

Rethinking Political Dynasties

by Atty. Michael Henry Ll. Yusingco¹

Rationale for the Rethinking Process

Why do we need to rethink political dynasties? Is it not common knowledge now that traditional political families are the most despised feature of Philippine politics? Was not this sentiment passionately manifested in the Anti-Epal campaign that bombarded social media in the months preceding the last elections?² In fact, was not the result of the May 2013 elections an unequivocal illustration of the Filipinos' revolt against family dynasties in public office?³

I remember appearing before the Commission on Elections (COMELEC) during the chairmanship of a political family patriarch (Benjamin Abalos). I was advocating for a client who was publicly indicted in campaign attacks as “guilty” of being in a political dynasty. Our contention was that since there was no provision under

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² Caroline J. Howard, ‘Anti-epal’ campaign empowering netizens, ANC, September 13, 2012 <http://www.abs-cbnnews.com/anc/09/12/12/anti-epal-campaign-empowering-netizens> accessed September 6, 2013.

³ See The PCIJ Blog for June 28, 2013, ‘Many dynasties ‘trimmed down’ after May 2013 elections’, <http://pcij.org/blog/2013/06/28/many-dynasties-trimmed-down-after-2013-elections> accessed September 6, 2013.

current election laws, which criminalized the existence of political dynasties, campaign materials pronouncing guilt as if there was such a proscription constitutes undue harassment on its target candidate. It was a novel argument but sadly the petition was eventually mooted for as the general public now knows, in the 2007 elections Senator Koko Pimentel had to face off with a more sinister election adversary.

I am relating this personal experience simply to demonstrate that there is something objectively disagreeable with politicians who are part of political dynasties running (and competing) for public office. Pertinently, the Philippine Center for Investigative Journalism (PCIJ) blog cited here reported that candidates belonging to 10 of the 20 well-entrenched political families lost their grip on power in the last elections. Sadly, this result seems terribly insignificant in the light of the overall political landscape of the nation as illustrated by the current composition of the Senate with siblings and scions making up this formerly august body. In fact, the reality after the election dust settled last May 2013 still shows that "at least 55 political families will have each controlled an elective post for 20 to 40 years straight."⁴ Political clans are still a prominent feature of modern Philippine politics. Political power is still concentrated on a select segment of the polity that is relatively unchanged. The family names may have changed, but the quality of those who wield the power has not.

The diagnosis above may be grim. Nonetheless, I believe that Philippine polity is at a crossroads with regard to political dynasties. We have been bitterly conscious of its evil for a very long time but it is only now that our anger is nearing cataclysmic point. Yet even with this disdain brewing in our hearts and minds, we are obviously at a loss on how to rid ourselves of this colossal problem. In 1986,

⁴ KAREN TIONGSON-MAYRINA, '55 political families have unbreakable hold on power, one clan for 43 years', GMA News Research, July 5, 2013, <http://www.gmanetwork.com/news/story/316096/news/specialreports/55-political-families-have-unbreakable-hold-on-power-one-clan-for-43-years>, accessed September 6, 2013.

the supposedly wisest and most patriotic among us actually had the chance to strike a swift and clean blow against political dynasties. The drafters of the 1987 Constitution were certainly fully aware of the trouble with political dynasties in the country. In particular, Mr. Jose C. Colayco during the debates on this subject stated, "One of the worst effects of political dynasties is that it breeds graft and corruption."⁵

Indeed, no Filipino today is ignorant of the connection of political dynasties to corruption. The latter has been defined by United Nations Development Programme (UNDP) as an "abuse of public power for private benefit through bribery, extortion, influence peddling, nepotism, fraud, or embezzlement."⁶ All of these criminal acts are hallmarks of a political dynasty in the Philippines.

According to the historian Francia, "the illness that vitiates the body politic above all is that of corruption."⁷ And correspondingly, the virus lingering and infecting our socio-political culture, as it were, is political dynasties. Indeed, the attachment to public office by political families has been rendered almost unbreakable by the promise of government largesse. Instead of being the vehicle for civil service, government has essentially become a cash cow for political dynasties; thereby making the Constitutional declaration that "public office is a public trust", a big fat joke on the Filipino people.⁸

But the ramification of government corruption is no joking matter. The World Bank (WB) has estimated that between the years 1977-1997, the Philippines lost about USD48 billion to corruption.⁹ Setting aside the complicity of the WB in this unbelievable amount,

⁵ Record of the Constitutional Commission of 1986, Volume Four, p940 (September 23, 1986).

⁶ Jon S. T. Quah (2006), 'Curbing Asian Corruption: An Impossible Dream?', Current History April 2006, p176.

⁷ Luis H. Francia, A History of the Philippines From Indios Bravos to Filipinos (The Overlook Press, New York, 2010), p317.

⁸ See Section 1 of Article XI.

⁹ Above n6.

this lost money essentially covers only the Marcos¹⁰ era corruption. When the Erap¹¹ and GMA¹² eras are factored in, the amount would certainly balloon to unimaginable proportions. Indeed, the scourge of political dynasties is not just about the restriction of political power by the privileged elite but also of the theft of the people's money by these select families.

Interestingly, the prime mover behind the inclusion of a provision in the 1987 Constitution on political dynasties, Jose N. Nolleto, provided a simple and practical summation of why the existence of political dynasties in the Philippine politics needs to be addressed, to wit:

MR. NOLLEDO. ...In the Philippines, I think it is known to everyone that a person runs for governor; he becomes a governor for one term; he is allowed two re-elections under our concept. Then he runs for re-election; he wins. The third time, he runs for re-election and he wins and he is now prohibited from running again until a lapse of another election period. What does he do? Because he is old already and decrepit, he asks his son to run for governor.

In the meantime, he holds public office while the campaign is going on. He has control; he has already institutionalized himself. His son will inherit the position of governor, in effect, and then this will go to the grandson, et cetera. The others who do not have the political advantage in the sense that they have no control of government facilities will be denied the right to run for public office. Younger ones, perhaps more intelligent ones, the poorer ones, can no longer climb the political ladder because of political dynasty.

¹⁰ Former President Ferdinand E. Marcos.

¹¹ Former President Joseph E. Estrada.

