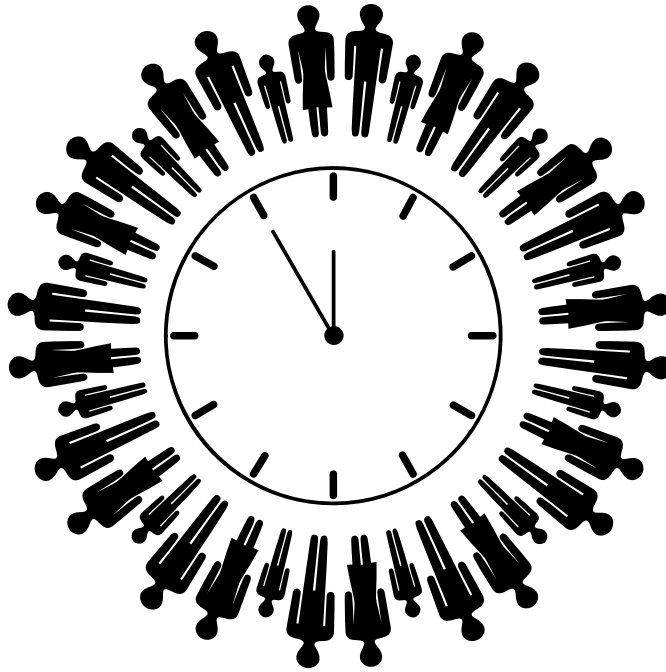




# NO TIME RUNS AGAINST FAMILIES?

GAINS AND LOSSES IN REGULATING POLITICAL  
DYNASTIES IN THE PHILIPPINES

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**"Time flies over us, but leaves its shadow behind."**

**- NATHANIEL HAWTHORNE**



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## **NO TIME RUNS AGAINST FAMILIES? GAINS AND LOSSES IN REGULATING POLITICAL DYNASTIES IN THE PHILIPPINES**

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**Families dominate Philippine Politics.** They occupy governmental posts and have a direct hand in legislation. The pioneering volume of Alfred McCoy's book published in 1994 entitled *Anarchy of Families* reveals another side of the story:

From provincial warlords to modern managers, prominent Philippine leaders have fused family, politics, and business to subvert public institutions and amass private wealth—an historic pattern that continues to the present day. Elite Filipino families have acted as formidable coalitions – controlling capital, dominating national politics, and deploying paramilitary force<sup>1</sup>.

This paper reflects on the following questions – what hinders legislation to set in motion the constitutional provision against political dynasties? And if any, what impact does this impasse have on electoral reform in the country?

To answer these questions, Article II Section 26 of the 1987 Constitution is revisited to highlight the importance of ensuring equal access to public service. Thereafter, a review of previous bills which have attempted to define political dynasties is provided. Gains and losses of pushing for equitable access to public service are analyzed bearing in mind recent landmark provisions in the Sangguniang Kabataan Reform Law and the

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<sup>1</sup>Alfred. W. McCoy (1994). *An Anarchy of families: State and family in the Philippines*. Quezon City, Manila, Philippines: Ateneo de Manila University Press.

institutionalization of the Bangsamoro Local Government Code.

The commentary provides recommendations as to how existing frameworks regulating political dynasties can be harnessed beyond the 2022 national elections – an election that has witnessed the return of the Marcoses at the center of political power and the further domination of political dynasties in national electoral positions.

While the title seems to suggest that no time runs against families – or *nullum tempus occurit famili*<sup>2</sup> - the paper concludes otherwise - that it may only be a matter of time for electoral reform to be actualized in the Philippines.

### ***The Importance of Equal Access to Public Service***

The framers of the 1987 Constitution have delegated to Congress an important task of defining the term political dynasty. A careful reading of Section 26, Article II of the 1987 Constitution provides that Congress is expected to discharge an important constitutional duty:

“The State shall guarantee equal access to opportunities for public service and at the same time, prohibit political dynasties as may be defined by law”.

