

A Policymaking Attempt To Outlaw Political Dynasties

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Greater democratization may be officially engineered through legislative policymaking. Thus far, three legislative attempts to strip Philippine politics of much of its elitist character have failed. The first attempt made by some delegates to the 1971 Constitutional Convention was stopped by the imposition of Martial Law. The second attempt made by the 1986 Constitutional Commission fell short of clear restrictions as it left the operational details of the law to a future legislature. And the third and most recent attempt by Congress never reached the conference committee level as the House of Representatives sat on its version of the antidynasty bill. The state policymaking process is stalled when the object of change is contrary to historical trends, prevailing cultural values and existing power arrangements.

Introduction

This paper examines the phenomenon of political dynasties¹ as an object of policymaking. Its major thrust is to demonstrate how the policymaking process works or does not work in the presidential form of government. It focuses on resistance to state policymaking when alternatives to the status quo require a fundamental shift in historical trends, cultural values, and power-sharing arrangements. The dynamics of the policymaking process is best illustrated in the ensuing discussion of the political dynasty debate.

Political dynasties or ruling families are traditional spawning grounds for political recruitment in the Philippines. In an environment of great inequality, their elite status impacts negatively on the modern quest for democratization and human dignity. The aversion to elite dominance in politics is clearly expressed in Section 26, Article II of the 1987 Constitution which states that: "The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law."

In the absence of operative definitions and a program of action, a mere declaration of policy, even if mandated by an organic act does not usually result in any substantial reallocation of powers and resources in society. To effect concrete change, we must make a complete run of the policymaking process. In this paper, we identify the phases of policymaking as (1) problem-specification, (2) development and structuring of alternatives, (3) ratification and acceptance,

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(4) implementation and (5) evaluation, assessment and refurbishment (Tropman *et al.* 1981:250).

The legislative process in a presidential system runs a similar course. We see the points of correspondence when we discuss lawmaking efforts on the subject of political dynasties. Now, we embark on the policymaking journey by trying to situate and trace the origins of political dynasties.

Problem-Specification

Caution requires us to check if we do have a problem with political dynasties. Is something wrong with political dynasties? We do not want to commit a Type III error, that is, to exert efforts to solve the wrong problem (Dunn 1981:109). Policymaking begins with a long, hard look at the proposed problem. Afterwards, we go to how three different lawmaking bodies, i.e., the Constitutional Convention (1971), the Constitutional Commission (1986), and the current Congress, defined the problem.

How did political dynasties come about in the first place?

Before the Spanish conquest, social groups in the islands consisted of independent barangays. A barangay chieftain assumes in his person the functions and powers of the executive, legislator, judge, and general in time of war (Agoncillo and Guerrero 1973:45). The first son inherited this leadership position. If the first son died without an heir, the second son became chieftain.

The Spanish conquistador conveniently incorporated the barangay as the base of the colonial system of government. Although the Spaniards relegated them to administrative functionaries acting as middlemen between the natives and their conquerors, the erstwhile chieftains kept their superior sociopolitical status in the barangay culture and evolved into the *principalia* or leading citizens, the local aristocracy (Corpuz 1965:27). The position of *cabeza de barangay* remained hereditary. Towards the end of the 19th century the leading citizens who took advantage of higher education became the *ilustrados*.

The Americans reinforced the lead role of prominent families when it held local elections as the colony's initial electoral exercise. Restricted suffrage and the local complexion of campaign issues delivered victory practically on a silver platter to the local aristocracy (Arcilla 1990). Onofre Corpuz described the consequences of this election:

Most important of all, it meant that at this time when the foundations of Filipino political leadership were being established, those foundations were constituted by the leading families of the pueblos. The resulting organization of national politics in the Philippines turned out to be essentially based on local foundations and on the same class structure developed under Spanish rule (Corpuz 1965:29).

In 1965, Corpuz marked the family as the vital organizing element of political parties. In the same vein, a 1965 survey concluded that a kinship system-riddled politics led the typical Filipino to approach political life "in terms of personal relationships which may yield benefits to himself or his family". (Schirmer and Shalom 1987:27). Much later in 1989, the prestigious *Far Eastern Economic Review*² magazine pinpointed 34 provinces where powerful families operate a boss system (Macbeth 1989:36).

Four other factors interacting with the above historical circumstances increase the present unpalatability of political dynasties in democratic society. The first factor is the decision of the 1988 ruling coalition to adopt the Spanish strategy of alliance with local chieftains. The outcome of this political strategy, in the words of political analyst Amado Doronila, is a "mimicry of democracy, strong in form but deficient in the substance of democracy" and the emergence of "a new era of factional warlords based on national factions" (Doronila 1987:1).

The second factor is the local monopoly of violence which often comes as an accouterment of many ruling families. A long list of "warlords" maintaining private armies which was released by the House Committee on Constitutional Amendments in 1989, includes three congressmen. These private armies continue to thrive as a consequence of the ruling coalition's strategy of alliance and "political settlements" with local powers (David 1988).

The third factor is the Filipino's excessive concern for the family. A study on the strengths and weaknesses of the Filipino character conducted by the Senate in 1988 depicts excessive family orientation as a serious flaw which leads to "the use of one's office and power as a means of promoting the interests of the family in factionalism, patronage, political dynasties, and in the protection of erring family members" (Senate 1988:8).

The fourth factor is the accumulation of wealth by the ruling families. In 1990, priest-historian Jose Arcilla writes, "the small, moneyed elite has always been at the helm of government. Philippine society has always been split between rich and poor" (Arcilla 1990:5). The concentration levels of wealth and power in these families is an antagonistic anachronism in the war against poverty and income inequality.

In broad terms, our compelling problem looms as the challenge to create a society where individual dignity is respected, where equality as a value and as an institutional output is maximized. By limiting ourselves to a facet of this awesome task, we specify a problem in more workable terms: how do we minimize the negative impact of political dynasties on democratization in the Philippines?

How did Congress and two constitutional conventions define the problem of political dynasties?

