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BARANGAY ASSEMBLY: A CITIZEN-LED REINVIGORATION OF POLITICAL DISCOURSE AND CIVIC ENGAGEMENT IN THE PHILIPPINES

MICHAEL HENRY YUSINGCO¹

ABSTRACT

The Filipino indigenous custom of collective action known as *bayanihan* is institutionalized in the Barangay Assembly, a community forum where citizens can directly influence local governance. However, it is not widely utilized because many barangay officials are co-opted by local political dynasties. Results of the 2019 elections reveal that political dynasties continue to dominate the electoral process, making genuine political competition virtually impossible. This piece will present the strategy of using the Barangay Assembly as a citizen-led reinvigoration of political discourse and civic engagement. It will expound on the inherent value of the Barangay Assembly as a venue for purposeful democratic deliberation at the community level and the suitability of actively involving civil society organizations (CSOs) in organizing and managing those deliberative sessions. The piece

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will make the argument that citizens can collectively exert more influence in local politics and governance by routinely utilizing the Barangay Assembly in this manner. This regular formal process of robust civic participation in local democracy can then instigate the incremental erosion of political dynasty domination in local politics.

KEYWORDS: *Barangay Assembly, Philippines, civic engagement, deliberative democracy, political dynasties, local government*

INTRODUCTION

In 2011, the academic Björn Dressel wrote a paper entitled, “The Philippines: How Much Real Democracy?” (Dressel 2011). This query is so noteworthy because the Philippines played such a key role in the democratization wave that passed through Asia in the 1980s through the 1990s. It was the first country in the region to topple an authoritarian regime, ousting the twenty-year dictatorship of Ferdinand Marcos via direct citizen action in 1986. But three decades on, the democratization trajectory of the Philippines is still a curious case.

In the Economist Intelligence Unit’s 2020 democracy index, for instance, the Philippines fell into the category of “flawed democracies.”² While in Freedom House’s Global Freedom Score for 2020, the country could muster only a “partly free” designation. And in the World Justice Project Rule of Law Index for 2020, the Philippines ranked poorly at 91st out of 128. Being one of the “oldest” constitutional democracies in Southeast Asia, the current distressed status of Philippine democracy indeed warrants a deeper methodical investigation.

Pertinently, Dressel correctly sees the paradox that has plagued the country all these years (Dressel 2011, 530). On the one hand, he acknowledges “signs of a vibrant democracy” such as high voter turnout, robust civic engagement, and institutional arrangements that aim to promote and safeguard human rights and civil liberties. But on the other hand, he points to “flaws in the democratic process” exemplified by elite domination of both politics and governance.

This privileged and influential segment of the Filipino polity, or “political dynasties,” has been a constant feature since the Spanish colonial period. According to Michael Cullinane in his seminal work *Ilustrado Politics: Filipino Elite Responses*

2. <https://www.cnn.ph/news/2021/2/4/PH-falls-one-spot-in-global-democracy-index-for-2020.html>.

to *American Rule, 1898–1908*, “[T]he structure and operation of Filipino national politics had its origins in the municipal and provincial elections of 1901–1902 and in the proliferation of political networks and alliances that came into being as local elites competed for political power through the electoral process” (Cullinane 2003). This description of the Philippine political system at the onset of the American colonial period is actually still applicable today.

Obviously, elite families in politics are not unique to the Philippines at all, but it is the prevalence of Filipino political dynasties that brings an unwelcome notoriety. They have been described by an Australian journalist as being “on steroids.”³ President Rodrigo Duterte’s family is actually a perfect example. His daughter, Sara, is concurrently the mayor of Davao City, a bustling metropolitan town in Mindanao, while the vice-mayor is his son, Sebastian. Another son, Paolo, is a member of the House of Representatives. This “government-as-family-business” structure is now common throughout the Philippines, creating the fundamental dilemma in contemporary Philippine politics perfectly described by a political commentator as follows: “In the 1970s, there was only one dictatorship in the country: the Marcos dictatorship. Today, we have many ‘small dictatorships’ in the form of political dynasties.”⁴

If political dynasties have indeed become miniature versions of a tyrannical regime, then understanding its impact on Philippine democracy must begin with a critical study of the 1987 Constitution itself. First, we begin here because the latter actually marks the transition of the Philippines to a constitutional democracy after the ouster of the dictator Marcos. And more pertinently, the national charter manifested the pervading “popular will” that authoritarian rule must never happen again.

The drafters of the 1987 Constitution of the Republic of the Philippines were, in fact, fully cognizant of political dynasties as a pathology in the country’s democratic evolution. A member of the 1986 Constitutional Commission raised this point during the debates on this subject matter, “One of the worst effects of political dynasties is that it breeds graft and corruption.”⁵

More important is that another member of the drafting body provided a straightforward summation of why the existence of political dynasties in Philippine politics needed to be addressed in the national charter, to wit:

3. <https://www.smh.com.au/lifestyle/a-dynasty-on-steroids-20121119-29kwy.html>.

4. Alex Lacson, “The Few Who Control Our Country,” *Philippine Daily Inquirer*, December 10, 2014, <http://opinion.inquirer.net/80808/the-few-who-control-our-country>.

5. Record of the Constitutional Commission of 1986, vol. 4, p. 940 (September 23, 1986).

MR. NOLLEDO. . . . In the Philippines, I think it is known to everyone that a person runs for governor; he becomes a governor for one term; he is allowed two reelections under our concept. The he runs for reelection; he wins. The third time, he runs for re-election and he wins and he is now prohibited from running again until a lapse of another election period. What does he do? Because he is old already and decrepit, he asks his son to run for governor.