Without explicitly defining the term political dynasty, the constitutional duty of Congress to define it through an act of legislation therefore must pass not only standards of procedural law but also substantive one. Fernandez (1995) identified three standards upon which any anti-dynasty legislation must be tested – one, that it must guarantee equal access to opportunities for public service; two, it must

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<sup>2</sup> The doctrine “*nullum tempus occurit regi*” is usually used in the statute of limitations to mean that suits brought for damages against the government are barred by the statute of limitations. Literally, it means “no time runs against the king” but in this commentary, regi [king] is replaced with famili [family] to creatively emphasize the dominance of political dynasties in the Philippines.

promote social justice; and three, to preserve the public trust character of a public office by avoiding a potential conflict of interest<sup>3</sup>.

The provision against political dynasties and its history of deliberation can be gleaned from the records of the Constitutional Commission during the period for amendments of the *Draft Constitution*<sup>4</sup>.

The philosophy behind the provision is provided by Commissioner Foz when he said that “The idea of the prohibition against the rise of political dynasties is essentially to prevent one family from controlling political power as against democratic idea that political power should be dispersed as much as possible among our people. And the evils brought about by political dynasties are so well-known to us, because they happened in the recent political past”<sup>5</sup>. Further, Commissioner Noledo also explained that the prohibition is designed to avoid circumnavigation limiting the re-election of public officers<sup>6</sup>.

With the constitutional intention now clear, an analysis of its statutory construction is imperative. Fernandez (1995) provided three technical observations of the provision. One is that it is not self-executory; two, that no exact definition is provided as to the term “dynasty”; and three, that the language used is mandatory.

Since the prohibition is under the Declaration of Principles and State Policies, it would need an enabling legislation for it to take effect as opposed to self-executory

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<sup>3</sup>Jayson L. Fernandez, (1995). Family Relationship as the basis for Disqualification to hold Public Office: A Framework for Law Prohibiting Political Dynasties. *Ateneo Law Journal*. Vol 40. No. 1 Pp. 96. Accessed 25 September 2021  
<https://drive.google.com/file/d/1DJAxGIAkbs-slTJHLg8eKOvxt93iQYgj/view>

<sup>4</sup>Record of the constitutional commission: Proceedings and debates (Vols. 2 & 4). Quezon City, Metro Manila: The Commission. At. 940.

<sup>5</sup>Ibid., pp. 392-93.

<sup>6</sup>Ibid., p. 935.

ones such as the Bill of Rights which are well-defined. Additionally, while the records of the deliberation refer to family relationships as basis for disqualification, a clear and exact reference to the degree of relationship and the scope of political unit contemplated in an election (i.e. whether local or national elected positions) is lacking. Finally, the use of the term “shall prohibit” as Fernandez (1995) observed means an “unequivocal mandate” for Congress to fix the definition. This constitutional duty is premised on the idea that the Constitution is a social contract reflecting the will of the Filipino people.

In sum, the provisions on political dynasties, albeit having a complicated statutory context, must be seen as an important piece of constitutional provision ought to correct the systemic concentration of power and political inequality. The enforcement of the said provision is a different ball game however, as it is within the ambit of Congress.

### ***Why Legislative Proposals to Define Dynasties Are Forestalled***

Five years ago, House Bill No. 911 filed in the Congress reported that the Philippines is now conceivably the world’s capital of dynasties with seventy three (73) out of ninety (90) provinces at least having two political families dominating electoral seats<sup>7</sup>. The statistics are not a surprise as political dynasties have been entrenched in the government system as early as the American colonial regime in 1946<sup>8</sup>. To what extent has Congress, majority of which come from political families, fulfilled its constitutional mandate of defining and prohibiting political dynasties?

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<sup>7</sup> Roque, H. (2016). House Bill 911, An Act Defining and Prohibiting the Establishment of Political Dynasties. Congress of the Philippines. Accessed September 28, 2021

[https://www.congress.gov.ph/legisdocs/basic\\_17/HB00911.pdf](https://www.congress.gov.ph/legisdocs/basic_17/HB00911.pdf)

<sup>8</sup> Purdey, J., Tadem, T. S. E., & Tadem, E. C. (2016). Political dynasties in the Philippines. *South East Asia Research*, 24(3), 328–340.

