

WORKING PAPER

Does Dynastic Prohibition Improve Democracy?

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RIZALINO S. NAVARRO POLICY CENTER FOR COMPETITIVENESS
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1. Introduction

Political dynasties, simply defined, refer to elected officials with relatives in past or present elected positions in government. Numerous studies have by now identified the extent of dynastic politics across the world, spanning Argentina (Rossi 2014), Brazil (Frank 2001), Japan (Asako et al. 2015), Mexico (Camp 1982), the United States (Dal Bo, Dal Bo, and Snyder 2009), Thailand (Thompson 2012), and also the Philippines (Anderson 2004; McCoy 2007; Mendoza et al 2012; Teehankee 2007).

The Philippines appears to stand out, in particular, given what seems to be a deeper penetration into political life by more dynastic political families in the Philippines. A rough comparison by Mendoza et al (2012) suggests that 70% of the House of Representatives in the 15th Philippine Congress is comprised of dynastic politicians, easily trumping other parliaments like the Argentina, Japan, Mexico and the United States.

Dynastic politicians persist in the Philippine House of Representatives and they have entrenched themselves in the local government units. Philippine politics, it seems, is a family affair. Even the Senate, regarded by some media circles and analysts to be the last bastion of independence in politics, is not exempted. To help illustrate, the incumbent roster of Philippine senators includes the son of a former President (Ferdinand "Bongbong" Marcos, Jr.); the cousin of the President (Paolo "Bam" Benigno Aquino IV); the daughter of the Vice President (Ma. Lourdes "Nancy" Binay); the son of a former Vice-President (Teofisto "TG" Guingona III); the wife of a former Senate President (Cynthia Villar); three sons of former Senators (Juan Edgardo "Sonny" Angara, Sergio "Serge" Osmeña III, and Ramon "Bong" Revilla, Jr.); the grandson of a former Senator (Ralph Recto); a son of a former Cabinet secretary and congressman (Francis "Chiz" Escudero); and a brother-and-sister (Alan Peter and Pia Cayetano, whose father happens to be a former senator) and a brother-and-brother (Jinggoy Ejercito Estrada and Joseph Victor "JV" Ejercito, who are both sons of a former President) tandem.

The political science and economic development literature suggests that political dynasties could be inimical to democratic and economic development in various ways, including by weakening checks-and-balances in democracy; diverging from the development of meritocratic bureaucracies and instead introducing nepotism; and undermining political competition, in turning leading perhaps to lack of political accountability (De Dios 2007; Quimpo and Kasuya 2010; McCoy 2007; Mendoza, Cruz, and Yap 2014). Perhaps guided by an

appreciation for these risks, the framers of the 1987 Philippine Constitution included a section where the State is mandated to provide equal access to public service and prohibit political dynasties (1987 Constitution, Article 2, Section 26). Nevertheless, the Philippine Constitution lacks an explicit definition of political dynasties and an enabling law banning these (once properly defined). The framers of the Constitution gave the power to define "political dynasty" to what would turn out to be a heavily dynasties-dominated Congress.

Presently, there are advocacy groups and progressive politicians who continue to push for anti-dynasty legislation. To them, the journey towards the passage of an anti-dynasty law would be difficult but surmountable. Along this journey, there are questions that needed to be answered: Are there political and legal principles violated by dynastic prohibition? How does one exactly define "political dynasty"? Will an anti-dynasty legislation bring political and economic instability?

This paper probes the different aspects of dynastic prohibition, drawing in part from international experiences on similarly-minded laws and policies in other democracies. In what follows, Section 2 briefly reviews the related literature, particularly on nepotism and political dynasties which are similar in some aspects but quite distinct concepts. Section 3 discusses the arguments surrounding the dynastic prohibition in the current Philippine Constitution, drawing on historical accounts of the 1986 Constitutional Commission's work. And Section 4 provides an overview of various definitions of "political dynasty" based on legislative bills and constitutions of other countries. Section 5 then concentrates on an empirical analysis of what these laws appear to be associated with (i.e., further democratization of these countries that introduced them). Finally, Section 6 concludes.

2. Family Members in Public Service

There are various risks introduced to governance when family members and relatives work closely together in public service. One strand of the literature focuses on nepotism, which tends to be concentrated in offices and positions that are appointive in nature. Another examines political dynasties, focusing on offices and positions secured through elections. As will be discussed here, the existing literature in this area emphasizes some benefits linked to these patterns, as well as many issues of conflict of interest and governance failure, among other potential detrimental effects.

2.1. Nepotism in the private and public sectors and anti-nepotism laws

Nepotism refers to the phenomenon in which a person chooses or employs a family member or close relative in a professional setting. More specifically, the individual and her/his relative could work within the same employment period, or one could succeed the other as regards a particular position. The existence of such an arrangement can be rationalized by invoking the “trade-off between neutrality and information” (Levmore 1998: 2101). Employing a relative reduces the cost to the employer/manager. The familiarity or closeness to the applicant lessens the need to spend for background checks. This decision, however, projects subjectivity on the side of the employer/manager. On the other hand, “distancing or separating a decision-maker from a subject will normally provide a degree of neutrality, at the cost of requiring the decision-maker to invest in information” (Levmore 1998: 2100).

In cases where the private interest of the appointing authority diverges from the interest of the organization, theoretical literature on family firms point to a representative founder who foregoes firm utility from sustained productivity for personal utility from having an heir run the company when he/she retires (Burkart, Fanunzi, and Schleifer 2003; Bertrand and Schoar 2006). In other words, there is potential willingness to trade-off a firm's further profitability for the sake of the company founder's satisfaction in seeing the institution handed to the next generation of his/her family (Scoppa 2009: 170). And there is some evidence to suggest that this leads to weaker firm performance. In a review of top managerial transitions of publicly-traded corporations in the United States from the 1980s to the 1990s, Perez-Gonzales (2006) concludes that firms with Chief Executive Officers (CEOs) who were related by blood or by marriage to the previous CEO, the company founder, or the majority shareholder underperform in the market in terms of operating profitability and market-to-book ratios.

On one hand, it can be argued that inherited positions are derived from inherited skills. Parents teach the tricks of their trade to their children. It follows then that the children could absorb some of the competencies of their parents. This is a plausible explanation behind the pattern of children succeeding in the line of work of their parent, empirically observed in the fields of medicine, law, business, and even sports (Laband and Lentz 1983; 1985; 1989; 1992).

On the other hand, the possibility remains that individuals are merely exploiting their existing influence and networks, as well as the “insider information” in order to enable the

members of their family to gain advantages in the labor market. For example, Scoppa (2009: 168) augments Becker and Tomes (1986) in theorizing that parents maximize the chances of their children to a better future by transferring both human capital, material wealth, as well as valuable employment opportunities. Empirically, he cites as an example the aforementioned studies of Laband and Lentz showing that applicants, who have one or both parents in the medical profession, have a higher probability of passing the entrance examinations of medical schools relative to those with non-doctor parents even if they have a low-quality human capital.

Even if the benefit of the doubt is extended to family members, such that it is assumed that relatives employed within the same office/department are not an outcome of a self-interested strategy to maximize private utility, the literature does flag possible issues when professional relationships are melded with familial ones. Family problems can affect office performance. Employees can be agitated when their kin is disciplined, suspended, or fired by management. Supervisors and fellow employees of people who are related to top officials may feel uncomfortable working with them. A person could be unwilling to criticize or contradict his/her relative in meetings. Someone related to a high-ranking authority of the organization could be unsure whether the promotions he/she receives is due to his/her contribution or his/her familial relations. On top of that, whether a relative's employment or position is an outcome of favoritism or not, there could be the feeling of injustice or unfairness among the other employees (White 2000: 111). Hence, in the case of the United States, anti-nepotism policies within companies and anti-nepotism laws in select states flourished in the 1980s primarily to address some of the above-stated concerns (Podgers 1996: 46).

However, questions on inefficiency and undue advantage resulting from nepotism are not limited to the private sector. For instance, in the United States, all Civil War-era Cabinet members of President Abraham Lincoln had at least one family member employed in the federal government. Then there is the celebrated case of President John F. Kennedy appointing his brother Robert to the office of the Attorney-General (White 2000: 109). Empirically, one can cite the study of Scoppa (2009) that concluded how, in Italy, the probability of someone pursuing a career in civil service increases by 44% when his/her father is a public sector employee.

The literature also identifies several characteristics of employment in the public service that makes it more likely to observe nepotism in this sector, compared to the private sector. More specifically, the public sector is not primarily oriented towards profit maximization. And the

variety of duties and activities pursued by a department or a bureau makes it hard to accurately quantify individual performance. This makes it more difficult (compared to the private sector) to weed out and expose incompetence and inefficiency, possibly allowing nepotism to thrive unchecked. Further, the “principals” of political institutions—the citizenry—typically do not have access to information to successfully evaluate government agents (Scoppa 2009: 167). Given that salaries in public service cannot easily change to reflect accountability or performance, there is no correlation between a person’s underperformance and the salary of the relative who secured the former’s appointment, nor will the inefficient employee suffer accountability for his/her underperformance after getting job security (Scoppa 2009: 168). To put it simply, incentives are present in the government to make it an environment for nepotistic appointments.

Nepotism presents problems in the public sector that are similar concerns in the private sector. As Scoppa (2009: 186) notes, the incentive structure assigns a higher return for investments in networking than in productive human capital. The resulting favoritism in recruitment thus contributes to poor performance in the government bureaucracy via the hiring of under-qualified but well-connected employees.

Nevertheless, given the political nature of government work, issues raised against nepotism will inevitably touch on corruption and public interest. In her study on Suharto-era governance in Indonesia, Robertson-Snape (1999) portrays nepotism as a form of political corruption. There are at least two major conceptualizations of corruption: firstly, the “illegal use of public office or the process of selection to public office” for vested interests; and secondly, the “subversion of public interest for private ends.” The former highlights the violation of the dignity accorded to a government position; the latter emphasizes the disregard of the common good. As such, the use of authority to dispense government positions to familial relations, as well as political allies, is interpreted as corruption either because of the act itself (i.e., the distortion of the use of government authority) or because of the possible negative outcomes (i.e., results to situations contrary to public welfare) (Robertson-Snape 1999: 598).

Fafchamps and Labonne (2014) examines the extent to which local government units in the Philippines display nepotism in local governance. They employ a regression discontinuity design to compare the likelihood of employment in a professional or managerial position between people who are related to mayors who narrowly won the 2007 elections and those who

are related to mayoral candidates who narrowly lost. Their study of 709 municipalities finds that filial relations to the incumbent local executive increase the likelihood of getting a managerial or professional occupation.

Furthermore, political connections enjoyed by family members of prominent politicians could be used to distort the market and create undue advantages in a market economy. This is not possible in the ideal bureaucratic setup, where the public official is an impartial implementer of law and distributor of public goods, but is prevalent when formal political institutions are weak or when incentives are there for the public official to act more as a patron to his/her loyal supporters (De Dios 2007: 1631-77). For instance, in a study of Fisman and Miguel (2008), they point out that the stock price, since it is a measure of a company's value, also reflects the value of a corporation's political connections. The study uses Bimantara Citra, then run by one of Suharto's sons, as a case in point. In 1996, the mere rumor of Suharto's heart attack caused the stock price of the Bimantara Citra to plunge by 10%. In general, they estimate that a corporation that would completely sever its ties to the ailing dictator could see a loss of 25% in the company's value.

In the United States, anti-nepotism legislation is one of the products of the Progressive Era, a historical period in which journalists regularly printed exposes of corruption and reformers got elected into office. Other policies instituted along with it are recalls, ballot initiatives, referenda, and direct primaries to nominate candidates for office. White (2000: 109) observes: “[A]nti-nepotism laws are a method to eliminate another variation of ‘spoils’ patronage: allotting governmental jobs based on kinship rather than political cronyism.”

2.2 Political dynasties and anti-dynasty legislation

Meanwhile, there is a resurgent interest in political science and economic literature on the role of political/economic elites to the development of a national economy (see the studies compiled in Amsden, DiCaprio, and Robinson 2012). Elites, as defined by Bull (2014: 120), are “groups of individuals that, due to their control over natural, economic, political, social, organizational, symbolic (expertise/knowledge), or coercive resources,” maintain a major say on “decisions and practices that have broad societal impact.”