1971 Constitutional Convention. Neglecting the province-based political dynasties, the delegates to the 1971 Constitutional Convention engaged in bitter debates over a proposal to prohibit past and present presidents and their spouses from running for the position of chief executive under a new Constitution. To see how the delegates defined the problem of political dynasty, we look at the reasons used to defend and assail the proposal.

Diosdado Macapagal (1972), then president of the Constitutional Convention, proposed the banning of political dynasties on the following grounds: (1) to avoid the evils brought about by any chief executive staying too long in power; (2) to eliminate the risk of incumbents abusing their power to ensure electoral triumph; (3) to minimize the risk of manipulating election results in a parliamentary system; (4) to make way for change demanded by the people. Similar bans in other countries specifically in Latin America, provide a precedent for the proposal: (1) the ban on political dynasties is not discriminatory because the ban applies to all concerned; (2) absence of the ban in the new Constitution will cause the latter's rejection; and (3) the limitation of an incumbent President to two terms in the 1935 Constitution should not be extended under the new Constitution. In the introductory remarks of a speech actually opposing the dynasty ban, Delegate Fidel Purisima³ (ConCon 1972) decried political dynasties as inimical to a democratic system and pleaded for an electoral system whereby the poor have a reasonable opportunity to be elected.

On the other side of the fence, critics of the ban harped on these arguments: (1) the shift to the parliamentary form of government, where the prime minister can be removed any time through loss of confidence, renders the ban unnecessary; (2) allow the people to decide to choose from all possible candidates who should be the Chief Executive; (3) the ban will limit choices available to the people and enforce electoral reforms strictly to guarantee electoral integrity instead of imposing a ban; (4) the proposal is unreasonable since it merely embodies prejudice and hatred for the Marcoses; (5) the proposal discriminates against the Marcoses; (6) dynasty ban should be directed against local politicians; (7) dynasty ban is a politically motivated Liberal Party ploy to delay the convention and prevent a shift to the parliamentary system; (8) it is myopic in the sense that it seeks to

institutionalize a ban when its actual objective is only to deny the rights of a specific person from running. It amounts to a judicial decision based on an *ex post facto* law penalizing the Marcoses; and (9) the dynasty ban may deprive the country of able leaders.⁴

A close scrutiny of the speeches delivered in the Convention, both for and against the ban, points to Ferdinand E. Marcos as the main defining element and living personification of the issue. A frank reformulation of the dynasty problem is: "How can Marcos or his spouse be prevented from running for the position of Chief Executive?" This unabashedly parochial version is the product of an environment dominated by intense political conflict.

1986 Constitutional Commission. The 1986 Constitutional Commission, although blessed with more cohesion than its 1971 counterpart, produced intense debates on the subject of political dynasties.⁵ Some commissioners believed the antidynasty proposal was unpopular. An early version of the proposal was saved from deletion by a vote of 18 to 17.

Commissioner Jose Nolledo, author and defender of the proposed antidynasty provision, argued that: (1) dynasties exist in Luzon, Visayas and Mindanao where they control government facilities, thus effectively denying others the right to run for public office; (2) if an office is inherited, government becomes monarchical in character; (3) opportunities for public office should be widened; (4) it is too long to wait for socioeconomic improvements to occur and equalize the winning chances of candidates; (5) a prohibition against political dynasties paves the way to a more pluralistic society; and (6) people support the proposal to ban political dynasties. (7) political monopolies should be eliminated; (8) allowing a relative to run in place of an incumbent who is prohibited to run for another reelection effectively subverts the limitation to reelection of public officers. In addition, Commissioner Jose Colayco claimed that political dynasties breed graft and corruption.

Nolledo parried this battery of rebuttals: (1) the prohibition against dynasties violates the voter's freedom of choice; (2) the ability of the people to make the right choices obviates prescreening of candidates; (3) rather than a ban on dynasties, reforms should focus on the root causes of inequality such as social structures, a matter covered by other provisions; (4) there is enough upward mobility in the political system; (5) other provisions already provide the grounds for qualifications and disqualifications of candidates; (6) to deny a candidacy because of family relations is unreasonable since one cannot choose his or her relatives; (7) an incumbent is saddled with so many problems such as broken promises that winning is not assured; (8) experience shows that dynasties can be beaten in elections; and (9) people are against the proposal to prohibit political dynasties.

While the 1971 Constitutional Convention personalized the political dynasty issue, the 1986 Constitutional Commission managed a highminded clash of ideas. In specifying the problem, the commissioners juxtaposed the voter's freedom of choice and an individual's right to seek public office versus the need to broaden access to the public service. They asked, "should access to opportunities for public service be broadened at the expense of political dynasties?"

The 1986 Constitutional Commission eventually left the unborn legislature, still to be convened in July 1987, the task of creating many enabling laws to realize general constitutional provisions. Included among these was the task to define political dynasties. The scheduled January 1988 elections for local officials added impetus to the filing of bills seeking to prohibit and define political dynasties.

Congress. Senator Teofisto Guingona, Jr. introduced Senate Bill No. 82 entitled "An Act Prohibiting the Establishment of Political Dynasties" on 31 August 1987. The next day, the bill was referred to the Committee on Electoral Reforms and People's Participation which recommended the approval of the bill without amendment on 21 October 1987. Senator Guingona delivered his sponsorship speech on 10 November 1987. After interpellations conducted on four separate days and the period of amendments which took four days, the bill passed third reading on 10 December 1987. Sixteen voted in favor of the final version of the bill, three voted against it and one abstained. Requesting concurrence, the Senate sent the bill to the House of Representatives on 11 December 1987.

In the course of the sponsorship speech, period of interpellations, and explanation of votes, sympathetic senators supported the prohibition against political dynasties in order to: (1) promote equal access to opportunities for public service; (2) equitably diffuse wealth and power so as to cure societal inequalities, including cultural inequities; (3) reform the political system, not individual personalities; (4) restore the people's faith in the political system.⁶ The urgency of passing the antidynasty bill into law has likewise been triggered by the observation that at least 60 families which can be considered as political dynasties and relatives help one another to ensure entrenchment and perpetuation of their political dynasty.

