

POLITICAL DYNASTIES MUST GO*

Reynato S. Puno**

For three straight days, we deliberated on how to deal with political dynasties. Unbeknown to many, we were involved in the most difficult task of constitutional engineering.¹ This is the task of striking the proper balance between two contending policies: on one hand, the right of the sovereign people to elect their representatives; on the other, the right of the members of a certain class of citizenry to participate in an election. To strike the correct balance in the clash of these two rights, requires a 20-20 vision, a vision that is guided by the past and a vision that can penetrate the veil of the future. I like to believe that in prohibiting political dynasties² to include their members up to the second degree of consanguinity and affinity,³ we were able to fix the right balance between the right of the people to elect and the right of people to be elected. Let me stress further that we did not fix an unchangeable balance but rather we installed a balance that can be moved according to the necessities of the time. For the moment, the balance is fixed at the second degree of relationship by consanguinity and affinity.⁴ But if the balance needs to be moved to include the third and fourth degree

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** Chairperson, Consultative Committee (2017-present); Member, University of the Philippines Board of Regents (2010-2014); Chief Justice, Supreme Court of the Philippines (2007-2010); Associate Justice, Supreme Court (1993-2009); Master of Laws, University of California, Berkeley (1968); Master of Comparative Laws, Southern Methodist University (1967); LL.B., University of the Philippines College of Law (1962); Member, Student Editorial Board, PHILIPPINE LAW JOURNAL (1961-1962).

¹ Exec. Order No. 10 (2016), § 1. “There is hereby created a Consultative Committee under the Office of the President, which shall study, conduct consultations, and review the provisions of the 1987 Constitution including, but not limited to, the provisions on the structure and powers of the government, local governance, and economic policies.”

² CONST. art. II, § 26. “The State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.” A *political dynasty* is still undefined to this day.

³ *See* CIVIL CODE, art. 966. This includes the spouse of the candidate, their children and grandchildren, parents and parents-in-law, and siblings, including brothers-in-law and sisters-in-law.

⁴ *See* S. Nos. 1258, 1137, 897, 230 & 49 and H. Nos. 3861, 912, 911 & 825, 17th Cong., 1st Sess. Almost all pending bills prohibiting political dynasties cover the second degree of consanguinity and affinity.

of relationship by consanguinity and affinity, we have empowered Congress to do so.⁵

With this kind of balancing and the other political reforms, we shall further install in our new Constitution, I am confident that we shall be soon talking of the problem of political dynasties in the past tense.

I vote for the proposal of our subcommittee on political reforms. Let me go to the reasons of my vote and I will avoid to be unduly prolix.

The first of the Declaration of Principles and State Policies states and I quote: “The Philippines is a democratic and republican state. Sovereignty resides in the people and all government authority emanates from them.”⁶ Sovereignty means the power to govern but the power to govern cannot be exercised directly by the people altogether nor by mere particles of the people separately. Thus, the power to govern has to be exercised indirectly by the people thru their representatives chosen in a free, fair and honest election.⁷ Election therefore is the heart of a “democratic and republican state.” Its arteries must be clear and clean for from them flow the lifeblood of democracy.

The history of thought tells us that democracy has waxed and waned depending on how free are the people in electing the representatives who will govern them. By force of arm, the votaries of democracy wrested away from the claws of the monarchs the right to elect their rulers. For the people, after centuries of sufferance, realized that the right to rule cannot be passed thru inheritance. Thus, they ended monarchies where the right to rule depends on the last will and testament of kings and installed the regime of democracy where the right to govern depends on the ballots of the people.⁸

⁵ See S. Nos. 1688, 17th Cong., 2nd Sess., the only pending bill prohibiting political dynasties covering the third degree of consanguinity and affinity.

⁶ CONST. art. II, §1.

⁷ *Miranda v. Aguirre*, G.R. No. 133064, 314 SCRA 603, 635, Sept. 16, 1999 (Puno, *J., ponente*). “[A]lthough the Constitution declares that ‘Sovereignty resides in the people and all government authority emanates from them,’ it also provides that we are a ‘republican State.’ It is thus a representative form of government that we have. With few exceptions, we have vested the legislative power in the Congress of the Philippines. This means that when an act of the people’s representatives assembled in Congress is duly passed and approved by the President in the manner prescribed in the Constitution, the act becomes a law without the need of approval or ratification by the people in order to be effective.”

⁸ See *Tolentino v. Comm’n on Elections*, G.R. No. 148334, 420 SCRA 438, 466, Jan. 21, 2004 (Puno, *J., dissenting*), on the history of democratic and republican thought.