In the meantime, he holds public office while the campaign is going on. He has control; he has already institutionalized himself. His son will inherit the position of governor, in effect, and then this will go to the grandson, et cetera. The others who do not have the political advantage in the sense that they have no control of government facilities will be denied the right to run for public office. Younger ones, perhaps more intelligent ones, the poorer ones, can no longer climb the political ladder because of political dynasty.

It seems to me that the public office becomes inherited. Our government becomes monarchical in character and no longer constitutional.⁶

There was indeed a palpable consensus amongst the constitutional drafters that political dynasties are detrimental to Philippine democracy. And more crucially, they envisioned that the participation of traditional clans in electoral politics must be regulated in the constitution.

The 1987 Constitution is deemed “the basic and paramount law to which all other laws must conform and to which all persons, including the highest officials of the land, must defer.”⁷ More critically, according to the Supreme Court, constitutional doctrines, or judicial interpretations of constitutional provisions, “remain steadfast no matter what may be the tides of time.”⁸ Hence, a critical examination of the charter text and jurisprudence is truly indispensable in analysing the crisis afflicting Philippine democracy caused by the proliferation of political dynasties.

The first provision of consequence in this analytical effort is Article II, Section 1, which asserts that “[t]he Philippines is a democratic and republican State.” Pursuant to this prescription, the system of government in the country is founded on the principle of separation of powers with each of the three branches of government (executive, legislative and judiciary) having exclusive cognizance of matters within its respective jurisdiction. Philosophically, this proviso expresses the intention to live

6. Record of the Constitutional Commission of 1986, vol. 4, p. 731 (September 17, 1986).

7. *Biraogo v. The Philippine Truth Commission of 2010*, G.R. No. 192935 (December 7, 2010).

8. *Chavez v. Judicial and Bar Council*, G.R. No. 202242 (July 17, 2012).

as a community according to constitutional tenets such as the rule of law, respect for human rights, the democratic process, and judicial independence.

Another instructive provision is Article II, Section 5, which states, “The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.” Obviously, these provisions do not actually establish judicially assertable constitutional rights, but clearly they do illustrate indicators of what is meant by democracy in the 1987 Constitution. Interesting is that a fairly recent academic assessment of the 1987 Constitution shows that it has been successful in establishing state institutions that qualify the Philippines to be described as a “constitutional democracy” (Atienza et al. 2020). Nevertheless, echoing Dresel’s criticism, there is a case to be made that Philippine democracy does not align with some constitutional benchmarks.

However, the really peculiar characteristic of the 1987 Constitution comes from the commonly held view that it is a product of the “1986 People Power Revolution.”⁹ As such, it is a charter that is imbued both with the call for social justice and the spirit of popular empowerment. Pertinently, this ethos manifests in various provisions of the 1987 Constitution. This means that the constitution itself may provide the reform measures to realign democracy in the country to its standards. After all, the realization of constitutional prescriptions lies not just with public officials and state institutions but with the citizens as well (Barber 2018).

Using the 1987 Constitution as an analytical framework, this article first shows how political dynasties have escalated their influence over politics and governance since the ratification of the charter and how their domination has become a major factor in the country’s declining constitutional democratic order. The analysis then proceeds to discuss other institutional mechanisms in the 1987 Constitution that can address the country’s democratic crisis, specifically how these constitutional prescriptions can facilitate the reinvigoration of citizen engagement in politics and governance, showing that the 1987 Constitution itself provides the means to challenge the debilitating impact of political dynasties to the nation’s constitutional democracy. And lastly, proposed here is a reform strategy based on these mechanisms. An outline of options on how to utilize the constitutional mechanisms discussed previously is offered for consideration by political reformers.

9. https://law.unimelb.edu.au/__data/assets/pdf_file/0011/2925803/MF-2018-Philippines-Paper-FINAL-clean-formatted.pdf.

I. EVER EXPANDING POLITICAL DYNASTIES

Article II, Section 26, of the 1987 Constitution envisions regulation of political dynasties as follows:

The State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law.

Despite the mandatory tenor as evinced by the use of the word “shall,” a plain reading of this provision does not really offer an immediate and straightforward appreciation of the drafters’ original intent. And unfortunately, the interpretation of this provision by the Supreme Court has actually diminished its regulatory objective.¹⁰ First, the Court ruled that this provision does not establish “a constitutional right to run for or hold public office.” Second, it stated that “the provision does not contain any judicially enforceable constitutional right but merely specifies a guideline for legislative or executive action.” Third, it ruled that the provision cannot be “operative in the absence of legislation.” This means that in the absence of a law that implements the regulatory intent, then this constitutional prescription cannot be asserted against political dynasties. In fact, the legislature cannot even be compelled by the courts to enact that enabling statute, as the provision is merely a guideline.

There have been many attempts to enact an “anti-dynasty law,” but none has been successful. Currently, the closest legal definition for political dynasty comes from a separate opinion in a Supreme Court decision that described it as “a phenomenon that concentrates political power and public resources within the control of few families whose members alternately hold elective offices, deftly skirting term limits.”¹¹ But this still does not satisfy the “as may be defined by law” requirement of the 1987 Constitution.