Senators antipathetic to the bill contributed these arguments: (1) even relatives can be political enemies; (2) the prohibition would deprive the people of worthy and competent leaders by mere accident of birth; (3) the prohibition would punish latecomers in politics; (4) the freedom to seek public office and the voter's freedom to choose would be curtailed by the prohibition; (5) there is no philosophical, historical, biological and cultural justification for the prohibition; (6) leading elite families have benefited the country; (7) too many relatives would be harshly affected by the definition of political dynasty; (8) although family relationships are defined, dynastic tendencies lack a definition; (9) the prohibition does not actually

expand political access because candidates, to win an election, also need other resources such as organization, money, ability and communication skills; (10) there is not enough data available to determine the real impact of political dynasties; (11) the prohibition entails too many practical difficulties considering the proximity of the local elections; (12) rather than prohibition, the remedy lies in the education of people, public morality and enforcement of laws; (13) the influence of political families is exaggerated; and (14) experience shows that newcomers are capable of beating established political families.

Senator Guingona stated that certain members of the House of Representatives were furnished copies of his bill. On 25 November 1987, the House Committee on Suffrage and Electoral Reforms submitted its committee report recommending the approval of House Bill No. 1855, "An Act Prohibiting Political Dynasties." While the senate version passed third reading, the house counterpart introduced by Magdaleno Palacol, Niel Tupas, Eduardo Pilapil and Narciso Monfort was pigeonholed in the Committee on Rules of the House of Representatives.

The senate formulation of the dynasty issue landed in a grey area between the parochialism of the 1971 Constitutional Convention and the highmindedness of the 1986 Constitutional Commission. It must be said however that the 1986 body avoided a debate on practical considerations and an entanglement with personal interests by leaving the definition of political dynasties to Congress.

An assessment of the discussions in the Senate produces a range of problems, all intimately related to the dynasty issue: "Who among my relatives should be disqualified?", "How can a prohibition against political dynasties be effectively implemented?", and "What is the correct balance between individual freedoms and state regulation of access to public office in a redesigned political system meant to increase equality and equity?"

It is possible that a more instrumental formulation tacitly dominated discussions in the Senate, the question being "How can I use the dynasty issue to promote my political interests in the coming local elections?" or "How can I prevent the same from damaging my political interests in the coming local elections?" A review of campaign issues during the 1988 local elections shows that Senate President Jovito Salonga used the dynasty issue to scuttle his political rivals. Senator Guingona, author of the bill, is a trusted lieutenant of the Senate President while the Senate itself is controlled by the Liberal Party which is led by Senator Salonga. Could these be a coincidental confluence of circumstances? Could the pigeonholing of the house version be a defensive reaction in this party scrimmage? Perhaps, but only an insider of the political back rooms can know the real answers.

Development of and Structuring Alternatives

In a democratic society, policy formulations are rarely accepted in their original state. They may undergo slight to radical changes as they are subjected to democratic dialogues and the pressure cooker of contending political interests. Invariably, they end up as the product of negotiation and compromise.

1971 Constitutional Convention

Delegate Napoleon Rama first filed a resolution banning the incumbent president, Ferdinand Marcos, and his spouse from running for the position of chief executive under a new Constitution. Delegate Wilfredo Cainglet alleged that this resolution was later amended to "cushion the impact against charges of discrimination and personalism" (ConCon 1972).

Convention President Diosdado Macapagal himself filed the resolution disqualifying all those who have already been President and their spouses from making a bid to be chief executive under the new Constitution. He made a personal stand on the issue and abandoned his nonpartisan policy when he took the floor to expound on the merits of his resolution. He justified the inclusion of the spouse:

This evil will persist if the wife of the incumbent President is enabled to be a candidate for Chief Executive in 1973 for, with her husband as incumbent President during the election, the abuse of power to ensure her victory would be allowed and tolerated under the sanction of the new Constitution⁸ (ConCon 1972).

Delegate Felixberto Serrano sought a modification of Macapagal's formulation. Instead of a perpetual disqualification, he proposed disqualification of the incumbent President and his spouse only in the immediately succeeding election. He reasoned, "Perpetual disqualification is not a policy formula. It is a terrible punishment"⁹ (ConCon 1972).

Debates in the 1971 Constitutional Convention became moot and academic upon the imposition of martial law in the Philippines. A new Constitution, devoid of any prohibition against political dynasties, was legitimized by a plebiscite held in 1973.

1986 Constitutional Commission

Commissioner Jose Nolledo filed the political dynasty resolution which was initially numbered Section 16 of the proposed article on Declaration of Principles. On 23 July 1986, the Committee on Preamble and Declaration of Principles

discussed this provision which then read, "The State abhors and shall prohibit political dynasties" (ConCon 1972).

Nolledo explained the location of the political dynasty provision:

The purpose of putting this in the Declaration of Principles in general terms is to leave to legislation the determination of the mechanism and besides this concerns not only public officials who are running for public office but also public officials running on the local level. We do not have definitive rules and that is why I am satisfied with putting this only in the Declaration of Principles so that Congress will implement later (ConCom 1986).

During the committee's deliberations, Nolledo accepted the word "prohibit" to replace "abhor" which was observed to be constitutionally undiplomatic. He also agreed to a rewording of the entire provision which made it read as: "The State shall broaden opportunities to public office and prohibit political dynasties" (ConCom 1986). After these changes and a few inquiries on the definition of political dynasty, the provision was quickly approved at the committee level. A gentleman's agreement to accommodate as much as practicable a member's favorite principle paved the way for the provision's easy approval.

It was far more difficult to promote the idea of prohibiting political dynasties during the plenary session of the Constitutional Commission in September 1986 as it was at the committee level. After intense debates on the substantive content of the proposed provision, Commissioner Christian Monsod moved for its deletion on the procedural ground that the Committee on Local Governments had previously voted down the same issue. As mentioned earlier, the provision escaped deletion by the skin of its teeth in a voting criticized by some deletion-minded Commissioners as improperly conducted.

