


Regulating political dynasties toward a more inclusive society

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he Philippine Constitution provides for the protection not only of civil and political rights but also of social and economic rights in the context of social justice. Article II, Section 26 of the Constitution mentions that “the State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.” During his final State of the Nation Address, President Benigno Simeon Aquino III suggested that “it is now time to pass an Anti-Dynasty Law.” The president underscored a sense of urgency in passing an antidynasty legislation by relating it to his good governance agenda: “There is something inherently wrong in giving a corrupt family or individual the chance at an indefinite monopoly in public office.”

In this *Policy Note*, we first define political dynasties then discuss the reasons why they need to be regulated. We also describe international practices on regulating political dynasties, summarize the current efforts of legislators in passing an antidynasty law, and discuss how such a legislation may facilitate a more inclusive society.

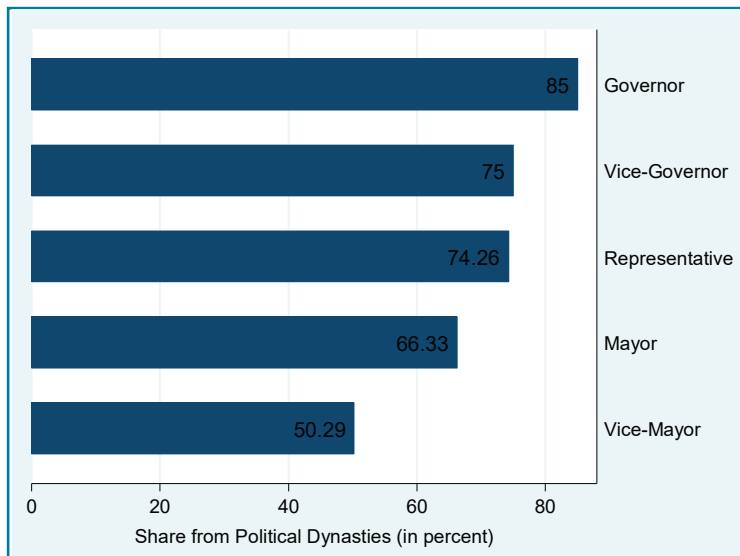
What is a political dynasty?

A political dynasty is a family that has successfully retained political power through maintaining control over at least one elective position over successive generations (Dal Bo et al. 2009). Two main patterns typically emerge in a political dynasty: (a) relatives

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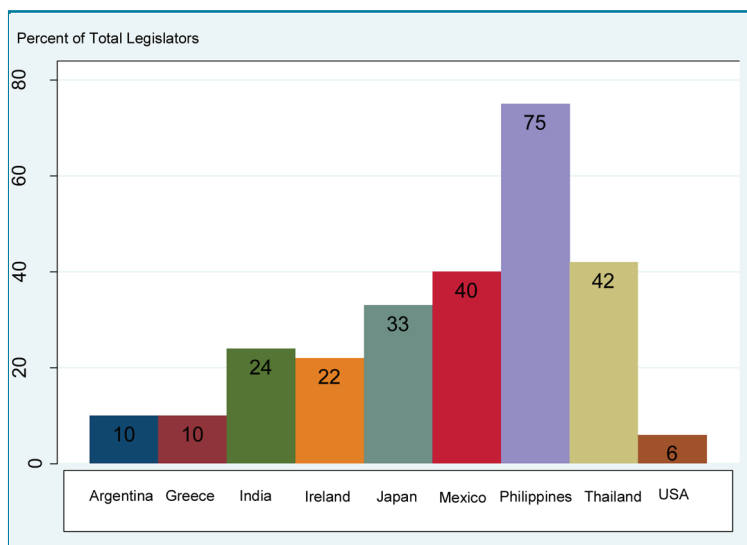
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Figure 1. Percentage share of politicians from political dynasties by local government position



Source: AIM Policy Center Political Dynasties Dataset

Figure 2. Incidence of parliamentarians from political dynasties in selected parliaments (% of total legislators)