<https://doi.org/10.1177/0967828X16659730>

A quick look at the house and senate bills passed from the 13<sup>th</sup> to the 18<sup>th</sup> Congress of the Philippines, archived from their corresponding online repositories reveal that there are at least 45 bills that define and prohibit political dynasties in the last 17 years. However, not one of those bills has passed the third reading. Since 2004, both Congress and Senate have independently passed bills on the said matter but in most instances have been in pending status in appropriate committees where they were assigned to.

**Table 1. House and Senate Bills Passed with Anti-Political Dynasty Provisions from July 2004 to Present (13<sup>th</sup> to 18<sup>th</sup> Congress of the Philippines)<sup>9</sup>**

<b>13<sup>th</sup> Congress</b> (July 2004-2007)	HB03335- Anti-Political Dynasty Act of 2004 (Ocampo, Satur)	Read: 2004-11-30 Status: Substituted by HB05925
	HB04407 – Anti-Political Dynasty Act of 2005 (Defensor, Arthur)	Read: 2005-06-08 Status: Substituted by HB05925
	HB05925 - Anti-Political Dynasty Act of 2006 (Ocampo, Satur)	Read: 2006-11-15 Status: Business of the Day 2006 11 27
	SBN12 – Prohibiting the Establishment of Political Dynasties (Flavier, Juan)	Filed: 2004-06-30 Status: Pending
	SBN412 - Prohibiting the Establishment of Political Dynasties (Osmeña III, Sergio)	Filed: 2004-06-30 Status: Pending
	SBN1317 -Anti-Political Dynasty Act of 2004 (Alfredo Lim)	Filed: 2004-07-04 Status: Pending
	SBN1904 – Anti-Political Dynasty Act of 2005 (Santiago, Miriam)	Filed: 2005-02-30 Status: Pending
<b>14<sup>th</sup> Congress</b> (July 2007-2010)	HB00783 - Anti-Political Dynasty Act of 2007 (Defensor, Arthur)	Read: 2007-07-31 Status: Pending since 2007-07-31
	HB03049 – Anti-Political Dynasty Act of 2007 (Amante, Edelmiro)	Read: 2007-11-19 Status: Pending since 2007-11-19
	HB05669 – Anti-Political Dynasty Act of 2008 (Santiago, Narciso III)	Read: 2009-01-19 Status: Pending since 2009-01-19

<sup>9</sup> Collated records from: House Bills and Resolutions, House of Representatives of the Philippines <https://www.congress.gov.ph/legisdocs/?v=bills> and Senate Bills, Senate of the Philippines [http://legacy.senate.gov.ph/lis/leg\\_sys.aspx?congress=18&type=bill&p=1](http://legacy.senate.gov.ph/lis/leg_sys.aspx?congress=18&type=bill&p=1) Accessed September 27, 2021.