¹² Former President Gloria Macapagal Arroyo.

It seems to me that the public office becomes inherited. Our government becomes monarchical in character and no longer constitutional.¹³

Of course, we know now that this *passing of the baton system* is not limited to sons and grandsons but it also includes all children, both legitimate and illegitimate, all spouses, both the legal and the actual, and nephews, nieces, in-laws, and *inaanaks*. All are privy to this exclusive succession process. Unfortunately, even the earnest efforts of Atty. Nolleto were not enough to muster a decisive and surgical approach against this political ill. What we have instead is Section 26 of Article II of the Constitution that reads as such:

Section 26. The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.

Unfortunately, it is highly unlikely that Congress will enact a law that will expressly remove family dynasties from our political system because the reality is, for these privileged few, the inclination for the preservation of wealth and prestige is quite difficult to overcome. In fact, I have encountered only one proposed piece of legislation that endeavors to implement this Constitutional mandate, Senate Bill No. 2649 introduced by Senator Miriam Defensor-Santiago in January 2011.¹⁴ According to Section 3 (a) of this bill, a "Political Dynasty"

shall exist when a person who is the spouse of an incumbent elective official or relative within the second civil degree of consanguinity or affinity of an incumbent elective official holds or runs for an elective office simultaneously with the incumbent elective official within the same province or occupies the same office immediately after the term of office of the incumbent elective official. It shall also be

¹³ Record of the Constitutional Commission of 1986, Volume Four, p731 (September 17, 1986).

¹⁴ Last November 22, 2013, the House of Representatives committee on suffrage and electoral reforms unanimously approved the Anti-Political Dynasty Act of 2013. However, it is still a very long way for this bill to become a law.

deemed to exist where two (2) or more persons who are spouses or are related within the second civil degree of consanguinity or affinity run simultaneously for elective public office within the same province, even if neither is so related to an incumbent elective official.

Clearly, this definition of political dynasty is limited by territory. With this proposed law, two brothers can actually run simultaneously in an election in two different territorial political subdivisions and they will not be considered a political dynasty. The case of the cities of San Juan and Manila is an interesting demonstration of the insufficiency of this definition. Whilst the personalities involved are neither bound by blood nor by law, the local executives of these cities are generally accepted as the matriarch and patriarch of a political dynasty. And yet even though Metro Manila is not technically a province, they still will not be legally considered as such under the definition of the aforementioned bill.

However, the key feature of Senator Santiago's bill is the way it proposes to address political dynasties through direct prohibition. This measure is spelled out in Section 4, to wit:

Section 4. Persons Covered; Prohibited Candidates. - No spouse, or person related within the second degree of consanguinity or affinity whether legitimate or illegitimate, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same province in the same election. In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is a registered voter.

In case where none of the candidates is related to an incumbent elective official within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running

for any local elective office within the same province in the same election.

In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter: Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.

This provision is pretty standard. A candidate who is part of a political dynasty as defined in Section 3 is disqualified to run for office if a co-member in the dynasty is an incumbent. However, this approach, whilst simple and straightforward, may run in conflict with established democratic principles such as the right to run and be voted into office. Two prominent legal minds in the 1986 Constitutional Commission can elucidate this concern.

The late Blas F. Ople cautioned that any prohibition against running for public office might impinge on the right of suffrage, to wit:

MR. OPLE. What I feel is an inner demand for logic and rationality so that this provision can be actually attached to some principles of equity without doing violence to the freedom of choice of the voters because they are entitled to as broad freedom of choice as the environment can provide and if they want somebody to run for office even if he is closely related to someone in office, do we have the right to curtail the freedom of the voters?¹⁵

On the other hand, former COMELEC Chairman Christian S. Monsod argued that adding another hurdle for those aspiring for elected office contradicts the very idea of people power and can even be seen as unconstitutional

MR. MONSOD. ...I just want to say that here we are in this assembly, extolling people power and saying that the

¹⁵ Record of the Constitutional Commission of 1986, Volume Four, p762 (September 18, 1986).

people have a new consciousness and yet not trusting that they will make the right choice. We want to put a section on political dynasty on the assumption that there will be violations of the Electoral Code, that people in power will use their office to elect their children. We cannot assume that certain sections of this Constitution will be violated and then try to cover and compensate for them in another section.

We have in this Constitution qualifications of those who seek elective office. We are adding in this section a disqualification to those who may aspire after public office, and, in effect, amending the various provisions in this Constitution, which enumerate the qualifications and disqualifications of the law.¹⁶

Notably, these arguments were made years before Senator Santiago filed her bill. And yet surprisingly, the good senator in her proposed piece of legislation did not take these into account. Pertinently though, the Supreme Court has ruled in the case of Quinto vs. COMELEC, that the right to seek public office, “by itself, is not entitled to constitutional protection.”¹⁷ This doctrine is succinctly clear but it is very difficult to reconcile this with an earlier determination of the Court in the old case of Aurea vs. Comelec, to wit:

Freedom of the voters to exercise the elective franchise at a general election implies the right to freely choose from all qualified candidates for public office. The imposition of unwarranted restrictions and hindrances precluding qualified candidates from running is, therefore, violative of the constitutional guaranty of freedom in the exercise of elective franchise. It seriously interferes with the right of the electorate to choose freely from among those eligible to office whomever they may desire.¹⁸

¹⁶ Record of the Constitutional Commission of 1986, Volume Four, p939 (September 23, 1986).

¹⁷ ELEAZAR P. QUINTO and GERINO A. TOLENTINO, JR. vs. COMMISSION ON ELECTIONS, G.R. No. 189698, February 22, 2010.

¹⁸ FELIPE N. AUREA and MELECIO MALABANAN vs. COMMISSION ON

On one end, the Court is clearly for the constitutional protection of the right to run for public office because it is an integral component of the right of suffrage. Yet, the Court has implicitly ruled that the right to seek an elected office can be divorced from the broader concept of elective franchise. As a separate and individual right, it does not actually enjoy any constitutional guarantees. Whether these two sides contradict each other is up for debate. But these two rulings from the Supreme Court showed that addressing the problem of political dynasties might prove to be more intricate than simply direct prohibition.

