

## **The Batasang Pambansa: Continuity in the Philippine Legislative System**

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*The Batasang Pambansa, compared to the old Philippine Congress, is a relatively weaker legislative body. Despite the institution of reforms both in the structure and process of policy making, its legislative output has been dismally low. At best, the BP has functioned more as a forum to air grievances against the régime rather than as a legislature. To make the BP more responsive, basic changes should be implemented in the electoral system, including the recognition of political parties of differing ideological orientation to allow for substantive and effective participation, not just of the elite, but of all sectors of society.*

### **Introduction**

Political development may be viewed as an "increased capacity of a political system to accommodate essential demands upon it."<sup>1</sup> It may also be considered as the "institutionalization of political organizations and procedures."<sup>2</sup> In this context, institutions are defined as "stable, valued, recurring patterns of behavior," and institutionalization may thus be equated with "the process by which organizations and procedures acquire value and stability."<sup>3</sup>

Development may also be looked at as "the set of system changes corresponding and leading to the expansion of choice opportunities, alternative modes of actions available to a given population in any society."<sup>4</sup> Within this framework, "choice" is defined as the range of role options open in a system at any given time."<sup>5</sup> This perspective of development is part of a broader structural theory that focuses on alternative ways of understanding and resolving a central problem of contemporary politics, namely, the relationship between development and order. The theory "implies that both terms of the relationship can be made subject to planning and control." The problem of "order" is related to choice as it involves "controlling individual relationships while people are choosing and demanding broader

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choice . . .”<sup>6</sup> Development and order are thus interrelated in that “[d]isorder may make development more difficult to achieve by affecting, for example, the rate of development whenever resources available for development are diverted into maintaining order. In turn development may generate disorder . . .”<sup>7</sup>

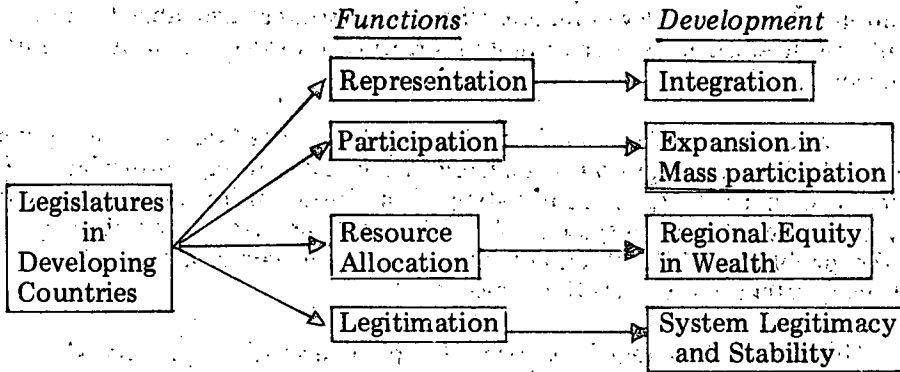
Development affects both society and the political system (government). Society and the political system are in fact closely interrelated. The latter is considered a special subsystem of the former in that it has “the capacity to change the social system of which it is a part. How a society responds to the problems of development and order is in part a matter of how the political system determines the response.”<sup>8</sup>

The political system is itself made up of several subsystems which are linked together in a pattern of interdependence by a number of processes operating within the system as a whole.<sup>9</sup> The legislative system is one subsystem which is generally considered as having a key role in the resolution of problems of development and order in society.<sup>10</sup> It includes the legislature or primarily lawmaking institution variously called the National Assembly, Congress, Parliament, etc. and related institutions such as the electoral system, political parties and the executive. The legislature is associated with the conversion process in a political system, i.e., the transformation of demands coming from individuals and various groups in society including elites, organized associations, political parties and the like, into outputs of authoritative public policies. Public policies invariably result in the allocation of valued things and the rearrangement of roles in a society, thereby expanding or limiting choices of action for individuals. Such policies are usually backed by the threat or use of coercion.

In addition to policy or lawmaking, studies of legislatures in developing countries have shown that these institutions perform a variety of other functions appropriate to a particular political system. These include representation; interest articulation; recruitment, socialization and training of individuals for other political roles; interest aggregation; conflict resolution and tension release in society; latent and manifest legitimation; patronage; administrative oversight or supervision of the bureaucracy; control over budgetary matters; and others.<sup>11</sup> The legislature’s performance of these functions tends to produce certain consequences for political development. This may be seen from Figure 1.

The representation function of legislatures contributes to national integration as individual legislators provide communication links and contacts between citizens from various regions and the central government. The periodic election of legislators enhances opportunities for citizen participation and mass action not only through electoral campaigns and voting but also through such activities between elections as lobbying for the enactment or repeal of laws and getting a legislator’s assistance to secure essential services for a constituency from the bureaucracy.

Figure 1. Legislative Functions and Political Development



Source: Chong Lim Kim *et al.*, "Legislatures and Social Change: A Cross-National Study of Kenya, Korea and Turkey," Occasional Paper No. 14 (Iowa City: The University of Iowa, December 1979), p.<sup>3</sup>.

Legislatures generally have the power to allocate national resources through the enactment of tax and tariff measures, appropriation laws and the annual budget. This function can be used to promote economic growth and regional equity in wealth. Moreover, individual legislators can contribute to further regional redistribution of national income through political patronage, their competition for "pork barrel" funds, and their promotion of constituency-based government projects.

Legislatures can enhance the legitimacy of a regime or government and contribute to the stability of the political system through several ways.<sup>12</sup> By simply performing its constitutional functions and "meeting regularly and uninterruptedly," it provides an aura of regime legitimacy. It further legitimizes the regime by approving its policies. In addition, legislatures provide a forum for debate and airing grievances against the regime, thereby acting as a "safety valve" for the release of political tensions and the peaceful resolution of conflict. To the extent that legislatures are genuinely effective and responsive to popular needs, they can enhance the stability of a regime although token legislatures in authoritarian regime have little impact on stability and may even exacerbate political disorder and violence.<sup>13</sup>

In the light of the foregoing abstract of some conceptual and empirical work on political development and legislatures in political systems, this paper focuses on the short-lived, recently abolished Batasang Pambansa. It seeks to answer the following questions: (1) How different was the Batasang Pambansa (BP) in terms of structure, powers and functions from the old Congress? (2) What was the nature of its membership and what were its consequences for the regime and the political system as a whole? (3) What were the achievements of the BP, if any, and their implications for political

development? (4) What lessons can be drawn from the BP's experience for the present government's preoccupation with constitution-making?