	SBN1468 – Anti-Political Dynasty Act of 2007 (Lacson, Panfilo)	Filed: 2007-08-14 Status: Pending
<b>15<sup>th</sup> Congress</b> (July 2010-2013)	HB03413 – An Act Prohibiting the Establishment of Political Dynasties (Casiño, Teddy)	Read: 2010-10-04 Status: Pending since 2010-10-07
	HB06660 – An Act to Prohibit the Establishment of Political Dynasties (Cajayon, Mary Mitzi L.)	Read: 2012-10-04 Status: Pending since 2012-11-06
	SBN2649- Anti-Political Dynasty Act (Santiago, Miriam)	Filed: 2011-01-24
<b>16<sup>th</sup> Congress</b> (July 2013-2016)	HB 00172 – An Act Prohibiting the Establishment of Political Dynasties (Colmenares, Neri)	Read: 2013-07023 Status: Substituted by HB03587
	HB02911 – An Act Prohibiting the Establishment of Political Dynasties (Rodríguez, Oscar)	Read: 2013-09-23 Status: Substituted by HB03587
	HB 03587 – The Anti-Political Dynasty Act of 2013 (Colmenares, Neri)	Read: 2013-12-16 Status: Unfinished Business (Period of Amendments)
	PEI0002 – An act of the people defining and prohibiting political dynasties, providing the procedure for disqualification, imposing penalties therefor, and for other purposes (People's Initiative)	Read: 2013-11-18 Status: Pending since 2013-11-18
	SBN55 – Anti-Political Dynasty Act (Defensor Santiago, Miriam)	Filed: 2013-07-01 Status: Pending
	SBN1580 - Anti-Political Dynasty Act (Defensor Santiago, Miriam)	Filed: 2013-09-13 Status: Pending
	SBN1906 – Anti-Political Dynasty Act of 2013 (Ejercito, Joseph Victor G.)	Filed: 2013-11-05 Status: Pending
<b>17<sup>th</sup> Congress</b> (July 2016-2019)	HB00166 – An Act Prohibiting the Establishment of Political Dynasties (Belmonte, Feliciano Jr.)	Read: 2016-07-26 Status: Pending since 2016-7-26
	HB00825 – An Act defining Political Dynasty and Prohibiting the Establishment Thereof (Marcoleta, Rodante)	Read: 2016-07-27 Status: Pending since 2016-07-27
	HB00603 – An Act Prohibiting the Establishment of Political Dynasties (Erice, Edgar)	Read: 2016-07-27 Status: Pending since 2016-07-27
	HB00911 - An Act Prohibiting the Establishment of Political Dynasties (Roque, Harry Jr.)	Read: 2016-07-04 Status: Pending since 2016-07-27
	HB01793 - An Act Prohibiting the Establishment of Political Dynasties (Tambunting, Gus)	Read: 2016-08-02 Status: Pending since 2016-08-02
	HB02134 - - An Act Prohibiting the Establishment of Political Dynasties (Oaminal, Henry)	Read: 2016-08-08 Status: Pending since 2016-08-08
	HB03861 – An Act defining Political Dynasty and Prohibiting the Establishment Thereof (Bag-ao, Kaka et. Al)	Read: 2016-10-05 Status: Pending since 2016-10-05
	PS00379 – Anti-Political Dynasty Provision in the SK Reform Act of 2015 (Teves, Arnolfo Jr.)	Read: 2018-05-30 Status: Pending since 2018-05-30
	HB08025 -An Act Defining and Prohibiting Political Dynasties Providing Penalties Therefor, and for other purposes (Alejano, Gary)	Read: 2018-08-08 Status: Pending since 2018-08-8



	SBN49 – The Anti-Political Dynasty Act of 2016 (Lacson, Panfilo)	Filed: 2016-06-30 Status: Pending
	SBN230 - The Anti-Political Dynasty Act (Drilon, Franklin)	Filed: 2016-07-04 Status: Pending
	SBN897 - Anti-Political Dynasty Act of 2016 (Ejercito, Joseph Victor)	Filed: 2016-07-26 Status: Pending
	SBN1137 - The Anti-Political Dynasty Act of 2016 (Poe, Grace)	Filed: 2016-09-13 Status: Pending
	SBN1258 - The Anti-Political Dynasty Act of 2016 (Legarda, Loren)	Filed: 2016-12-01 Status: Pending
	SBN1688 - Anti-Political Dynasty Act (Aquino, Bam)	Filed: 2018-02-12 Status: Pending
	SBN1765 – Anti-Political Dynasty of 2018 (Filed by 9 Senators, Lacson, et. Al.)	Filed: 2018-03-21 Status: Pending
	<b>18<sup>th</sup> Congress</b> (July 2019-2022)	HB00395 – An Act Prohibiting the Establishment of Political Dynasties (Eric, Edgar)
HB00252 – An Act Prohibiting the Establishment of Political Dynasties (Gaité, Ferdinand et. Al.)		Read: 2019-07-23 Status: Pending since 2019-07-23
HB00145 –An Act Defining Political Dynasty and Prohibiting the Establishment thereof		Read: 2019-07-23 Status: Pending since 2019-07-23
HB01978 – An Act Prohibiting the Establishment of Political Dynasties (Bordado, Gabriel Jr.)		Read: 2019-07-29 Status: Pending since 2019-07-29
HB03149 – An Act Prohibiting the Establishment of Political Dynasties (Romulo, Roman)		Read: 2019-08-05 Status: Pending since 2019-08-05
SBN11 - Anti-Political Dynasty Act (Drilon, Franklin)		Filed: 2019-07-01 Status: Pending
SBN30 - Anti-Political Dynasty Act of 2019 (Lacson, Panfilo)		Filed: 2019-07-01 Status: Pending
SBN-264 - Anti-Political Dynasty Act of 2019 (Pangilinan, Francis)		Filed: 2019-07-08 Status: Pending
SBN1480 – Anti-Political Dynasty Act (Poe, Grace)		Filed: 2020-05-04 Status: Pending