Before going any further in the discussion, it must be disclosed that the additional requirement questioned in the Aurea case pertained to property ownership. Therefore, it is easy to understand the objection against such an imposition, that it is—

inconsistent with the nature and essence of the Republican system ordained in our Constitution and the principle of social justice underlying the same, for said political system is premised upon the tenet that sovereignty resides in the people and all government authority emanates from them, and this, in turn, implies necessarily that the right to vote and to be voted for shall not be dependent upon the wealth of the individual concerned, whereas social justice presupposes equal opportunity for all, rich and poor alike, and that, accordingly, no person shall, by reason of poverty, be denied the chance to be elected to public office.¹⁹

Nonetheless, following the arguments of the late Mr. Ople and Chairman Monsod, I maintain that a direct and blanket restriction on political dynasties as envisaged by Senator Santiago’s bill could be argued as an “unwarranted restriction” against the right to run for public office and by extension, an infringement on the right of

ELECTIONS, G.R. No. L-24828, September 7, 1965.

¹⁹ Ibid.

suffrage. The principle of equal opportunity in the abovementioned jurisprudence cannot sanction imposing an electoral handicap on the poor or the wealthy. Corollary thereto, neither can it justify an encumbrance on either candidates with political pedigree or those without.

Therefore, legislating against political dynasties has clearly proven to be very tricky. In the light of the ambivalence relating to democratic rights, remedial action on this problem can easily vacillate from absolute prohibition to rationalized inaction. Furthermore, merely enacting a direct prohibition law is not only impossible given the political realities of the country, but it may also fail to address the root problem of political dynasties.

However, it is absolutely a mistake to think that a direct prohibition is the sole remedy against this socio-political problem. The crusade against political dynasties certainly does not end with the demise of Senator Santiago's bill. As a matter of fact, it is precisely the inadequacy of Section 26 of Article II that justifies subjecting this political conundrum to the rethinking process from whence practical and viable solutions can be determined. Indeed, the principle enunciated in the Aurea case, that sovereignty resides in the Filipino people and all government authority emanates from them, is a clear hint that other remedial measures are available within the confines of the democratic process.

Historical Review of Political Dynasties

The first stage of the rethinking process springs from the Filipino adage, "*Ang hindi marunong lumingon sa pinanggalingan ay hindi makakarating sa paroroonan.*" It is truly unfortunate that traditional wisdom has often been dismissed as out-dated and irrelevant. But I believe that some have a place in scholarly discourse as a potent

analytical framework. A robust examination of the past can certainly result to a better understanding of present conditions. And a deeper perception of the situation-on-hand can certainly lay down the correct path towards the attainment of desired results. Accordingly, the rethinking process is commenced with a historical review of political dynasties.

Family dynasties have been a main feature in Philippine politics for a very long time. This socio-political phenomenon can be traced to pre-colonial society for the power structure of the communities of that period was built around blood relations. The leadership of a pre-Hispanic community rested on the *datu*. According to the historian Scott, a *datu* was expected "to govern his people, settle disputes, protect them from their enemies, and lead them into battle."²⁰ And "in return for these responsibilities and services, a *datu* received labor and tribute from his people."²¹

The position of *datu* could be inherited but unlike the monarchs of feudal Europe, a *datu* could make "no claims to a divine imprimatur or special access to the heavens, nor boasts about having a hotline to God."²² Indeed, community chiefs claim their leadership position on the basis of their reputation as brave warriors, and not on mere noble lineage.²³ More importantly, a *datu's* ability to retain his office as the ruler of the *barangay* depended highly on his performance as a leader.²⁴ Meaning, when warranted by the circumstances, he could be replaced by the community with a challenger who is more able to deliver the needs of the *barangay*.

²⁰ William Henry Scott, *Barangay Sixteenth-Century Philippine Culture and Society* (Ateneo De Manila University Press, 2004), p130.

²¹ *Ibid.*

²² Above n6 p33.

²³ Above n15 p267.

²⁴ Laura Lee Junker, *Raiding, Trading and Feasting: The Political Economy of Philippine Chiefdoms* (Ateneo de Manila Press, 2000), p139.

It is a peculiar feature of our pre-colonial history that powerful clans emerged in leadership roles during that era underpinned by a social contract. They enjoyed the advantage of such an elevated social status but also assumed the role of protectorate of the community. Additionally, it was incumbent upon them to exercise good leadership for to do otherwise may cause their removal from their privileged position. In a sense, the community retained the power to choose its ruler but recognized the office of the *datu* as necessary in order to preserve peace and maintain order within the *barangay*. A socio-anthropological leap, perhaps, but this pre-colonial leadership structure looks like a primitive manifestation of the republican principle of sovereignty residing in the people and all government authority emanating from them.

Unfortunately, this organic social democratic arrangement was completely destroyed during the Spanish colonial period. With the *encomienda* system in place, the colonial government utilized the tribal ruling class as their lackeys (i.e. tribute collectors). Those who embraced their new role became the first among the indigenous population to be Hispanized; they were rewarded for their loyal servitude with wealth and limited authority, thus “separating them from the rest of their countrymen and leading to a class structure more pronounced than pre-colonial days.”²⁵ The *datu* class thereafter became the *principales* and the *barangay* evolved into the generic appellation, *indios*.

This was a fundamental transformation because the *principales*, unlike their previous incarnation as *datu*, functioned not as a community leader but as “a servant of the town’s parish priest and constabulary commanding officer.”²⁶ The underpinning social contract was now gone and the obligation to protect the community

²⁵ Above n6 p68.

²⁶ Apolinario Mabini, *The Philippine Revolution*, translated into English from Spanish by Leon Ma. Guerrero (National Historical Institute, 1969), p28.

with it. More importantly, the power of the community to choose its own ruler was now lost and has found its way into the hands of a central authority. Indeed, from a mandate to be earned, authority to govern the community has now become a commodity that can be bargained for.²⁷ Consequently, the *principales* became a new type of privileged class in Filipino society. This was the point they became a clique that has learned to see itself as “different” from the rest of the *indio* population.