The road to the people's right to elect the people who will govern them would not, however, be an easy passage. Along the journey, this sovereign right has been stolen, diluted, defaced and desecrated by a new breed of monarchs known the world over as political dynasties. There are no counterfactuals to the truth that political dynasties, whose only political platform is to promote progeny, have brought down democracy in many parts of the world. For this reason and more, nations from across the globe, have exerted all efforts to stunt and stop the growth of political dynasties and purge them out of their electoral process. The laws of Costa Rica, Honduras, El Salvador, Guatemala, Brazil, Columbia and Paraguay have banned political dynasties from participating in their political process in varying degrees.⁹ In the case of the Philippines, the number of political dynasties has multiplied like mushrooms and they now reign in most of our national and local elective positions from Aparri to Jolo.¹⁰ In colorful prose, Secretary Harry Roque derisively calls the Philippines as the "political dynasties capital of the world."¹¹

Our fight against political dynasties has been tepid. Our 1935 Constitution did not have a word against political dynasties. The 1973 Constitution did not ring the alarm bell against political dynasties. Our 1987 Constitution saw the light of day but the debates on whether to ban political dynasties reveal that the Commissioners were almost split in the middle on the ticklish issue.¹² The Commissioners who opted to ban political dynasties won by a measly three votes.¹³ When the time came to set in black and white the latitude and the longitude of the ban on political dynasties, they demurred and left the task to congress to provide the enabling law. After 30 years, the enabling law that will come from congress has been written in invisible ink. We can no longer wink away the fact that political dynasties have putrefied our politics. Dynastic politics has occluded if not closed the opportunities of the greater number of Filipinos to run for public office to serve our people. For all intents and purposes, the great many of our people have been denied the right to get elected to public office simply because they

⁹ See Jose Ramon G. Albert, Ronald Mendoza, David Barua Yap, and Jan Frederick Cruz, *Regulating political dynasties toward a more inclusive society*, 2015-14 PHILIPPINE INSTITUTE OF DEVELOPMENT STUDIES POLICY NOTES 1, 5 (2015), available at <https://dirp4.pids.gov.ph/webportal/CDN/PUBLICATIONS/pidspn1514.pdf>.

¹⁰ See Ronald U. Mendoza, Edsel L. Beja, Jr., Victor S. Venida, and David B. Yap, *Inequality in democracy: Insights from an empirical analysis of political dynasties in the 15th Philippine Congress*, 33 PHIL. POL. SCI. J. 132 (2012).

¹¹ See H. No. 911, 17th Cong., 1st Sess., Explanatory Note. "Today, the Philippines is now conceivably the world capital of political dynasties."

¹² IV RECORD CONST. COMM'N 935-958 (Sept. 23, 1986).

¹³ *Id.* at 954.

have the wrong blood in their bodies. By making elections a family affair, dynasties have mocked democracy's definition as a government "of the people, by the people, and for the people."¹⁴ Further, studies show that the evil of political dynasties involves more than the dilution of the essence of democracy. The predatory politics of dynasties has bred corruption in government. Auditors tell us that as a rule, relatives lose their smell of the stench of the wrongdoings of their relatives, and hence lose all their sense of accountability.¹⁵ Furthermore, you cannot bleach the ugly reality that where political dynasties rule, poverty reigns.¹⁶ Political dynasties monopolize the resources in their constituency and deny them to the people, for the strength of dynasties is directly proportional to the poverty of the people. Lifting the poor from the quagmire of poverty is the least of their interest.

Let me conclude by stressing the sacred promise of federalism. It is none other than to strengthen democracy because it allows the constituent units of the federation, the rights of self rule and shared rule, thru the correct allocation of the powers of government.¹⁷ It ought to be self-evident that the constituent units of the federation cannot successfully exercise these rights of self-rule and shared rule if their governments have been captured by political dynasties. The governments of the constituent units must be run on the basis of merits and not by reason of genetics. The proper regulation of political dynasties is therefore a condition *sine qua non* before we shift to federalism.

I do not give a nanosecond thought to the possibility that in voting to regulate political dynasties, we shall be incurring the ire of the gods in our political firmament whose fortunes may be compromised. As for me, I would rather be in harm's way than our democracy, for our democracy can

¹⁴ Abraham Lincoln, Gettysburg address (Nov. 19, 1863).

¹⁵ Gil C. Cabacungan, *COA blames patronage politics*, PHILIPPINE DAILY INQUIRER, Sept. 9, 2014, available at <http://newsinfo.inquirer.net/636287/govt-failing-to-provide-relief-to-disaster-victims-due-to-patronage-politics-coa>.

¹⁶ See Ronald U. Mendoza, Edsel L. Beja, Jr., Victor S. Venida, and David B. Yap, *Political Dynasties and Poverty: Illustration of Measurement and Initial Evidence of Linkages in the Philippines*, 44 OXFORD DEV. STUD. 189 (2016).

¹⁷ JAMES MADISON, FEDERALIST PAPERS NO. 46 (1788). "The federal and state governments are in fact but different agents and trustees of the people, instituted with different powers, and designated for different purposes. [...] [T]he ultimate authority, wherever the derivative may be found, resides in the people alone; and that it will not depend merely on the comparative ambition or address of the different governments, whether either, or which of them, will be able to enlarge its sphere of jurisdiction at the expense of the other. Truth, no less than decency, requires, that the event in every case, should be supposed to depend on the sentiments and sanction of their common constituents."

no longer withstand political dynasties powered by genealogy and not driven by ideology. Let us always remember that in drafting a Constitution, we should be blind to any bias, hence, we cannot be blinded by any fear, even the fear of the omnipotents in our politics. With our vote today, they shall be omnipotent no more.

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