Data for this paper were gathered from records and documents in the BP, newspaper clippings, interviews with key BP administrative personnel and observations to the Batasan's regular sessions. Intensive two-hour interviews were also held with a randomly selected sample of BP members of *Mambabatas Pambansa* (MPs).<sup>14</sup>

### Historical Background

The BP is the most recent institution in the history of the Philippine legislative system which began with the unicameral Malolos Congress during the short-lived Philippine Republic of 1898-1899.<sup>15</sup> During the American regime, a colonial legislative system became institutionalized starting with an all-American appointed Philippine Commission established in 1901 which evolved into a bicameral, predominantly elective, Filipino-controlled legislature created by the Jones Act of 1916.<sup>16</sup> This setup lasted until November 1935 when the semi-independent Commonwealth Government was inaugurated. Under the 1935 Philippine Constitution, which had been drafted following the guidelines provided by the Tydings-McDuffie Act of 1934, the bicameral Philippine legislature was replaced by a unicameral National Assembly.<sup>17</sup> In 1941, the Constitution was amended to restore the bicameral legislature which came to be called the Congress. Except during the interlude of the Japanese-sponsored Philippine Republic from 1942 to 1945, the Congress functioned as the national legislature until September 1972 when Marcos placed the country under martial law.

When martial law was declared, the Constitutional Convention, which had been convened by an Act of Congress in 1971, was in the process of drafting a new Constitution. The final draft was adopted by the Convention on November 29, 1972. It was subsequently submitted for ratification to barangay citizen assemblies. Its ratification was proclaimed by President Marcos on January 17, 1973 amidst protest and controversy.<sup>18</sup> As a consequence of the proclamation of the new Constitution, Congress was abolished and replaced by an elected unicameral National Assembly. However, elections for the Assembly were not called as the Transitory Provisions (Art. XVII) of the 1973 Constitution created an interim National Assembly. This was to be composed of the President and Vice-President of the Philippines, the President of the 1971 Constitutional Convention, members of the Senate and the House of Representatives who expressed in writing their option to serve in the interim National Assembly, and the delegates to the 1971 Constitutional Convention who voted affirmatively for the transitory provisions.<sup>19</sup>

As it turned out, even the interim National Assembly was never convened. Instead, nine amendments to the 1973 Constitution were proposed and ratified in a referendum plebiscite held for the purpose on 16-17 October 1976. The amendments provided for, among others, an Interim

Batasang Pambansa (IBP) to replace the Interim National Assembly.<sup>20</sup> The IBP was to have not more than 120 members (later increased to not more than 200 members)<sup>21</sup> composed of the incumbent President of the Philippines, representatives elected from the different regions of the nation to be apportioned in accordance with the number of inhabitants and on the basis of a uniform and progressive ratio, representatives from the youth, industry and agriculture sectors elected by their respective councils and those chosen by the incumbent President from members of the Cabinet. The IBP was to have the same powers and its members were to have the same functions, rights, privileges, responsibilities and disqualifications as those of the Interim National Assembly.

Still, elections to the IBP were not held. Instead, Marcos created in 1976 a Batasang Bayan (BB) whose members were appointed by him.<sup>22</sup> The BB actually functioned until 1978 as a consultative or advisory council rather than as a legislature. It was a crude attempt to provide a semblance of legitimacy to the authoritarian regime. The IBP elections were finally held in 1978. Because of the Constitutional requirement for regional representation, the long suspension of elections from 1971 to 1978, the imprisonment or exile of several leaders of the opposition, and hence, the virtual emasculation of opposition political parties, the IBP became, in the words of former U.P. President S.P. Lopez: "a rubber-stamp, one-party legislative body serving as a transparent facade for dictatorial rule . . ." <sup>23</sup> Of the 160 elected regional representatives, only 15 belonged to three opposition parties.<sup>24</sup> The rest of the IBP members belonged to the Kilusang Bagong Lipunan (KBL) and hence were effectively controlled by or beholden to the President. These included 12 Cabinet members appointed by him and the 14 sectoral representatives.

Events from 1981 to 1984 led to further changes in the legislative system. In 1981, President Marcos formally lifted Martial Law allegedly to pave the way for the normalization of the political process. Presidential elections were held during the year and the incumbent was given a new mandate of six years in office. The President ceased to be the presiding officer of the IBP as the form of government once more moved towards a presidential system.

On August 21, 1983, opposition leader Benigno Aquino, was assassinated in Manila. This tragic event served to intensify mass protest against the regime and fueled popular clamor for an end to authoritarian rule. In the IBP itself, both the KBL and opposition MPs voted for a return to representation by district or province. The IBP's proposed Constitutional amendment to this effect was ratified in a referendum plebiscite held in January 1984 along with the proposed restoration of the position of Vice-President. Thus when elections were held for the regular Batasang Pambansa in May 1984, the opposition parties stood a better chance of capturing more seats in the legislature. Of 183 MPs elected, 110 (60 percent of the total) were from the ruling KBL, 60 (33 percent) were from the Coalesced Opposition composed of 10 parties and 13 (7 per cent) from the Nacionalista Party-Independence.

### Structure and Membership

The Batasang Pambansa was a unicameral legislature. The 1971 Constitutional Convention's preference for a return to a unicameral structure over the former bicameral Congress was partly brought about by the shift from a presidential type of government to a modified parliamentary form of government. A unicameral legislature was also thought to be more economical than a bicameral one.<sup>25</sup> Undoubtedly, the change in the legislative body was also influenced by the declining legislative performance of and consequent loss of popular support for the Congress in the 1960s. These were brought about by a number of reasons such as disagreements between the Senate and the House of Representatives on proposed legislation, absenteeism among members of Congress, political squabbles for dominant positions in each chamber, etc., all of which resulted in delayed legislative work.<sup>26</sup>

The Batasang Pambansa was made up of not more than 200 members elected from different provinces with their component cities, highly urbanized cities and districts of Metropolitan Manila, those elected from the various sectors (six from the youth and four each from agricultural labor and industrial labor) provided by law and those chosen by the President from the members of the Cabinet.<sup>27</sup> The members of the Batasang Pambansa had a term of six years.