Despite this attempt by the judiciary to prod the legislature to provide the statutory definition for political dynasties as mandated by the 1987 Constitution, Congress recognizes no urgency at all to work on this particular piece of legislation because the reality is, the majority of its members come from political clans. For this privileged group, the inclination for the preservation of wealth and prestige is just so very hard to overcome. And not surprisingly, the absence of a regulatory

10. *Pamatong v. Comelec*, G.R. No. 161872 (April 13, 2004), accessible at https://lawphil.net/judjuris/juri2004/apr2004/gr_161872_2004.html.

11. See Justice Antonio Carpio’s dissenting opinion in the case of *Navarro v. Ermita*, G.R. No. 180050 (April 12, 2011), available at <http://sc.judiciary.gov.ph/jurisprudence/2011/april2011/180050.htm>.

statute has played a huge part in the continuing expansion of political dynasties. There are other contributory factors of course, such as the absence of genuine political parties (Teehankee and Kasuya 2020). But arguably, the problem with political clans will not be as severe as it is now had there been an “anti-dynasty law” in place.

In fact, political dynasties have expanded exponentially such that they can now be further differentiated according to scale and depth. A paper published by an academic think-tank, Ateneo Policy Center, entitled “From Fat to Obese: Political Dynasties after the 2019 Midterm Elections,” establishes two categories.¹² A “thin” dynasty is one where clans pass on the mantle of public office amongst its members sequentially. Elections are used by relatives and kin to succeed one another in holding a particular political post. In contrast, the term “fat dynasty” refers to a family of politicians simultaneously holding public office: multiple members of the clan all participate in elections at the same time, running for different posts.

Notably, the data gathered for the aforesaid paper show that over the past six election periods political dynasties have become even fatter. In 2004, about 57 percent of provincial governors belong to fat dynasties. In 2019, this number grew to 80 percent. In 2004, 48 percent of those elected to the House of Representatives come from fat political clans, but this number grew to 67 percent in 2019. This means that most provincial governors will be related to mayors and local councillors in their province and likely also to their elected member to the House of Representatives.¹³

Pertinently, as per the groundbreaking study on political dynasties by the Asian Institute of Management Policy Center in 2012, lower standards of living, lower human development, and higher levels of deprivation and inequality persist in the districts governed by local leaders who are members of a political dynasty.¹⁴ But a more alarming development is that the fattest dynasties are actually ensconced in the poorest parts of the country.

12. Ronald U. Mendoza, Leonardo Jaminola, and Jurel Yap, “From Fat to Obese: Political Dynasties after the 2019 Midterm Elections” (Ateneo School of Government Working Paper Series 19-013, September 1, 2019), available at SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3449201.

13. An often-cited example is the Cayetano family of Taguig City. Lino is the mayor, brother Alan Peter is congressman for the First District while his wife is the representative for the Second District, and sister Pia is a senator.

14. Ronald Mendoza et al., “An Empirical Analysis of Political Dynasties in the 15th Philippine Congress” (Asian Institute of Management Working Paper 12-001, 2012). Available at https://www.researchgate.net/publication/228276641_An_Empirical_Analysis_of_Political_Dynasties_in_the_15th_Philippine_Congress.

A. Political Dynasties as Manifestation of Democratic Decay

The absence of a regulatory law to oversee the participation of political dynasties in electoral politics is demonstrably a weak link in the country's constitutional democratic order. However, juxtaposing dynastic politics against good governance prescriptions in the 1987 Constitution truly highlights the debilitating impact of political dynasties. Article XI, for instance, prescribes rules and directives on the accountability of public officers, with the very first section mandating accountability:

Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

Clearly, this constitutional provision offers a basic blueprint for good governance. There is an evident mandatory tenor behind this prescription because an effective and well-functioning government is a vital component of constitutional democracy (Teehankee and Calimbahin 2020).

However, political dynasties are the exact opposite of the standard set by this constitutional directive. Public office for them is a source of power and wealth. Harkening to the warning of one constitutional drafter, the very presence of dynastic politicians in government “breeds graft and corruption” (Record of the Constitutional Commission of 1986, vol. 4, p. 940). Notably, the Philippines continues to be perceived as having one of the most corrupt governments in the world, as shown by its consistently poor ranking in the Corruption Perception Index released annually by Transparency International.¹⁵ And strikingly, an official of the nation's premier anti-corruption agency estimates that the state loses around 20 percent of the country's total budget appropriation yearly (Php700 billion) due to corruption.¹⁶

Corruption and political dynasties have become inseparable public administration ills because once in office, dynastic politicians use their position as leverage to maintain a firm grip on political power (Gatmaytan 2001). One way this is accomplished is through the “pork barrel politics” that occurs between the executive and legislative branches of government. This practice of allocating discretionary funds for each member of Congress fuels the patronage-based alliance-building method now perfected by political elites (Teehankee and Calimbahin

15. <https://cnnphilippines.com/news/2021/1/28/PH-corruption-perceptions-index-lower-ranking-2020.html>.

16. <https://news.abs-cbn.com/news/08/15/19/p700-billion-lost-yearly-due-to-corruption-says-official>.

2020). Of course, this kind of coalition-building mechanism is not at all unusual, as it happens elsewhere in the world. Indeed, one of the ways politics gets the job done is by facilitating collective action amongst the political class. And this necessarily includes forging political “partnerships” over public resources in order to achieve common goals.

But again, it is the scale of patronage that differentiates the Philippines from other nations. The domination of political dynasties in Congress means patronage politics usually undermines policymaking and legislation. The high number of dynastic politicians in government has effectively removed the checks-and-balances mentality amongst public officials, and hence there is minimal internal motivation for them to provide quality public service and public goods to constituents (Tadem and Tadem 2016). Ultimately, the political clans’ preoccupation with monopolizing power hinders the institutionalization of effective social and political reforms the nation so badly needs (Teehankee and Calimbahin 2020).