Not surprisingly, many from the Filipino ruling elite immediately and willingly collaborated with the Americans when the United States of America replaced Spain as the nation’s colonial master, as this was ostensibly the best way to “preserve and expand their local power.”²⁸ However, the eagerness of the *principales* to collaborate with the Americans was a critical event in our political history. As luck would have it, their almost child-like acceptance of the new colonizer’s ideas of modernity and statehood proved to be the seed out of which grew the political dynasties we see today. According to the noted scholar Cullinane, “the structure and operation of Filipino national politics had its origins in the municipal and provincial elections of 1901-1902 and in the proliferation of political networks and alliances that came into being as local elites competed for political power through the electoral process.”²⁹ Moreover, once democratically ensconced in office these new breed of *principales* “entrenched themselves further through intricate ties with other local elites.”³⁰ These words described the political system in the country at the onset of the American colonial period; ironically, they still ring true for the political system we are enduring today.

²⁷ Leon Ma. Guerrero, *The First Filipino* (Guerrero Publishing Inc., 2010) pp147-147.

²⁸ Patricio N. Abinales, *Orthodoxy and History in the Muslim-Mindanao Narrative* (Ateneo de Manila University Press, 2010), p5.

²⁹ Michael Cullinane, *Ilustrado Politics Filipino Elite Responses to American Rule, 1898-1908* (Ateneo De Manila University Press, 2003) p3.

³⁰ Above n23 p8.

It is a painful irony indeed that our nation's introduction to the democratic way of life was actually the point when public office became not just a commodity to barter with, but also to profit from.³¹

More importantly, this was the moment when the authority to govern the nation fell completely under the control of the privileged few. According to Abinales, "Local elites competed for control over local power via elections, and then extended their power beyond the province into the 'national' arena with the aid of American patrons and allies."³² Alliances and loyalties gained municipal elites access to national government largesse.³³ This was the political mechanism that paved the way for Quezon, Osmeña, and Roxas to take full control of the nation in Malacañang, the very same method used by others after them to ascend to power as well as for the 55+ political families to keep their hold on their supposedly elective offices for the past half-century. Indeed, the Americans brought with them democratic institutions that we enjoy and are proud of today. Sadly, they also brought with them the politics of patronage, the bedrock of modern day political dynasties. Abinales succinctly states, "Decentralized patronage politics in the Philippines, begun in the late Spanish period and routinized in the American ..."³⁴

According to Francia, colonialism is in the Filipino's DNA.³⁵ This is a bold statement indeed and bears significantly in our rethinking of political dynasties. A review of the country's colonial past has unravelled the loss of two extremely valuable indigenous political traditions. First, the fundamental belief that

³¹ James Manor, *The Political Economy of Democratic Decentralization* (The World Bank, 1999) p35 and pp-58-59.

³² Above n24 p8.

³³ Above n23 p151.

³⁴ Above n23 p12.

³⁵ Above n6 p10.

the rulers have the duty to exercise good leadership in order to keep their privileged position in the community. Second, the core principle that it is the community that holds the power to choose its ruler and no one else. These losses are critical because modern political dynasties actually sprung out from this void in our political culture. And if this socio-political abyss were now deeply embedded in our people's genetic make-up, then clearly enacting simple direct prohibition law against political dynasties would never be enough. Consequently, a deeper empirical analysis of this problem is obviously needed in order to arrive at any meaningful remedial action.

Empirical Analysis of Political Dynasties

We know now that putting a definition after political dynasty does not make formulating countermeasures any easier. Hence, the next stage of the rethinking process has to do more with identifying the pathology of this socio-political disease than giving it a better technical meaning. We have seen its evolution in the previous section, now we take a good look at its inner workings.

For this purpose, I have referred largely on the ground-breaking work of the Asian Institute of Management Policy Center, *An Empirical Analysis of Political Dynasties in the 15th Philippine Congress*.³⁶ This paper is very significant because political dynasties were "measured" by its authors and the results showed that political clans "comprise 70 per cent of jurisdiction-based legislators".³⁷ Meaning, a full majority of the members of the House of Representatives were found to be part of a political dynasty. Hence, Congress will never enact a direct prohibition law despite a clear Constitutional fiat.

³⁶ Ronald U. Mendoza, et. Al, 'An Empirical Analysis of Political Dynasties in the 15th Philippine Congress' (Asian Institute of Management Working Paper 12-001, 2012).

³⁷ Ibid p1.

However, unlike Senator Santiago, the academics at the Asian Institute of Management (AIM) did not exactly provide a technical definition for political dynasty. They did agree with the lawmaker that the key feature of this socio-political reality is kinship among political leaders. In fact, the AIM paper enumerated the extent of some of the more known political dynasties in the country today.³⁸

1. Former Congressman Ronald Singson and Congressman Ryan Luis Singson are the children of Governor Chavit Singson; Congressman Ryan Singson was the 2010 Vice Mayor of Vigan City then its district representative upon the removal of Ronald Singson from office; Vigan City Mayor Eva Medina is the niece of Governor Chavit Singson, who is the first cousin of Quezon City Congressman Vincent Crisologo; Congressman Eric Singson, Jr. and Candon Mayor Allen Singson are the sons of former Congressman Eric Singson, Sr.; and former Congressman Eric Singson, Sr. is the brother of Vice Mayor Alfonso Singson and the cousin of Governor Chavit Singson.
2. Congressman Imelda Dimaporo is the mother of Congressman Fatima Dimaporo and Governor Khalid Dimaporo; Congressman Imelda Dimaporo is the wife of former Congressman Abdullah Dimaporo, the son of the patriarch of the Dimaporo dynasty Mohammad Dimaporo; Congressman Imelda Dimaporo is the sister of Tubod Mayor Nenita Noval; Maminta Dimakuta is the cousin of former Congressman Abdullah Dimaporo; Pantao-Ragat Mayor Eleanor Dimaporo Lantud is the cousin of former Congressman Abdullah Dimaporo; Mayor Eleanor Dimaporo's nephew Ulwan Dimaporo is the Mayor of Sultan Naga Dimaporo; and Ulwan Dimaporo's father Motalib is the Vice Mayor of Sultan Naga Dimaporo.

³⁸ Ibid p31-32.