Source: Data from Dal Bo et al. 2009 (United States); Rossi 2009 (Argentina); Asako et al. 2015 (Japan and Mexico); *The Hindu* 2015 (India); Thananithichote 2013 (Thailand); Patrikios and Chatzikonstantinou 2015 (Greece and Ireland); and Mendoza et al. 2013 (Philippines). For India and the Philippines, dynastic relationship included the legislator's relatives who were also incumbent officials. For Greece, dynastic relationship was determined by family ties to a previous or incumbent legislator. For the rest, dynastic legislators are identified by their kinship to previous legislators.

occupying the same elective position over time or an individual succeeding to an elective position previously occupied by a relative; or (b) relatives occupying multiple elective positions simultaneously. In other words, political dynasties result when a family retains at least one elective position over successive election cycles, and/or when a family expands its number of family members in elective office.

The AIM Policy Center, together with partners from other academic institutions, have mapped all the political dynasties in the Philippines by using a simple name-matching technique that was first used to examine political dynasties in the United States (Dal Bo et al. 2009). Their study estimated the prevalence of dynasties in the country across key local government positions and found it to be most widespread among certain positions especially governors (85%), vice-governors (75%), district representatives (74%) outside of the National Capital Region (NCR), and mayors (66%) and vice-mayors (50%) outside of the NCR (Figure 1).

In another indicator, the current Philippine Congress when compared with parliaments of other countries with available data on dynasties suggests that the Philippines has one of the highest incidence of parliamentarians that belong to political dynasties (Figure 2).

Why regulate political dynasties?

During deliberations of the Constitutional Commission that drafted the 1987 Constitution, Christian Monsod suggested deleting the constitutional provision prohibiting political dynasties (Elefante 2012). Blas Ople supported this, pointing that this provision is antidemocratic as it could disqualify competent and honest candidates from political families. Some commissioners also explained that dynasties can be considered the outcome, and not the cause, of an unjust social order that gave preference to some families, and that the choice on who should be their leaders rest with the people. They added that it should be more than enough that the state guarantees “equal access to opportunities for public service”. But Jose Nolleto clarified that the provision would really not be a prohibition but a regulation of political dynasties with Congress given the mandate to define political dynasties.

Later, the commission arrived at a consensus that the effect of excluding someone from a political dynasty is far smaller than the exclusionary effect of many political candidates from humble backgrounds who had the misfortune of not belonging to political clans. Further, the commission surmised that the provision prohibiting political dynasties would complement the provision on term limits of elected officials and help in operationalizing the constitution’s aspiration for a new social order based on social justice.

The main arguments supporting the regulation of political dynasties have been raised by several academics (McCoy 1994; Sidel 1997; Rocamora 1998; Teehankee 2001; Hutchcroft and Rocamora 2003; Rossi 2009; Querubin 2010; Feinstein 2011; Ravanilla 2012; Mendoza et al. 2012, 2013, 2014), as well as by members of political clans themselves including President Aquino. These arguments may be summarized as follows:

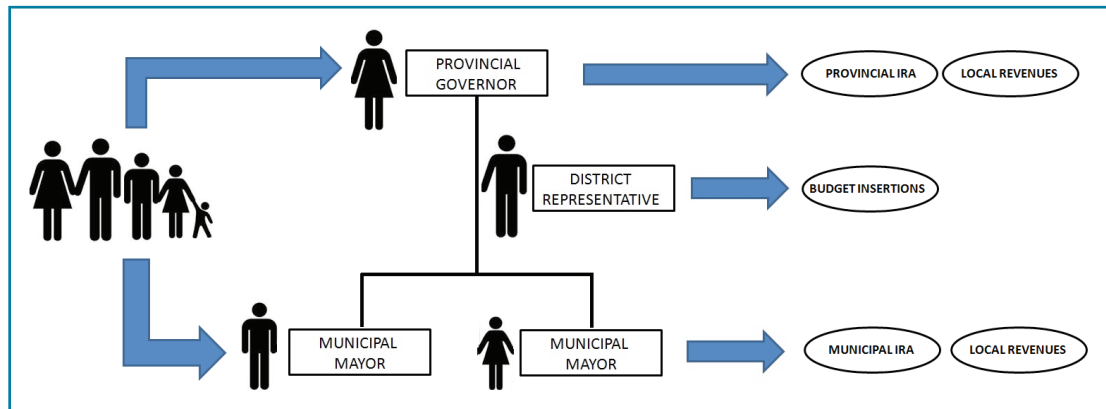
- Dynasties are pervasive in the 10 poorest provinces that are afflicted by low levels of human development, bad governance, violence, and poor business climates (Table 1). Either poverty results in the creation of political dynasties or political dynasties exacerbate bad governance failing to reduce, if not actually worsen, poverty conditions.
- Political dynasties, particularly the “fat” kind where there are many family