The qualifications of individuals for election to the Batasang Pambansa were identical to those of the members of the defunct House of Representatives, i.e., a natural born citizen of the Philippines, at least 25 years of age on the day of the election, able to read and write, a registered voter in the constituency in which he shall be elected and a resident thereof for not less than six months immediately preceding the day of the election. In the case of the sectoral representatives, aside from the same citizenship, literacy and voting qualifications required of elected MPs, they had to be residents of the Philippines for at least one year immediately preceding the day of the election and must be bona fide members of the sectors — youth, agricultural labor and industrial labor — they sought to represent. The age qualification for the youth sectoral representative was at least 18 but not more than 25 years of age on the day of the election. Agricultural and industrial labor sectoral representatives needed to be at least 25 years old on the day of the election.<sup>28</sup>

MPs enjoyed practically the same privileges as the members of the defunct Congress. They received a fixed salary. They were privileged from arrest for offenses punishable by not more than six years' imprisonment during the attendance at the Batasan. They were given parliamentary immunity, i.e., they could not be questioned or held liable in any other place for any speech or debate made during the Batasan sessions and in the committees.<sup>29</sup> Similarly, MPs were subject to a number of prohibitions. They could not hold any other office or employment in government during their tenure except that of Prime Minister, Deputy PM, Cabinet Minister or Deputy Minister. They were prohibited from appearing as counsel in certain

specified cases and from having any financial interest in any contract, franchise or privilege granted by the government.<sup>30</sup>

Members of the Batasang Pambansa elected from among themselves a number of officers: the Speaker who was the presiding officer; the Speaker Pro-Tempore, and the Majority and Minority Floor leaders and their respective assistants. The MPs also elected, by majority vote, a Secretary-General and Sergeant-at-Arms who were usually nominated by the Speaker.<sup>31</sup>

As in the old Congress and the Interim Batasang Pambansa, the bulk of legislative work was done in the standing committees organized by the members. The BP Rules provided that these committees were to have at least seven members — a chairman, a vice-chairman and five members — chosen on the basis of proportional representation of the majority party, the coalesced opposition, other parties, independents and sectoral representatives. MPs were limited to memberships in not more than three committees and except for the chairman and vice-chairman of the Committee on Rules, MPs could be chairman or vice-chairman of only one standing committee. Whenever the need arose, the BP could also create special committees.<sup>32</sup>

There were 30 standing committees in the BP ranging in size from 13 members in the Committee on Science and Technology to 32 members in seven standing committees. These were the Committee on Agriculture; Appropriations and Reorganization; Education, Culture and Sports; Local Government; Natural Resources; Public Works and Highways and Trade and Industry. Three committees had 31 members, namely Finance, Tourism, and Transportation and Communications.<sup>33</sup> The size of the committees indicated the importance attached to their work by the Batasan and the interest of MPs. Assignment of MPs to these committees were recommended by the political parties in the BP in accordance with MP's individual preferences, seniority and professional/educational background.<sup>34</sup>

### Powers and Functions

The primary function of the BP was to enact the laws of the land. For this purpose, it held regular sessions commencing on the fourth Monday of July each year. Unlike the defunct Congress which had its regular session limited to not more than 100 days, the BP was designed to be a continuously working body, i.e., it "shall continue to be in session for such number of days as it may determine."<sup>35</sup> It could also be called to session at any time by the President to consider legislation which he may designate.

In the exercise of its lawmaking power, the BP was constrained by a number of constitutional limitations which were practically the same as those imposed on the defunct Congress. Some of these were contained in the Bill of Rights (Article IV especially Secs. 8-12) and expressly prohibited the BP from enacting laws that would in any way abridge such basic rights as

the freedom of religion, speech, press and assembly or impair the obligation of contracts. The BP was similarly forbidden to grant titles of nobility and may not enact any *ex post facto* law or bill of attainder. There were also expressed limitations on the Batasan's taxing power and the power to appropriate public funds.<sup>36</sup> Moreover, there were provisions in the Constitution concerning the format of proposed legislation, i.e., "every bill shall embrace only one subject which shall be expressed in the title thereof," and in the procedure which must be followed in enacting a law.<sup>37</sup>

An anomalous limitation on the BP's power to legislate was the controversial Amendment No. 6 in the Constitution which was ratified on October 1976. It gave the President potentially unlimited law-making power by providing that:

Whenever in the judgment of the President (Prime Minister), there exists a grave emergency or a threat or imminence thereof, or whenever the interim Batasang Pambansa or the regular National Assembly fails or is unable to act adequately on any matter for any reason that in his judgment requires immediate action, he may, in order to meet the exigency, issue the necessary decrees, orders, or letters of instructions, which shall form part of the law of the land.

The amendment was obviously intended to enable the President to have flexibility of action in times of crisis or emergency and sought to remedy any legislative impasse such as those that beset Congress in 1960s. The President himself justified Amendment No. 6 as necessary and would in fact be preferable to using the power to declare martial law in times of emergency.<sup>38</sup> Critics, however, pointed out, and with good reason, that the Amendment practically emasculated the Batasang Pambansa as the President freely enacted decrees even while the legislature was in session.<sup>39</sup>

Aside from the power to enact laws, the BP was given the sole power to declare the existence of a state of war by a vote of two-thirds of its members. No treaty shall be valid and effective without the concurrence of a majority of all the MPs. In times of war or national emergency, the BP may by law authorize the President, for a limited period, and subject to restrictions it may prescribe, to exercise powers necessary and proper to carry out declared national policy.<sup>40</sup>

The BP also had the power to allocate government resources and regulate the use of the national wealth through its power to enact tax and tariff laws and the annual appropriations act. It had the power to oversee the administration of government through its power to fix salaries and wages of government employees and its power to conduct inquiries in aid of legislation. Through the institution of the question hour on Tuesdays and Thursdays, it could require the Prime Minister (PM), the Deputy PM or any Minister to appear and answer questions and interpellations by MPs on matters falling under his jurisdiction. The BP may by majority vote withdraw its confidence in the Prime Minister and force his resignation and replacement by the President.<sup>41</sup> But when the motion of non-confidence involved funda-



mental issues, the PM could advise the President to dissolve the BP. In reality, there was no way by which the PM could have been removed by the BP because of the overwhelming majority enjoyed by the ruling KBL Party in the legislature.