Interestingly, the AIM paper prefaced its discussion with a salute to democracy, "Political democracies are important because they facilitate and sustain broader and more inclusive processes of economic and human development."³⁹ Corollary thereto, it is worth repeating that a democratic political system does not necessarily preclude nor prevent the existence of political dynasties. In fact, the most renowned and glamorous political family of all, the Kennedys, thrives in the most liberal democratic nation in the world. Examples closer to home are Lee Hsien Loong, the current Prime Minister of Singapore and the eldest son of Singapore's first Prime Minister, Lee Kuan Yew; Yingluck Shinawatra, the first female Prime Minister of Thailand and the younger sister of the deposed former Prime Minister, Thaksin Shinawatra; and, Park Geun-hye, the first female President of South Korea and daughter of the military dictator, General Park Chung-hee. Correspondingly, the paper also proffered the caveat that "underdeveloped democratic institutions could be associated with weak political participation and thus produce, in some cases, political dynasties."⁴⁰

I must emphasize though that the realization that democracy and dynasty are not mutually exclusive ideas is not the highlight of the AIM study. Indeed, a key finding of the AIM paper pertains to the connection of poverty to political dynasties for the study shows the prevalence of "lower standards of living, lower human development, and higher levels of deprivation and inequality" in the communities governed by a political dynasty. There are obvious exceptions to this rule (i.e. the Binays in Makati). And ostensibly, the lack of a family dynasty does not necessarily lead to a poverty-free local government unit. Nevertheless, the AIM study has revealed a very disturbing paradox that truly makes political dynasties a gargantuan crisis to struggle with, to wit:

³⁹ Ibid p2.

⁴⁰ Ibid.

a) provinces with lower aggregate levels of health, education, and income tend to elect dynasties; and/or b) dynasties implement policies and programs that may not necessarily improve (or possibly lower) aggregate levels of income, health, and education.⁴¹

Following this finding of the AIM study, it appears that the poor Filipinos are the lifeblood of political dynasties in the Philippines. This realization certainly explains the simultaneous occurrences of 55+ families holding government authority for the past half-century and the ever-increasing poverty threshold in the country. For sure, this observation sheds light on why some public officials who are part of a family dynasty do not actually implement the necessary programs to improve the lives of their respective constituents, because to do so may mean eventual expulsion from power. This underhanded scheme appears less objectionable because family dynasties have done this within the context of the electoral process. Indeed, on face value, these political clans were democratically elected by their impoverished "*parokyanos*".

The depressing fact in this gloomy equation is that the people concerned have not given any incentive at all for their leaders to change their ways. The communities of the 10 political families reported in the PCIJ blog have come to their senses. But those under the spell of the 55+ have not. So does this unfortunate paradox mean the end of the road in the battle against political dynasties? The answer of course is, absolutely not. Indeed, the key phrase to ponder on is "underdeveloped democratic institutions" and its ramifications vis-a-vis political dynasties. Therefore, the more appropriate question to ask is, how precisely do these democratic failures, and by extension political dynasties, adversely impact the socio-economic outcomes

⁴¹Ibid p28.

in the country? There are three ways according to the AIM paper, to wit:

First, if the prevalence of political dynasties prevents the majority of the citizenry from effectively communicating their needs to the government, it could also prevent the government from appropriately and adequately responding to social and economic problems. The misrepresentation (or inadequate representation) of the excluded groups could skew poverty reduction policies and income redistribution mechanisms, worsen poverty and income inequality, and ultimately compromise the capacity of the government to provide the most necessary public goods. Second, democratic institutions can be further compromised if dynastic officials use the powers of the state for self-serving interests. Finally, dynasties could skew the selection of political leaders favouring those with influence and prevent the best and the brightest from serving in government; thus, in turn, result in sub-optimal policy design and ultimately weaker socio-economic development.⁴²

With this concise explanation, it is immediately obvious that Senator Santiago's line of attack is immensely inadequate to address the problem of political dynasties. First, the direct prohibition approach certainly does nothing to encourage Filipinos to effectively communicate their needs to those in government. Second, while it may prevent the election of unsavoury characters, it does nothing specific against those already in power from using the state for self-serving interests. And lastly, a direct prohibition law absolutely does nothing to reverse the reality of duly elected scions of political clans governing with "sub-optimal policy design".

As previously mentioned, the true scourge of political dynasties is not the instance of family members simultaneously holding

⁴² Ibid p16.

government positions. To harp on this point would probably be pointless. Moreover, lowering the nation's poverty threshold alone may not be enough to get rid of political dynasties because poverty in the country appears to be both the result and the reason why political families continue to have practically unabated access to public office. Indeed, the Philippines now enjoy unprecedented economic growth, but political families and the concomitant government corruption still persist. Following the observation of the AIM academics cited above, the root of this problem is definitely buried much deeper than it seems.

I submit that the pathology of political dynasties lies squarely within a defect in our political culture. Harkening to our lost indigenous political traditions, this systemic breakdown is two-fold. First, political leaders who are members or are connected to a family dynasty have no internal compulsion to exercise good leadership. They go about governance with neither vision nor mission. At the very least, they hold office with absolutely no clear and comprehensive development plan for their community. *Ad hoc* projects such as basketball courts and medical missions comprise the highlight of their term of office. Worst, they brazenly use the power of their office for their own benefit. Sadly, there is no need to cite examples here. I daresay that most of the 55+ families, if not all, mentioned in the PCIJ blog, would fall under both categories.

Secondly, the Filipino polity has forgotten how to wield the innate power they possess over those who must lead them, a situation that has ironically allowed political clans to run rampant with abusing elected office. Local communities have somehow been easily manipulated to leave its future in the hands of the political dynasty, with the latter using the electoral process to legitimize their hold on this power. For how else can authority be held by 55+ families for such a long period within the democratic context,

if not for the inaction and apathy of the community itself? To be clear, I am not putting the blame for the continued existence of political dynasties on the shoulders of the Filipino electorate. I am, however, prepared to assert that Filipinos have rendered themselves powerless in holding their leaders accountable, even if under the law they are not.