Content examination of these bills shows similarities across versions and provisions as to how a political dynasty is defined. The majority of these bills refer to the definition as provided by Miriam Defensor-Santiago in Senate Bill No. 2649 which defines a political dynasty as:

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 within the same province or occupies the same office immediately after the term of office of the incumbent elective official.

It shall also be deemed to exist where two 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<sup>10</sup>.

Additionally, the provisions on prohibitions included in the different versions of the bill most of the time make references to the following: degree of consanguinity prohibited which is on the second degree, the scope of prohibition which is any local or national office, and the non-application of the prohibition to Punong Barangays or Members of the Sangguniang Barangay. The provisions set forth in House Bill No. 911 provide a standard template of reference to these three items:

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 within the same province, city, or municipality or the same office 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 a 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 or any national office in the election. In all cases, no person within the prohibited degree of relationship to the incumbent elective official shall immediately succeed to the position of the latter whether at the local or national level: Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.

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<sup>10</sup>Senate Bill 2649. Office of the Secretary of the Senate. (24 January 2011). Accessed September 27, 2021  
<http://legacy.senate.gov.ph/lisdata/106169091.pdf>

The most significant advancement of the bill in the last 17 years from the 13<sup>th</sup> to the 18<sup>th</sup> Congress would be that of House Bill No. 03587 filed by Neri Colmenares in the 16<sup>th</sup> Congress. For the first time since 1986, the bill was unanimously approved by the Committee on Suffrage and Electoral Reforms. This means that unlike other versions of the bill which ended right after being endorsed to its respective committee, HB No. 03587 was for the first time included in the House's Order of Business and had an opportunity to be discussed in plenary presentations and speeches. Capiz Rep. Fredeil Castro was quoted during the plenary session to have said:

“[This time] is a rare opportunity to place the interest of the country ahead of personal interest... [It's] an opportunity that not everyone is given”<sup>11</sup>.

Despite this rare opportunity, the bill has been pending after reaching the period of assessment. While it was stuck at that stage, it was also the first time that a People's Initiative was passed to define and prohibit political dynasties in the form of ***PET0002 – An act of the people defining and prohibiting political dynasties, providing the procedure for disqualification, imposing penalties therefor, and for other purposes.*** People's initiative is provided by the Constitution as one of the ways to make laws beyond the power vested in Congress. In this case, an initiative on statutes allows proposals for the enactment of national legislation. However, this People's Initiative has been in pending status since November 18, 2013.

Denis Blanco of the University of the Philippines (UP) Department of Political Science aptly observed that congressional and senate anti-political dynasty bills have remained stagnant in both houses since the original bill was

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<sup>11</sup> Xianne Arcangel, “Anti-Political dynasty bill makes historic debut in House Plenary”. *GMA News*. (May 6, 2014). Accessed September 28, 2021

<https://www.gmanetwork.com/news/news/nation/359830/anti-political-dynasty-bill-makes-historic-debut-in-house-plenary/story/>

passed by Defensor-Santiago in the first regular session of the 13<sup>th</sup> Congress. Its non-passage is attributed to the fact that the majority of the members of the Congress belong to political dynasties<sup>12</sup> occupying 77.5%<sup>13</sup> of electoral seats.