Against the pressure to arrive at a concrete definition of a dynasty relation during the floor debates, Nolledo emphasized that it was left to Congress to determine the relationship. He favored Commissioner Serafin Guingona's suggestion to add the phrase "as may be provided by law" as a qualifier for political dynasty. During the debates, Nolledo recommended to the future Congress "that the prohibitions should just cover relationships probably up to the third civil degree or degree of consanguinity or affinity." In the same breath, he added, "we can limit only up to the third or fourth civil degree depending on the wisdom of Congress" (ConCom 1986:762).

The Committee on Preamble and Declaration of Principles, acting as the sponsor of the Nolledo-authored provision, accepted an amendment from Commissioner Hilario Davide, Jr. which changed "broaden opportunities to public office" to "ensure equal access to opportunities to public service." Davide explained that "service" encompassed both elective and appointive positions. He also objected to

"broaden" because it could be interpreted as a mandate for the State to create unnecessary offices to accommodate job-seekers (ConCom 1986:945).

Commissioner Francisco Rodrigo made a last-ditch effort to emasculate the provision by proposing the deletion of the words "and prohibit political dynasties." Nolledo countered, charging that Rodrigo was out of order since the Commission had earlier voted to retain the provision and that life and substance of the provision was found in the very words Rodrigo wanted to delete. Rodrigo pressed his point claiming that he was asking for something different—"a deletion of a portion of the reworded proposal" arising out of the Davide amendments.

Sharp debates on this procedural issue ensued. Commissioner Christine Tan supported Nolledo. She declared that what was passionately voted on earlier was the subject of political dynasties and that those votes against Rodrigo's proposal were votes against political dynasties, while the affirmative votes were for the perpetration of political dynasties. Voting 18 to 14, the Commission sustained the propriety of the Rodrigo proposal (ConCom 1986:952).

As regards the voting pattern on the deletion of the said provision itself, the proposed amendment of Rodrigo lost by a count of 18 votes in favor and 21 against. Tan explained her vote, "I vote no, because I think we are being fooled" (ConCom 1986:954).

The provision reached its final form before voting on it began when the Committee accepted Davide's modification of Guingona's proposed qualifier of political dynasties to "as may be defined by law." The section now reads: The State shall ensure equal access to public service, and prohibit political dynasties as may be provided by law. The Commission approved this final version by a count of 25 votes in favor, 1 against, and 1 abstention (ConCom 1986:956).

Congress

Upon instructions of Senator Guingona, his technical assistant, Ramon Tangco, drafted an antidynasty bill. In completing the draft within a week, Tangco said he relied on his experience as a lawyer of the Commission on Elections (Comelec) and on the records of the 1986 Constitutional Commission (Interview with Atty. Ramon Tangco, January 1991). Ricardo Nepomuceno, Jr., Guingona's legal adviser, inspected the draft bill before it was introduced on the last day of August 1987, less than five months away from the scheduled local elections.¹⁰

The bill sailed through the Committee on Electoral Reforms and People's Participation without any amendment. But then a bill emerging unscathed from the committee did not normally indicate the soundness of the bill's original formulation. The committee system had not been implemented in the Senate as the

primary venue for resolving issues raised by bills or legislative investigations. Senators generally ignored committee proceedings and depended instead on floor debates for the expression of their views.¹¹

We now focus on the development of four topics as they traversed the legislative mill: (1) definition of a political dynasty, (2) definition of a dynasty relationship, (3) applicability of the law, and (4) prohibited situations.

Definition of Political Dynasty and Dynasty Relation. The bill first filed and introduced by Senator Guingona gave the impression that, by itself alone, a kinship relationship up to the fourth civil degree of consanguinity and affinity was sufficient to determine the existence of a political dynasty relationship.

This liberal definition was questioned by several senators. Senator Ernesto Macea believed that a ban limited to candidacies which could lead to direct succession (e.g., a son immediately succeeding his father to the same office) is a constitutional prohibition. Senator Heherson Alvarez opined that a political dynasty is location-specific, that it is a kinship situation bound within a well-defined and limited constituency, that mere kinship "does not really create the necessary evil." More direct to the point, Senator Vicente Paterno demanded a test for dynastic tendencies.

Senators also questioned the basis for Guingona's selection of the fourth civil degree as the dividing line of political dynasties. Guingona began by citing friendly relationships between close relatives and the adage, "blood is thicker than water." Switching to legal foundations, he referred to (1) Section 13, Article VII of the Constitution, which prevents the President from appointing relatives by consanguinity or affinity within the fourth civil degree to certain high offices of the land; (2) the prohibition against judges to hear cases where litigants are related to them within the sixth civil degree of consanguinity or affinity and the self-restraint adopted by judges when an attending lawyer is within the fourth civil degree of kinship; and (3) the transcript of records of the 1986 Constitutional Commission making mention of third or fourth degrees.¹²

In the search for rationale, Senator Salonga suggested the Civil Code which considers sexual relations incestuous if occurring between relatives within the fourth civil degree of consanguinity. Senator Neptali Gonzales offered the Civil Service Law, later identified by Senator Salonga as the Civil Service Code or Presidential Decree 807 which bars appointments up to the third civil degree. Surprisingly unmentioned in the search was Executive Order No. 292 or the 1987 Revised Administrative Code which disqualifies the spouse and relatives by consanguinity or affinity within the fourth civil degree of the President to certain executive appointments.

Furthermore, Senator Maceda asked how the bill would decide on cases where the spouses have separated from each other. Senator Saguisag, for his part, injected the element of illegitimate relationships. Senator Guingona responded to this Maceda query with an amendment shown in the second column of Table 1. He answered Saguisag by stating that the bill's coverage is limited to legal adoption and legal marriages.

As a result of the floor debates, a separate provision on the definition of political dynasty was incorporated in Senate Bill No. 82 after it was amended by substitution. This definition categorized a kinship relationship as a political dynasty if there was a concentration, consolidation or perpetuation of political power by persons related to one another as described in the bill.