Bull (2014: 119) observes that elite choices affect the development of statehood, the manner in which it extracts resources from its constituency, and the way laws are enforced over

the citizens. Acemoglu and Robinson (2012) develop a similar argument. Drawing insights from political economy studies, they observe that nations need political inclusivity for progress. Inclusivity, in turn, is premised on centralized (i.e., complete control over a territory to enforce the state's laws) and pluralized governance structures (e.g., adequate spaces for discourse). Clan politics deter inclusivity by creating political fiefdoms and by sustaining privileged families that wield their economic power to crowd out the electoral arena. A "vicious cycle" is then reinforced wherein so-called "extractive institutions" lead to a tremendous misallocation of the benefits of prosperity in favor of those entrenched in power.

The literature uses the terms "elite," "oligarchy," or "dominant class" to denote the same stratum of society (see Acemoglu et al 2008), and makes no assumption on possible blood or marital relations among its members. There is a strand of literature, however, that assigns kinship patterns a primary role in determining elite membership. This is pronounced especially in the historical literature on political elites of Latin America and the Philippines. For example, relations by blood or by marriage were important in the recruitment of politicians in Peru, members of the legislature in Guatemala, and local public executives in Brazil (Camp 1982: 861). Similarly, in the Philippines, the same 106 families (more or less) continuously served in the House of Representatives from the first national election in 1907 up to the post-People Power era, translating into an entire century of dominance in Congress (Teehankee 2007). In the aforementioned literature, elite members in the political arena who are characterized by bloodlines or ties by marriage are called "political dynasties" or "political families."

In relation to the initial discussion of this section, the phenomenon of political dynasties is connected to nepotism for these are two settings where family members serve in succession or simultaneously in the government. Nevertheless, the two are different in one important way. The latter often pertains to elective positions (Kurtz 1989: 335) while the former typically involves appointive positions. This distinction partly explains why anti-nepotism legislation is typical to a country but anti-dynasty legislation is not. Laws prohibiting the formation of political dynasties will always be tangled with laws concerning elections.

Why are elections a sensitive topic? The principles of competition, participation, and accountability constitute a democracy. These fundamental tenets of democratic governance are enshrined and manifested in elections: candidates can run and get elected; citizens can choose who will represent them; and re-elections are mechanisms to exact accountability from officials.

Suffrage is a “hallmark of democracy.” As such, restrictions and other concerns related to elections—for instance mandatory voting, literacy as a requirement for voting, the right of prisoners to vote, limits to campaign spending, the necessity of run-off polls, and the like—are hotly debated and always controversial (Smith 2012: 180). And unlike the case of appointive positions, it is often thought that citizens' rights to run for office should be unencumbered, while regulation in appointive positions is more accepted.

Despite this caveat, there are countries that prohibit political dynasties. The Philippines is an example, where Article II, Section 26 of its 1987 Constitution proclaims that the “[t]he State shall guarantee equal access to opportunities for public service, and prohibit political dynasties as may be defined by law.” Similar prohibitions are also found in the legislation of some Latin American countries, namely Brazil, Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, albeit in their case, the definition of political dynasty is usually explicitly defined by the constitution. An interesting observation is that most of these countries fall under the so-called “third wave of democratization,” a term popularized by Samuel Huntington (1991) to denote the years between 1974 and 1990 when several countries (such as the Philippines in 1986) overthrew dictatorships and instituted democratic governments as replacement (Smith 2012: 32). Within this era, the anti-dynasty statutes of the countries mentioned earlier, with the exception of Costa Rica, were established.

Table 1 further elaborates on the pertinent statutes for each of these countries.

Table 1.
Dynastic Prohibition in Selected Latin American Countries

Country	President	Vice President	Congress	Local government officials
Brazil				The spouse; persons related up to the second degree of consanguinity or affinity; or relatives by adoption of the President, Mayor, or the one who replaced the Mayor within six months prior to the election date cannot run for the Municipal Council (Camara Municipal) (Lei Complementar No. 64, Article I, Section VII, Paragraph 3 [1990])
Colombia			<p>Persons with civil ties or related to individuals who exercise political/civil authority up to the third degree of consanguinity or first degree of affinity (Colombian Constitution, Article 179, first section, Paragraph 5)</p> <p>Those who are related among themselves up to the third degree of consanguinity, second degree of affinity, or first civil level; and are registered within the same party, movement, or political group for elections that will be held on the same date (Colombian Constitution, Article 179, first section, Paragraph 6)</p>	The spouse; cohabiting partner; persons related up to the second degree of consanguinity or first degree of affinity; or persons with civil relations to the Deputies and Councilors cannot be designated as officials to territories where their relatives serve (Colombian Constitution, Article 292)

<p>Costa Rica</p>	<p>Relatives (e.g., ancestor, descendant, sibling) by affinity or consanguinity of the President who is incumbent during or within six months prior to the election date (Costa Rican Constitution, Article 132, first section, Paragraph 3)</p>	<p>Relatives (e.g., ancestor, descendant, sibling) by affinity or consanguinity of the President who is incumbent during or within six months prior to the election date (Costa Rican Constitution, Article 132, first section, Paragraph 3)</p>	<p>Relatives of the incumbent President up to the second degree of affinity or consanguinity (Costa Rican Constitution, Article 109, first section, Paragraph 8)</p>	
<p>El Salvador</p>	<p>The spouse and relatives up to the fourth degree of consanguinity or second degree of affinity of people who have exercised the Office of the President (El Salvadoran Constitution, Article 152, first section, Paragraph 2)</p>	<p>The spouse and relatives up to the fourth degree of consanguinity or second degree of affinity of people who have exercised the Office of the President (El Salvadoran Constitution, Article 153)</p>	<p>Relatives of the President up to the fourth degree of consanguinity or second degree of affinity (Constitution of El Salvador, Article 127, first section, Paragraph 4)</p>	
<p>Guatemala</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, Vice President (when the latter exercised the Office of the President), and leaders of coups d'etat, armed revolutions, and the like (Guatemalan Constitution, Article 186, first section, Paragraphs A and C)</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, Vice President (when the latter exercised the Office of the President), and leaders of coups d'etat, armed revolutions, and the like (Guatemalan Constitution, Article 186, first section, Paragraphs A and C)</p>	<p>Relatives of the President and the Vice President up to the fourth degree of consanguinity or second degree of affinity (Constitution of Guatemala, Article 164, first section, Paragraph C)</p>	

<p style="text-align: center;">Honduras</p>	<p>The spouse and relatives up to the fourth degree of consanguinity or second degree of affinity of military commanders, members of the High Council of the Armed Forces, the President, and the Designates that exercised the powers of the presidency within the year preceding the election (Constitution of Honduras, Article 240, first section, Paragraphs 5 and 6)</p>		<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, Magistrates of the Supreme Court, military heads with national jurisdiction, members of the National Tribunal of Elections, Procurator General and Sub Procurator General, Comptroller and Sub Comptroller General, Director and Sub Director of Administrative Probity; and the spouse and relatives up to the fourth degree of consanguinity or second degree of affinity of the chiefs of military regions, commanders of military units, departmental or sectional military delegates, and delegates of security forces or other armed forces that are deployed to areas where their relatives want to run (Constitution of Honduras, Article 199, first section, Paragraphs 10 and 11)</p>	
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Nicaragua	Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or anyone who had exercised the full powers of the presidency during the election period (Nicaraguan Constitution, Article 147, third section, Paragraph C)	Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or anyone who had exercised the full powers of the presidency during the election period (Nicaraguan Constitution, Article 147, third section, Paragraph C)		
Panama	Relatives up to the fourth degree of consanguinity or second degree of marital relations of the President or anyone who had exercised the powers of the presidency within three years prior to the election (Panaman Constitution, Article 192, first section, Paragraph 2)	Relatives up to the fourth degree of consanguinity or second degree of marital relations of the President or anyone who had exercised the powers of the presidency within three years prior to the election (Panaman Constitution, Article 193, first section, Paragraphs 2, 4, and 5)		
Paraguay	The spouse or relatives up to the fourth degree of consanguinity or second degree of affinity of whoever exercised the powers of the presidency or had performed its office at any given time during the year prior to the elections (Paraguayan Constitution, Article 235, first section, Paragraph 9)	The spouse or relatives up to the fourth degree of consanguinity or second degree of affinity of whoever exercised the powers of the presidency or had performed its office at any given time during the year prior to the elections (Paraguayan Constitution, Article 235, first section, Paragraph 9)		The spouse or relatives up to the fourth degree of consanguinity or second degree of affinity of whoever exercised the powers of the presidency or had performed its office at any given time during the year prior to the elections cannot be a governor or member of the departmental board (Paraguayan Constitution, Article 162, first section, Paragraph 4)

Source: Compiled by 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.

3. Issues against Dynastic Prohibition in the Philippines

The debates and deliberations of the 1986 Constitutional Commission provide further deeper insights on the inclusion of an anti-dynasty provision (and in particular, the opening for an enabling law) in the Philippine Constitution. Some commissioners frequently invoked the following in opposing the anti-dynasty provision in the charter: (1) The dynastic prohibition may disqualify deserving individuals from running; (2) it fringes the right to vote and to be voted upon; (3) it contradicts the idea of equal access to public office; and (3) ultimately, the existence of political dynasties is an effect rather than a cause of prevailing socio-economic structures (The Constitutional Commission 1986: 761-763; 935-956).

Although the dynastic prohibition supporters won over the skeptics in the 1986 Constitutional Commission, paving way for its inclusion in the ratified 1987 Constitution, the delegation to Congress of the power to define what constitutes a political dynasty has resurrected the same arguments against prohibiting political dynasties. This is true especially in recent years, when the 2013 midterm elections and a recent push by different legislators (including Senators Miriam Defensor-Santiago and Joseph Victor "JV" Ejercito, and Second District of Caloocan Rep. Edgar Erice) for an anti-dynasty law attracted media and public attention (GMA News Online 2014; Salaverria 2015). Indeed, other legislators have recognized the need to curb dynastic tendencies, notable to make political life more inclusive for more youth leaders. Senator Paulo Benigno "Bam" Aquino IV, for example, supported an anti-dynasty clause in the Sangguniang Kabataan (SK) Bill recently under consideration for passage by both houses of Congress (Cayabyab 2015).

Nevertheless, scions of political families invoked *vox populi, vox Dei* or "Let the people decide" in response. "It's the people who will decide, that's democracy. It's not like we're employing guns, goons and gold to win seats. We leave it to the voters," former President and then Manila mayoral candidate Joseph Ejercito-Estrada argued during the run-up of the election season (Esguerra 2012). His two sons, Jinggoy Ejercito Estrada and JV Ejercito, are incumbent senators. His mistress is the mayor of the City of San Juan.

Then senatorial candidate Richard Gordon also said that individual rights would be violated by the passage of anti-dynasty legislation (Salaverria 2013). After winning in the elections, Sen. Ma. Lourdes "Nancy" Binay said she would oppose any anti-dynasty bill. "So at the end of the day, it's the people who will vote. It's not a guarantee that if you have the same

last name, it will automatically get you elected," she said, similar to Estrada's argument (Burgonio 2014).

It follows that there is a need to assess each of the arguments raised against an anti-dynasty law due to their frequent utterances from people who do not support a dynastic prohibition.

3.1 An anti-dynasty law will prevent competent individuals from being elected.

It has repeatedly been asserted that prohibiting political dynasties disqualifies people who are otherwise competent and deserving to run for public office. The crux of an anti-dynasty law, however, is not competence but conflict of interest. Research on nepotism, such as the ones cited in the earlier section of this paper, points to the pitfalls of a setup where family members work within the same bureaucracy. Acquiring positions through elections does not invalidate the findings of literature, in so far as the setup of relatives working together is concerned.

Examples in recent political news appear to support this view. In 2011, then Davao City Mayor Sara Duterte drew criticism and threats of disbarment--she is a lawyer--after punching a sheriff who carried out a court order to demolish an informal settlement. Her father Rudy Duterte, then also the Vice Mayor of the city, rushed to the defense of the Mayor (his daughter) (Dizon 2011). And even as there were salient points on the side of the Dutertes, this incident (among many others in other parts of the Philippines) exposed the potential conflict of interest that could put major policy decisions and administrative actions at risk when relatives encumber positions.

Meanwhile, only last year, Senator Nancy Binay decried the alleged political persecution of her family. Her parents--the father Jejomar is the incumbent Vice President; the mother Elenita, a former City Mayor of Makati--and brother Junjun, the incumbent Makati City Mayor are involved in various cases of graft. The Senator even expressed pity for her brother's "motherless kids," since the Senate threatened to detain Junjun if he refused to appear before the Senate committee hearings (GMA News Online 2015; Punongbayan 2015).

Without passing judgment on the claims against Sara Duterte and the Binays or the validity of Rudy Duterte's and Nancy Binay's defense of their relatives, the mention of the aforementioned cases are illustrative of the fact that: (a) the emotional bond between family members can cloud their impartiality and objectivity (and even if it does not, there is always the

possibility of that interpretation); and (b) it is reasonable to expect that relatives will try to help their aggrieved kin, which raises questions on propriety given that the relatives have political authority at their disposal.