Mention must be made of the power of the BP to ensure the accountability of public officials to the people. This was chiefly through the power to initiate, try and decide all cases of impeachment by two-thirds vote of its members. Officials removable by impeachment for treason, bribery, high crimes, graft and corruption included the President, Vice-President, Supreme Court Justices, members of the Constitutional Commissions and others provided by law. Again, because of the KBL majority, an impeachment case against then President Marcos did not prosper beyond the Committee stage.<sup>42</sup>

To summarize, the BP possessed several powers: legislation; overseer of the administration; declaration of war; ratification of treaties; and impeachment of officials. These powers had been similarly exercised by the defunct Congress. But compared with the latter, the BP was a much weaker legislative body. This was first of all, to the semi-parliamentary feature of the government where the Prime Minister was both member of the Executive and leader of the majority party in the BP and could, therefore, if necessary, use his influence with the President to cause the dissolution of the legislature over fundamental issues; and secondly, because of the unbridled legislative power granted to the President under Amendment 6. The BP also did not have the power to pass upon the appointments made by the President (except for that of the PM) which the former Congress exercised through the Commission on Appointments.

From the perspective of political development, the BP was structured in such a manner as to rationalize the legislative system in the Philippines and thus facilitate and even expedite policy making. It would appear that the framers of the 1973 Constitution sought to avoid the structural and procedural weaknesses inherent in the Congress as a legislature and in the executive-legislative relations under the presidential form of government. Because of the adoption of a modified parliamentary form of government under the 1973 Constitution, it was anticipated that there would be a greater coordination between the work of the Executive (President, Prime Minister and Cabinet) and the BP, i.e., between policy-making and implementation. But the subsequent grant of extensive lawmaking power to the President under Amendment No. 6 resulted in the virtual emasculation of the Batasan and its domination by the Chief Executive. The President's dominance was reinforced by his leadership and control of the majority party — the KBL, and by the obvious congruence of political interests among the President and the MPs. This may be traced to their common socio-economic background and the tradition of partisan electoral politics. These aspects of the legislative system must thus next be examined.

### Socio-economic Profile

There were 183 elected members of the BP in the May 1984 elections. Of these, two did not assume their seats.<sup>43</sup> In addition, three members of the Cabinet were appointed by the President to become members of the Batasan.<sup>44</sup> At the time of this survey, President Marcos had not yet appointed the sectoral representatives. For this reason, the latter were not included in the following profile of the MPs.

As in the defunct Congress, women MPs formed a minority in the Batasan. Of the 181 elected Batasan members, only 10 (5.5 percent) were women. Male MPs numbered 171 (94.5 percent). All three Cabinet Ministers appointed to the Batasan were also males. In terms of age distribution, three-fifths of the elected MPs (115 or 63.5 percent) were 50 years old or over. There were 18 MPs (9.9 percent) who were 70 years old or over and only 3 MPs (1.7 percent) were below 30 years of age. The ages of the elected MPs ranged from 26 years old to 79 years old. This can be seen from Table 1. Of the three appointed Cabinet MPs, two were in their forties and one was 54 years old. In short, older MPs formed the majority in the Batasan.

In terms of educational qualifications, only a handful of MPs (5 or 2.8 percent) did not have a college degree. Majority of those with college education (115 or 63.5 percent of the total MPs) finished the Bachelor of Laws. Four of these had graduate degrees in law — two master's and two doctor's degree. There were few MPs from the science-based (medicine, dentistry, etc.) and engineering professions (14 or 7.7 percent). There was no one with training in the natural sciences (biological and physical sciences). Table 2 gives details on the professional education and training of the Batasan members.

Careerwise, majority of the MPs (123 or 68 percent of total) had previously been elected to public office at the national or local government level or even both. More than half of these (63 or 34.8 percent of total MPs) had in fact served as members of the defunct Congress or had been Regional Representatives in the IBP. Seven MPs were delegates to the 1971 Constitutional Convention.

Of 37 Batasan members who had previously been elected to Congress, six had served in both the House of Representatives and the Senate; two served in the Senate only and the rest served in the lower chamber. Eighteen MPs who were former Congressmen had served for more than one term with one of them serving for as long as five terms.

It may be surmised that most MPs who had served in Congress had previously been elected to local government positions. This was in fact the career pattern revealed by the 31 MPs who acceded to extensive interviews. The rest of the MPs had held appointive positions in government (32 or 17.7 percent of total) or were self-employed as practicing lawyers and/or business-

Table 1. Sex and Age Distribution of Members of Batasang Pambansa, 1984-85

Sex	Age													
	Below 30 years old		30-39 years old		40-49 years old		50-59 years old		60-69 years old		70 & over yrs. old		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Male	2		18		43		52		41		15		171	94.5
Female	1		0		2		2		2		3		10	5.5
<b>TOTAL</b>	<b>3</b>	<b>1.7</b>	<b>18</b>	<b>9.9</b>	<b>45</b>	<b>24.9</b>	<b>54</b>	<b>29.8</b>	<b>43</b>	<b>23.8</b>	<b>18</b>	<b>9.9</b>	<b>181</b>	<b>100.0</b>

Source: Biodata of MPs in Batasang Pambansa.

Table 2. Professional Education and Training of Members of Batasang Pambansa, 1984-85

Highest Educational Attainment	Entire Batasan		Sample MPs	
	No.	Percent	No.	Percent
Secondary School or Less	5	2.8	0	
Bachelor's Degree (Arts, etc.)	43	23.8	1	3.2
Bachelor of Laws (Ll.B.)	111	61.3	24	77.4
Architecture, Engineering, etc.)	9	5.0	2	6.4
Doctor of Medicine	4	2.2	1	3.2
M.A./Ph.D.	9 <sup>a</sup>	5.0	3 <sup>b</sup>	9.6
TOTAL	181	100.0	31	100.0

Source: Biodata of MPs in Batasang Pambansa and interviews with sample MPs.

<sup>a</sup>Includes 2 with Master of Laws, 2 with Doctor of Laws, 4 Master of Arts and 1 Master of Science

<sup>b</sup>Includes 2 with Master of Laws and 1 with Master of Arts.

men (23 or 12.7 percent of total). Three MPs had worked as TV radio broadcasters or newspapermen. Table 3 shows the occupational background of MPs.