Meanwhile, as demonstrated by Table 1, the degree of dynastic relationship fluctuated from fourth to first to second civil degree. Although some senators advanced their preference for a lower degree during the debates, official records did not fully explain this fluctuation. Senator John Osmeña admitted that the agreement was reached in a caucus.

Applicability and Prohibitions. The bill specifically refers to applicability in the temporal sense. For the sake of completeness, we shall discuss the bill's applicability in other senses and in so doing also dwell on the prohibitions. Recognizing the proximity of local elections and the difficulties of changing electoral procedures under such short notice, the senators amended the original bill which covered only those elections held after the January 1988 local elections or any postponement thereof. Senator Edgardo Angara authored an approved amendment limiting the effectiveness of the bill to twenty years after its enactment into law. He reasoned that national development would eliminate the dominance of dynasties (Senate 1987a:2255).

Guingona explained how the bill applied in a vertical sense. In general, the bill would bar all relatives, seeking local offices and district-level congressional offices. The bill would prevent an incumbent from unduly influencing election results for inferior public offices through the use of powers and resources available to his superior office.

Guingona also explained how the bill applied in the horizontal sense. An incumbent would effectively bar his dynastic relatives from seeking an inferior position only if the latter chose to run in an area under the political jurisdiction of the incumbent. If the desired electoral district or constituency was independent of the jurisdiction of an incumbent relative, other dynastic relatives would be absolutely free to seek any office, whether ranked higher or lower than the incumbent's position. Thus, there would be no restrictions against dynastic relatives running in Nueva Ecija or Cebu when the incumbent officially reigns in Bukidnon.

Table 1. Legislative Mill in the Senate

| | <i>S. No. 82 as originally introduced</i> | <i>S. No. 82 as amended by substitution</i> | <i>S. No. 82 as approved by the Senate</i> |
|--|--|---|---|
| <i>Definition of Political Dynasty</i> | None | A Political Dynasty is a situation resulting in the concentration, consolidation or perpetuation of political power by persons related to one another as defined in Section 4 of this Act, by holding public office. | A Political dynasty is the concentration, consolidation or perpetuation of political power by persons related to one another as defined in this Act. |
| <i>Definition of Dynasty Relation</i> | A "Political Dynasty Relationship" exists among family members of politicians or government officials who are related within the fourth civil degree of consanguinity or affinity, including the spouses of their brothers-in-law and sisters-in-law (<i>bilas</i>). | A dynastic relation exists between persons who are related within the first civil degree of consanguinity or affinity, [including the spouses of their brothers-in-law and sisters-in-law [<i>bilas</i>]]. For the purposes of this Act, a dynastic relation exists between spouses during their marriage. A break in the marriage bonds, either by the death of one of the spouses, the dissolution of the marriage or its invalidation either a civil and/or ecclesiastical court, the legal separation of spouses as provided by law and the [migration] to a foreign country of a spouse resulting in de facto separation terminates any and all dynastic relation. | A dynasty relation exists between two persons who are related within the second civil degree of consanguinity or affinity. |
| <i>Applicability</i> | This Act shall govern and be applicable to the next elections for local officials and to all subsequent elections to be held thereafter. | This Act shall govern and apply to all elections, to be held subsequent to the elections for local officials scheduled January 18, 1988 in Republic Act 6636 or any postponement thereof. | This Act shall govern and apply to all elections to be held subsequent to the elections for local officials scheduled for January 18, 1988 in Republic Act Numbered Sixty-six hundred and thirty-six or any post- |

Table 1 Continued.

| | <i>S. No. 82 as originally introduced</i> | <i>S. No. 82 as amended by substitution</i> | <i>S. No. 82 as approved by the Senate</i> |
|-----|--|---|---|
| (a) | No President, Vice-President or Senator shall be succeeded in office by any family member having a Political Dynasty Relationship to such officials. Neither may such family member be elected to or assume any elective position whose term of office commences during the incumbency of such officials, nor may such family member be a candidate for any public office in the same elections in which another family member within the Political Dynasty Relationship is a candidate for President, Vice-President or Senator. | Prohibited Situations (a) The election to the office of President, or Vice-President of a person who has a dynastic relation as defined in Section 4 of this Act with the incumbent President at the time of the elections. (b) The election to the office of Senator of a person who has a dynastic relation as defined in Section 4 of this Act with an incumbent President or as in incumbent Vice-President. (c) The election to membership in the House of Representatives of a person who has a dynastic relation as defined in Section 4 of this Act with the incumbent member of the House of Representatives of the same district, the incumbent President, the incumbent Vice President, an incumbent senator, the incumbent Governor of the Province to which the | ponement thereof and thereafter for a period of twenty (20) years. (a) No person who has a political dynasty relation with the President, Vice President, or Senator who is not qualified to run for re-election shall be a candidate for or be elected to the latter's position during his term or the term immediately succeeding Neither shall such person be a candidate for or be elected to the position of President, Vice-President, Senator, Congressman, Governor, City Mayor, or Municipal Mayor during the term of the related President, Vice-President or Senator. (b) No person has a political dynasty relation with a Member of the House of Representatives, Provincial Governor, City or Municipal Mayor shall be a candidate for or be elected to the latter's position during his term or |
| (b) | No congressman, provincial governor, city or municipal mayor shall be succeeded in office by any family member having a Political Dynasty Relationship to such officials. Neither may such family member be elected to or | | |

Table 1 Continued.