But perhaps the greatest example of this kind of conflict of interest is the so-called "Maguindanao Massacre," where 58 relatives of gubernatorial candidate Esmael Mangudadatu, journalists, and civilians were murdered in Ampatuan, Maguindanao in November of 2009 (Santos 2014). The Mangudadatus were rivals of the Ampatuans, a dominant family in Mindanao politics. Charges were filed against the prime suspects: Datu Unsay Mayor Andal Ampatuan, Jr.; his brother and ARMM Governor Zaldy; and his father and former ARMM Governor Andal, Sr. (BBC News 2010). In this case of conflict of interest, government officials are not merely defending their blood relations from attacks; they are said to be accomplices in the execution of a crime and its subsequent cover-up.

The discussion so far concerns "fat dynasties," or family members serving in public office simultaneously. "Thin dynasties" also exist, or family members serving in office in direct succession (Mendoza et al 2012). The conflict of interest happens in the latter case when a relative succeeds the office of a person who has moral control over the former. An example would be the influence that relatives hold over politicians who see the former as mentors or patrons (Kurtz 1989: 350).

To elaborate on this, one must begin with the motivation behind term limits. Former Supreme Court Associate Justice Isagani Cruz (2007) traced the origin of restrictions on the number of terms for national and local elective offices to the near two-decade authoritarian regime of former President Ferdinand Marcos. The idea is to avoid any individual perpetuating and entrenching himself into political power. The spirit of term restrictions is subverted when an outgoing incumbent who has exhausted the allowable number of elected terms is replaced by a family member he/she can manipulate.

This interpretation is in fact reflected in one of the speeches made by Commissioner Nollado during the deliberations on the anti-dynasty provision of the 1986 Constitutional Commission:

I am talking of this in terms of the scope of the term 'political dynasty,' by saying that a prohibition against political dynasty, Mr. Presiding Officer, is designed to avoid circumvention of the provision limiting reelection of

public officers to give a chance to others in running for public office. I would like to be specific, Mr. President Officer. In the case of local government officials like governors, for example, we allow them to have two reelections. If he is reelected twice, he can no longer run for reelection in which case, he will ask his close relative—a son or a daughter or a brother or a sister—to run for public office under his patronage. And in this case, because it may also happen that his younger son may run for governor and he is still strong enough to exercise moral as well as effective influence upon the son. And the son becomes a subaltern, subjecting himself to the will of the father who has apparently retired. (The Constitutional Commission 1986: 935-936)

In other words, the continued existence of political dynasties render term limits meaningless. Empirical evidence to this effect is given by Querubin (2012), who examines the succession of office-holders for the congressional and gubernatorial positions in the Philippines from 1946 to 2010. He uses difference-in-difference method where the second-termers are the control group and the third-termers are the treated group. The pre-treatment period covers 1946-1972 while the treatment period is the 1987-2010 period. Querubin finds that the introduction of term restrictions in the 1987 Constitution have actually increased the probability that a congressman will be replaced by his relative. Querubin interprets this as indicative of elite persistence, but his conclusions can also point to a kind of dictatorship (i.e., power is monopolized by an individual) where a single person exercises de facto control over public office and unlimited access to government resources through his relatives-successors submissive to him.

3.2 An anti-dynasty law infringes the right to vote and be voted upon.

Rights are not absolute and are subject to reasonable regulation. Numerous examples support this view. The freedom of expression can be regulated by laws on hate speech. The right to property can be limited by laws on land reform. The right to travel can be circumscribed due concerns related to national security or public safety. The same logic applies to the right to vote and be voted upon. In fact, existing laws and constitutional provisions already impose certain

restrictions on suffrage even without the dynastic prohibition. Candidacy and eligibility to vote carry qualifications on residency, literacy, age, and the like. The aforementioned examples are evidence that the State has the power to govern the way its citizens exercise their rights, such as the right to vote and be voted upon.

In fact, this aspect was specifically debated by some members of the 1986 Constitutional Commission:

MR. OPLE: One final question: Does my friend, Commissioner Nollo, not believe that the right of suffrage should not be abridged and that the right to vote and to be voted upon actually was derived from the same concept of the right of suffrage? Will he agree to that principle?

MR. NOLLEDO: We do not infringe upon the right of suffrage. We only regulate the right of some people to run because we want to equalize the conditions between the poor and rich candidates. And I would like the Commissioner to know that we do not prohibit the son of the governor from running for the same office because he can run later on when the governor-father is no longer in office.

MR. OPLE: I thank the Commissioner for recognizing the principle that the right to be voted upon inheres in the right to vote. Thank you very much.

MR. NOLLEDO: I agree with the Commissioner, but I think the State under its police power can regulate the same.

(The Constitutional Commission 1986: 936)

The first observation from reading the exchange is that an anti-dynasty law operates within the parameters of the "police power" of the State. Commissioner Nollo invokes an old principle borrowed from the United States jurisprudence to advance his proposal for prohibiting political dynasties. "Police power" pertains to the ability of the State to restrict the behavior of individuals in the interest of public welfare, in particular, "for the protection of the safety, health, morals, and public order of the community" (Burdick 1921: 161). The government, acting in behalf of "society at large," has the power to qualify rights "without the impairment of the substantial and essential rights of the individual in a free state" (Wickersham 1914: 304). Under

this principle, the passage and implementation of anti-dynasty law is merely an exercise of the State to realize its duty of promoting the greater good.

The right to regulate the exercise of suffrage of individuals affiliated with political dynasties is hence justified by showing how dynastic politics is inimical to the country's economic and political development throughout Philippine history. Anderson (2004: 207-208), for example, in his study of national politics, observed how dynastic families from 1954 to 1972 used their political clout and access to legislation in order to consolidate their wealth and advance their economic interests:

"Under the guise of promoting economic independence and import-substitution industrialization, exchange rates were manipulated, monopolistic licenses parceled out, huge, cheap, often unrepaid bank loans passed around, and the national budget frittered away in pork-barrel legislation. Some of the more enterprising dynasties diversified into urban real estate, hotels, utilities, insurance, the mass media, and so forth."

In the context of the post-1986 political order, one can note how political dynasties prevented the passage of genuine land reform (Anderson 2004: 222); perpetuated warlordism and the creation of private armies and paramilitary groups (de Dios 2007:171-173); discouraged the development of genuine political parties (David 2012); and the like.

The second observation gleaned from the exchange between Commissioners Nolleto and Ople is that the dynastic prohibition does not categorically and absolutely prevent a dynastic candidate from being voted into public office. This is further affirmed if one looks at other clarificatory statements made during the deliberations of the anti-dynasty provision such as this one, between Commissioners Nolleto and Rodrigo:

MR. RODRIGO: Is it not fair for a nephew to be penalized, to be disqualified merely because he has an uncle not of his choice?

MR. NOLLEDO: The Commissioner will notice that I consider this is not prohibitory but regulatory. We have to cut the nexus after the permissible reelection. And when there are no more built-in advantages like warlordism, graft and corruption, etc., then that nephew can run again.

(The Constitutional Commission 1986: 940-941)

And this one, between Commissioners Nolledo and Teodulo Natividad:

MR. NOLLEDO: [...] It is not an absolute prohibition. We want to widen the political base to give a chance to poor but deserving candidates. We want to avoid the possibility of taking advantage of the position of the father. So that is the recommendation to the Congress.

MR. NATIVIDAD: Madam President, I would like to draw that as an explanation because if a person is no longer incumbent and the heir will be forever banned from running for public office, I do not think that will be fair, constitutionally or statutorily.

MR. NOLLEDO: No, there is no everlasting ban. So I agree with the Commissioner.

(The Constitutional Commission 1986: 393)

The foregoing discussions appear to provide an effective counterpoint to the argument that anti-dynasty legislation will exclude people from the exercise of their right to suffrage. Such a law will not necessarily block a dynastic candidate from ever participating in elections. Rather, this law, potentially, merely regulates the manner and timing of the elections in which the candidate can run. He/she can vie in an election provided that his/her term, if he/she wins, will not be simultaneous with or in immediate succession to the term of a relative.

3.3 Anti-dynasty law violates the "equal access to public service" principle of the Constitution

There are groups who contend that any regulation on electoral candidacy that disadvantages one sector by virtue of their familial affiliation violates a person's right to "equal access to public service." This argument is premised on the notion that the opportunity to encumber appointive and elective positions should be available to each and all of the citizenry. This right is enshrined in international law, by virtue of Article 25 of the International Covenant on Civil and Political Rights or ICCPR (United Nations 1966), along with the right to participate in the conduct of public affairs and the right to universal and equal suffrage.

Nonetheless, the same Article 25 of ICCPR emphasizes the duty of the State to honor these rights “without unreasonable restrictions.” That is, restrictions, if they are reasonable, are not contradictory to the substance of these rights. Paragraph 15 of the General Comment No. 25 of the United Nations Human Rights Committee (1996) elaborate that the access to elective positions is predicated on a competitive electoral race, i.e., so that “persons entitled to vote have a free choice of candidates”, and that any restricts to stand in an election “must be justifiable on objective and reasonable criteria.”

In the context of an anti-dynasty provision, it can be argued from the lens of international law that: (1) the continued existence of political dynasties, making elections uncompetitive in the process, contradict the principle of “free choice of candidates”; and (2) the prohibition of political dynasties does not violate the right to equal access to public service as long as the limits imposed on candidacies can be considered objective and reasonable. Indeed, more empirical evidence exists on the ability of candidates to perpetuate themselves in power, and effectively erode political competition and inclusion, manifesting in dynastic patterns (see Dal Bo, Dal Bo, and Snyder 2009 for the United States; Querubin 2012 for the Philippines; and Rossi 2014 for Argentina).

One again revisiting the deliberations of the anti-dynasty provision during the 1986 Constitutional Commission, the argument can be further extended such that a dynastic prohibition, in fact, realizes the right to equal access to public service. In the words of Commissioner Nollado: "This provision will widen political opportunities contrary to the opinion of Commissioner Monsod because I feel that when we talk of equal opportunities, we have also to talk more or less of equal conditions under which candidates can run for public office. (The Constitutional Commission 1986: 935)."

In reality, the entrenchment of families in politics rather than their prohibition creates *unequal access* to public office because of the advantages afforded to the relatives and family members. Some analysts contend that political dynasties use their political authority to increase their political and economic dominance, which in turn used to fund their elections and the elections of relatives (De Leon 1996). Among other powers, access to public office enables dynastic politicians to prevent the implementation of laws—e.g., by simply ignoring the laws—that ensure fairness during campaign and elections. Moreover, instead of using their authority to carry out effective policies and program, dynastic politicians can simply use their time in office

to cultivate a cult personality based on name recall and an extensive network of “connections”, symbolic resources they can transfer from one family member to another (Becker and Tomes 1986, as cited in Scoppa 2009: 170; Kurtz 1989: 350).

In the Philippines, having the right surnames can help command more votes and the 2013 senatorial elections can attest to this. Mendoza, et al. (2014) examined the provincial-level voting patterns for Senators in the 2013 elections and for the President and the Vice President in the 2010 elections, and they found that a one-percentage-point increase in the share of votes for President Benigno Simeon Aquino III during the 2010 elections translated to a 0.29-percentage-point increase in the share of votes for 2013 Senatorial candidate Paulo Benigno “Bam” Aquino IV. Similarly, a one-percentage-point increase in the share of votes for Vice President Jejomar Binay in the 2010 elections translated to a 0.19 percentage-point increase in the share of votes of her daughter Nancy during the 2013 polls.

It is likewise relevant to highlight the inequality in accessing public office created and sustained by clan politics since this could de fact make political dynasties undemocratic. Democratic praxis goes beyond the ability of people to vote by its emphasis on the way power is allocated to as many people as possible. Recalling the exchange between Commissioners Natividad and Vicente Foz:

MR. NATIVIDAD: This [the anti-dynasty provision] is a diminution of the power of the people to elect, so we must be circumspect with regard to the matter. [...]

MR. FOZ: [...] The basic proposition is that in democracy such as ours, nobody is indispensable as far as public service is concerned. It is true that certain persons may possess the necessary capabilities and special qualities to perform good deeds in the public office, but that does not rule out the possibility that other may have similar capabilities to serve the good. So we cannot say that a relative, let us say, of an incumbent is deserving of succeeding his relative because of his special qualities and his capabilities or his qualifications. The idea of a prohibition against the rise of political dynasties is essentially to prevent one family from controlling political power as against the democratic idea that political power should be dispersed as much as possible among our people. [...]