Another constitutional prescription undermined by the gross expansion of political dynasties in the country is the second sentence in Article II, Section 1, which states that

[s]overeignty resides in the people and all government authority emanates from them.

This provision is often described as the fundamental articulation of the “people power” ethos in the 1987 Constitution because it affirms the citizenry’s supremacy in the nation’s political system (Bernas 2010). Indeed, the prescription here means that the country’s democratic form of government mandates “political rights be enjoyed by the citizens regardless of social or economic distinctions.”¹⁷ Another constitutional drafter explains that this provision demonstrates the people’s ability to express their collective will (or “sovereignty”) through active participation in the electoral process.¹⁸ In short, the constitutional design in this instance specifies a primary role for the people in maintaining the nation’s democratic order.

According to Dressel, however, elite capture of government, at both national and local levels, means “effective participation and true representation are largely illusory.” At this point, a non-dynastic politico winning an election over a dynastic one is an exceedingly rare occurrence. In some instances, candidates from political

17. See Separate Opinions in *Maquera v. Miraglor*, G.R. No. L-24761 (September 7, 1965), accessible at https://lawphil.net/judjuris/juri1965/sep1965/gr_l-24761_1965.html.

18. <https://opinion.inquirer.net/18965/sovereignty-of-the-people>.

clans run for office virtually unopposed (Laoc 2021). In the 2019 elections, a handful of dynasties lost their long grip on political power, but only to be replaced by members of rival political clans. Indeed, political dynasties have become essentially insulated from electoral competition (Tadem and Tadem 2016).

And as local communities continue to suffer inept and corrupt dynastic leaders, Filipinos who are more qualified, passionate, and patriotic, including many from the youth ranks, have little to no chance at all to be elected into office and establish clean and effective local governance. Indeed, political reformists who do not have the inherited political advantage are effectively denied a fair shot at public office because of the current monarchical nature of electoral politics.

Furthermore, the utter domination of political clans in politics and governance has severely weakened the ability of members of the public to communicate their needs to the authorities (Mendoza et al. 2012). The grotesque supremacy of political elites has ultimately marginalized a huge segment of the polity in terms of engaging in policymaking and legislation and, thus, has also diminished the people's facility to influence the government's nation-building.

In sum, the gross expansion of political dynasties over the course of three decades has sustained a political culture steeped in corruption and clientelism. This is precisely the reason why public administration in the country, including policymaking at the top level of the executive branch and even the legislative process itself, consistently earn poor marks in democracy indices. Simply put, public office is no longer a public trust as prescribed by the 1987 Constitution.

Moreover, elections now appear to be an ineffective democratic mechanism for the people to elect only deserving political leaders. The domination of dynastic politicians of this democratic exercise has effectively shut off the electorate from ever exerting any substantial sway in the administration of government, which again countermands the prescription in the 1987 Constitution that all government authority emanates from the people.

Palpably, the dominance of clans in the Philippines' electoral system, and concomitantly in its political structure, manifests democratic decay because this dominance exemplifies the incremental degradation of constitutional democracy in the country. The textbook understanding of "democratic decay" refers to the "step-by-step hollowing out of democratic governance" (Daly 2019). This is aptly exemplified in the case of Philippine democracy by the creeping expansion of political dynasties arising from a controversial "loophole" in the 1987 Constitution. The question is, can the domination of political clans be remedied only by the enactment of an "anti-political dynasty" law? The answer, of course, is no. While the legislation of a regulatory measure to implement the constitutional intent must still be pursued,

the 1987 Constitution offers other institutional means to stem the decay of constitutional democracy in the country and, quite possibly, totally reverse it.

II. CONSTITUTIONAL INSTITUTIONS THAT CAN REINVIGORATE CITIZEN ENGAGEMENT

It is worth emphasizing that the democratic design in the 1987 Constitution mandates public officials to be accountable to the people and that it also establishes mechanisms that empower the people to hold public officials to account. One such tool is the conduct of free and fair elections on a regular basis, but this has been effectively compromised by the utter domination of dynasties in electoral politics. Nonetheless, other mechanisms in the Constitution facilitate the attainment of this constitutional design objective. Consider first this prescription found in Article XIII, Section 16:

The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

The 1987 Constitution clearly sanctions the active participation of citizens in governance. One way of achieving this goal is to provide them the means and the forum to regularly engage with the burning issues of the day—to institutionalize a process where common folks can freely formulate their views and have the courage and comfort of letting their voices be heard by others in the polity, including political dynasties. It is worth noting that Dressel (2011, 541) maintains that “while Philippine elites seem content with maintaining minimal democratic procedures, civil society continues to push for ‘participatory democracy.’” Notably, such a community forum already exists—it is called the Barangay Assembly. As per the 1987 Constitution, the barangay is the smallest territorial and political subdivision of the state.¹⁹ A group of barangays will make up a municipality or a city. Furthermore, under the Local Government Code of 1991 (LGC), which provides for the local government decentralized framework, its governing authority is comprised of a chairperson and a seven-member council, all of whom are directly elected by registered voters in the barangay.²⁰

19. Section 1 of Article X of the 1987 Constitution.

20. Section 387 of the LGC.

The barangay government functions as the primary planning and implementing unit of programs and projects for the direct benefit of the community (Pimentel 2011). More crucially, the barangay serves as the site where the “collective views of the people may be expressed, crystallized and considered.”²¹ Correspondingly, the LGC mandates that there shall be a Barangay Assembly in each of the country’s 42,046 barangays.²²