Table 1. Incidence of dynasties in political leadership across 10 poorest provinces, 2012

Province	Poverty Incidence, 2012 (in %)	Incidence of Dynasties in Political Leadership, 2013 (in %)
Lanao del Sur	67.31	59.47
Eastern Samar	55.43	54.17
Apayao	54.69	55.56
Maguindanao	54.51	64.45
Zamboanga del Norte	47.97	39.48
Sarangani	46.02	32.89
North Cotabato	44.84	22.10
Negros Oriental	43.95	42.22
Northern Samar	43.50	52.61
Western Samar	43.49	51.43

Source: AIM Policy Center Political Dynasties Dataset

Figure 3. Diagram of public resources that could be influenced by a political dynasty entrenched in a local government unit



Source: Authors

members simultaneously occupying elective positions, weaken the checks-and-balances in government. Familial ties within the context of public finance breed conflicts of interest and weaken accountability and auditing mechanisms that are supposed to police the behavior of public officials, particularly in the way they manage public resources. In situations where the provincial governor, district representative, and several municipal mayors are related, for example, flows of internal revenue allotments, national budget insertions and appropriations, and locally generated revenues will be strongly influenced or, at worst, controlled by a single family (Figure 3).

- Dynasties accrue political capital over time and benefit from incumbency advantages during elections. Dynasties weaken the competition in the political system, resulting in less access for alternative leaders and youth leaders to be part of the political system. In many jurisdictions, political

dynasties run uncontested or contested only by other dynasties (Figure 4). Any monopoly of political power is harmful to society and may cause violence.

- Dynasties perpetuate “personality-based politics” by prompting politicians to invest in their relatives. In turn, political parties are dominated by political dynasties, and party switching remains rampant. Moreover, party switching is more prevalent among district representatives from political dynasties than those from nondynasties (Figure 5). As a result, there is very little development of a sustained party platform and reform sustainability is eroded. The unpredictability of the political environment contributes to uncertainty in both the political environment and the economic environment.

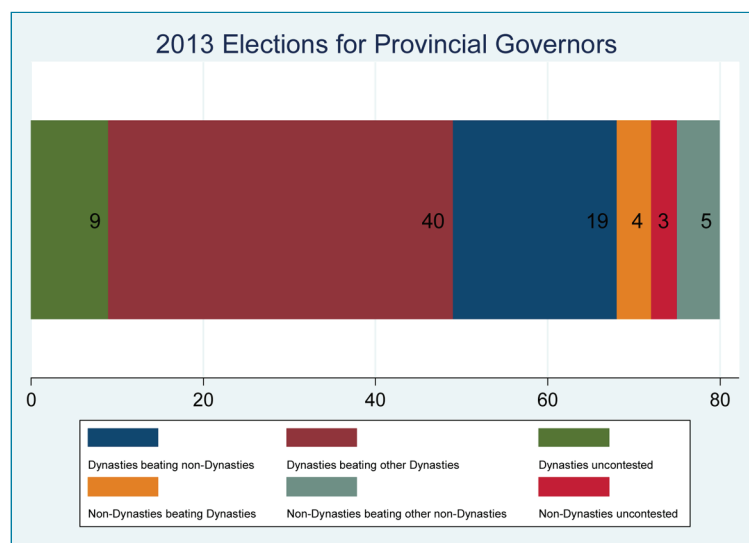
International practices on regulating dynasties

Political dynasties are also prevalent in other countries. Latin American democracies have

a long and storied history of grappling with the issue of the prevalence of dynasties, and the accompanying issue of curbing dynasties through legislation. The oldest prohibition of dynasties was crafted in Costa Rica. Its 1949 Constitution explicitly bans the relatives of former presidents and vice-presidents from running for the two highest positions in the government. Moreover, the same constitution prohibits the relatives within the second degree of consanguinity or affinity of the incumbent president and vice-president from running for a seat in parliament.