(The Constitutional Commission 1986: 392-393)

That is why the Philippine legislature is mandated by the country's charter to pass laws that concern unequal distribution of social, natural, cultural, economic, and especially political resources of the State. In other words, beside the explicit prohibition of political dynasties in Article II of the 1987 Constitution, an anti-dynasty law can be justified by another section in Article XIII of the Constitution:

The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments.

(Article XIII, Section 1 of the 1987 Constitution)

3.4 The phenomenon of political dynasties is an effect rather than the cause of prevailing socioeconomic structures

Related literature that scrutinizes the origins and workings of dynasties commonly point to two dimensions of this political phenomenon: Firstly, most of the political dynasties extant in the country came from the land-owning elite that dominated the colonial era. Secondly, rich families use their wealth to win elections and then embed themselves in the political order. As such, critics argue that solving political dynasties entail addressing the conditions that enable them to exist, rather than using an outright prohibition. If oligarchic politicians are outcomes of the prevailing socioeconomic structures, then its existence is simply a symptom of a much larger malaise. The solution put forth is to attack the root causes of dynastic persistence rather than simply concentrate on banning political elites. For example, policies that promote social mobility can mitigate extreme economic inequality to reduce political inequality (Rosset, Giger, and Bernauer 2013; Solt 2008). Historically, agrarian reform in the country has been portrayed by various presidents, most notably former President Ferdinand Marcos, as an instrument to dismantle the political influence of rural landlords (Claudio 2013; Kerkvliet 1979; Mercado 2008).

In response, changing socioeconomic structures does not necessarily lead to a reduction of dynastic politics. Frank's (2001) study of dynastic politics in one region of Brazil from 1889 to 1937 is an illustrative case. He identified three categories of elites that existed in different periods of Brazilian political and economic history: traditional, transitional, and new. The traditional elite members derived their influence from being a propertied class that owned vast tracts of land and a great number of slaves during the colonial period. Their rise to electoral office coincided with the independence of the country and the consolidation of a national economy. This was unsurprising since suffrage then was extended only to landowners.

Afterwards, the right to vote and be voted upon became universal. Transitional elites entered the scene by contesting in elections and acquiring economic influence through the exercise of political power. Their rise happened through populism and mass-based politics. While traditional elites earned their position through pedigree, transitional elites—including peasants and warlords from the countryside—gained their status through the savvy use of political and economic sources available to them to develop grassroots following. The country then gradually changed from being an agrarian and feudal economy to a nation with an industrial base and a small but growing middle-class population. Urbanization and economic growth introduced the new elite to politics, most coming from the ranks of professionals and city dwellers.

The Brazilian experience demonstrates that a change in socioeconomic structures can just lead to the creation of new categories of elite. Perhaps the same trend can be applied to the Philippine context. While Anderson (2004) and Teehankee (2007) took note of dynastic families coming from the landed gentry during the initial decades after the republic gained independence from the United States around the middle of the last century, these scholars also observed that changes in the economic landscape over the decades resulted in new political dynasties that represent non-agricultural business interests and professionals (see also Coronel 2004). Recent years likewise saw a new trend—political dynasties started by personalities from the entertainment and sports industry, as reflected by the Revillas of Cavite and the Pacquiao of Sarangani.

Lastly, in reaction to those who claim that solving economic inequality can mitigate political inequality, it should be underscored that there are political dynasties that neither came from rich families nor were proven to have used their public office to enrich themselves. Perhaps

the relevant basis for analysis and decision-making lies in the over-all implications of dynastic patterns (rather than individual dynastic politicians or political families). In this regard, the weight of the over-all evidence suggests fewer success stories and far more examples of poor governance linked to political dynasties. This tend to emphasize the risks associated with dynastic patterns, including conflict of interest, self-perpetuation, and corruption, as noted earlier.

4. The Definitions of “Political Dynasty”

The deliberations on the anti-dynasty provision of the present Constitution had been contentious and polarizing. Despite what its main proponent, Commissioner Jose Nolleto, claimed as overwhelming popularity of the measure in public consultations of the 1986 Constitutional Commission, the members of the latter were evenly split on putting an explicit ban on political dynasties within the charter (The Constitutional Commission 1986: 935). The same debates continued well after the inclusion of the anti-dynasty prohibition in the present Philippine Constitution, which was ratified and enacted near the first year anniversary of People Power, in February 1, 1987. This section revisits the debate on what constituted a "political dynasty," and mentions the definitions set forth in some Latin American constitutions that could serve as a guide.

4.1 The deliberations of the 1987 Constitutional Commission

Initially, the advocates of dynastic prohibition proposed the measure to be inserted to the section of the Constitution on local government units. The proposal lost with 19 against, five in favor, and two abstentions in the voting that happened in 16 August 1986 (The Constitutional Commission 1986: 392-394). The following month, advocates tried to put the dynastic prohibition in the Article II of the constitution draft—the Declaration of Principles and State Policies. The original formulation of the proposed section was “The State shall broaden opportunities to public office and prohibit political dynasties.” Then-Commissioner Christian Monsod moved to delete the phrase "and prohibit political dynasties" but his amendment was rejected with 18 votes against, 17 in favor, and one abstention (The Constitutional Commission 1986: 936-945).

Commissioner Hilario G. Davide, Jr. moved to replace "broaden" to "ensure equal access to" and "office" to "service," bringing the proposed section closer to its current formulation in the Constitution. Davide argued that "broaden" could be interpreted as simply expanding the size of the government bureaucracy, and hence the change in the wording. In addition, the use of "public service" in lieu of "public office" acknowledged political dynasties could manifest in both elective and appointive positions. In the words of Davide:

[...] If we change "office" to "service," we would refer to both elective and appointive positions. And political dynasties do not necessarily apply to elective positions alone. They would include appointive positions and perhaps more on the latter because it is easier to get a political appointment if somebody close to the family is an elective official, but it is difficult to have a political dynasty on the basis of election because election is an expensive exercise. [...]

(The Constitutional Commission 1986: 945).

At this juncture, Commissioner Francisco "Soc" Rodrigo proposed to adjust Davide's amendment to delete the phrase "and prohibit political dynasties." Davide's amendment was accepted, but Rodrigo's was debated until nominal voting--21 against and 18 in favor --took down the latter's amendment. Afterwards, Davide moved to add "as may be defined by law" in the proposed section and this was approved. Finally, the commission voted on the entire section, now formulated as "The State shall ensure equal access to public service, and prohibit political dynasties as may be defined by law," and the result was 25 votes in favor, one against, and one abstention (The Constitutional Commission 1986: 945-956).

Going over the deliberations, three aspects emerge. First, the commissioners relegate power to define what constitutes a political dynasty to the Philippine Congress by leaving it the task to create an enabling law. Second, the term "public service" in the provision indicates that political dynasties cover both elective and appointive positions. This significantly expands the area for consideration, and seems consistent with international evidence and practice to combat nepotism and political dynasties. Third, the prohibition concerns family members who vie for positions within the same political unit. Yet that political unit and the extent of family membership still needs to be clarified. Hence, if an individual is running for governor in Bataan

while the spouse is running for a congressional seat in Makati, the enabling law will need to clarify whether such practice is acceptable (if the political unit is provincial). For the covered degree of relationships, the suggestions range from the second to the fourth degree of consanguinity and affinity.

4.2 Proposed bills during the 1980s

Since the ratification of the existing Constitution, dozens of legislative bills on dynastic prohibition have been submitted to Congress. The first to file in the Senate was Senator Teofisto Guingona, Jr. in 1987. In the same year, Laguna Representative Magdaleno Palacol filed a counterpart measure in the House of Representatives (Cayetano 1987).

Both the Guingona and Palacol bills remained faithful to the spirit of the anti-dynasty provision by extending the prohibition to appointive positions. In the Guingona bill, for example, the spouse and relatives of the President, Vice President, and Senators cannot be appointed to positions whose terms are simultaneous with the terms of the said officials. Furthermore, the spouse and relatives of the Cabinet members, Chairperson and Commissioners of the Commission on Elections, Chief of Staff and members of the General Staff of the Armed Forces, and Chairperson and Commissioner of the National Police Commission cannot be elected to any office whose terms coincide with the incumbency of the said appointed officials.

For the elective positions, the prohibition did not cover officials of the provincial board and the city/municipal council. The argument was that these positions were conciliar in nature, and a dynastic politician could not possibly exert pressure on other members of the assembly given the latter's sheer number. The Punong Barangay and the Sangguniang Barangay were also exempted because of the possibility that almost everyone was interrelated in a barangay. On the other hand, relatives of politicians who occupy elective offices with national constituencies (e.g., President, Vice President, and Senator) were generally prohibited from seeking lower elective positions during the incumbency of the said officials.

In terms of relationships covered, the Guingona and Palacol bills extended the ban up to the fourth degree of consanguinity and affinity. In other words, the dynastic prohibition covered a politician's parents and children (first degree of consanguinity); spouse (first degree of affinity); siblings, grandparents, and grandchildren (second degree of consanguinity); parents- and children-in-law (second degree of affinity); aunts and uncles, and nieces and nephews (third

degree of consanguinity); brothers- and sisters-in-law, and grandparents- and grandchildren-in-law (third degree of affinity); first cousins (fourth degree of consanguinity); and aunts- and uncles-in-law, first cousins-in-law, and nieces- and nephews-in-law (fourth degree of consanguinity).

The Guingona bill passed in the Senate, with 16 votes in favor, four against, and one abstention (Bordadora 2012). On the other hand, the Palacol bill did not go beyond the committee level. This could be attributed to the strong opposition from dynastic legislators in the House of Representatives. In a study of the country's political elite from the Spanish colonial era up to the first Aquino administration, Anderson (2004: 221) reveals that 169 out of 200 representatives elected in 1987, the first election since the fall of martial law, belong to "traditional political families" and their distant relatives.

4.3 Proposed Bills in the 1990s up to the Present

The anti-dynasty proposals in the 1990s were predicated on two major initiatives of the Ramos administration. The first was electoral reform that included five measures: absentee voting, party-list representation, continuing registration, campaign finance and spending, and anti-dynasty legislation. The second was peace negotiations, especially with the Reform the Armed Forces Movement. The existence of political dynasties was included in the list of priority issues enumerated by the National Unification Commission in a report "on the pursuit of a comprehensive peace process" submitted to President Fidel V. Ramos in 1993 (Mercado 1995).

The key differences between the 1980s and the 1990s proposals were that the latter reduced the scope of the prohibition up to the third degree of consanguinity and excluded appointive offices from its coverage. During the proceedings of the House Committee on Suffrage and Electoral Reforms, then Commission on Elections Chairperson Christian Monsod asked for "a more lenient coverage" since those that fall under the fourth degree of consanguinity and affinity were "not really very close anymore". Monsod also expressed "reservation" on the inclusion of appointed officials in the proposed measures as they were covered by existing anti-nepotism laws (Espinosa 1994)¹.

¹ Article VII, Section 13 of the 1987 Constitution prohibits the relatives of the President within the fourth degree of affinity and consanguinity to be appointed, during the presidential term of their kin, as Members of the Constitutional Commissions, or the Office of the Ombudsman, or as Secretaries, Undersecretaries, chairmen or heads of bureaus or offices, including government-owned or controlled corporations and their subsidiaries. The

At present, the formulation of the typical anti-dynasty measure contain the following: (1) the prohibition covers only until the second degree of consanguinity and affinity, which is more lax than the 1980s and 1990s versions; (2) the measure only concerns elective positions, similar to the 1990s proposals; (3) relatives of elected officials with national constituencies can now run simultaneous to the terms of their kin as long as the offices they vie for do not fall within the political unit where the elected official is a registered voter, in effect relaxing the restrictions stated in the 1980s and 1990s versions; and (4) the prohibition now includes the provincial board and the city/municipal councils in its coverage. The aforementioned characteristics are shared by all the House and Senate Bills filed in the previous two decades, save for the Lim bill of 2004 and the Defensor bill of 2007. Table 2 contains a comprehensive synthesis of various legislative bills; while the varying degrees of relationships covered by the listed proposals are elaborated in Table 3.

4.4 Comparison to Latin American anti-dynasty statutes

The Philippine legislature could perhaps take into consideration Latin American jurisprudence in its attempt to find an acceptable definition of political dynasties. As part of the work to produce this study, we made a comprehensive list of statutes regulating the entry of politicians' relatives into appointive and elective offices through online research. The list is not exhaustive, given the possibility that laws available only in Spanish or Portuguese language have not yet factored in. Nevertheless, the said laws could be helpful in aiding the legislation of an anti-dynasty statute for the Philippines.