The Barangay Assembly shall comprise residents of the barangay aged fifteen years or over. Three key points must be raised here. First, the Barangay Assembly will more than likely be composed of voters, and therefore the outcome of these meetings cannot be taken lightly by existing powerholders. Second, the participants of the Barangay Assembly will likely be familiar with each other, with some maybe even bonded by friendship and kinship. This familiarity increases the likelihood of collective action. Third, it is likely that there will be diversity (and disparity) in economic status in each assembly. Nonetheless, for sure there will be commonality in terms of issues and concerns affecting the barangay and the municipality or city it belongs to. Pertinently, the extent of participation in the Barangay Assembly is yet to be systematically measured (Hill 2011), but anecdotal evidence shows a general willingness to attend the meetings across most barangays in the country.

The Barangay Assembly is mandated by the LGC to meet at least twice a year to hear and discuss matters that affect the barangay. Pursuant to Presidential Proclamation No. 599, the two official meetings of the Barangay Assembly can be held on any Saturday and Sunday of March and October.²³ Notably, meetings can be called by the barangay chairperson or by at least four members of the barangay council, or upon written petition of at least 5 percent of the Barangay Assembly members.

Ostensibly, the Barangay Assembly can be convened more than twice a year. But only those meetings called pursuant to law can be considered official, which means they can be held in the barangay hall or in any other government property. However, there is no express prohibition in the LGC that prevents the Barangay Assembly to convene unofficially and meet elsewhere within the barangay.

Officially, the Barangay Assembly can do the following: (a) initiate legislative processes by recommending to the council the adoption of local measures, (b) directly enact or amend any ordinance, and (c) hear and pass upon the semestral

21. Section 384 of the LGC.

22. See Sections 397 and 398 of the LGC.

23. See <https://www.officialgazette.gov.ph/downloads/2018/10oct/20181009-PROC-599-RRD.pdf>.

report of the council concerning its activities and finances. It essentially functions as the parliament of the barangay.

In general, the Barangay Assembly can discuss any and all matters that affect the barangay (Adorable 1979). However, it can exercise the powers granted by the LGC only if it is convened officially. Nevertheless, collective action can still be the outcome of a Barangay Assembly even though the meeting is unofficial.

In contextualizing the potential of the Barangay Assembly to hold back democratic decay, it is worth noting that the LGC ethos is to encourage “new types of popular participation and new types of political leadership at the local level, which in turn can engender new pressures for important political reforms at the national level” (Hutchcroft and Rocamora 2003). The Barangay Assembly is clearly a legal mechanism that facilitates participatory governance. Through this institution, citizens can directly formulate policies for their community. They can also collectively initiate action to influence the powers-that-be in their locality.

However, the proper implementation of the LGC continues to be hampered by traditional politicians dominating their turf through patronage and coercion (Tadem and Tadem 2016). The reality is that unless the Barangay Assembly convenes, citizens at the grassroots level will not be able to exercise or assert these aforementioned powers. And of course, one reason why the Barangay Assembly is not widely utilized in the way it was designed by law is because many barangay officials are co-opted by local political dynasties. Many barangay leaders owe loyalty to powerful families in their area, even though by law the barangay government must be apolitical.²⁴

A. Collaboration with Civil Society Organizations Is a Must

To make the Barangay Assembly truly a vehicle for a citizen-led reinvigoration of political discourse and civic action, CSOs (civil society organizations) must be conscripted to help organize and manage the proceedings. The CSOs refer to the whole range of non-state, non-profit organizations and groups, including non-governmental organizations (NGOs), socio-civic organisations, and academia. It is worth noting that in the Philippines these groups are generally held in high regard and are considered a strong force in the political arena.²⁵ The NGOs in particular have played a significant role in the country’s evolution from dictatorship to democracy (Eaton 2003).

24. Section 38 of the Omnibus Election Code.

25. <https://globalnation.inquirer.net/138312/civil-society-groups-asia-thrive-best-ph-says-study>.

More important is that the value of CSOs is explicitly recognized by the 1987 Constitution, which is another manifestation of its “people power” ethos. From the constitutional perspective, CSOs in the Philippines have a significant role in the broader context of nation-building, to wit:

Article II, Section 23. The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.

Article XIII, Section 15, The State shall respect the role of independent people’s organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means.

People’s organizations are bona fide associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.

Clearly, CSOs in the Philippines have a constitutional mandate to, first and foremost, “promote the welfare of the nation.” It is for this reason that CSOs in the country are manifestly people-oriented in their advocacies. From labour groups to sectoral NGOs to youth organizations, there is that common philosophy of making a better and brighter nation for all Filipinos. In addition, CSOs in the Philippines must do their work “within the democratic framework.” This means that CSOs must exemplify democratic values.

However, keeping in mind that the 1987 Constitution was a direct result of “people power,” the most crucial mandate of CSOs in the Philippines is to hold government accountable. The following provisions of the LGC, for instance, explicitly spell out the role of CSOs in local governance, to wit:

Section 34. Role of People’s and Non-governmental Organizations. Local government units shall promote the establishment and operation of people’s and non-governmental organizations to become active partners in the pursuit of local autonomy.

Section 35. Linkages with People’s and Non-governmental Organizations. Local government units may enter into joint ventures and such other cooperative arrangements with people’s and non-governmental organizations to engage in the delivery of certain basic services, capability-building and livelihood projects,

and to develop local enterprises designed to improve productivity and income, diversity agriculture, spur rural industrialization, promote ecological balance, and enhance the economic and social well-being of the people.

