

Parliamentary/Ministerial-Federal System of Government: Learning from Foreign Models

The Bangsamoro is envisioned to have a ministerial form of government. Part Two, Section 5 on Government Structure in the Annex on Power Sharing states that, “The Bangsamoro shall be composed of the Chief Minister, a Deputy Chief Minister, and such ministers necessary to perform the functions of government. The Chief Minister shall be elected by majority votes from among the members of the [Bangsamoro] assembly and shall exercise executive authority on its behalf. The Chief Minister shall appoint the Deputy Chief Minister from among the elected members of the assembly and the rest of the ministers, majority of whom shall also come from among members of the assembly.”¹

This structure of government mirrors that of a parliamentary form of government. The most visible feature of a parliamentary form of government is that most members of its executive, particularly the head of government, are selected from the legislative. This being the case, major government decisions are normally approved by the assembly. In England for instance, former Prime Minister Tony Blair was televised arguing his case before the Parliament on joining the war on Iraq. And unless fixed by law, the tenure of the Chief Minister and the rest of the cabinet are at the hands of the legislative assembly.

The Bangsamoro assembly will be composed of at least 50 members whose district, party-list, reserved seats, and sectoral constituencies shall be provided in the Bangsamoro Basic Law. The composition of the House of Representatives during the period that ‘transitioned’ from dictatorship to democracy (1987-1992) is a good comparison. President Cory Aquino appointed members of the basic sectors—women, labor, farmers, urban poor, youth and other marginalized sectors as members of Congress—before the party-list law, and eventually the party-list elections took place.

The Bangsamoro government will have a Council of Leaders composed of Provincial Governors, Mayors, non-Moro IP, women, settlers, and other sectoral representatives. In the organizational diagram in the

primer on Power Sharing, the Council of Leaders is at par with the Cabinet. Given this feature, it is assumed that its functions are related to the executive.

Cursory reading on parliamentary-federal states’ structures, the closest comparison to this structure of governance would be the Conference or Council of Rulers of Malaysia, or *Majlis Raja Raja*. This is composed of rulers of the nine Malay states. Its powers and functions include *election* [and removal] of the King and his deputy, participation in amending the Constitution, participation in *legislation* on the status of the country’s rulers, defining the special privileges of the indigenous Bumiputra, the status of the Malay language as the national language, the right to be consulted on *appointments* of critical federal posts including judges of superior courts, auditor-general, members of the Election and public service commissions, the right to agree or disagree with the *religious* acts of the Sultan and others.² In the context of the Bangsamoro government, the question then is “How much power will, or should, the Council of Leaders have?”

Perhaps the most unique feature of the proposed set up is that a regional ministerial form of government under a [national] Presidential system will be in place. Based on foreign models most, if not all states with federal systems under a presidential form of government, have “mini-presidential” forms of governments with an elected governor and a local legislature elected separately—this is the model which the 1991 Local Government Code attempted to emulate. Given the mixed institutional arrangement being proposed by the CAB (i.e. presidential system in the national, and ministerial system in the Bangsamoro), it is useful to imagine possible mechanisms using the current models in other more mature political systems.

The study session aims to educate relevant units in OPAPP on the systems of government to allow the organization, especially the experts on government systems, to intelligently engage in the discussion.

SOURCES:

¹Office of the Presidential Adviser on the Peace Process-Government of the Philippines Peace Negotiating Panel for Talks with the Moro Islamic Liberation Front (2013). *Primer on the Annex on the Annex on Power Sharing*. Metro Manila, Philippines.

²Faruqi, Shad (2007, February 15). *Role of Conference of Rulers*. Retrieved from http://www.malaysianbar.org.my/constitutional_law/role_of_conference_of_rulers.html?date=2007-07-01