The data reveal that an education and career in the law profession seemed to have been an advantageous preparation for individuals wishing to run for public office, especially for the national legislature. The pattern of educational and career backgrounds of MPs is very similar to that found by past studies on the Congress and even earlier legislative bodies in the country.<sup>4 5</sup>

Biographical data on the 181 elected MPs reveal that as in the defunct Congress, a large number of legislature (67 or 37 percent of total) came from politically active families. They had fathers, mothers, brothers or sisters, husbands or wives and even, cousins, uncles or aunts and grandparents who had also been elected to the national legislature or other public office. Among the 31 MPs who granted extensive interviews, 27 (87.1 percent) belongs to this category with 21 of them claiming to have more than one member of the family in politics. The latter (21 MPs) also claimed to have at least one relative who had been elected to Congress. This can be seen in Table 4. One MP interviewed could even trace the politicians in his family to the later 19th century when the Spaniards first introduced limited local elections.

The foregoing profile of the educational, career and family political background of MPs indicate that most of them had middle or upper class background. This trend was confirmed among the 31 MPs interviewed extensively. When asked to rank their parents in terms of social class, 16 MPs (51.6 percent) said their parents belonged to the middle-middle class; eight (25.8 percent) claimed their parents were upper-middle class and seven (22.6 percent) admitted their parents belonged to the upper class. These claims were cross-checked against their information regarding their parents which were elicited by the questionnaire such as home ownership by parents; annual income levels; college/professional education of parents and occupation. All 31 respondents claimed their parents owned their homes; 21 had parents with college degrees with ten of them being lawyers. Fourteen had parents who were elected government officials; eight had parents appointed to government positions; four had parents who were independent professionals and the rest of the parents were businessmen/entrepreneurs or farmers. Those who claimed that their parents were farmers turned out to be from the landed class. This was found out when they were asked about the size of their parents' farm. One MP said his father's farm was 100 hectares; while two indicated 1,000 hectares.

In summary, the MPs were mostly recruited from the middle or upper classes of Philippine society. This is indicated by their educational/professional background and career patterns and those of their parents. These data showed the continuity of the legislative elite in the country. The large number of MPs who had served previously in Congress or in local elective

**Table 3. Occupational Background of Members of Batasang Pambansa**

Occupation/Work of MPs Before Election to	Entire Batasan		Sample MPs	
	No.	Percent	No.	Percent
Elected Public Official:	123	68.0	28	90.3
Local Position	53	29.3	15	48.3
Member of Congress	37	20.4	7	22.6
Member of Interim Batasang Pambansa	26	14.4	6	17.4
Delegate to Constitu- tional Convention	7	3.9	—	—
Government Employee	32	17.7	2	6.5
Newspaper/TV/Radio Work	3	1.7	—	—
Practicing Lawyer/ Businessman	23	12.7	1	3.2
<b>TOTAL</b>	<b>181</b>	<b>100.0</b>	<b>31</b>	<b>100.0</b>

Source: Biodata of MPs in Batasang Pambansa and interviews with sample MPs.

**Table 4. Family Political Background of Sample Members of the Batasang Pambansa**

Members of Family Elected to Office	Positions Held <sup>a</sup>			
	Congress		Local Government	
	No.	% of Sample (N = 31)	No.	% of Sample N = 31
Father or mother	6	19.4	11	35.5
Brother or sister	1	3.2	11	35.5
Grandparents	4	12.9	6	19.4
Uncle, aunt, cousin	9	29.0	12	38.7
Wife, husband, in-laws	—	—	1	3.2
Son or daughter	1	3.2	2	6.5
Total number of MPs in sample with elected family members	27			
Number as per cent of sample	87.1			

Source: Interviews with MPs.

<sup>a</sup>Question allowed multiple responses.

positions, and whose parents showed the same occupational or career background support this contention. It can be said that the MPs were quite removed from the concerns of the people they were supposed to represent, and whose interests they were expected to articulate, particularly the estimated 51.2 percent or 70.6 percent (depending on the measure used) of Filipino families who live below the poverty line.<sup>46</sup>

The predominance of lawyers among the MPs meant that many of them found it difficult to comprehend the causes of the economic problems that beset the country such as, for example, our large external debt. This handicap was in fact admitted by many of those interviewed. They had to rely on the information and explanation provided by the Cabinet members and technocrats in government or by those in academe or the business sector who offered their services to the MPs. This dependence can partly be explained by the fact that unlike the defunct Congress, the Batasan had no research arm comparable to the Congressional Economic Planning Office. This had serious implications for policymaking for development. It could explain the inability of the Batasan members to criticize the national development plans and economic policies proposed by the Executive and their failure to offer alternative policies and programs.

### Dynamics of Policy-Making and the BP's Record

As pointed out earlier in this paper, there were certain features of the BP which were designed to avoid the structural and procedural weaknesses which often resulted in a legislative impasse in the defunct Congress. For one thing the unicameral structure of the BP shortened the legislative process. Once a proposed bill had been approved by the Batasan, it did not have to pass through a second chamber before being sent for approval by the President.

The adoption of certain features of a parliamentary form of government, i.e., the membership of the Prime Minister and the majority of the Cabinet members in the Batasan, ensured closer coordination between the governmental tasks of policy-making and policy-implementation. Moreover, the adoption of the corollary feature of party responsibility for legislation on the program of government and the clear majority enjoyed by the KBL further facilitated policy-making. It shortened and even eliminated the time wasted over the struggles for dominant legislative positions such as those for Speaker, Speaker Pro Tempore, Majority and Minority Floor Leaders and Committee membership. These political contests often consumed a lot of time and effort in the defunct Congress thus leaving very little time for substantive policy-making.<sup>47</sup> In the BP, the selection of these officers became a mere formality as this was first decided upon in the party caucuses of both the KBL and opposition.

Another area of legislative reform in the BP was in the appropriation of public funds. There was an attempt to eliminate or minimize the wastage



in public funds and the past practice of unduly raising popular expectations about government resources through the Congress' unbridled practice of enacting special appropriation laws which could not be actually and realistically supported by public resources. Article VIII, Sec. 4 of the 1973 Constitution provided that:

A special appropriation bill shall specify the purpose for which it is intended, and shall be supported by funds actually available as verified to by the National Treasurer; or to be raised by a corresponding revenue proposal included therein. (Underscoring supplied.)