These provisions of the LGC actually offer a clue about how to implement the constitutional mandate to allow CSOs “effective and reasonable participation at all levels of social, political, and economic decision-making.” Fundamentally, CSOs must be seen as “active partners in the pursuit of local autonomy”. The LGC has a specific list as to how this partnership can be done: CSOs can (1) help in the delivery of certain basic services; (2) partner in capability-building and livelihood projects; (3) coordinate to develop local enterprises designed to improve productivity and income; and (4) work together to ensure diversity in agriculture, to spur rural industrialization, and to promote ecological balance. This is not an exhaustive list, as shown by the all-encompassing directive for CSOs and local governments to cooperate to “enhance the economic and social well-being of the people.”

As far as the government is concerned, especially at the local level, CSOs are vital collaborators because of their ability to organize communities. Poignantly, the *raison d'être* of the Barangay Assembly is to exemplify the Filipino indigenous custom of collective action known as *bayanihan*.²⁶ Therefore, it is the natural venue for a community to come together to achieve certain objectives. It is a perfect fit for a CSOs’ capability to mobilize people to be in one place and freely want to be there. And the fact that there is no coercion involved is very important because participation in the political process must be voluntary. Genuine engagement must be a personal choice and not the result of any form of duress. Otherwise, the result will be no different from public rallies organized by political dynasties where the people are compensated with either cash or goods or both.

More important, though, is that the Barangay Assembly serves as the venue where the people’s views and sentiments can be “expressed, crystallized and considered.” For the Barangay Assembly to become a forum to reinvigorate political discourse and civic engagement in the country, it is the CSOs’ inherent orientation towards promoting dialogue and consensus-building that becomes crucial.

It is common knowledge that CSOs in the Philippines have the technical expertise to conduct vibrant and inclusive discussions where participants with different views and concerns have a chance to be heard.²⁷ Worthy of note is that helping

26. <http://makecommoningwork.fed.wiki/view/bayanihan>.

27. <https://www.adb.org/publications/civil-society-briefs-philippines>.

members of the community who are most marginalized express their sentiments is one of the most noble work of CSOs. They can facilitate a community discourse in which, even if no consensus is ever reached at the end, people still come out of the discussion with a better and more complete understanding of the issues being deliberated upon. Having this mindset is particularly important because it makes cooperation and collective action possible. At the very least, it can keep the line of communication within a group of diverse views and interests open. Thus, the potential for collaboration and mobilization is never fully extinguished.

Pertinently, a well-moderated community discourse in the Barangay Assembly may be a healthier venue to discuss politics and policy matters than social media.²⁸ During the 2019 midterm elections, CNN Philippines, through its Digital Disinformation Tracker research project, deployed a team of academics to monitor online conversations. The researchers found that during the entire election period, social media was an extremely toxic environment for political discourse.²⁹ Voters pretty much stuck to their echo chambers, and the “us versus them” mentality prevailed. Each side was keen to promote only its own respective narratives while equally determined to suppress the claims of the others. Obviously, the Barangay Assembly cannot supplant social media as a forum for political debates, not in this digital age. But it can be a more conducive platform to host these emotional political discourses, given that most Filipinos actually feel comfortable discussing political issues in group settings.³⁰ The CSOs can actually help the Barangay Assembly to become a potential antidote against online toxicity and to be a viable defence against the onslaught of political disinformation.

B. An Emphasis on Deliberative Democracy

This CSO–Barangay Assembly joint effort is really a nod to democratic deliberation which is a form of communication that is based on principles of democracy. For deliberative democrats, democracy is not just about the polity making political decisions through elections; it is also about the polity undertaking informed, respectful, and inclusive deliberation as part of this decision-making ritual.

28. The Philippines is known as the “social media capital of the world.” See <https://www.statista.com/statistics/489180/number-of-social-network-users-in-philippines/#:~:text=The%20Philippines%20have%20been%20called,as%20being%20highly%20internet%2Dsavvy>

29. <https://blogs.griffith.edu.au/asiainsights/social-media-and-democracy-in-the-philippines/>.

30. <https://www.pewresearch.org/internet/2019/05/13/more-people-are-comfortable-discussing-politics-in-person-than-on-their-phones-or-via-social-media/>.

Deliberative democracy is grounded on the belief that people can “come together, on the basis of equal status and mutual respect, to discuss the political issues they face and, on the basis of those discussions, decide on the policies that will then affect their lives” (Bächtiger et al. 2018). Moreover, for deliberative democrats, the purpose of deliberation is not the narrow pursuit of one’s self-interest but rather the identification of measures that will, as much as possible, reflect the common good (Worley 2009). Deliberation in this context means thoughtfully examining a problem in order to arrive at a well-reasoned solution after a period of inclusive, respectful consideration of diverse points of view (Gastil 2007). And notably, it is the dynamic process of reasoning, involving interaction between different arguments and changes in the opinion of participants, that makes deliberation unique in terms of process and outcome (Stark et al. 2021).

Democratic deliberation commences with the creation of a solid information base to ensure the peculiarities of the issues and concerns at hand are properly understood (Gastil 2007). Hence, democratic deliberation in the Barangay Assembly means participants undertake to thoroughly comprehend the agenda tabled for the meeting. This is an area in which CSOs can make a significant contribution. They can bring in technical and subject matter experts to provide vital information and key analyses for the Barangay Assembly. They can also be responsible for securing the presence of representatives from the government who are directly responsible for the issue at hand and are in the best position to explain the various angles involved. This part is absolutely critical in order to make the discussion meaningful.