In the last five years, progressive legislations integrating anti-political dynasty provisions have been steadily rising. One of which is the provisions found in the *Bayanihan Federal Constitution* which is a reiteration of previous bills passed but includes a mechanism in place to resolve potential issues among the same families running for an electoral post. The scenario contemplated is that where two or more members of the same family within the second degree of consanguinity are vying for a similar local and national post, the *Bayanihan Federal Constitution* resolves it through the drawing of lots. A different version of the federal charter however was passed that removed the anti-dynasty provisions in the proposed *Bayanihan Constitution*.

One can say that there is sustained interest on the part of Congress and Senate to fulfill their constitutional mandate to define and prohibit political dynasties. However, from the long list of pending congressional and senate bills, there is strong evidence as well that both houses are “seemingly adamant and tentative in their legislative position”<sup>14</sup> to pass the bill into law. Even with the People’s

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<sup>12</sup>Dennis Blanco, (2016). Recent Legislative Attempts to Limit or Ban Political Dynasties in the Senate: An Analysis of the Anti-Dynastic Provisions. Accessed September 29, 2021  
<https://halalan.up.edu.ph/recent-legislative-attempts-to-limit-or-ban-political-dynasties-in-the-senate-an-analysis-of-the-anti-dynastic-provisions/?fbclid=IwAR3Nj5gpG5HvSBGtgg8KIOhNQEZBs1er7I2MWn7Bx-lmtpQ5-KOSXpGCmk>

<sup>13</sup> Ronald Mendoza et. al. (2020). Term limits and political dynasties in the Philippines. Unpacking the Links. *Asia-Pacific Social Science Review* 20(4) 2020, pp. 88–99 Accessed September 27, 2021  
<http://apssr.com/wp-content/uploads/2020/12/RA-7.pdf>

<sup>14</sup> Dennis Blanco, (2016). Recent Legislative Attempts to Limit or Ban Political Dynasties in the Senate: An Analysis of the Anti-Dynastic Provisions. Accessed September 29, 2021  
<https://halalan.up.edu.ph/recent-legislative-attempts-to-limit-or-ban-pol>

Initiative filed in the 16<sup>th</sup> Congress, the absence of strong political will to certify it as an urgent piece of legislation is captured by traditional rent-seeking behavior. This has been observed in Congress, especially for legislation that adversely affects the vested interests of legislators such as in the case of the land reform program.

### ***Realizing Electoral Reforms Beyond 2022***

It is beyond question that the inability of Congress to fulfill its constitutional mandate to define and prohibit political dynasties has led to an impasse, further allowing deep entrenchment of political families into the government. Political dynasties not only self-perpetuate but also undermine the quality of democracy and have links to deeper poverty and underdevelopment<sup>15</sup>.

The results of the 2022 National and Local elections illustrate this systemic problem. Palatino notes that the victory of the Marcos - Duterte tandem in the recent polls is an epitome of the continuing dominance of political dynasties. He notes “after the[ir] unceremonial ouster in 1986, the Marcoses are once again the most powerful political family headed by Marcos Jr., with his sister serving as senator until 2025, his son as a congressman and his first cousin positioned to be the next speaker of the House of Representatives and Marcos’ relatives [were] able to retain power both in Ilocos Norte and Tacloban City<sup>16</sup>.

<https://doi.org/10.1080/13600818.2016.1169264>

<sup>15</sup> Ronald U. Mendoza, Edsel L. Beja Jr., Victor S. Venida and David B. Yap. (2016). Political dynasties and poverty: Measurement and evidence of linkages in the Philippines”, *Oxford Development Studies*, 44 (2), 189-201. <https://doi.org/10.1080/13600818.2016.1169264>

<sup>16</sup> Palatino further writes for the Diplomat on his observations of the 2022 National Elections that families, nor parties, are prominent winners of the elections. The results are consistent for the congressional and local government positions across the country which shows a similar pattern where the winners are mostly those who come from wealthy and influential families.