| <i>S. No. 82 as originally introduced</i> | <i>S. No. 82 as amended by substitution</i> | <i>S. No. 82 as approved by the Senate</i> |
|---|---|---|
| assume any elective position within the same district, province, city or municipality, whose term of office commences during the incumbency of such officials nor may such family member be a candidate for any public office in the same district, province, city or municipality in the same elections, in which another family member within the Political Dynasty Relationship is a candidate for congressman, governor or mayor. | district pertains or the incumbent City Mayor in the case of a highly urbanized city of which the congressional district is a part of. | term immediately succeeding. Neither shall such person be a candidate for or be elected to any position in the same legislative district, province, city, or municipality during the latter's term or the term immediately succeeding. The prohibitions contained in this paragraph shall not apply to the position of Vice-Governor, Vice-Mayor, Member of the Provincial Board or Sangguniang Panglungsod, Member of the Municipal Council or Sangguniang Bayan or to any barangay position. |
| (c) No family member having a Political Dynasty Relationship to a cabinet member, the Chairman or a Commissioner of the Commission on Elections, or the Chief of Staff or a member of the General Staff of the Armed Forces, or the Chairman or a Commissioner of the National Police Commission, shall be elected to or assume any elective office whose term of office commences during the incumbency of such officials. | d) The election to the office of Provincial Governor of a person with a dynastic relation as defined in Sect. 4 of this Act with the incumbent Governor of the same province, the incumbent President, the incumbent Vice-President, an incumbent Senator and the incumbent Member of the House of Representatives in cases where the province has only one Member in the said House of Representatives of the Congress of the Philippines. | (e) The election to the office of City Mayor of a component city of a person with a dynastic relation as defined in Section 4 of this Act with an incumbent President, an incumbent Vice-President, an incumbent Senator, the incumbent Member of the House of |

Table 1 Continued.

| <i>S. No. 82 as originally introduced</i> | <i>S. No. 82 as amended by substitution</i> | <i>S. No. 82 as amended by substitution</i> |
|---|---|---|
| | <p>Representatives which encompasses the said component city in the congressional district, the incumbent provincial Governor of the province of which the said congressional city is a part and the incumbent City Mayor of the said city.</p> <p>(f) The election to the office of City Mayor of a highly urbanized city of a person with a dynastic relation as defined in Section 4 of this Act with the incumbent President, incumbent Vice-President, an incumbent Senator, an incumbent Member of the House of Representatives in cases when the said highly urbanized city is represented in the House by only one Congressman and the incumbent City Mayor of the said city.</p> | |

The bill's application in the sectoral sense referred to specific categories of public officers covered by prohibitions. In its initial form, the bill did not make any direct and express distinction among the varied public offices. By mentioning applicability only to elections, it impliedly disregarded the case of appointive positions. And Guingona said it was not the bill's intent to include barangay captainship.

The bill's approved version, however, expressly excluded the following positions from the bill's prohibitions: members of the provincial board, city and municipal councils, barangay positions, vice-governorship, and vice-mayorship. In an apparent balancing act, initial restrictions against dynastic relatives of a cabinet member, Comelec Chairman or Commissioner, Chief of Staff or member of the General Staff of the Armed Forces, and National Police Commission (Napolcom) Chairman or Commissioner were deleted. Full explanations for these sectoral shifts may be traced to the unrecorded proceedings of the caucus.

Meanwhile, the House of Representatives did not push the legislative mill beyond the committee report on its version of the antidynasty bill. Ramon Mitra, Speaker of the House, expressed his disapproval of the measure in statements quoted by various newspapers on 26 January 1988. The press quoted him as saying, "I'm against the antidynasty bill. In the local elections, the dynasty issue adversely affected some very good candidates who happen to be relatives of congressmen" (*Manila Chronicle* 26 January 1988); "The House membership believes this matter is better left to the people to decide in clean and orderly elections" (*The Manila Journal* 26 January 1988); and "(t)here is no need to put any prohibition on the right of the people to select whom they want to vote" (*Malaya* 26 January 1988).

Ratification and Acceptance

The 1971 Constitutional Commission proceedings were wrapped up under martial rule conditions. One could say that the policymaking attempt to outlaw political dynasties was aborted. It was short-circuited either by naked power (the view of anti-Marcos elements) or by constitutional authoritarianism (the view of the Marcos camp).

The best shot at the policymaking attempt to outlaw political dynasties has been that of the 1986 Constitutional Commission. A plebiscite approving the 1987 Constitution is *ipso facto* an acceptance and ratification of the provision prohibiting political dynasties as defined by Congress.

As shown in Table 2, the 1987 Congress' attempt to advance the policymaking process stalled in the lower chamber. There were reports though that the 1988

local elections indicated an informal and localized ratification cum implementation of the antidynasty policy. Sheila Coronel (*Manila Chronicle* 25 January 1988) wrote,

But certainly, first results indicate a changing landscape. Though some clans remain as powerful and as unmovable as mountains, there was a levelling off in some areas where the clans fell and newer, less entrenched individuals rose to power.

Role of the President

The presidential form of government integrates the president in the lawmaking process so that instead of a strict separation of powers there is in fact power-sharing. The president may certify a bill as urgent, veto a bill, or approve a bill as the last step in its enactment into law. Over and above this constitutional responsibilities, the growing control of the executive branch over government information enables a president to set the legislative agenda as well as the tone of legislation through the certification of administration bills.

Although related to several congressmen, President Corazon Aquino tried to stay above the lawmaking disagreements between the two congressional chambers on the dynasty issue. In a press conference held on 11 November 1987, she announced that she would not veto an antidynasty bill and that she would strongly discourage relatives from becoming candidates (Chua 1987). She manifested a contrary inclination during the January 1988 local elections when she said that the people should decide who were the best among the candidates (Esplanada 1988).

Columnist Belinda Olivares-Cunanan (1988) recorded presidential behavior in relation to the dynasty issue:

What pains many citizens is that they had expected the Aquino administration to back to the hilt the enlightened provision in the new Constitution seeking an end to political dynasties. Instead, the President has been wishy-washy in her stand against dynasties, managing to think only of how a ban on dynasties would affect her relatives—and not how it could help the country as a whole. Moreover, she has demonstrated her inability to control some of her more ambitious relatives, whose taste for power is perceived to be hardly different from the Marcoses.

After witnessing the defeat of four presidential relatives in the local elections, President Aquino called on Congress to finally define a political dynasty (Pamintuan 1988). By this time, with the local elections done and over with, interest in the issue petered out. Pressure from all quarters to take up the dynasty bill simply evaporated.