There are currently eighteen countries of Latin America that are formal constitutional democracies: Argentina, Brazil, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Venezuela, and Uruguay. The following have anti-nepotism laws enshrined in their constitution,

general prohibition on nepotism is found in the Philippine Administrative Code of 1987 (Executive Order No. 292, s. 1987) and in the Local Government Code of 1991 (Republic Act No. 7160). Book V, Title I-A, Chapter 8, Section 59 of the Philippine Administrative Code prohibits the appointment of a relative within the third degree of consanguinity or affinity of the appointing or recommending authority, or of the chief of the bureau or office, or of the persons exercising immediate supervision over him/her. The ban covers appointments in the national, provincial, city-level, and municipal governments, as well as State instrumentalities such as government-owned or –controlled corporations. Book I, Title III, Section 79 of the Local Government Code prohibits the appointment of a person to the career service of the local government unit if he/she is related within the fourth civil degree of affinity or consanguinity to the appointing or recommending official.

written on their civil service code, included in their anti-corruption statutes, or passed as a separate legislation: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, and Peru (see Annex Table 1).

The anti-nepotism statutes of Latin American democracies ban two kinds of nepotism which White identifies (2000:109-110) as follows: (1) Appointment nepotism, where a public official appoints a relative to a position in the public bureaucracy; and (2) situational nepotism, where relatives or family members work in the same department. The common coverage of the prohibition is up to the fourth degree of consanguinity and second degree of affinity. There are instances when the degree of civil relationship in the prohibition is further categorized by lineal descent (i.e., straight-line lineage such as grandparent, parent, and child) or collateral descent (i.e., two persons are descended from a common ancestor).

Table 2.
Versions of Anti-Dynasty Legislative Bills filed in Congress, 1987-2013

Officials whose relatives are covered by prohibition	Senate Bill No. 82	House Bill No. 90	House Bill No. 13867 [4]	Senate Bill No. 599	Senate Bill No. 1317	House Bill No. 3335	Senate Bill No. 1468	House Bill No. 2493	House Bill No. 783	House Bill No. 3413	House Bill No. 6660	Senate Bill No. 1906	Senate Bill No. 55; Senate Bill No. 1580	House Bill No. 3587 [6]
	1987	1992	1994	1995	2004	2004	2007	2007	2007	2010	2012	2013	2013	2013
President	✓✗ [1]	✓✗	✓✗	✓✗		✓✗	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
Vice President	✓✗	✓✗	✓✗	✓✗		✓✗	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
Senator	✓✗	✓✗	✓✗	✓✗		✓✗	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
District Representative	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✗	✓✗	✓✗	✓✗	✓✗	✓✗
Party-list Representative	Not yet established	Not yet established	Not yet established	✓ [2]		✓✗ [5]	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
Governor	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✗	✓✗	✓✗	✓✗	✓✗	✓✗
Vice Governor		✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✗	✓✗	✓✗	✓✗	✓✗	✓✗
Board Member			✓✗		✓✗	✓✗	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
Mayor	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✓✗	✗	✓✗	✓✗	✓✗	✓✗	✓✗
Vice Mayor			✓✗		✓✗	✓✗	✓✗	✓✗	✗	✓✗	✓✗	✓✗	✓✗	✓✗
Councilor			✓✗		✓✗	✓✗	✓✗	✓✗		✓✗	✓✗	✓✗	✓✗	✓✗
Punong Barangay					✓✗									
Sangguniang Barangay					✓✗									
Appointive positions	✗ [3]	✓✗												

Notes: The legislative bills were compiled by AIM Policy Center staff based from records of the House of Representatives' Legislative Archives and the Senate's Legislative Records and Archives Service departments. The **check mark** prohibits succession. The **x-symbol** prohibits simultaneous terms. [1] The spouse and relatives of the President, Vice President, and the Senators cannot be appointed to positions whose terms coincide with the incumbency of the said elected officials; [2] Party list representative represents a marginalized sector, not necessarily a legislative district; [3] The spouse and relatives of the Cabinet members, Chairperson and Commissioners of the Commission on Elections, Chief of Staff and members of the General Staff of the Armed Forces, and Chairperson and Commissioner of the National Police Commission cannot be elected to any elective office whose terms coincide with the incumbency of the said appointed officials; [4] Regarding the issue of simultaneous terms, the proposed bill did not clarify if the prohibition would be delimited to holding office in the same political unit. Given the ambiguity, it appears that a situation where either the individual who wants to run for mayor in a Luzon municipality or his relative who wants to run for mayor in a Mindanao municipality will be subject for disqualification; [5] Party-list representatives are treated as officials with national constituency; [6] In cases where candidates who are related to each other refuse to give way to their relatives, who will be allowed to run will be settled by draw lots

Table 3.
Relationships covered by the Various Anti-Dynasty Proposals

Bill	Senate Bill No. 82	House Bill No. 90	House Bill No. 13867	Senate Bill No. 599	Senate Bill No. 1317	House Bill No. 3335	Senate Bill No. 1468	House Bill No. 2493	House Bill No. 783	House Bill No. 3413	House Bill No. 6660	Senate Bill No. 1906	Senate Bill No. 55; Senate Bill No. 1580	House Bill No. 3587
Year	1987	1992	1994	1995	2004	2004	2007	2007	2007	2010	2012	2013	2013	2013
Consanguinity-- 1st degree	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Consanguinity-- 2nd degree	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Consanguinity-- 3rd degree	✓	✓	✓	✓	✓									
Consanguinity-- 4th degree	✓	✓												
Affinity--1st degree	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Affinity--2nd degree	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Affinity--3rd degree	✓	✓	✓	✓	✓									
Affinity--4th degree	✓	✓												

Notes: The legislative bills were compiled by AIM Policy Center staff based from records of the House of Representatives' Legislative Archives and the Senate's Legislative Records and Archives Service.

Of course, the subject of greater interest is the regulation on relatives running for public office. The country with the oldest prohibition is Costa Rica. Its 1949 Constitution 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 of the incumbent President and Vice President up to the second degree of affinity and consanguinity from running for a seat in parliament.

The anti-dynasty statutes of other countries were legislated--either by a new constitution, an amendment to the existing charter, or by legislation--during the third wave of democratization: Honduras in 1982; El Salvador in 1983; Guatemala in 1985; Nicaragua in 1987; Brazil in 1990; Colombia in 1991; and Paraguay in 1992.²

Most of the dynastic prohibition centers on national positions, namely, the Presidency, the Vice Presidency, and Congress. Three countries, however, had an anti-dynasty provision for local government officials: Brazil, Colombia, and Paraguay. The typical prohibition spans up to the fourth degree of consanguinity and second degree of affinity. Dynastic succession is prohibited for the offices of the President and Vice President, while simultaneous terms are the ones being prevented by the prohibition in the congressional and local elective positions.

All in all, the anti-dynasty statutes in Latin America are mostly set by their constitutions, unlike in the Philippines where an enabling law is needed before the anti-dynasty provision could be executed. The dynastic prohibition in the nine Latin American countries is also stricter than the proposed bills in the Philippine legislature in terms of degrees of affinity and consanguinity covered. Nonetheless, it is possible that an anti-dynastic prohibition in the Philippines could cover more elective positions than the laws of its Latin American counterparts.

5. Political and Economic Effects of Dynastic Prohibition

Since some of the Latin American countries established precedent in anti-dynasty legislation, it is certainly of interest to assess some of the possible conditions associated with dynastic prohibition, notably the political and economic stability of these countries. After all, such a law can be disruptive to a country since it challenges the status quo and there is relevance in ascertaining the consequences in relation to the functioning of government and the economy.

² For Panama, its Constitution was adopted in 1972, and it was later amended in the years 1978, 1983, 1993, 1994, and 2004. The authors were only able to obtain the 2004 version of the Constitution, so it is not possible yet to ascertain when the dynastic prohibition was inserted in the country's charter between 1972 and 2004.

Because of the nature of the data and the possibility for various unobserved factors that could also influence outcomes, we turn to simple before-and-after comparisons to illustrate possible changes in political and economic conditions associated with (though not necessarily caused by) anti-dynasty legislation. We compare the performance of the countries between their pre-prohibition and post-prohibition years in terms of economic and political indicators. Economic indicators included measures of economic performance, represented by growth of real Gross Domestic Product (GDP); and rise in standard of living, represented by growth in real income per capita. For political indicators, the analysis made use of the Polity IV scores and the Vanhanen's index of democracy. The Polity IV scores ranges from -10 to 10, with 10 as the highest/most democratic rating. The score is an index that aggregates different measures for (a) competitiveness of political participation, (b) regulation/constraints on participation, (c) openness and competitiveness of recruitment in the political leadership, and (d) constraints on the power of the chief executive. Vanhanen's index, on the other hand, captures the pluralism of the party system and public participation to democracy through actual electoral performance of political parties and voter turnout. In other words, the Polity IV scores can be interpreted as de jure measure of democracy, while Vanhanen's indices can be seen as the de facto measure. Annex Table 4 presents further details for all indicators used in the empirical analyses.

Table 4 presents the results for economic performance, painting a mixed picture. In three countries, i.e., El Salvador, Guatemala, and Nicaragua, the average real economic growth in the decade after the dynastic prohibition was relatively higher than the growth rates during the decade prior to dynastic prohibition. In the other four nations, i.e., Brazil, Colombia, Honduras, and Paraguay, the reverse is true. Nonetheless, in most cases, the difference of means was not statistically significantly different from zero. This suggests that there is no major difference in economic performance when comparing the pre- and post-prohibition conditions. At the very least, this evidence suggests that anti-dynasty legislation does not appear to be economically detrimental nor destabilizing.

Table 4.
Comparison of Means for Real Economic Growth

	Brazil	Colombia	El Salvador	Guatemala	Honduras	Nicaragua	Paraguay	All
Before Dynastic Prohibition	2.9868	3.5969	-0.2435	2.5658	5.3292	-1.8842	3.5914	2.277464
After Dynastic Prohibition	1.6978	2.6986	2.4983	3.0473	2.5257	0.0451	2.0144	2.07528
Mean Difference	1.2890	0.8983	-2.7418	-0.4815	2.8035	-1.9293	1.5771	0.2021837
Test Statistic	0.7289 (0.4764)	0.8297 (0.4190)	-1.1508 (0.2739)	-0.3572 (0.7264)	1.7657 (0.0961)*	-0.5435 (0.5950)	1.0715 (0.2968)	0.2545 (0.7996)

Note: "Before Dynastic Prohibition" covers 10 years prior to the anti-dynasty statute; "After Dynastic Prohibition" includes the year of the statute's passage and the nine years after; p-values are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Costa Rica not included for lack of data

Table 5.
Comparison of Means for Rise in Standards of Living

	Brazil	Colombia	El Salvador	Guatemala	Honduras	Nicaragua	Paraguay	All
Before Dynastic Prohibition	0.8230	1.4213	-2.2269	0.0579	2.1704	-4.5338	0.7225	- 0.2236319
After Dynastic Prohibition	0.1192	0.8601	1.1002	0.6779	-0.4617	-2.1904	-0.2584	- 0.0218629
Mean Difference	0.7039	0.5612	-3.3271	-0.6200	2.6321	-2.3434	0.9809	-0.201769
Test Statistic	0.4023 (0.6926)	0.5257 (0.6061)	-1.4797 (0.1666)	-0.4687 (0.6467)	1.7087 (0.1062)	-0.6776 (0.5086)	0.6864 (0.5005)	-0.2617 (0.7940)

Note: "Before Dynastic Prohibition" covers 10 years prior to the anti-dynasty statute; "After Dynastic Prohibition" includes the year of the statute's passage and the nine years after; p-values are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Costa Rica not included for lack of data

Table 6.
Comparison of Means for Polity Scores

	Brazil	Colombia	El Salvador	Guatemala	Honduras	Nicaragua	Paraguay	All
Before Dynastic Prohibition	2.00	8.00	-2.00	-4.90	-0.30	-3.40	-5.00	0.55
After Dynastic Prohibition	8.00	7.80	6.00	2.60	5.60	4.30	6.90	6.4
Mean Difference	-6.00	0.20	-8.00	-7.50	-5.90	-7.70	-11.90	-5.85
Test Statistic	-3.3197 ***(0.0089)	0.6124 (0.5554)	-9.3420 ***(0.0000)	-11.9755 ***(0.0000)	-10.8730 ***(0.0000)	-4.9646 ***(0.0001)	-7.7737 ***(0.0000)	-7.8220 ***(0.0000)

Note: "Before Dynastic Prohibition" covers 10 years prior to the anti-dynasty statute; "After Dynastic Prohibition" includes the year of the statute's passage and the nine years after; p-values are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Costa Rica, excluded from the analysis, scored 10 both in the pre-prohibition and post-prohibition decade

Table 7.
Comparison of Means for Vanhanen's Indices of Democracy

	Brazil	Costa Rica	El Salvador	Guatemala	Honduras	Nicaragua	All
Before Dynastic Prohibition	2.8610	4.2500	5.6760	4.1110	1.4240	4.0790	3.7335
After Dynastic Prohibition	24.5040	7.2900	10.1550	4.9100	16.5150	14.9530	13.0545
Mean Difference	-21.6430	-3.0400	-4.4790	-0.6494	-15.0910	-10.8740	-9.321
Test Statistic	-9.5463 ***(0.0000)	-3.3650 **(0.0034)	-2.1477 **(0.0443)	-0.6494 (0.5235)	-9.9938 ***(0.0000)	-5.9005 ***(0.0000)	-8.5320 ***(0.0000)

Note: "Before Dynastic Prohibition" covers 10 years prior to the anti-dynasty statute; "After Dynastic Prohibition" includes the year of the statute's passage and the nine years after; p-values are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Colombia and Paraguay omitted due to incomplete data

In terms of standards of living, in Brazil, Colombia, and Guatemala, the average rise in real per capita income was faster in the first post-prohibition decade than the rise in standard of living during the decade prior to the anti-dynasty legislation. In El Salvador, declining standards of living characterized the pre-prohibition years while the post-prohibition years was marked with rising standards of living on average. Honduras and Paraguay reflected the opposite pattern. Nevertheless, the differences were not statistically significantly different from zero. Once again, there does not seem to be evidence of significant difference once anti-dynasty legislation is introduced. It seems that stability is maintained.