Deliberative rigor means “decisions are made thoughtfully, with full assessment of the widest range of considerations, by persons who are genuinely open to other viewpoints and who make decisions based on the force of the better argument” (DeRosa and Regan 2018). The CSOs can help the Barangay Assembly participants to come to meetings prepared by providing the necessary information beforehand. More important though, is that the CSOs know how to apply techniques to help participants keep an open mind. They can facilitate an environment where participants would willingly accept the possibility that they could be wrong and that another view could be the correct and appropriate one, given the circumstances. The CSOs are able to do this because of their traditional focus on listening as the central ingredient to any discursive undertaking. For them, it is not just about giving participants a platform to express their views; it is also about the entire group genuinely listening and understanding what the others are trying to convey. And only by trying to understand how the world looks to others will participants of community forums be flexible and open enough to undertake a genuine evaluation of their own opinions (Morrell 2018).

Furthermore, a deliberative process in the democratic context requires openness to competing perspectives. This means to actively engage with various points of view, rather than just automatically dismissing them. Again, the partiality of CSOs as moderators to encourage mutual respect amongst participants in deliberative meetings becomes relevant in this regard. However, it must be emphasized that maintaining mutual respect within a deliberative body like the Barangay Assembly does not connote that disagreements can no longer occur. But it does signify that differences in outlooks do not necessarily become obstacles to cooperation and collaboration. In fact, disagreement can improve the quality of deliberations because exposure to contrasting views can instigate a re-evaluation of preconceived notions. Disagreements, if there is mutual respect, can lead to new and better thinking.

Adhering to deliberative democracy standards makes it possible for the Barangay Assembly to become a free space for a community to internalize the communication skills necessary for more impactful political mobilizations. When utilized this way, the Barangay Assembly can truly facilitate citizen-led political discourse and civic action. Indeed, the CSO–Barangay Assembly joint effort discussed here can be a viable reform option to stem, if not reverse, democratic decay in the Philippines.

III. THE CSO–BARANGAY ASSEMBLY STRATEGY

The CSO–Barangay Assembly collaboration strategy is clearly sanctioned by the 1987 Constitution. However, apart from the provisions that support its implementation, underpinning this remedy against democratic decay are two constitutional rights.³¹ The first one is the right to free speech and expression, which according to jurisprudence “contemplates a mode of life that, through encouraging toleration, scepticism, reason and initiative, will allow man to realize his full potentialities” and also “spurns the alternative of a society that is tyrannical, conformist, irrational and stagnant.”³² The second is the “right of the people peaceably to assemble and petition the government for redress of grievances.” Pertinently, according to the United Nations Human Rights Committee, “[p]articipating in an ‘assembly’ entails organising or taking part in a gathering of persons for a purpose such as expressing oneself, conveying a position on a particular issue or exchanging ideas.”³³

31. Article III, Section 4, of the 1987 Constitution.

32. *The Diocese of Bacolod v. Comelec*, G.R. No. 205728 (January 21, 2015), accessible at https://lawphil.net/judjuris/juri2015/jan2015/gr_205728_2015.html.

33. Human Rights Committee General Comment No. 37 adopted at its 129th session (July 24, 2020).

As per the Supreme Court, “Thru these freedoms the citizens can participate not merely in the periodic establishment of the government through their suffrage but also in the administration of public affairs as well as in the discipline of abusive public officers.”³⁴ The CSO–Barangay Assembly approach indeed highlights the functionality of the 1987 Constitution as a potent mechanism to entrench deliberative democracy as a form of public communication and reasoning, particularly in relation to political engagement at the grassroots level.

Nevertheless, this plan still does not guarantee that all Barangay Assembly meetings henceforth will be a paragon of deliberative democracy, though the active participation of CSOs can make democratic deliberations in many Barangay Assembly sessions very possible. As previously stated, CSOs can employ methods that foster mutual respect as a norm to be respected in the Barangay Assembly meetings. And they can implement tactics that can help participants articulate their thoughts in the manner they wish as well as help facilitate genuine listening within the group.

Barangay Assemblies frequently engaging in the deliberative process can heighten the understanding of citizens about issues affecting them. Discussing matters of concern on a consistent basis can move citizens to more vigorously propose policies to their local government, either at the barangay level or in the municipality or city to which they belong. And it would not be unreasonable to project that the constant practice of this community deliberation can also empower citizens to actively make their views known to the higher levels of government. This is a way for Barangay Assemblies to actively contribute to national policymaking and legislation.

The CSO–Barangay Assembly joint effort is a citizen-centered strategy that can also have a significant contribution to the country’s democratic consolidation. Studies have shown that the active participants of deliberative processes can become more motivated to engage with government and even take part in electoral politics (Bächtiger et al. 2018). The deliberative experience in the Barangay Assembly, if it becomes routine, can parley into essential democratic capacities for the polity. It can provide the impetus for ordinary Filipinos to exert more influence in local politics and governance, either by continually holding public officials accountable or by running for public office with stronger grassroots community support. And in the process of reclaiming their voice in the public discourse, citizens are also incrementally challenging the domination of political dynasties.

34. *Philippine Blooming Mills Employees Organization v. Philippine Blooming Mills Co., Inc.*, G.R. No. L-31195 (June 5, 1973) accessible at https://www.lawphil.net/judjuris/juri1973/jun1973/gr_31195_1973.html.