Therefore, I believe the greater challenge posed by political dynasties is the Filipino polity's inability to actualize the dictum, "Sovereignty resides in the people and all government authority emanates from them" enshrined in Section 1 of Article II of the Constitution. The focus of the discourse on political dynasties has been Section 26 and the absence of its implementing law. I maintain, however, that a more effective way to address the problem is to find ways to implement the fundamental tenets our pre-colonial forebears held for centuries. The primordial belief that the ultimate power to rule always belongs to the community and therefore rulers are continually beholden to them during their incumbency. The task now is how to channel this indigenous mindset into modern democratic institutions and to parley this organic principle into concrete political action.

Enforcing Section 1 of Article II

The rethinking of political dynasties has now led to a return to pre-colonial attitudes. Specifically, the call now is to recover that spirit of community solidarity or at the very least, the awareness of it. The goal is now to re-ignite that ancient *bayanihan* spirit and use its power to implant in the minds of public officials once more that the principal purpose of their office is to exercise good leadership. To instil in their heads the constant reminder that those who wield political power only hold it in trust for the people. Hence, they have to fulfil their obligations in order to keep this trust.

The challenge with this theory is that its Constitutional imprimatur, Section 1 of Article II, is a particular provision which public officials cannot be relied upon to enforce. The principle expressed in this section is the exact opposite of the political reality. This truth is best exemplified in this current brouhaha concerning the Priority Development Assistance Fund (PDAF).

The National Bureau of Investigation (NBI) has charged a slew of lawmakers and their accomplices for plunder for using their respective PDAF for their own benefit. Unfortunately for Senators Juan Ponce Enrile, Jinggoy Estrada, and Ramon Revilla, Jr., they have become the face of this beleaguered motley crew.⁴³

The filing of the plunder case was the culmination of an extensive investigation process. Comments made by the principals and by people in their behalf to the media during this period are most revealing. When asked if lawmakers have the duty of care, as custodians of a public fund, to ensure that the recipient (typically a non-governmental organizations or NGO) of their multi-million allocation is a rightful beneficiary, Senator Jinggoy Estrada replied, "It is not up to the senators to determine whether an NGO is bogus or not."⁴⁴ "*Alangan naman na kami pa ang magsasabi na, 'Uy, bogus 'yan.'* How will we know?"⁴⁵ The response of the wife of Senator Ramon Revilla, Jr., Cavite 2nd district Representative Lani Mercado-Revilla, to a similar line of questioning was crass and characteristic. Her words, "*Basta 'wag lang manghihingi sa amin ang mga tao!*" is now a classic in the world-wide web.⁴⁶

⁴³ See GMA News Online, 'Three senators to be charged with plunder', September 16, 2013 at <http://www.gmanetwork.com/news/story/326608/news/nation/three-senators-to-be-charged-with-plunder>.

⁴⁴ Ryan Chua, ABS-CBN News, 'Jinggoy: We're not obliged to check NGOs getting pork', August, 15, 2013. See <http://www.abs-cbnnews.com/focus/08/15/13/jinggoy-were-not-obliged-check-ngos-getting-pork>.

⁴⁵ Ibid.

⁴⁶ Camille Diola, philstar.com, 'Just don't ask from us!': Lani's defense of pork goes viral'

This cavalier attitude displayed by Senator Jinggoy Estrada and via spousal proxy, Senator Ramon Revilla, Jr., could be either a reaction to the onslaught of disgust from the general public or a public relations strategy in order to save as much credibility as they can for the next elections. The nonchalance they have shown, however, is a clear manifestation of the sense of entitlement public officials now have in their heads. Senator Jinggoy Estrada's quip suggests that public office, or at least the office of the Senator, cannot be bothered to determine the parameters of their discretion over public money. The people should simply accept that public officials, like him, are patricians who are beyond reproach. On the other hand, Congresswoman Lani Mercado-Revilla's famous retort to defend both her Senator husband and their use of the PDAF shows that for her, and maybe by extension for her spouse as well, constituents are to be perceived as peasants because all they want to do is pester public officials for dole-outs.

Interestingly, Senator Jinggoy Estrada delivered a fiery privilege speech last September 25, 2013 wherein he publicly and officially confirmed a fact that all Filipinos know already and that the PDAF scandal involves practically everyone in Congress.⁴⁷ Curiously, whilst he was trigger-happy in implicating his fellow lawmakers, he did not directly deny his participation in the unlawful scheme attached to the PDAF.⁴⁸

"Mr. President, I believe that we all here are victims of a flawed system which is so ingrained that it has been institutionalized. However, the recent events which unfolded before us have given us the chance

August 21, 2013. See <http://www.philstar.com/headlines/2013/08/21/1116081/just-dont-ask-us-lanis-defense-pork-goes-viral>.

⁴⁷ See <http://www.senjinggoyestrada.com/index.php/articles/view/609.html>.

⁴⁸ Ira Pedrasa, ABS-CBNnews.com, 'Jinggoy blasts 'selective justice' Jinggoy blasts 'selective justice', September 25, 2013. See at <http://www.abs-cbnnews.com/nation/09/25/13/jinggoy-blasts-persecution>.

to finally reform the system and do away with the “pork barrel” mentality.”⁴⁹

Senator Jinggoy Estrada and his lot could hardly be classified as the “victims” in this tragedy. And after benefiting for decades from this unjust system, it is utterly shameful of him to even describe this travesty in our political history as “the chance” Filipinos have been waiting for to undertake serious reforms. But he is correct to put on notice the prosecutors of this plunder charge that they should not be selective in their quest for justice.⁵⁰ Indeed, there are definitely more public officials that need to be held liable for this most grievous crime.

These claims coming out of the mouths of long established public officials echo the lament of Atty. Nollado that political dynasties have transformed elected office into a monarchy. Therefore, can Filipinos reasonably expect their elected officials to respect Section 1 of Article II? To carry on with their office guided by its principle? Seeing the leech-like attachment of members of Congress to their PDAF, the answer is—probably not.

In fact, the PDAF itself is a regrettable progeny of political dynasties because it skews the lawmakers’ appreciation of their office mandate. The power of Congress is outlined in Article VI of the Constitution and none of the 32 sections therein can be interpreted to sanction the PDAF. Notably, there is no law either that authorizes the existence of PDAF. Essentially, this payout scheme has been sustained solely by the collusion of the powers-that-be in the executive and legislative branches of government since 1990.