This practically eliminated the past practice of Congress of enacting large appropriation for publicworks projects that could not be supported by the National Treasury. As shown by a study on Congress, this practice had effectively given the President a lot of discretion in prioritizing the release of these funds which he used for personal political advantage.<sup>48</sup>

The Budget Reform Decree of 1977<sup>49</sup> further attempted to rationalize and coordinate policy-making and implementation by requiring all requests for budgetary outlays or appropriations to be coursed through the Ministry of the Budget prior to their submission to the BP. These requests were to be supported by information such as the "objectives, functions, activities, programs and projects showing the general character and relative importance of the work to be accomplished or services to be rendered and the principal elements of cost involved," and the "linkage of the work and financial proposals to approved development plan."<sup>50</sup>

The Budget Reform Decree also gave priority to the enactment of the annual appropriations measure by requiring the Batasan to consider the Budget within seven consecutive session days from its submission. It also limited time for debate on the national budget to 18 consecutive days from the start of the discussions and specified the time for approval to "within three (3) consecutive days thereafter."<sup>51</sup>

The above limitation was obviously designed to expedite the enactment of the national budget. It was also intended to avoid the problems experienced in the past when regular sessions of Congress ended without approving the annual appropriations act and the national government was forced to operate on the previous years' budget.<sup>52</sup>

It must be pointed out, however, that while the above rationalization of the budgetary process was advantageous for the administration of government, it was clearly at the expense of the effective exercise of the legislature's power to oversee or check the performance of the executive branch and monitor and control the allocation of public funds. Considering that most of the legislators were lawyers by training and occupation, they could not obviously scrutinize and expect to comprehend the voluminous and technical budget document in the short time required by the Budget Reform Decree, let alone propose well-considered amendments. Clearly, the

Decree was double-edged; it effectively enhanced the executive/administrative powers of the President at the expense of the BP. It was no wonder that the opposition MPs tried all means including a petition to the Supreme Court, to have the Budget Reform Decree and Amendment No. 6 (Presidential Decree-making power) repealed.<sup>53</sup>

A relative legislative reform was the elimination of the old "pork barrel" funds, i.e., annual public works appropriation in Congress. These funds had been used in the past for essentially partisan ends as these were distributed equally to the members of Congress and actual disbursements were left entirely to their discretion without requiring the linking of these local public works projects to a national development plan.<sup>54</sup> This became a major source of political patronage for legislators.

Under the budgetary and fiscal reforms introduced during the Marcos administration, these "pork barrel" funds were abolished and the annual public works appropriations became integrated in the regular budget based on a national public works infrastructure plan and program. However, there was an annual appropriation called Support for Local Development Projects (SLDP) Fund which was part of a larger allocation called the National Aid for Local Government Units. The SLDP Fund was to be freely used by MPs for projects as they saw fit for their constituents. Theoretically, MPs submitted their project preferences to the Ministry of Budget which then released the allocation papers to the Ministry of Local Government. The latter would then issue the checks to the city or municipal treasurer in the MP's constituency who took charge of actual disbursements of funds. These procedural guidelines were meant to prevent misappropriation of funds and to ensure a record and control of disbursements. In practice, however, the SLDP Funds became allegedly the source of misusing their allocations for purely political ends and personal advantage.<sup>55</sup> The controversy over the SLDP Funds was at its height just before the Batasan recessed to enable legislators to campaign in the snap Presidential elections.

On the whole, despite the above-mentioned reforms in the structure and process of policy-making, the Batasan's legislative output was disappointingly low. At the end of its first regular session on June 7, 1985, only one cabinet bill (the 1985 Appropriations Act) and 13 parliamentary bills were approved on third and final reading out of a total of four cabinet bills and 6,137 parliamentary bills that had gone through First Reading. Of the 547 Resolutions read on first reading, only 26 were finally adopted. Most of these resolutions were expressions of condolences, etc.

The bulk of parliamentary bills that had been introduced (a total of 5,230) were of local application. Only 907 bills were of national significance.<sup>56</sup> An analysis of the nationally important bills showed that only about 20 percent were related to social development, e.g., labor, education, health and others. About 15 percent of the bills were on economic development; 15 percent were on political development (e.g., elections

rallies). About 50 percent of the national bills were on various topics such as reorganization, salary standardization, etc.<sup>57</sup>

This record of achievement covered 125 session days from July 1984 to June 1985. Aside from the regular sessions held during the period, the Batasan standing committees conducted 653 meetings, public hearings and investigations in aid of legislation.

It can be seen from the above that if the legislative output of the old Congress was heavily local in orientation, it was even more so in the Batasan. The unicameral structure of the latter, composed of representatives from single member districts, predisposed the introduction of local measures. The Cabinet was expected to represent the national interest but as has been shown only a few Cabinet measures were submitted for consideration.

The poor legislative record of the Batasan may partly be traced to the unreformed party system. The ruling KBL did not have an ideology which could have served as the basis for more substantive legislative proposals. It remained basically a loose coalition of elite personalities, both local and national, linked together by personal loyalty to one man, President Marcos, rather than to a philosophy or program of government.

Similarly, the opposition parties, whose members had the same socio-economic background as the KBL, had no ideological moorings or coherent program of alternative government. They were deeply fragmented and were united only in the goal of ousting President Marcos and replacing the regime. Because of their small number, opposition MPs could not also perform effectively the role of fiscalizer. They often wasted the question hour for discussing trivial issues like the state of the health of the President.<sup>58</sup> In the meantime, the more substantive problems and issues of national policy such as poverty, inequality and injustice remained neglected.

### Summary and Conclusion

This paper has shown that the BP, like the national legislature established during the American colonial regime and, like the Congress, was representative and democratic only in form. In reality, it also became an institution for elite maintenance, particularly the perpetuation of the majority party, i.e., KBL control and the dominance of the Executive in the political system. The presence of sectoral representatives in the BP may be seen as an attempt to further democratize its membership. However, the manner in which these representatives were actually selected ensured that only those acceptable and sympathetic to the Marcos administration would be appointed. The masses of the Filipinos — the peasantry, fishermen, laborers, the non-Christian Filipinos other than the Muslims, etc., remained weakly represented if not totally unrepresented in the Batasan just as they were under the defunct Congress.

Using the framework for analyzing legislative functions and their impact on political development which was presented at the beginning of this paper, it is quite obvious that because of the BP's weak representation function, it could not bring about greater integration of various sectors of the society into the political system. Proof of this assertion was the continuing dissidence of the MNLF, the CPP-NPA, the Cordillera people, etc. and the potent parliament of the streets. In a sense, the Batasan also failed to promote genuine mass participation beyond particularistic patron-client relations.