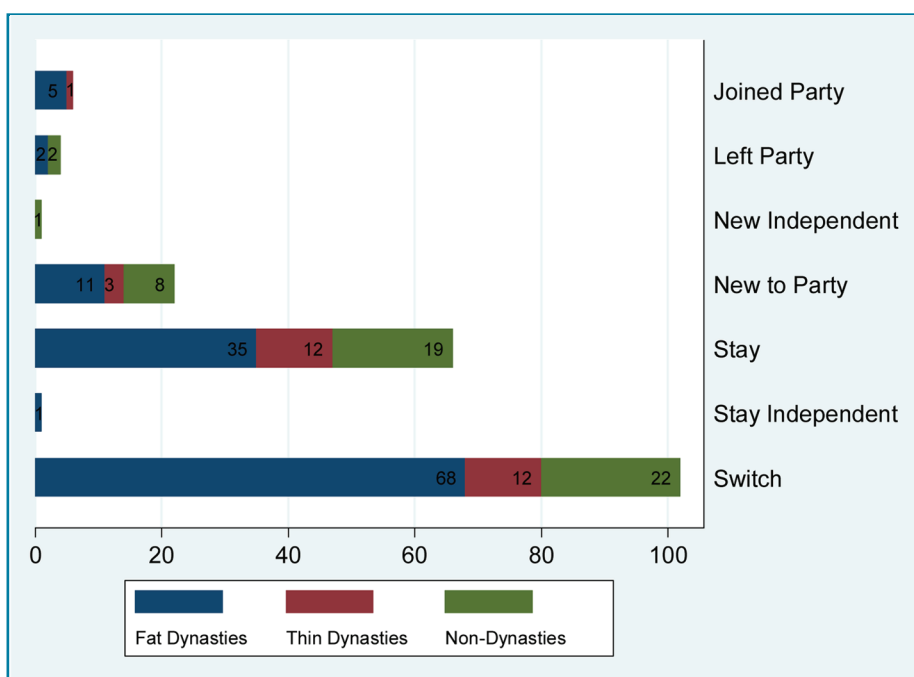
There are a number of antidynasty legal statutes across countries. These can be found in their new constitutions, as amendments to their charters, or as specific legislations during the third wave of democratization in Latin America: Honduras in 1982; El Salvador in 1983; Guatemala in 1985; Nicaragua in 1987; Brazil in 1990; Colombia in 1991; and Paraguay in 1992. The antidynasty statutes of Honduras, El Salvador, and Guatemala are functionally similar to the prohibitions of dynasties in Costa Rica. More specifically, these statutes focus on the presidency, vice-presidency, and congressional seats. In contrast, the antidynasty statutes of Brazil, Colombia, and Paraguay extend prohibitions of dynasties to local government officials.

Figure 4. Profile of outcomes in 2013 gubernatorial elections, by dynasty status



Source: AIM Policy Center Political Dynasties Dataset

Figure 5. Provincial district representatives by party action and dynasty/nondynasty classification, 2013



Source: AIM Policy Center Party Tracker Dataset

A recent study of regulations on dynasties and antidynasty statutes suggests that there is growing evidence of improvements in the democratic processes of countries that introduced these types of reforms (Cruz and Mendoza 2015). There is evidence that antidynasty laws helped to strengthen the competitiveness of political participation, the openness and competitiveness of recruitment in the political leadership, and public participation in democracy through actual electoral performance of political parties and voter turnout. Table 2 summarizes the salient points of antidynasty legislation in Latin American democracies.

Antidynasty legislation in the Philippines

In December 2013, several legislators consolidated various House of Representative bills on political dynasties into House Bill (HB) 3587: An Act Prohibiting the Establishment of Political Dynasties. The consolidated bill in the House defines a political dynasty as the concentration, consolidation, or perpetuation of public office and political power by persons related to one another. According to the bill, a political dynasty exists when two or more individuals who are related within the second degree of consanguinity or affinity hold or run for national or local office in overlapping, successive, or simultaneous terms (Figure 6).