Table 2. Legislative Mill in the House of Representatives

| <i>Definition of Political Dynasty</i> | <i>House Bill No. 1855 as originally Introduced</i> | <i>House Bill No. 1855 as Reported out by the Committee</i> |
|--|---|---|
| <i>Definition of Dynasty Relation</i> | None | Political Dynasty is the concentration, consolidation or perpetuation of political power by persons related to one another as defined in this Act. It also refers to a family that establishes and maintains predominance in politics within a given territory or jurisdiction |
| <i>Applicability</i> | "Political dynasty" refers to a sequence or series of public officers or officials from the same family or relationship who holds public office, elective or appointive, whose degree of relationship between or among themselves is within the fourth civil degree by consanguinity or affinity. | Dynasty Relation is when two or more persons are related within the second civil degree of consanguinity or affinity during the term of office of an elective or appointive national or local official. |
| <i>Prohibitions</i> | <p>This Act shall apply to the first local election and all succeeding elections and appointments.</p> <p>(a) No persons shall succeed in any public office or position, elective or appointed, whose family member or relative is the incumbent of such office; provided, that this section shall not apply to elective office for Vice-Mayor, Members of Sangguniang Panlungsod or Sangguniang Bayan, Punong Barangay and Members of Sangguniang Barangay.</p> <p>(b) No person shall be elected or appointed to any elective or appointive office, whose family member or relative is currently holding or occupying an elective or appointive office; provided, that this section shall not apply to elective office for Vice Mayor, Members of Sangguniang Panlungsod or Sangguniang Bayan, Punong Barangay and members of Sangguniang Barangay.</p> <p>(c) No person shall be elected to or assume any elective office to any district, province, city or municipality, in which another family member or relative is holding or occupying an elective office; provided, that this section shall not apply to elective office for Vice-Mayor, Members of Sangguniang Panlungsod or Sangguniang Bayan, Punong-Bayan and Members of Sangguniang Barangay.</p> <p>(d) No elective or appointive officials shall be eligible for appointing or designation in any capacity to any public office or position after his tenure.</p> | <p>This Act shall apply to all succeeding elections and appointments.</p> <p>(a) A person who has a Political Dynasty Relation, hereinafter referred to as PDR, with an incumbent elective or appointive national official shall not be eligible as candidate for or be appointed temporarily or permanently to a local office. Such person shall similarly not be eligible for appointment to any national office.</p> <p>(b) A person who has a PDR with an incumbent elective or appointive local official shall not be eligible as candidate for or be appointed to an office of similar or lower rank than that of the incumbent. This prohibition shall not apply if the local office refers to another region.</p> |

Role of Mass Media

The mass media is immersed in a love-hate relationship with government officials, legislators in particular. Media reporters depend on high officials for scoops and news, including indiscretions to criticize in screaming headlines. At the same time, politicians and legislators live on media exposure. They seem to paraphrase Rene Descartes: I have exposure, therefore I am (*Newsweek* 24 April 1989). The president and legislators pay sharp attention to criticisms aired by mass media. As a result, media pressure is oftentimes sufficient to influence a policy outcome.

Mass media revelled in the congressional intramurals on the political dynasty issue. The issue possessed a sense of urgency with the approach of local elections. Involvement of various personalities also lent vivid color to the issue. On the whole, news reporters maintained balance in their coverage, accurately reflecting the heated debates. Most columnists and commentators, however, supported the antidynasty bill. For instance, Manila Bulletin's Ricardo Puno, Jr. wrote that an antidynasty law was a start in reversing "centuries of entrenched political power and privilege" (Puno 1988). Manila Standard's Nestor Mata (1987) said an antidynasty law would "usher in unprecedented political reform," putting an end to elitist politics and diffusing political power for the common good.

No doubt Senator Osmeña felt public pressure even as he cast one of three negative votes against Senate Bill No. 82. In the explanation of his vote, he gave anonymous recognition to "well-meaning" friends who advised him to vote in favor of the bill (Senate 1987b:2554).

Conclusions

Evidently, the policymaking process to outlaw political dynasties remains unable to run its full course. There is nothing to examine in the phase of formal implementation or in the phase of evaluation, assessment and refurbishment. Even if the senate bill had been enacted into law, the Comelec is still left with the task of generating implementing rules and regulations.

We see that a policy, although frustrated at some phase of the policymaking or lawmaking process, can still impact on society if people so decide to informally adopt it. Results of the 1988 local elections reveal how voters, unaided by legislation, rebuffed dynasties in Batangas, Rizal and Southern Mindanao during the 1988 local elections.¹³ We also see that a policy has little chance to be formally implemented if it goes against tradition, social values, historical trends, and entrenched political interests.

To a great extent, the frustration of the policymaking attempt to diminish political dynasties could be attributed to the absence of hard data on the existence and pernicious effects of political dynasties in society. Guingona could only refer to 60 unnamed families subject to the tag of political dynasties. Bereft of specific facts and figures, sponsors of the bill relied on rhetoric. The bill, which was rushed to meet the local elections and drafted within a week by a technical assistant who relied on 1986 Constitutional Commission records and his experience as a Comelec lawyer, lacked the foundations to sustain the rigors and the dynamics of the policymaking process.

Ongoing changes in the social milieu may yet revive the policymaking attempt to outlaw political dynasties. Mass poverty breeds pain and questions on the causes of income inequality. Repression during the Marcos era has accelerated this conscientization process. To accommodate pressures for change, government obviously prefers the official routes to change rather than face revolutionary movements. The political process must keep in step with social changes.

Though conducted under a cloud of ulterior political motives, the senate's approval of the antdynasty bill indicates that it is capable of adopting liberal policies. But prevailing political realities, perhaps more than convictions, allow the senate to assume a more liberal stance compared to the lower chamber. Factors constricting liberal tendencies in the district-based House of Representatives include (1) the demise of centralized patronage with the rejection of the Marcos-Romualdez regime; (2) calls for greater local autonomy; (3) the revival of genuine countryside power centers fostered by President Aquino's minimalist program of government and the ruling coalition's alliance with provincial powers; and (4) the identification of many lower chamber members with political dynasties.