While the economic effects of the dynastic prohibition appeared to vary per country, the comparative analysis of political performance seemed to suggest a positive effect on democratization. Pooling the Polity IV scores of the seven countries under analysis, the average score was 0.55 in the decade prior to the anti-dynasty legislation, while the average score was 6.4 after the dynastic prohibition. The difference is statistically significantly different from zero. See Table 6. The same pattern was discerned from country-specific cases: All of them rose significantly higher in Polity IV scores after the legislation relative to their performance before the dynasty ban. Next, putting together the Vanhanen's indices for the six countries and performing the same analysis, the average score before the dynasty ban was 3.74; after that, it became 13.05. See Table 7. The difference was also statistically significantly different from zero. For each country too, a higher score in Vanhanen's democratization index was likewise observed in the post-prohibition years relative to the decade preceding the anti-dynasty legislation.

The results on comparative political performance were indicative, but not definitive and conclusive, of the effect of an anti-dynasty statute on democratization. Other variables that coincided with the implementation of the dynasty ban might be the ones influencing political outcomes. As such, a structural break test for democratization of the Latin American countries was performed to further the empirical analysis. The analysis covered the years 1970 to 2000. Ordinary least squares and fixed-effects panel data regressions were employed that linked democratization (i.e., dependent variable) to a country's level of economic development, urbanization, and militarization. A dummy variable for the passage and implementation of the political dynasty ban was used to identify the structural break. The empirical results, which maintained that there was a positive and significant effect of dynastic prohibition on democracy, is presented in Annex Tables 2 and 3. These results suggest once again that while economic

conditions are unlikely to be affected, political conditions could be dramatically improved by anti-dynasty legislation. The empirically methods used here are not meant to examine long-run effects, but it can be surmised from the literature that improving political conditions (notably governance and political inclusiveness) could in turn feed back into improving long-run economic conditions in due course (Acemoglu 2008; Acemoglu et al 2008).

6. Conclusions

Family members and relatives working closely together in public office produce predicaments that concern efficiency and democracy. Related literature on nepotism and political dynasties attests to this. The paper focused on the phenomenon of political dynasties given the recent interest among certain policymakers in passing an anti-dynasty law. The discussion on dynastic prohibition then proceeded with three dimensions explored: (a) a review of the arguments for and against prohibition dynastic politics, (b) the debate on the legal definition of "political dynasty," and (c) the empirical analysis of the effects of anti-dynasty legislation in other countries to their political and economic conditions.

The arguments against anti-dynasty legislation include its potential exclusion of competent individuals from running, the suppression of suffrage rights, the violation of the "equal access to public service" principle, and the alleged superficiality of a law that only addresses a symptom of a wider socio-political problem, i.e., prevailing socioeconomic structures. In response, the paper reasoned that the main issue in political dynasties was conflict of interest, not competence; the "police power" of the State could be invoked to justify regulation of political rights; a potential dynastic prohibition would not preclude equal opportunities for public office as long as restrictions would be reasonable and objective; and the new forms of clan politics that may arise from evolving structures of society and the economy justified a law separate from various pieces of legislation that cater to other social and economic problems.

The paper reviewed the history of legislative bills proposed before the Philippine Congress since 1987 and identified key points of contestation: the inclusion of appointive positions in the earliest versions of the anti-dynasty measure; the elected positions that would be circumscribed by the proposals; the extent of consanguinity and affinity that the prohibition would cover; and the question whether the prohibition would focus on succession, simultaneous terms, or both. The latest versions of the anti-dynasty proposal were compared with the 1980s

and 1990s versions, as well as extant constitutional and legislative bans on political dynasties in certain Latin American countries. The general observation was that the present proposals were watered down in terms of relationships covered (vis-a-vis the other proposed measures in the past) but wider in scope of offices included in the ban (vis-a-vis existing dynastic prohibition statutes in Latin America).

Finally, focusing on the precedents established by certain Latin American countries, an empirical analysis to assess the effects of dynastic prohibition on politics and the economy was done through the statistical comparison of means and the structural break test. The Latin American experience would be highly instructive since countries within that region have several historical, political, social, and economic similarities with the Philippines. The findings on economic effects presented an ambiguous picture, while the findings on political effects strongly suggested a positive effect to democratization.

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Annex Table 1.

Anti-Nepotism Statutes in Selected Latin American Countries

Country	Cabinet	Judiciary	Electoral Tribunal	Local government officials	Civil service/Other offices/General prohibitions
Argentina					A public official "should not" nominate relatives or friends on government positions (Codigo de Etica de la Funcion Publica, Decreto No. 41, Article 43 [1999])
Bolivia		Any person who is related to magistrate, judge, or junior staff (personal subalterno) up to the fourth degree of consanguinity or second degree of affinity; or with links through adoption, spiritual marriage (espiritual provenientes del matrimonio), or baptism, cannot serve within the same court or judicial district where his relative is (Ley de Organizacion Judicial, Ley No. 1455, Article 9 [1999])			<p>Public officials are prohibited from appointing to public administration positions their relatives up to the fourth degree of consanguinity or second degree of affinity (Bolivian Constitution, Article 236, first section, Paragraph III)</p> <p>Public officials are prohibited from participating in appointment committees where applicants are relatives up to the third degree of consanguinity or second degree of affinity (Estatuto del Funcionario Publico, Ley No. 2027, Article 8, first section, Paragraph 1 [1999])</p> <p>Public officials cannot work in the same institution where their spouse and relatives up to the fourth degree of consanguinity or second degree of affinity are (Estatuto del Funcionario Publico, Ley No. 2027, Article 11, Section II [1999])</p>

<p>Brazil</p>		<p>Magistrates and judges cannot appoint their spouse, partner, or persons related to them by lineal descent, collateral descent, or affinity (em linha reta, colateral ou por afinidade) up to the third degree to positions within the judicial organs (Conselho Nacional de Justica, Resolution No. 7 of 2005)</p>			<p>The appointment to a government position of the spouse or any person related by lineal descent, collateral descent, or affinity (em linha reta, colateral ou por afinidade) up to the third degree to any official that has appointing authority is against the Constitution (Supremo Tribunal Federal, Sumulas Vinculante 13, 2008)</p>
<p>Chile</p>		<p>No two or more judges in the same Court of Appeals can be relatives by blood (los parientes consanguíneos) or by lineal descent (afines en línea recta), or collateral descent (los colaterales) up to the second degree of consanguinity or affinity (Codigo Organico de Tribunales, Ley No. 7421, Article 258 [1943])</p> <p>The spouse or relatives of a minister and a court prosecutor (fiscal judicial) of the Supreme Court up to the third degree of consanguinity or second degree of affinity or by adoption cannot be appointed as ministers of the Court of Appeals (Codigo Organico de Tribunales, Ley No. 7421, Article 259 [1943])</p> <p>The spouse or relatives of the Primary Roster (Escalafón Primario del</p>		<p>People cannot be appointed to State Administration (en la Administración del Estado) positions if they are related as children, spouse, or relatives up to the third degree of consanguinity or second degree of affinity to incumbent officials of the State Administration, from senior officials up to the department heads (e.g., ministries, municipalities, governors, Comptroller General of the Republic, Central Bank, Armed Forces, the Forces of Order and Public Security, regional governments, public companies, and other public bodies and services created for administrative purposes) (Ley Organica Constitucional de Bases Generales de la Administración del Estado, Ley No. 18575, Article 56, first section, Paragraph B [1986]; Sobre Probidad Administrativa</p>	<p>The spouse or relatives by adoption or by lineal/collateral descent up to the fourth degree of consanguinity or affinity of the President cannot be appointed as national and regional prosecutors (Ley Constitucional De La Oficina Del Fiscal General, Ley No. 19640, Article 61, first section [1999])</p> <p>No two or more prosecutors within the same jurisdiction can be related to one another as spouses or relatives by adoption or lineal/collateral descent up to the fourth degree of consanguinity or affinity (Ley Constitucional De La Oficina Del Fiscal General, Ley No. 19640, Article 61, first section [1999])</p> <p>In no same institution can people related to each other by marriage, by blood to the third degree, or by affinity to the second degree, or by adoption can serve</p>

		<p>Poder Judicial) of the Judiciary or the Administrative Corporation of the Judiciary (Corporación Administrativa del Poder Judicial) by consanguinity or affinity, within the second degree of lineal descent or third degree of collateral descent, cannot be appointed as director and sub directors of the judiciary (Codigo Organico de Tribunales, Ley No. 7421, Article 513, fourth section [1943])</p>		<p>Aplicable de los Organos de la Administracion del Estado, Ley No. 19653, Article 56, first section, Paragraph B [1999])</p>	<p>simultaneously (Aprueba Estatuto Administrativo, Ley No. 18834, Article 79 [1989])</p>
<p>Colombia</p>					<p>Public servants are prohibited from appointing their spouse and relatives up to the fourth degree of consanguinity, second degree of affinity (by marriage), or first civil level as employees (Colombian Constitution, Article 126)</p>