¹ On 10 August 2015, the Office of Senator Pimentel furnished the AIM Policy Center with a copy of the latest draft of the consolidated bill.

The bill thus expressly prohibits the direct ascendants (biological or adoptive parents), direct descendants (biological or adoptive children), siblings (legitimate or illegitimate), grandparents, spouses, parents-in-law, sons-in-law, and daughters-in-law of incumbent elective officials or elective officials seeking reelection from running for or holding elective office (overlapping terms).

The bill also prevents any individual from running for a position that a relative up to the second degree of consanguinity or affinity recently vacated (successive terms). The bill also prevents two or more individuals related up to the second degree of consanguinity or affinity from running for any combination of local and/or national offices simultaneously (i.e., simultaneous terms). The bill covers all national and local elective positions, except elected barangay officials and elected members of the *Sangguniang Barangay* (barangay council).

HB 3587 underwent second reading on June 10, 2015, but had not gone past it because deliberations were suspended. Its proponents are presently formulating and incorporating amendments into a substitute bill.

Meanwhile, Sen. Aquino Pimentel III is finalizing the consolidation of two Senate bills both filed by Sen. Miriam Defensor-Santiago and another Senate bill filed by Sen. Joseph Victor Ejercito.¹ According to the draft of the consolidated bill, a political dynasty refers to persons related to one another in whom

the control of political power is established, concentrated, consolidated, or perpetuated. A political dynasty exists when two or more individuals who are spouses or are related within the second degree of consanguinity or affinity hold or run for national or local office successively, simultaneously, or in overlapping terms.

The bill includes a provision that extends its coverage to include common-law spouses. It prevents spouses and relatives within the said civil degree of an incumbent local or national elective official from running for the same national or local office held by the said incumbent (successive terms). It also prevents them from running simultaneously for the same national or local office, two or more national offices, and a national office and a local office (simultaneous terms).

In addition, the bill prevents relatives within the said civil degree from running for elective offices within (1) the same province (excluding offices for component cities), (2) the same component city, (3) the same municipality, and (4) the same barangay. The bill also prohibits spouses or relatives within the said civil degree of an incumbent official to run for any national or local

Table 2. Antidynasty legislation in Latin American countries

Country	Year of Passage	President	Vice-President	Congress	Local Government Officials	Corresponding Legislation
Brazil	1990				X	Lei Complementar No. 64
Colombia	1991			X	X	Constitution
Costa Rica	1949	X	X	X		Constitution
El Salvador	1983	X	X	X		Constitution
Guatemala	1985	X	X	X		Constitution
Honduras	1982	X		X		Constitution
Nicaragua	1987	X	X			Constitution
Panama	NA	X	X			Constitution
Paraguay	1992	X	X		X	Constitution

Note: Compilations of AIM Policy Center staff from constitutions, laws, codes of civil service, and similar legal documents publicly available through websites of national governments, website of the Organization of American States, and other online sources.

Figure 6. Guide to civil degrees of consanguinity and affinity

2 nd degree of Consanguinity	<ul style="list-style-type: none"> •Grandparents •Siblings (Full or Half-Blood) •Grandchildren
1 st degree of Consanguinity	<ul style="list-style-type: none"> •Parents (Biological or Adoptive) •Children (Legitimate, Illegitimate, Adopted)
You	
1 st degree of Affinity	<ul style="list-style-type: none"> •Spouse
2 nd degree of Affinity	<ul style="list-style-type: none"> •Parent-in-Law •Daughter-in-Law •Son-in-Law

Note: Authors' elaboration

office (overlapping terms). It includes a provision that considers party-list nominees as national elective positions, and thus the prohibitions subsumed within the bill extend to party-list nominees.

A comparison of the two bills—HB 3587 by the House of Representatives and the consolidated Senate bill—is presented in Table 3.

The two versions of the antidynasty legislation contain similar or functionally equivalent provisions on (1) the civil degree of consanguinity or affinity, (2) the inclusion of illegitimate children, and (3) the inclusion of half-blood siblings. Both bills are also underpinned by the same themes to regulate the prevalence of political dynasties, particularly the “fat” kind.

