M. Recto Avenue (Azcaraga in those days) and formed the Psychological



Association of the Philippines (PAP). Among the 10, it was Dr. Lagmay who took the lead in writing the bylaws for the organization. The bylaws established three categories of membership including strict standards for becoming a Fellow, the highest of the three levels. It was also Dr. Lagmay who came up with the official seal and logo of the Association. He had enlisted the help of his neighbor, the famous sculptor Napoleon Abueva in designing it.

To stimulate research and the accumulation of a body of knowledge, the PAP held annual conventions and published the Philippine Journal of Psychology. The conventions began in 1963 and they have continued till this day. The Philippine Journal of Psychology was first published in 1968 and is on its 38th volume today. Let us not forget that the very active psychology scene we see today would not have been possible without the solid foundation established by the founding fathers.

Today, psychology has largely succeeded in its goal of becoming an independent and major discipline, gaining much respect for its practitioners in the process. Before the efforts of Dr. Lagmay and his pioneering colleagues, psychologists were often seen as mere test administrators who gave tests and then handed over the test results to a psychiatrist who made the final diagnosis and decided on the necessary interventions. Today, the qualifications of psychologists are recognized and respected in many facets of society. In annulment cases, for example, a psychologist's testimony is given as much weight as that of a psychiatrist's. And many people go to clinical psychologists for therapy.

In 1988, Dr. Lagmay was conferred the title of National Scientist by President Corazon Aquino. It was a well deserved honor for Dr. Lagmay, but it was also an honor that the whole psychology community took pride in because it was a sign of recognition for our profession.

And so, Mrs. Lagmay, Candy, Cherry, Susan, Sumakwel, Sulaiman, Gracian, and Mahar, I want you to know that the psychology community grieves with you today. You have lost your yabu, while we have lost a father to our profession. Dr. Lagmay certainly served his profession well, and he blazed a trail for all of us to follow. We shall never forget him for that.

TRIBUTE BY
DR. MA. LOURDES ARELLANO-CARANDANG

Psychological Association of the Philippines

It is with deep sorrow and deep joy that I speak before you tonight to pay tribute to Dr. Alfredo V. Lagmay, National Scientist and beloved mentor. I am filled with deep sorrow and deep joy at the same time, and with Doc L, that is possible.

With Doc L, there were no dichotomies. That was the kind of person he was.
 He was a behaviorist and also a humanist;
 He was an experimental psychologist, and a philosopher;
 He was an academician and a clinician,
 He was an innocent child and a wise old man.
 He was very caring and yet somehow detached.
 He practiced detached compassion.

Doc L would listen to a young fumbling student in exactly the same way he listened to a Harvard or UP Professor – with utmost respect for the dignity of the human being.- no matter what the social status, the age, the reputation, the discipline or the religion. He transcended social barriers.

This, to me, is his greatest legacy. I will never forget the day I visited him and Letty. The first thing he did was introduce me to his household helper, Imelda. When it was time for me to leave, he took me to my car and introduced himself to my driver and shook hands with him. This natural basic respect for the human being is rare. It is almost not of this world.

Tonight, I also honor the gems of knowledge and wisdom of his teachings, the psychological insights that came out of his mouth without any warning, always uttered in an atmosphere of quiet zen-like serenity. It was very painful and almost unbearable to see him suffer during his last months



when he always seemed to want to say more.

But he was already suffering too much.

It was time to let go.

We now let go of his body, but his spirit, his teachings, and his way of BEING, will remain with us.

Doc L, we will miss you but you will stay with us and in us.

So long, sir, we send you off with the highest esteem and deepest gratitude and affection.

**These remarks were given during the necrological services for Dr. Alfredo V. Lagmay by the University of the Philippines Department of Psychology*

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