<p>Costa Rica</p>		<p>Relatives of an incumbent Supreme Court Magistrate up to the third degree of consanguinity or affinity may not be elected as Magistrate (Constitution of Costa Rica, Article 160)</p>	<p>Relatives of an incumbent Supreme Court Magistrate up to the third degree of consanguinity or affinity may not be appointed to the electoral tribunal (Constitution of Costa Rica, Article 100, first section)</p>		<p>Any relative up to the third degree of affinity or consanguinity of any member of the Civil Service Tribunal cannot be appointed as the Director-General of the Civil Service (Estatuto de Servicio Civil, Ley No. 1581, Article 8 [1953])</p> <p>Any candidate for civil service cannot be related, by blood or by marriage, up to the third degree, to his immediate superior in the relevant office, ministry, or department (Estatuto de Servicio Civil, Ley No. 1581, Article 9 [1953])</p>
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<p>Ecuador</p>	<p>Relatives of the President or the Vice President up to the fourth degree of consanguinity or second degree of affinity cannot be Ministers of the State (Ecuadorian Constitution, Article 152, first section, Paragraph 1)</p>	<p>No two or more judges in the same province can be related to each other, or to any prosecutor within the same jurisdiction, or to any Magistrate of the Supreme Court or of the Superior Court of the District up to the fourth degree of consanguinity or to the second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 5, first section [1983])</p> <p>No two or more Magistrates of the Superior Court of the District can be related to each other or to any Magistrate of the Supreme Court up to the fourth degree of consanguinity or second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 5, second section [1983])</p> <p>No two or more Magistrates of the Supreme Court can be related to each other up to the fourth degree of consanguinity or second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 5, third section [1983])</p> <p>There can be no appointed officials or employees in the local courts that are the spouse of or are related to any of the Magistrates of the Superior Court within the same province up to the fourth degree of consanguinity or</p>			<p>Nepotism is prohibited by the constitution (Ecuadorian Constitution, Article 230, first section, Paragraph 2)</p> <p>Nepotism is defined as the appointment of the spouse or relatives up to the fourth degree of consanguinity or second degree of affinity (Ley Organica del Servicio Publico de 2005, Article 6, first section [2005]; Ley Organica de Servicio Civil y Carrera Administrativa, Article 7, first section [2005])</p> <p>No public official within the Office of the Comptroller General can appoint his spouse or relatives up to the fourth degree of consanguinity or second degree of affinity within the institution (Código de Etica de los Servidores de la Contraloría General del Estados, Article 27)</p>
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		<p>second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 175, first section [1983])</p> <p>There can be no appointed officials or employees of the Supreme Court that are related to each other or are related to any Magistrate of the Superior Court up to the fourth degree of consanguinity or second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 175, second section [1983])</p> <p>There can be no appointed secretaries, senior officials, employees of a local tribunal or a court, and employees of a tribunal or court from another province, that are related to each other or related to any judge of the local tribunal or court up to the fourth degree of consanguinity or second degree of affinity (Ley Organica de la Funcion Judicial, Ley No. 131, Article 175, third section [1983])</p>			
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<p style="text-align: center;">El Salvador</p>	<p>Relatives of the President up to the fourth degree of consanguinity or second degree of affinity cannot be appointed as Ministers or Vice Ministers of the State (El Salvadoran Constitution, Article 161)</p>	<p>The spouse and relatives of Magistrates up to the fourth degree of consanguinity or second degree of affinity cannot be elected to the same Supreme Court of Justice or the same Chamber of Second Instance (El Salvadoran Constitution, Article 178)</p>	<p>The spouse and relatives of Magistrates up to the fourth degree of consanguinity or second degree of affinity cannot be appointed to the Supreme Electoral Tribunal (El Salvadoran Constitution, Article 208, first section)</p>		<p>Conditions for eligibility to the positions of Attorney General of the Republic and the Procurator General of the Republic must follow those of the Magistrates of the Chambers of Second Instance (El Salvadoran Constitution, Article 192, third section)</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity cannot be appointed to government positions (Ley Etica de Gubernamenta, Article 6, first section, Paragraph 6 [2006])</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the "authority institution" (a Autoridad de la institución) cannot be appointed to the Government Ethics Commission (Reglamento de la Ley Etica de Gubernamental, Article 21, first section, Paragraph H)</p>
<p style="text-align: center;">Guatemala</p>	<p>Relatives of the President, Vice President, and other Ministers of the State up to the fourth degree of consanguinity or second degree of affinity cannot be appointed (Guatemalan Constitution, Article 197, first section, Paragraph A)</p>				

<p>Honduras</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President cannot be appointed as Secretaries of State (Constitution of Honduras, Article 250, first section, Paragraph 1)</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or a sitting Magistrate of the Supreme Court cannot be elected to the Supreme Court (Constitution of Honduras, Article 308)</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or a sitting Magistrate of the Court of Appeals cannot be appointed to the Court of Appeals (Constitution of Honduras, Article 308)</p>		<p>The spouse or relatives up to the third degree of consanguinity or second degree of affinity of the Mayor or members of the Municipal Corporation cannot be appointed to positions under the same municipal government (Ley de Municipalidades, Decreto Numero 134, Articulo 102 [1990])</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President and Designates cannot be appointed as Presidents, General Managers, and Directors General of Decentralized Institutions (Constitution of Honduras, Article 263) or elected as Commander-in-Chief of the Armed Forces (Constitution of Honduras, Article 279, third section)</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or the members of the Council of Civil Service (Consejo del Servicio Sibil) cannot be appointed as Director or Sub Director General of the Civil Service (Ley del Servicio Civil, Decreto Numero 126, Article 6 [1968]; Reglamento de la Ley del Servicio Civil, Acuerdo Numero 175, Article 33 [1976])</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, the Secretaries of State, or any office-holder in the civil service cannot be appointed as members of the Council of Civil Service (Ley de Servicio Civil, Decreto Numero 126, Article 9 [1968])</p> <p>The spouse or relatives</p>
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					<p>up to the fourth degree of consanguinity or second degree of affinity of the President, Designates, Secretaries of States, Presidents or Managers of decentralized institutions or decentralized states (desconcentradas del Estado), and the Commander-in-Chief of the Armed Forces cannot be members of the National Commission on Banks and Insurance (Ley de la Comisión Nacional de Bancos y Seguros, Decreto Numero 155, Article 4 [1995])</p> <p>The spouse or relatives up to the fourth degree of consanguinity or second degree of affinity of the Superintendents, members of the Commission on Banks and Insurances, or fellow employees are not eligible as staffers for the Superintendents (Ley de la Comisión Nacional de Bancos y Seguros, Decreto Numero 155, Article 16 [1995])</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the Director General of the National Police cannot be appointed as Director, Deputy National Director, or Inspector General (Ley Organica de la Policia Nacional, Decreto Numero 67, Article 49 [2008])</p>
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					<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, Designates, President of the Congress, Magistrates of the Supreme Court, Commander-in-Chief of the Armed Forces, Chief of Joint Staff and Military Commanders of Branches (Jefe del Estado Mayor Conjunto y Comandantes de Ramas Militares), Procurator General and Sub Procurator General, Comptroller General and Assistant Comptroller General, and Director and Sub Director of Administrative Probity cannot be appointed as Public Prosecutor (Fiscal General de la Republica) or Assistant Public Prosecutor (Fiscal General Adjunto) (Ley del Ministerio Público, Decreto Numero 228, Article 20 [1993])</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the Attorney General (Procuraduría General de la República) cannot be appointed to positions reporting under the Office of Attorney General (Ley de Procuraduría General de la República, Decreto Numero 74, Article 9 [2000])</p>
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<p>Nicaragua</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the authorities making the appointments cannot be appointed as Ministers or Vice Ministers (Nicaraguan Constitution, Article 152, second section, Paragraph F)</p>	<p>Candidates for the position of Magistrates and Associate Judges (Conjueces) of the Supreme Court cannot be related to each other, to the President, or to the members of the National Assembly up to the fourth degree of consanguinity or second degree of affinity (Nicaraguan Constitution, Article 138, second section)</p>	<p>Candidates for the position of members of the Supreme Electoral Council cannot be related to each other, to the President, or to the members of the National Assembly of the National Assembly up to the fourth degree of consanguinity or second degree of affinity (Nicaraguan Constitution, Article 138, second section)</p> <p>Candidates for the position of Magistrates of the Supreme Electoral Council cannot be related to the candidates for Presidency or Vice Presidency up to the fourth degree of consanguinity or second degree of affinity (Nicaraguan Constitution, Article 171, second section, Paragraph A)</p>		<p>In all government positions, individuals who are related to the authority making the appointments cannot be appointed. For "chief officials," the prohibition applies up to the fourth level of consanguinity or second level of "marital relations." However, it does not apply to appointments related to "execution of the Law of Civil Service and the Administrative Career, of the Academic Career, of Judicial Career, of the Foreign Service Career, and other similar laws that may be dictated." (Nicaraguan Constitution, Article 130, sixth section)</p> <p>Candidates for Superintendent and Deputy Superintendent of banks and other financial institutions, Attorney General and Adjunct Attorney General, members of the Supreme Council of the Office of the Controller General, and the Ombudsman and Deputy Ombudsman for the Defense of Human Rights cannot be bound by family ties up to the fourth degree of consanguinity or second degree of marital relations to each other or to the President or to the members of the National Assembly (Constitution of Nicaragua, Article 138, second section)</p> <p>Relatives up to the</p>
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					<p>fourth degree of consanguinity or second degree of affinity of the authorities making the appointments cannot be appointed as ambassadors or directors of autonomous or governmental entities (Constitution of Nicaragua, Article 152, second section, Paragraph F)</p> <p>The spouse, cohabiting partner (el acompañante en unión de hecho estable), or relatives up to the fourth degree of consanguinity or second degree of affinity of authorities making the appointments or awarding the contracts are considered unfit for public function (función pública) (Ley Probidad de los Servidores Publico, Ley No. 438, Article 11, first section, Paragraph A [2002])</p>
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<p>Panama</p>	<p>Relatives up to the fourth degree of consanguinity or second degree of marital relations of the President or any other member of the Cabinet Council (Panaman Constitution, Article 197)</p>				<p>Relatives up to the fourth degree of consanguinity or second degree of marital relations of the President, any member of the Cabinet Council, Justices of the Supreme Court, or a member of the National Assembly cannot be nominated to the position of the Ombudsman (Panaman Constitution, Article 130, first section, Paragraph 6)</p> <p>In general, public officials (servidores publicos) are prohibited from engaging in nepotism (Ley de Carrera Administrativa, Ley No. 9, Article 138, Section 13 [1994]), defined as appointing to positions their spouse, partner from consensual union (pareja de union consensual), or relatives up to the third degree of consanguinity or second degree of affinity (Ley de Carrera Administrativa, Ley No. 9, Article 2 [1994])</p> <p>Relatives up to the fourth degree of consanguinity or third degree of affinity of the President, any member of the Cabinet, or officials appointed or ratified by the National Assembly (de los funcionarios designados o ratificados por la Asamblea Legislativa) cannot be appointed to the position of Director General or Sub Director General of the Civil Service (Ley de Carrera Administrative, Ley No. 9, Article 17, Section 1 [1994])</p>
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<p>Paraguay</p>		<p>Lineal or collateral descent relatives up to the fourth degree of consanguinity or second degree of affinity of a Magistrate to the Supreme Court cannot be appointed to the same level of position (Codigo de Organizacion Judicial, Ley No. 879, Article 193 [1981])</p>			<p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President, Vice President, Presidents of the Senate and Chamber of Deputies, Ministers of the Supreme Court, members of the Superior Electoral Court and Council of the Judiciary, Attorney General (el Fiscal General del Estado), Comptroller General of the Republic, Ombudsman, Presidents of autonomous and decentralized entities , Governors, and Mayors cannot be appointed to government positions (except in the role of private secretary) "unless there is public competition" (salvo que tales nombramientos se efectúen en el marco de un concurso público de oposición) (Ley Que Prohibe el Nepotismo, Ley No. 2777, Articles 1 and 2 [2010])</p> <p>Relatives up to the fourth degree of consanguinity or second degree of affinity of the President or Vice President cannot be appointed as Comptroller General and Sub Comptroller General of the Republic (Ley Orgánica y Funcional de la Contraloría, Ley No. 2764, Article 50, Paragraph C [1994])</p> <p>No two or more members of the Board of Directors of the Petroleos Paraguayos</p>
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					can be related to each other up to the fourth degree of consanguinity or second degree of affinity (Ley Que Crea Petroleos Paraguayos, Ley No. 1182, Article 14, second section [1985])
Peru					Any authority with appointment powers cannot appoint to government positions their spouse by marriage or by cohabitation; or relatives up to the fourth degree of consanguinity or second degree of affinity (Ley de Nepotismo, Ley No. 26771, Article 1; Ley de Incompatibilidades y Responsabilidades del Personal del Empleo Publico, Ley No. 27588, Article 9, Paragraph 3)

Source: Compiled by 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.