Palatino further notes that while Rodrigo Duterte has ended his term as President, he has succeeded in expanding the influence of his family with the election of his daughter Sara Duterte as Vice President. His eldest son was re-elected to Congress, the youngest elected as mayor, and his close aide Bong Go serving as senator until 2025. In the lower congress, what is more alarming is that 79 percent of party-list groups who have competed in the recent polls have ties to political dynasties and big businesses. This has been termed by many observers as the “back door” entry of political dynasties that want to retain influence and control<sup>17</sup>. All of these pieces of evidence illustrate the deep entrenchment of political families in our electoral systems that is counterintuitive to the Constitutional mandate of guaranteeing equal access to opportunities for public service and prohibiting political dynasties.

While the results of the recent polls are discomfoting, a fitting question would be – *what are the gains in terms of effecting legal mechanisms in regulating political dynasties at the very least?* First, one has to look first at progressive pieces of legislation that have been passed indirectly regulating political dynasties. Second and most important, we also have to look at the power of the

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For instance, two Estradas are now elected to the senate and newly elected Senator Alan Cayetano will join his sister, Pia Cayetano, whose terms will end in 2025. Former DPWH Secretary Mark Villar is also elected as Senator, joining his mother, Cynthia Villar, who will serve until 2025.

Senator Win Gatchalian’s brother will become a Congressman of Valenzuela City while Senator Joel Villanueva’s father is the deputy speaker of the House of Representatives. Senator Francis Escudero’s family members on the other hand have been elected as local officials in Sorsogon province. Read further Palatino, Mong, “Political Dynasties Dominate Philippines Elections – Again”. *The Diplomat*. (May 23, 2022) <https://thediplomat.com/2022/05/political-dynasties-dominate-philippines-election-again/>

<sup>17</sup>Ramirez Robertzon, “Kontra Daya: 70% of party-list groups are questionable”. *PhilStar Global*. (March 4, 2022) <https://www.philstar.com/headlines/2022/03/04/2164814/kontra-daya-70-party-list-groups-questionable>

Judiciary to effect constitutional mandates with regard to political dynasties. Third and last, the contribution that civil society can bring must be considered.

As to progressive legislation, provisions from Republic Act No. 10742 or the Sangguniang Kabataan (SK) Reform Law passed in 2016 contain landmark and specific anti-dynasty components for the selection of youth leaders at the barangay level. The provision expressly preventing dynastic links among SK officials up to the 2nd degree of consanguinity was first implemented by the Commission on Elections in the 2018 Sangguniang Kabataan Elections. Senator Drilon said that the law is the first legislation that realizes Section 26 of Article 2 of the 1987 Constitution and that the landmark provision is a necessary electoral reform<sup>18</sup>. Although studies are scant as to the impact of the landmark provision reforming the SK as an institution, Mendoza correctly points out that it is possible to encourage a supply of non-dynastic leaders starting with SK to start competing for higher office<sup>19</sup>.

Another promising area to look at would be the Bangsamoro Autonomous Region in Muslim Mindanao's (BARMM) draft Local Government Code. Following the enactment of the BARMM Organic Law last July 27, 2018, the realization of the Bangsamoro Parliament is apparent as it was originally scheduled to be synchronized with the 2022 National Elections. Once the parliament has been constituted, we expect that the Bangsamoro Local Government Code will be in full motion. Legislators of the said Local Government Code, which are members of the Transitional Parliament, note that there are provisions on “additional qualifications and disqualification [grounds] in

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<sup>18</sup> Senate of the Philippines. (2016). Press Release: Drilon: SK Reform Act proves anti-dynasty law 'doable'. 18<sup>th</sup> Congress, Senate of the Philippines. Accessed September 26 2021