A Caveat

A successful policymaking attempt to outlaw political dynasties does not herald the end of governing elites. Champions of elite theory believe that elites exist where organizations exist. By outlawing political dynasties, the Legislature merely reduces the kinship factor in the political system and facilitates the entry of new leaders who are free of imposing clan interests. These new leaders are expected to dispense their powers with more objectivity and broadmindedness. Thomas Dye and L. H. Zeigler (1978:371), accepting the fixed reality of elites, assert that "the question, then, is not how to combat elitism or empower the masses, or achieve revolution, but rather how to build an orderly, humane, and just society.

Endnotes

¹dynasty. Greek:dunasteia, lordship. A class of sovereigns or rulers, whose succession is determined by blood relationship (Scruton 1982:136).

²Periodicals consulted for this study include *Newsweek*, *Far Eastern Economic Review*, *Manila Chronicle*, *Philippine Daily Inquirer*, *Malaya*, *Manila Journal*, *Philippine Star*, and *Manila Standard*.

³See Fidel Purisima's speech in opposition to the ban dynasty proposal during the 1971 Constitutional Convention, 5 September 1971.

⁴These arguments were culled from the speeches made by Fidel Purisima, Antero Bongbong, Wilfredo Cainglet, Miguel Cuaderno, Sr., Antonio Tupaz, Reynaldo Fajardo, Arturo Pacificador, Vicente Sinco, Felixberto Serrano, all delegates to the 1971 Constitutional Convention.

⁵See pp.731, 762, 935-956 of Volume 4, Records of the Constitutional Commission of 1986. See also records of the 23 July 1986 meeting of the Committee on Preamble & Declaration of Principles, 1986 Constitutional Commission. The arguments enumerated in this portion are found in the above records.

⁶The arguments listed in this portion are found in the Record of the Senate (10, 11, 18, 25 November and 1, 2, 3, 10 December—all dates in 1987) made by Senator Guingona during his sponsorship of the bill on 10 November 1987.

⁷See Wilfredo Cainglet's speech on the ban-dynasty amendment during the 1971 Constitutional Convention, 5 September 1972.

⁸See speech delivered by Diosdado Macapagal entitled "A Constitutional Rider by Omission", during the 1971 Constitutional Convention, 6 September 1972.

⁹See the opposition speech to ban-dynasty proposal delivered by Felixberto Serrano during the 1971 Constitutional Convention, 5 September 1972.

¹⁰For background information on the succeeding material in this section it is strongly suggested that the uninitiated reader first go over the Appendix entitled "Policymaking in Government" which describes the lawmaking process in a presidential form of government. The tables below, displaying revisions of the senate bill as it went through the legislative mill, are also better understood after establishing familiarity with legislative process.

¹¹This is based on personal knowledge of the author who worked as chief of staff for Senator Guingona until the end of May 1990.

¹²Senator Rene Saguisag later indicated passages wherein Commissioners also mentioned the second civil degree.

¹³See Marlen Ronquillo, "Backlash vs. Dynasty Continues," *Philippine Daily Inquirer*, 21 January 1988; Jerry Jacinto, "Dynasty Issue Hurt Lakas Bets," *Manila Standard*, 21 January 1988; and Carol Arguillas, "Mindanao Repudiates Dynasties," *The Manila Chronicle*, 21 January 1988.

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APPENDIX**Policymaking in Government**

The making of law, next to the creation of the Constitution, is the most important form of policymaking in government. The gigantic and complex nature of government requires it, for the sake of stability and order, to issue policies clothed with the force of law. But before continuing, we must note here that traditional legislation does not usually cover the implementation and evaluation stages of the total policymaking process.

Congress is the major locus of lawmaking in government. Only a senator or house representative can introduce a bill in Congress. Although marked as authored by the legislator who introduces it, the bill may have been actually drafted by others including his technical assistant, interest groups, and the Office of the President. A legislator may acknowledge external sources when he declares that he is filing a bill in behalf of his concerned constituents.

A bill is numbered when it is submitted to the legislative secretariat. Later, its number, title and referral to either one or more committees are announced in a plenary session. The referral is decided by the Rules Committee which is chaired by the majority floorleader. This announcement is called the first reading of the bill.

During second reading copies of the committee report are furnished to all members of the House. The bill undergoes floor debates after a sponsorship speech by a sympathetic legislator, not necessarily its author. The sponsor then defends the bill against interpellations. After the period of amendments is completed the bill is ready for third and final reading.

No amendments are allowed on third reading. The votes in favor or against the bill are taken. If the body passes the bill, it is transmitted to the other chamber where it is subjected to the same process. If passed by the other chamber, a conference committee consisting of members from both chambers is formed to iron out differences between the senate version and the house version.

Once the conference committee report is approved by both chambers voting separately, it is sent to the Chief Executive. The President may choose to sign the bill into law or veto it with explanations. The two chambers, again voting separately, can override the veto with a 2/3 majority.

The pivotal participation of the Presidency in lawmaking should dispel any notion of a sharp separation of powers in government. A concept of shared powers

related to the lawmaking function is more accurate. Oftentimes, the legislative agenda takes its cue from the President's state-of-the-nation address. Aside from his own administration bills, the President can certify to the urgency of other bill so that they are sped through the legislative process. The President can also call for a special session of Congress to take up critical measures.

The lawmaking procedure is designed to maximize the level of practical democratic dialogue. Committee deliberations and floor debates are open to public spectators unless meetings are held in executive session. Public access however can be deliberately constricted by legislators. They may decide not to hold any public hearings for instance. Or they may simply pigeonhole a popular bill.

Except for a provision mandating a system of initiative and referendum, the 1987 Constitution's description of the lawmaking procedure is basically the same as that of the 1935 Constitution. The system of initiative and referendum enables the people, after satisfying some numerical requirements, to directly propose and enact laws or approve or reject any act or part thereof passed by Congress.

If legislators refuse to subject themselves to exacting discipline via the passage of a strict antidynasty law, the people can use the system of initiative and referendum to enact a law which imposes the standards of Caesar's wife on all solons. This system, empowering the people to bypass Congress, can function as a threat to a recalcitrant legislature and thus improve action and responsiveness on the part of lawmakers.