Annex Table 2.
Regression Results using Polity Score

Dependent variable = POLITY SCORE							
	[1]	[2]	[3]	[4]	[5]	[6]	[7]
Constant	0.7091 (1.06)	-4.9968 ***(-9.69)	-4.3292 ***(-7.89)	-5.5737 ***(-8.69)	-5.5588 ***(-8.35)	-5.5317 ***(-7.93)	-12.5202 ***(-4.05)
Dummy for dynastic prohibition	6.4414 *** (9.53)	8.1127 *** (15.84)	8.1857 *** (15.49)	7.3733 *** (20.50)	7.4634 *** (20.79)	7.5362 *** (19.63)	5.9646 *** (3.42)
Real income per capita	-0.0430 (0.59)	-0.0507 (-0.81)	-0.0886 (-1.40)				-0.0572 (-1.01)
Share of urban to total population		0.1677 *** (10.25)	0.1685 *** (10.46)				0.4416 *** (4.45)
Share of military spending to GDP			-0.3148 *** (-3.77)				-0.1178 (-0.58)
First lag of real income per capita				-0.0771 (1.37)			
First lag of share of urban to total population				0.1774 *** (7.32)			
First lag of share of military spending to GDP				-0.1021 (-1.32)			
Second lag of real income per capita					-0.0417 (-0.75)		
Second lag of share of urban to total population					0.1790 *** (7.14)		
Second lag of share of military spending to GDP					-0.1297 * (-1.74)		
Third lag of real income per capita						-0.0113 (-0.21)	
Third lag of share of urban to total population						0.1794 *** (6.81)	
Third lag of share of military spending to GDP						-0.1419 ** (-2.01)	

Note: Test statistics are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Columns [1] to [6] came from pooled OLS regression, Column [7] came from fixed-effects panel data regression (the result of the Hausman specification test rejected the null hypothesis); lagged variables were introduced in consideration of possible endogeneity; robust standard errors were used in response to detected heteroskedasticity and autocorrelation issues

Annex Table 3.
Regression Results using Vanhanen's Index

Dependent variable = VANHANEN'S INDEX OF DEMOCRACY							
	[1]	[2]	[3]	[4]	[5]	[6]	[7]
Constant	8.2888 ***(9.68)	0.3326 (0.41)	0.6911 (0.78)	0.1064 (0.13)	-0.2823 (-0.36)	-0.594739 (-0.76)	-10.9107 **(-2.86)
Dummy for dynastic prohibition	6.4784 *** (7.17)	8.8089 *** (13.48)	8.8481 *** (13.52)	7.3912 *** (14.25)	7.4834 *** (14.41)	7.5899 *** (14.14)	5.3641 * (1.83)
Real income per capita	0.0331 (0.33)	0.0224 (0.27)	0.0021 (0.02)				0.0395 (0.72)
Share of urban to total population		0.2339 *** (6.80)	0.2343 *** (6.82)				0.6366 *** (5.36)
Share of military spending to GDP			-0.1691 **(-2.00)				-0.0615 (-0.25)
First lag of real income per capita				0.0098 (0.13)			
First lag of share of urban to total population				0.1796 *** (6.35)			
First lag of share of military spending to GDP				0.2002 ** (2.58)			
Second lag of real income per capita					-0.0244 (-0.32)		
Second lag of share of urban to total population					0.1956 *** (6.93)		
Second lag of share of military spending to GDP					0.1673 ** (2.07)		
Third lag of real income per capita						0.0180 (0.23)	
Third lag of share of urban to total population						0.2049 *** (7.14)	
Third lag of share of military spending to GDP						0.1655 *** (2.02)	

Note: Test statistics are in parentheses, *significant at 0.1, **significant at 0.05, ***significant at 0.01; Columns [1] to [6] came from pooled OLS regression, Column [7] came from fixed-effects panel data regression (the result of the Hausman specification test rejected the null hypothesis); lagged variables were introduced in consideration of possible endogeneity; robust standard errors were used in response to detected heteroskedasticity and autocorrelation issues

Annex Table 4.

Descriptions for Variables used in the Statistical and Empirical Analyses

Variable	Description	Source
Polity IV scores	It is a measure of democracy based on participation, competition in recruitment of political leadership, and constraints on the power of the executive. Value ranges from -10 to 10, with the latter as the highest score.	Polity IV Dataset
Vanhanen's index of democracy	It is an index based on electoral participation of voters and competition from opposition parties. The higher the score, the more democratic a country is for a given year.	Polyarchy Dataset Version 2.0
Real economic growth	This is the annual percentage growth rate of the Gross Domestic Product, expressed in constant 2005 US\$ prices. It represents the general performance of the economy.	World Bank Development Indicators
Real per capita income growth	This is the annual percentage growth rate of GDP per capita, expressed in constant 2005 US\$ prices. It is the GDP divided by the midyear population. This traditionally represents the standard of living.	World Bank Development Indicators
Share of urban to total population	Urban population was defined as the number of people in cities with population greater than 100,000. The ratio, expressed in percentage, represents urbanization. Barro (1999) contends that there are two diverging ways that urbanization affects democratization. On one hand, a concentrated population makes it easier for a dictator to monitor dissident activities. On the other hand, proximity of people with each other facilitates smoother communication, making expression and assembly difficult to suppress	National Material Capabilities Version 4.0
Military spending as share to Gross Domestic Product	It represents militarization of the government. This takes into account the dictatorial and autocratic regimes that lasted in Latin America until the 1970s and 1980s. Military spending was expressed in current US\$. GDP was expressed in current US\$ as well. The ratio of the two was presented in percentage.	National Material Capabilities Version 4.0; World Bank Development Indicators

Annex Table 5.

Excerpted Text from Proposed Anti-Dynasty Measures in the Philippine Congress

Bill	Year	Proponent	Provisions
Senate Bill No. 82	1987	Senator Teofisto Guingona, Jr.	<p>"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 (bilas). ***</p> <p>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.</p> <p>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 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.</p> <p>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.</p>

House Bill No. 90	1992	Representative Magdaleno Palacol	<p>"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 of among themselves is within the fourth civil degree of consanguinity or affinity. ***</p> <p>No person shall succeed in any public office or position, elective or appointive, whose family member or relative is the incumbent of such offices; Provided, that this section shall not apply to elective office for Vice-Mayor, Members of the Sangguniang Panlungsod or Sangguniang Bayan, Punong-Barangay and Members of the Sangguniang Barangay.</p> <p>No person shall be elected or appointed on 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 the Sangguniang Panlungsod or Sangguniang Bayan, Punong Barangay and Members of the Sangguniang Barangay.</p> <p>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 for Vice-Mayor, Members of the Sangguniang Panlungsod or Sangguniang Bayan, Punong-Barangay and Members of the Sangguniang Barangay.</p>
House Bill No. 13867	1994	Representatives Magdaleno Palacol, Roger G. Mercado, Tito R. Espina, and Alfredo Amor E. Abueg	<p>"Political dynasty" refers to a situation where persons related to each other within the third civil degree of consanguinity or affinity simultaneously and/or successively hold elective public office. ***</p> <p>No person shall succeed in any elective public office, temporarily or permanently, whose family member or relative is the incumbent of such office: Provided, that this section shall not apply to Punong-Barangay and members of the Sangguniang Pambarangay.</p> <p>No person shall be elected, temporarily or permanently, to any elective office, whose family member or relative is currently holding or occupying an elective office; Provided, that this section shall not apply to Punong-Barangay and Members of the Sangguniang Pambarangay.</p>

Senate Bill No. 599	1995	Senator Orlando Mercado	<p>Persons who are related within the third civil degree of consanguinity or affinity, including their spouses and the spouses of their brothers-in-law and sisters-in-law (bilas) shall be deemed within the political dynasty relationship prohibited under this act.</p> <p>***</p> <p>No President, Vice-President or Senator shall be succeeded in office by any family member having political dynasty relationship to such officials. Neither may such family member be elected to or assume the position of President, Vice-President, Senator, Congressman, Governor, Vice-Governor, City Mayor or City Vice-Mayor, or Municipal Mayor or Municipal Vice-Mayor whose term of office commences during the incumbency of such official.</p> <p>No such family member shall be a candidate for the office of the President, Vice-President, Senator, Congressman, Governor, Vice-Governor, City Mayor or City Vice-Mayor, or Municipal Mayor or Municipal Vice-Mayor in the same elections in which another family member within the Political Dynasty Relationship is a candidate for President, Vice-President, or Senator.</p> <p>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 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.</p>
Senate Bill No. 1317	2004	Senator Alfredo S. Lim	<p>No person who is related within the third civil degree of consanguinity or affinity, whether legitimate or otherwise, to an incumbent local elective official of the same political unit, may be allowed to run for any elective position in the same locality nor be permitted to assume such office even if elected, during the incumbency of and while the term of office of the said local elective official has not expired.</p>

House Bill No. 3335	2004	Representatives Satur C. Ocampo, Teddy A. Casiño, and Joel G. Virador	<p>No spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking reelection shall be allowed to hold or run for any elective office in the same province in the same election.</p> <p>In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is a registered voter. In case where none of the candidates is related to an incumbent within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election.</p> <p>In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter. Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>
Senate Bill No. 1468	2007	Senator Panfilo Lacson	<p>No spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same municipality/city or legislative district and/or province in the same election.</p> <p>In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province or legislative district where the former is a registered voter. In case where none of the candidates is related to an incumbent elective official within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses shall be disqualified from running for any local elective office within the same municipality/city, legislative district, and/or province in the same election.</p> <p>In all cases, no person who has a political dynasty relationship to the incumbent shall immediately succeed to the position of the latter. Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>

House Bill No. 2493	2007	Representatives Satur C. Ocampo and Teddy A. Casiño	<p>No spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same province in the same election.</p> <p>In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is a registered voter. In case where none of the candidates is related to an incumbent within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election.</p> <p>In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter. Provided however, that this Section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>
House Bill No. 783	2007	Representative Arthur D. Defensor	<p>"Political dynasty relationship" covers the spouse and relatives within the second civil degree of affinity or consanguinity. ***</p> <p>Any person who has a political dynasty relationship with an incumbent elective official is disqualified from running for any elective public office within the same city and/or province where the incumbent public official is also running: Provided, That the elected incumbent public official covered by this Act shall not include barangay officials, city/municipal councilors, or provincial board member; Provided, further, That the elective public offices covered by this Act shall not include the positions earlier enumerated.</p>

House Bill No. 3413	2010	Representatives Teddy A. Casiño, Neri Javier Colmenares, Rafael V. Mariano, Luzviminda C. Ilagan, Antonio L. Tinio, Emerenciana A. De Jesus, and Raymond Palatino	<p>No spouse or person related within the second degree of consanguinity or affinity ,whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same province in the same election.</p> <p>In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is a registered voter. In case where none of the candidates is related to an incumbent elective official within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election.</p> <p>In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter. Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>
House Bill No. 6660	2012	Representative Mary Mitzi Cajayon	<p>No spouse or person related within the second degree of consanguinity or affinity whether legitimate or illegitimate, to an incumbent elective official shall be allowed to hold or run for any elective office in the same province in the same election.</p> <p>In case the incumbent elective official is the President or Vice President, the said persons shall be disqualified from running in any elective office. In case the incumbent elective official is a Senator, Member of the House of Representatives, or local elective official, the above persons shall be disqualified from running in any national elective office and any local elective office within the same province where the former is a registered voter. In case of party list system, the said persons shall be prohibited to become a nominee of any party list organization.</p> <p>In case where none of the candidates is related to an incumbent elective official within the second degree of consanguinity or affinity, but are related to another another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running simultaneously for any national elective office or local elective office within the same province in the same election.</p> <p>In all cases, no person within the prohibited civil degree of relationship to the incumbent shall simultaneously serve with or immediately succeed to the position of the latter. Provided, however, that this sections shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>

Senate Bill No. 1906	2013	Senator Joseph Victor G. Ejercito	<p>No spouse, or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same province in the same election. In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is registered voter.</p> <p>In case where none of the candidates is related to an incumbent within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election.</p> <p>In all cases, no person within the prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter: Provided however, that this Section does not apply to Punong Barangays or members of the Sangguniang Barangay.</p>
Senate Bill No. 55; Senate Bill No. 1580	2013	Senator Miriam Defensor-Santiago	<p>No spouse or person related within the second degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any elective office in the same province in the same election. In case the constituency of the incumbent elective official is national in character, the above relatives shall be disqualified from running only within the same province where the former is registered voter.</p> <p>In cases where none of the candidates is related to an incumbent within the second degree of consanguinity or affinity, but are related to one another within the said prohibited degree, they, including their spouses, shall be disqualified from holding or running for any local elective office within the same province in the same election.</p> <p>In cases, no person within the prohibited civil degree of relationship to the incumbent elective official shall immediately succeed to the position of the latter. Provided, however, this this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>

House Bill No. 3587	2013	Representatives Neri Javier Colmenares, Carlos Isagani T. Zarate, Luzviminda C. Ilagan, Emerenciana A. De Jesus, Antonio L. Tinio, Fernando Hicap, Terry Ridon, Edgar Erice, Erlinda M. Santiago, and Oscar S. Rodriguez	<p>No spouse or person related within the second civil degree of consanguinity or affinity, whether legitimate or illegitimate, full or half blood, to an incumbent elective official seeking re-election shall be allowed to hold or run for any local or national elective office in the same election.</p> <p>In case where not one of the candidates is related to an incumbent elective official within the second civil degree of consanguinity or affinity, but a candidate is related to another candidate within the said prohibited civil degree of relationship, only one of them shall be allowed to hold or run for office: provided that, the matter of who will hold or run for office shall be settled by the Commission through a raffle or drawing of lots among the concerned candidates, unless the rest of the concerned candidates voluntarily withdraw their candidacies, in which case, the one remaining candidate will be allowed to run for office.</p> <p>In all cases, no person within the said prohibited civil degree of relationship to the incumbent shall immediately succeed to the position of the latter. Provided, however, that this section shall not apply to Punong Barangays or members of the Sangguniang Barangay.</p>
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Note: The legislative bills were compiled by AIM Policy Center staff based from records of the House of Representatives' Legislative Archives and the Senate's Legislative Records and Archives Service.

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