It is thus another painful irony for the Filipino that the PDAF could even be an unconstitutional disbursement of public funds, expressed in Section 25 (6) and Section 29 (1) of Article VI, to wit:

⁴⁹ Above n42.

⁵⁰ Ibid.

Section 25. (6) Discretionary funds appropriated for particular officials shall be disbursed only for public purposes to be supported by appropriate vouchers and subject to such guidelines as may be prescribed by law.

Section 29. (1) No money shall be paid out of the Treasury except in pursuance of an appropriation made by law.

It must be pointed out though that there are several petitions pending before the Supreme Court seeking, among other reliefs, to have the PDAF declared unconstitutional.⁵¹ Notably however, ever since this PDAF scandal broke out many months ago, no elected member of Congress has ever provided a convincing argument that the PDAF is directly, or even just remotely, related to their lawmaking duties.⁵²

With due respect to the principle of *sub judice*, it is worthy to note that as early as 1994, the relevance of this particular kind of fund afforded to members of Congress in relation to their legislative duties under the Constitution has been questioned in the case of Philconsa vs. Enriquez.⁵³ Unfortunately, the Supreme Court failed to provide a direct and clear disposition of this particular issue but merely provided a cautious and equivocal explanation.

The authority given to the members of Congress is only to propose and identify projects to be implemented by the President. Under Article XII of the GAA of 1994, the President must perforce examine whether the proposals submitted by the members of Congress fall within the specific items of expenditures for which the Fund was set up, and if qualified, he next determines whether they are in line with other projects planned for the locality.

⁵¹ See <http://sc.judiciary.gov.ph/microsite/pdaf/>.

⁵² See Christian V. Esguerra, Philippine Daily Inquirer, ‘2 lawmakers ask SC to free up PDAF’, September 17, 2013 at <http://newsinfo.inquirer.net/489699/2-lawmakers-ask-sc-to-free-up-pdaf>.

⁵³ PHILIPPINE CONSTITUTION ASSOCIATION vs. HON. SALVADOR ENRIQUEZ, as Secretary of Budget and Management, G.R. No. 113105, August 19, 1994.

Thereafter, if the proposed projects qualify for funding under the Funds, it is the President who shall implement them. In short, the proposals and identifications made by the members of Congress are merely recommendatory.....

The Countrywide Development Fund attempts to make equal the unequal. It is also a recognition that individual members of Congress, far more than the President and their congressional colleagues are likely to be knowledgeable about the needs of their respective constituents and the priority to be given each project.⁵⁴

Pertinently, the question of this special fund's bearing on lawmaking functions was again raised in the case of LAMP vs. DBM⁵⁵. And yet again, the Supreme Court failed to provide a clear-cut resolution of this particular issue. It certainly appears that the Court is deliberately trying to provide an acceptable rationalization for the existence of this "special fund" to favor members of Congress, to wit:

.....Although the possibility of this unscrupulous practice cannot be entirely discounted, surmises and conjectures are not sufficient bases for the Court to strike down the practice for being offensive to the Constitution. Moreover, the authority granted the Members of Congress to propose and select projects was already upheld in Philconsa. This remains as valid case law. The Court sees no need to review or reverse the standing pronouncements in the said case. So long as there is no showing of a direct participation of legislators in the actual spending of the budget, the constitutional boundaries between the Executive and the Legislative in the budgetary process remain intact.

⁵⁴ Ibid.

⁵⁵ LAWYERS AGAINST MONOPOLY AND POVERTY (LAMP) vs. THE SECRETARY OF BUDGET AND MANAGEMENT, et al., G.R. No. 164987, April 24, 2012.

While the Court is not unaware of the yoke caused by graft and corruption, the evils propagated by a piece of valid legislation cannot be used as a tool to overstep constitutional limits and arbitrarily annul acts of Congress...

Ostensibly, even the imminent threat of graft and corruption contemporaneous with this "special fund" would not move the Supreme Court to uphold clear Constitutional provisions to protect the public interest. Hopefully, the firm grasp of political dynasties would no longer stifle the proper disposition of the current cases pending now in its docket.⁵⁶

Therefore, I firmly believe that the task of giving relevance to Section 1 of Article II in the Philippine political system belongs to the Filipino polity itself. Actually, I submit that the responsibility must be borne by two specific institutions within the Philippine polity—media and civil society.

The news media has to be unrelenting in holding public officials accountable to the people. For the most part, the Philippine media has not been remiss at all with this undertaking. The best example for their diligence would be the PCIJ as well as the other sources of news feeds cited here. Needless to say, the difficulty in performing this mandate is enormous. The Philippines is ranked as the world's third most dangerous country for journalists behind Iraq and Somalia.

Of course, other forms of media such as art, literature, film and theater are likewise called for this crusade. At the start of the American colonial period, nationalist artists performed plays or seditious dramas to protest against US imperialism. Eight plays in particular reverberated loudly among the Filipinos and caused

⁵⁶ Last November 19, 2013, the Supreme Court issued a resolution declaring the PDAF unconstitutional. However, as this journal goes to print, this ruling has yet to be final and executory.

such an alarm and grief to the new colonizers that its authors were literally persecuted as *insurrectos*.⁵⁷ Brocka, Bernal, Portes, and company all made films along these lines in the 1970s-1980s against the dictatorship. It would certainly help the cause if the writers, artists, and filmmakers of today produce more “seditious” works that challenge the political establishment. Films, paintings, books, among others not only jar the audience with the harsh conditions of modern Filipino society, but also exposes the incompetence and wrongdoings of those holding political power.

At this juncture, social media is worth mentioning. The power of this medium to influence the minds of public officials has been starkly illustrated in the Occupy Movement, Arab Spring, and in our very own mass actions against the pork barrel fund. Even traditional media outlets and personalities have now utilized this medium as part and parcel of their work. Certainly, when employed by the right people and for the correct purpose, social media can readily unravel incompetence and corruption among the ranks of government officials.