[http://legacy.senate.gov.ph/press\\_release/2016/0122\\_drilon1.asp](http://legacy.senate.gov.ph/press_release/2016/0122_drilon1.asp)

<sup>19</sup> Ronald Mendoza et. al. (2020). Term limits and political dynasties in the Philippines. Unpacking the Links. *Asia-Pacific Social Science Review* 20(4) 2020, pp. 88–99. Accessed September 27, 2021

<http://apssr.com/wp-content/uploads/2020/12/RA-7.pdf>

addressing election controversies as well as (issues on) succession, and filling up of (elective) vacancies" and a specific mention that "a candidate must not be within a second civil degree of consanguinity or affinity to any incumbent elected official in the locality where he or she seeks to be elected"<sup>20</sup>. These provisions are consistent with administrative and political reforms to be instituted in BARMM to effect genuine autonomy and at the same time actualize the goals of economic progress in the region.

As to the oversight function of the judiciary in the Philippines, the Supreme Court attempted to define political dynasties in 2011 through Justice Carpio: "[A] phenomenon that concentrates political power and public resources within the control of a few families whose members alternately hold elective offices, deftly skirting term limits"<sup>21</sup>.

It is unlikely however that the Supreme Court will resort to judicial legislation and intervene based on recent precedents it has issued. What Paterno<sup>22</sup> suggests is for the judiciary to play a "*gap-filling role*" by providing its own interpretation of political dynasties in cases where it has to decide on the eligibility of certain candidates. With the end purpose of ensuring equal access to public service opportunities, this role in fact does not necessarily encroach on the power of Congress to legislate.

As to the power of civil society organizations and people's participation, we cannot escape the obvious that they have been the lifeblood of Philippine democracy. The choices in any election still rest in the hands of the people. Through education drives and initiatives to popularize the importance of legislating anti-political dynasty provisions, it

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<sup>20</sup> Nash Maulana, "BARMM eyeing anti-dynasty rule in local government code." *Manila Standard.net*. (2020) Accessed September 26, 2021 <https://manilastandard.net/mobile/article/319814>

<sup>21</sup> Beatriz Paterno. (2016). A Role for the Courts in Limiting Political Dynasties. The Global Anticorruption Blog. Accessed September 2021 <https://globalanticorruptionblog.com/2016/06/20/a-role-for-the-court-s-in-limiting-philippine-political-dynasties>

<sup>22</sup> Ibid.



is possible that an informed voting public can as well regulate *who gets what, when, and how* in different electoral districts. Ultimately, from the words of the great constitutionalist Joaquin Bernas†:

Any movement which lobbies for the passage of an anti-political dynasty law would hit a snag if the political and legal means of doing it is by way of people’s initiative and referendum.... A well-informed, well-educated, and voter-literate citizenry is still the best precondition and viable democratic option in toppling political dynasties as a way of political life<sup>23</sup>.

In keeping the tradition of judicial activism of Fr. Bernas alive, one can conclude that the study of law is an advocacy first and foremost than a profession. This advocacy – the project of educating the citizenry about their rights and power to participate in our political systems - is something that legal academic institutions through their faculty, students, and the platforms they use can fulfill. An academic law journal that is timely and relevant to the needs of the public is an illustration of such.

In the final analysis, it seems that no time runs against families in the last 35 years. In fact, there were more losses than gains along the way. It is undeniable that because of rent-seeking behavior on the part of Congress, the quality of our democracy is in a bad state, which has aggravated structural inequities in the country.

***There seems to be a silver lining, however*** – if one is just reminded of the nature of the separation of powers, the very bedrock of democracy. As this commentary has pointed out, there is hope in progressive legislation, judicial activism, and by educating the electorate. Perhaps not this 2022 National Elections, but it is only a *matter of time* when families in the Philippines are no longer kings and the constitution reigns supreme. ■

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<sup>23</sup> Bernas, Joaquin. 2013. “The Anti dynasty campaign”. Sounding Board. *Philippine Daily Inquirer*, (17 February)  
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