Nevertheless, they differ on several provisions. The House bill does not (1) include a

provision on common-law spouses, (2) cover party-list nominees, and (3) cover elective barangay positions. The Senate bill distinguishes between national positions and local positions.

Furthermore, the Senate bill contains provisions that distinguish between provincial positions, component city positions, municipal positions, and barangay positions. The jurisdictional delineations indexed to the provincial level allow two or more relatives within the second civil degree of consanguinity or affinity to run and hold elective local offices simultaneously provided that they hold them in different provinces or

component cities. That is, the Senate bill prevents two individuals related within the second civil degree of consanguinity or affinity from simultaneously running as governor of Cebu and as mayor of Alcoy, Cebu. The same pair, however, will not be prohibited from simultaneously running for governor of Cebu and governor of Leyte, for example. Similarly, the pair will not be prohibited from simultaneously running for mayor of any municipality of Cebu and mayor of any municipality of Leyte. These combinations, in contrast, are prohibited in the House bill.

Table 3. Summary of provisions in the proposed antidynastic legislation

Provisions	House Bill	Senate Bill
Degree of consanguinity or affinity	Second civil degree of consanguinity or affinity	Second civil degree of consanguinity or affinity
Treatment of legitimate or illegitimate children	Included	Included
Treatment of full or half-blood siblings	Included	Included
Treatment of common-law spouses	Not included	Included
Party list clause	Not included	Included
Simultaneous running for national offices	Prohibited	Prohibited
Simultaneous running for local offices	Prohibited	Allowed if local elective offices are in different provinces (one family member per province)
Simultaneous running for at least one local office and at least one national office	Prohibited	Prohibited
Succession to the same office	Prohibited	Prohibited
Succession to a different office	Allowed if the incumbent resigns from office before the filing of the relative of his or her certificate of candidacy	Allowed if the incumbent resigns from office before the filing of the relative of his or her certificate of candidacy
Overlapping terms	Prohibited	Prohibited
Barangay	Not included	Included
Sangguniang Kabataan	Not included	Included

Note: Authors' synthesis of HB 3587 and Sen. Pimentel's draft consolidated bill

More specifically, the House bill makes no distinctions as to provincial jurisdictional boundaries. An incumbent official occupying any national or local elective position will prevent all of his or her relatives within the second civil degree of consanguinity or affinity from running or holding any other national or local elective position. Similarly, a candidate for any national or local elective position will prevent all of his or her relatives within the second civil degree of consanguinity or affinity from running for any other national or local position.

Toward a more inclusive political landscape

The two versions of the antidynasty legislation in both houses of Congress will neither totally remove political dynasties in the country nor fully level the political playing field. But such a legislation is crucial to commence reforms in the political process. Consistent with the ideas of the framers of the 1987 Constitution, its goal is not really to remove dynasties but rather to regulate self-serving and opportunistic behavior and to promote effective and accountable governance. Belonging to a political family is certainly not by itself evil. Various eminent families such as the Tañada family in the Philippines and the Kennedy family in the United States have made important contributions to society. The question is whether the status quo in the political landscape provides equal opportunities to all families to contribute to society. Name recall continues to be one of the biggest factors

that influences the majority of the voting public in choosing their leaders.

An antidynasty law can provide our citizens with a bigger pool of families to select their leaders from as it can prevent political dynasties to flourish and improve the chances of those outside of political dynasties to contribute to our country's governance. An antidynasty law may also be an avenue to improve the quality of political parties by increasing everyone's access to political participation.

Recognizing that economic growth does not always translate into better welfare conditions for everyone, the present administration has anchored the *Philippine Development Plan* toward a more sustained, accelerated, and inclusive growth. The executive and legislative branches of government have laid the grounds for more socioeconomic inclusiveness by strengthening social protection programs and improving market competition. One important dimension that remains to be developed is broadening political inclusiveness. Greater access by the people not only to growth processes but also to political processes by passing a legislation that regulates political dynasties will further strengthen our democracy and promote inclusiveness. 📄

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