The discussion of the budgetary powers of the Batasan similarly showed clearly its inability to perform the function of resource allocation as this was effectively controlled by the President. Thus the promotion of regional equity in the distribution of wealth became a function of the Executive rather than the legislature.

At its best the BP served as a forum to air grievances against the regime and, hence, became a political safety valve releasing some of the tensions in the political system. By simply performing its formal functions with regularity, the BP provided a semblance of legitimacy to the regime. But this legitimacy was slowly eroded by the frequent resort to the tyranny of numbers by the KBL MPs as shown, for example, in their haste to dismiss the motion of non-confidence against the PM; the impeachment case against the President; and the objections of the opposition MPs against the inclusion of alleged spurious election returns in the official canvass of votes in the February snap presidential elections. Thus as in the Congress of the 1960s and early 1970s, the BP gradually lost its credibility as a forum for conflict resolution. It was eventually replaced by the parliament of the streets which nurtured "people power" that finally toppled the regime on February 23-25, 1986. The end result was the BP's abolition, a fate that Congress also suffered in 1973.

What then are the lessons to be derived from the experience with the Batasang Pambansa? What reforms should be adopted to create a more representative, and hopefully, more responsive legislative system in the Philippines? First of all, there should be a basic change in the electoral system. It should be opened up to accredit all political parties of diverse ideological persuasions. Moreover, parliamentary seats should be apportioned in proportion to the total votes garnered by each party in the national elections.

The above proposal includes the need to legalize even radical parties such as the Communist Party of the Philippines. In the experience of Western European countries, the legalization of communist parties forced the traditional elite parties to broaden their perspectives and sponsor more socially relevant and equitably-based economic policies. This change was necessary for the traditional parties to survive in the electoral contests. It is evident that any legislative body that will be created to replace the BP should be able to accommodate the substantive and effective participation not just of the elite but the various social sectors and the masses. A continuation of the tra-

ditional legislative system will inevitably bring about political decay which may culminate in not just a repeat of the February 1986 EDSA uprising but a more extensive and decisive celebration of August 1896.

### Endnotes

<sup>1</sup>Allan Kornberg and Lloyd D. Musolf, "On Legislatures in Developmental Perspectives," in Kornberg and Musolf, eds., *Legislatures in Developmental Perspective* (Durham, North Carolina: Duke University Press, 1970), p. 7.

<sup>2</sup>Samuel P. Huntington, "Political Development and Political Decay," *World Politics*, Vol. XVII (April 1965), p. 393.

<sup>3</sup>*Ibid.*, p. 394.

<sup>4</sup>David E. Apter, *Choice and the Politics of Allocation: A Developmental Theory* (New Haven and London: Yale University Press, 1971), p. 10.

<sup>5</sup>*Ibid.*

<sup>6</sup>*Ibid.*

<sup>7</sup>*Ibid.*

<sup>8</sup>*Ibid.*, p. 12.

<sup>9</sup>See David Easton, *A Framework for Political Analysis* (Englewood Cliffs, N.J.: Prentice-Hall, 1965); and his *A Systems Analysis of Political Life* (New York: John Wiley, 1965).

<sup>10</sup>Apter, *op. cit.*, Chap. 6.

<sup>11</sup>Kornberg and Musolf, *op. cit.*, 8-18; Robert Packenham, "Legislatures and Political Development," in Kornberg and Musolf, eds., *op. cit.*, pp. 548-576; Fred W. Riggs, "Legislative Structures: Some Thoughts on Elected National Assemblies," in Allan Kornberg, ed., *Legislatures in Comparative Perspective* (New York: David Mackay Co., Inc., 1973), pp. 85-90.

<sup>12</sup>Packenham, *op. cit.*, pp. 527-530.

<sup>13</sup>See William Mishler and Anne Hildreth, "Legislatures and Political Stability: An Exploratory Analysis," *The Journal of Politics*, Vol. 46, No. 1 (February 1984), pp. 25-60.

<sup>14</sup>The targetted sample size for the first batch of interviewees was 45 MPs (25 percent of the total membership). Of these, only 31 MPs were able to grant the two-hour interviews due to their busy schedules which included attending to constituency demands, committee hearings, etc. The researcher was in the process of finalizing schedules with the second batch of MP interviewees when the project was overtaken by events beginning with the BP's long recess before the snap presidential election and ending with the closing of the BP after the February 23-25 EDSA revolution. The results of the interviews nevertheless provide much insight on the working of the BP and MPs' views on legislative-executive relations and policy issues.

<sup>15</sup>See Teodoro A. Agoncillo, "The Crisis of the Malolos Republic" in *Philippine Social Sciences and Humanities Review*, Vol. XXV, Nos. 1-4 (Quezon City: University of the Philippines Press, 1960), chap. VIII; Joseph Ralston Hayden, *The Philippines: A Study in National Development* (New York: The MacMillan Co., 1950), pp. 164-166.

<sup>16</sup>On the experience and record of the Philippine Legislature, see Hayden, *ibid.*, pp. 166-198.

<sup>17</sup>According to Hayden (*ibid.*, pp. 199-200), "Curiously, the establishment of a unicameral legislature, the most striking innovation to be written into the Constitution of 1935, was more nearly the result of a political accident than of the deliberate design of the Constitutional Convention . . . the single chamber Philippine legislature seems to have been made possible by disagreement of the bicameralists in the Constitutional Convention as to the kind of Senate which should be set up."

For the achievements of the National Assembly, see also *ibid.*, chap. IX.

<sup>18</sup>The legitimacy of the ratification process was challenged through several cases filed before the Supreme Court. These cases were still pending when the President proclaimed the ratification of the Constitution. See Jose M. Aruego and Gloria Aruego Torres, *The New Philippine Constitution Explained* (Manila: University Book Supply, 1975), pp. 360-375.

<sup>19</sup>See Aruego and Aruego, *op. cit.*, appendix C, pp. 471-474.

<sup>20</sup>Amendments (1) to (3), 1973 *Philippine Constitution*.