In conjunction with sustained efforts from the media industry, the mobilization of civil society is also very crucial in putting Section 1 of Article II into action. In this regard, I would like to quote a passage from a book I recently read, *South Korea Since 1980*, to wit:

Despite the regionalism that dominated voting patterns, a change occurred in the 2000 elections concerning the role of civil society and its impact on election outcomes. During the campaign period, the Citizens’ Coalition for Economic Justice (CCEJ) published a voter’s guide that included a list of 167 politicians who should not be elected because of their involvement in corruption scandals,

⁵⁷ Ang Tanikalang Guinto and Isang Punlo ng Kaaway by Juan Abad; Kahapon, Ngayon at Bukas by Aurelio Tolentino; Hindi Aco Patay by Juan Matapang Cruz; Pulong Pinaglahuan by Mariano Martinez; Dahas ng Pilak by Maximino de los Reyes; Malaya by Tomas Remigio; and, Walang Sugat by Severino Reyes. See Above n24 p117.

opposition to reform policies, or appeals to regionalism for political gain. Moreover, 460 civil society groups organized Chongseon Yondai (The Citizens’ Alliance for the 2000 National Assembly Election) and released a list of politicians who should not be nominated. After candidates were nominated, the Chongseon Yondai finalized a list of eighty-six candidates who should not be elected and campaigned against twenty-two of them. The campaign against select politicians by Chongseon Yondai significantly affected the election results, and only seven of the twenty-two against whom Chongseon Yondai campaigned were elected.⁵⁸

I chose this specific section of the book because I am not entirely convinced that civil society in the Philippines are as organized and as fierce as their South Korean counterparts. I do not mean here the capacity to mobilize mass actions because Filipinos are particularly sublime in this area. I am more concerned about their capacity to implement an advocacy program that will run consistently for a sustained period. The political actions in the Philippines are mostly *ad hoc* campaign projects such as the Team *Patay* versus Team *Buhay* gimmick of the Catholic Church in the last elections and the Anti-Epal Movement.

I think Philippine civil society groups can also come out with a far-reaching program that discourages voters from electing candidates who are involved in corruption scandals or charged with criminal offenses. They certainly have the wherewithal to run a comprehensive and well-thought campaign to dissuade the electorate from putting into office candidates who have no long-term development plans for their constituencies; who have no definite stand on urgent issues such as climate change, population control, urban development, etc.; and who are obviously running for office simply to perpetuate

⁵⁸ Uk Heo & Terence Roehrig, *South Korea Since 1980* (Cambridge University Press, 2010) p58.

their family in power. Filipino civil society groups can certainly lift the standard of their political actions in scale and sophistication. They can certainly do better than just hanging streamers and banners with clever slogans.

Conclusion

The rethinking process ends with the recognition that the Filipino polity cannot wait for public officials, elected and appointed, to act on the problem of political dynasties. Section 26 of Article II will remain dormant as long as the composition of Congress remains as is. Unfortunately, even legislations that indirectly weaken the hold of political dynasties have so little chance of ever coming into fruition.

In fact, there are two bills pending now in Congress that can strike a huge blow against this political bane. The first one is the Freedom of Information Bill (FOI). Fortunately, this proposed piece of legislation has been certified by the President as urgent. Therefore, its passage in Congress has gained some traction. The other one is the Full Disclosure Bill filed by Congresswoman Gerona-Robredo, a first term Representative of the 3rd District of Camarines Sur. The fact that the said lawmaker is the widow of a political hero indeed bodes well for the enactment of this bill. Nevertheless, the reality is these bills are still pending before a Congress that is littered with political families. Quite literally, the fate of these proposed measures is in the hands of the very people it is seeks to eradicate. In fact, unless civil society groups and the media put their collective weight behind these bills, their odds of becoming law are patently not good.

Indeed, the most viable remedial measure against political dynasties available for the Filipino polity is reintegrating Section 1 of Article II in our political culture. Pursuant thereto, I deeply believe that for our generation, this PDAF scandal as well as its other current and future manifestations such as the DAP (disbursement

acceleration plan), is the line drawn in the sand against political dynasties. Accordingly, the polity must not let up in seeing the petitions pending in the Supreme Court and the plunder cases against Senators Enrile, Estrada, Revilla, and their cohorts through their proper conclusions.

And therefore, news outlets, of all forms and sizes, must always have space for these two legal actions in conjunction with a deeper and more sustained probe on the irregular and potentially unlawful use of public funds by the current regiment of government officials. Concomitantly, pundits and columnist of any persuasion must methodically breakdown this well-entrenched patronage scheme and unmask more public officials who continue to profit from it. Let the full extent of this syndicate be exposed and the principals placed on the docks for proper disposal.

Furthermore, artists of all genres must author plays, poems, novels, songs, comedy shticks, documentaries, and screenplays tackling this unfolding crisis in our political system not only to record it for posterity but also to fuel the passion of the Filipinos for the crusade against political dynasties. Correspondingly, civil society groups must likewise be relentless in monitoring developments in these two cases as well as related events in the broader political landscape. And with more innovative presentations vigorously keep the polity involved and invested in this critical juncture of our nation-building efforts. Most important of all, *Pinoy Netizens* all over the globe should Twit, FB, and blog as often as they can about this crucial episode in our country's history.⁵⁹ No insight is mundane; no comment is irrelevant. Those holding political power must feel the wrath of the Filipinos.

⁵⁹ See Arianne Munar, ABS-CBNnews.com, 'Netizens weigh in on plunder case vs lawmakers', September 17, 2013 at <http://www.abs-cbnnews.com/nation/09/17/13/netizens-weigh-plunder-case-vs-lawmakers>.

Essentially, the plan is to bombard all branches and agencies of government from every angle and via all available legitimate means until both the legislature and executive relent and first, scrap the PDAF, DAP or whatever form it may take without any conditions or concessions attached; then, recognize that this was an unlawful pay-out scheme; and finally, hold those who profited from it accountable down to the last centavo. In other words, let the syndicate (a.k.a. political dynasties) unravel in the face of this intense community pressure. For truly, this particular battle is the Filipinos' Rubicon to cross where hopefully at the other side, we shall regain the power over those who rule us. And from whence, genuine political reform in the polity shall be undertaken under the dictate of this truism—"People should not be afraid of their governments. Governments should be afraid of their people."⁶⁰

⁶⁰ This is a quotation from the movie *V for Vendetta*.