<sup>21</sup>The Election Code of 1978 (Presidential Decree No. 1296, February 7, 1978) provided for 165 regional representatives as qualified by COMELEC Resolution No. 1273, February 13, 1978. When the Constitution was further amended in 1981, Sec. 2, Art. VIII, provided that the Batasang Pambansa shall be composed of not more than 200 members, unless otherwise provided by law.

<sup>22</sup>Presidential Decree No. 995, September 10, 1976.

<sup>23</sup>Quoted in Angel A. Aguilar, "The Saga of the Interim Batasang Pambansa," *Diliman Review*, Vol. 31, No. 5 (September-October 1983), p. 67.

<sup>24</sup>Only Region VII was an opposition bailiwick with the Pusyong Bisaya capturing all 13 seats. The Mindanao Alliance had one seat from Region X and the Konsensiya ng Bayan had one seat from Region XII.

<sup>25</sup>Aruego and Aruego, *op. cit.*, p. 125.

<sup>26</sup>See Robert B. Stauffer, *The Philippine Congress: Causes of Structural Change* (Beverly Hills/London: Sage Publications, 1975), pp. 9-42; Manuel A. Caoili, "Legislatures and the Political Order: The Case of the Philippine Congress," paper delivered before the XIIIth World Congress of the International Political Science Association in Paris, France on July 15-20, 1985, pp. 10-22.

<sup>27</sup>Philippine Constitution, Art. VIII, Sec. 2; Batas Pambansa Blg. 881, Omnibus Election Code of the Philippines, December 3, 1985, Art. III, Secs. 23-28.

<sup>28</sup>Philippine Constitution, Art. VIII, Sec. 4; Batas Pambansa 881, Art. IX, Sec. 4.

<sup>29</sup>Philippine Constitution, Art. VIII, Sec. 9.

<sup>30</sup>*Ibid.*, Art. VIII, Secs. 10-11.

<sup>31</sup> Rules of the Batasang Pambansa, Rules IV-VII.

<sup>32</sup> *Ibid.*, Rule VII.

<sup>33</sup> Committee Affairs Bureau, Legislative Operations Department, Batasang Pambansa, *Batasan Committee Quarterly*, Vol. II, No. 1 (September 1984), pp. 101-109.

<sup>34</sup> Interviews with sample MPs.

<sup>35</sup> Philippine Constitution, Art. VIII, Sec. 6.

<sup>36</sup> *Ibid.*, Art. VIII, Secs. 17-18.

<sup>37</sup> *Ibid.*, Art. VIII, Secs. 19-20.

<sup>38</sup> "Marcos Defends Amendment No. 6," *Bulletin Today* August 7-9, (1984), pp.1, 5, 7; Pacifico Castro, "Amendment No. 6," *UP Newsletter*, Vol. VIII, No. 28 (13 August 1984), pp. 4-5.

<sup>39</sup> See, for example, Raul M. Gonzales, "Castro's Essay on Amendment No. 6 Draws Rebuttal," *Bulletin Today* (19 June 1984), pp. 5, 11; *Idem.*, "On the President's Decree-Making Powers and the Constitution of the Fifth French Republic," *WHO*, Vol. VI, No. 13 (June 17, 1984), pp. 24-25.

<sup>40</sup> Philippine Constitution, Art. VIII, Secs. 14-15.

<sup>41</sup> Philippine Constitution, Art. VIII, Secs. 12 and 13; Rules of the Batasang Pambansa, Rule 12.

<sup>42</sup> See Jose Ma. Nolasco, "Inside the Batasan: History Sees the Truth, But Waits," *Mr. & Ms.* (August 16-22, 1985), pp. 6-7, 10; Belinda Olivares-Cunanan, "The Batasan's Long Journey into History," *Mr. & Ms.* (August 23-29, 1985), pp. 32-35.

<sup>43</sup> They were Benjamin Romualdez who remained Governor of Leyte and was also designated Philippine Ambassador to Washington, D.C.; and Mayor Cesar Climaco of Zamboanga City. The latter was assassinated before he could take his oath of office.

<sup>44</sup> They were Minister of the Budget, Manuel Alba; Minister of Justice and Solicitor General, Estelito Mendoza; and Minister of Trade and Industry, Roberto Ongpin.

<sup>45</sup> See Stauffer, *op. cit.*; and Remigio E. Agpalo, "The Roles of Legislators in the Philippine Political System," *Philippine Political Science Journal*, No. 4 (December 1976), pp. 44-64.

<sup>46</sup> See *IBON Facts and Figures* (May 31, 1984), Table 3, p. 3.

<sup>47</sup> See Caoili, *op. cit.*, pp. 17-18.

<sup>48</sup> *Ibid.*, pp. 15-16.

<sup>49</sup> PD 1177 (July 31, 1977).

<sup>50</sup> *Ibid.*, Sec. 15.

<sup>51</sup> *Ibid.*, Sec. 7.

<sup>52</sup> On this problem, see Caoili, *op. cit.*, pp. 16-17.

<sup>53</sup>Jose Ma. Nolasco, "Inside the Batasan: FM Seeks Authority to Spend P92 Billion," *Mr. & Ms.* (August 2-8, 1985), pp. 30-31; Art Dialogo, "How Not to Surrender People's Money to One Man," *Mr. & Ms.* (September 6-12, 1985), pp. 23-24.

<sup>54</sup>See Gerardo M. Roxas, "The Pork Barrel System," *Philippine Journal of Public Administration*, Vol. VII, No. 4 (October 1963), pp. 254-257; Ledivina C. Vidallon, "Pork Barrel Financing," *PJPA*, Vol. X, No. 1 (January 1966), pp. 29-38.

<sup>55</sup>Belinda Olivares-Cunanan, "SLDP Funds: Boon to MPs," *Mr. & Ms.* (September 27-October 3, 1985), pp. 28-29; Jose Ma. Nolasco, "Inside the Batasan: For the Funds of It," *Mr. & Ms.* (October 11-17, 1985), pp. 32-33.

<sup>56</sup>"BP Accomplishments 1984-1985," *Batasang Pambansa Newsletter*, Vol. 7, No. 6 (June 12, 1985).

<sup>57</sup>*Ibid.*

<sup>58</sup>Father Joaquin Bernas, S.J., of course, correctly pointed out that there had been "The Emasculation of the Question Hour," (See *Mr. & Ms.*, April 12-18, 1985, pp. 5-6) arising from the fact that the Prime Minister was no longer the effective Chief Executive but the President.