Truly, there is reason to be optimistic that the CSO–Barangay Assembly model of grassroots deliberation can lead to citizen-driven outcomes relevant to electoral politics (Fujiwara et al. 2017). The mobilization of peoples at the barangay level is already an integral component of any political campaign during election season as well. But what impact the Barangay Assembly itself, as an institution, has on Philippine democracy and development is still an understudied subject (Arrabaca and Base 2020). This is understandable, considering the logistical and administrative challenges researchers must face—for instance, the bureaucratic matters that must be considered in deploying the CSO–Barangay Assembly strategy uniformly to all Barangay Assemblies, numbering over 42,000.

Actually, this uniformity is possible only if the call for its convening comes from an official directive by the central government, specifically the Department of Interior and Local Government (DILG). Every year the DILG issues an official memorandum to all barangay governments to convene the Barangay Assembly.³⁵ The DILG sets the topic for the meetings, and it is the barangay government that is usually tasked to moderate. So, this is hardly the deliberative democratic forum envisioned in the CSO–Barangay Assembly approach. Nevertheless, nothing precludes the DILG from getting help from CSOs in managing particular meetings of the Barangay Assembly called for a predetermined purpose.

This approach could, for example, have been applied to implement the Duterte administration’s plan to revise the 1987 Constitution to fulfil his campaign promise of shifting to a federal system of government. Using the Barangay Assembly would have been a logical move because the constitutional reform process must involve the ardent participation of the people themselves (Chang et al. 2014). Crucially, according to the United Nations Assistance to Constitution-Making Processes (April 2009), “A genuinely inclusive and participatory constitution-making process can be a transformational exercise. It can provide a means for the population to experience the basics of democratic governance and learn about relevant international principles and standards, thus raising expectations for future popular engagement and transparency in governance. Inclusive and participatory processes are more likely to engender consensus around a constitutional framework agreeable to all.”

The approach would have entailed the Duterte administration enlisting CSOs such as the Philippine Association of Law Schools and the Philippine Constitution Association to provide moderators for each Barangay Assembly to deliberate on

35. See as sample memorandums <http://region5.dilg.gov.ph/wp-content/uploads/2018/03/MC-2018-31-a.pdf> and https://www.dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-201938_65ad1e043d.pdf.

the need for constitutional reform and to produce a list of amendments and revisions. At the end of the deliberative process, all the lists would then be collected and presented for consideration to the body eventually granted the imprimatur to revise the 1987 Constitution.³⁶

This deliberative phase of constitutional reform suggested here harkens to the United Nation’s advocacy for an inclusive constitution-making process (United Nations Assistance to Constitution-Making Processes, April 2009). It is predicted that after undergoing this deliberative exercise, Filipinos will be able to see themselves not merely as passive observers in the sidelines of the reform initiative but ultimately as continuing stakeholders to the enforcement of constitutional rules and tenets as well.

The constitutional reform approach applied by the Duterte administration did not utilize the Barangay Assembly as a point for community deliberation. In addition, public consultations were not deliberative as contemplated by the UN advisory on constitution-making. In any case, the plan to revise the 1987 Constitution is no longer a priority. But clearly, constitutional reform is one of those national concerns that can be the subject of an official Barangay Assembly meeting where CSOs function as the moderator of the deliberation phase of the process.

Realistically, however, the CSO–Barangay Assembly strategy may have to be applied on select barangays only—and, more than likely, without the official directive coming from the central government. The meeting will have to be initiated by the barangay itself, or via a coordinated effort by groups of barangays, in any of the ways sanctioned by the LGC. Obviously, the issues and concerns to be deliberated upon will vary amongst the thousands of barangays in the country. Needless to say, coastal barangays will face a different set of challenges and opportunities as compared to barangays in urban areas. Moreover, the CSOs to be engaged will depend on which ones are active in the area.

It is worth mentioning as well that the CSO–Barangay Assembly strategy may actually be employed as a private initiative. For instance, CSOs themselves can organize the Barangay Assembly meetings. Such meetings will not qualify as official sessions under the LGC, but they can sidestep the bureaucratic requirements. However, doing this will put the logistical demands squarely on the organizers. Still, in such meetings there is more leeway to dictate the topics to be deliberated on as well as determine the possible actions to take afterwards.

An ancillary outcome of the CSO–Barangay Assembly strategy is actually the redesigning of the Barangay Assembly to function in the way a “mini-public”

36. See Article XVII of the 1987 Constitution.

would in the context of deliberative democracy discourse. Mini-publics come in various forms, but fundamentally they are groups of people from the community who are chosen through random-selection techniques to ensure proper representation. These mini-publics are tasked to undertake a deliberative process to address specific hot-button issues. The aims of mini-publics may differ, but one common element is their ability to generate informed and well-thought public sentiments (Niemeyer 2011). The mini-public method gives the community a more prominent role in the wider political discourse. Its contribution carries significant weight in the political arena precisely because of its adherence to deliberative democracy principles and practices (Lafont 2015). Following this deliberative mould, the hope is for the Barangay Assembly to be an institution that wields strong influence in the broader political system of the Philippines.

However, as far as the nation's democratization evolution is particularly concerned, it is the frequency of the CSO–Barangay Assembly meetings that will actually be the key for this strategy to succeed in terms of instigating a citizen-led reinvigoration of political discourse and civic engagement. The more such deliberative sessions held, the more politically engaged citizens can emerge. Hence, it is really not about maintaining a preference between a government-led or privately initiated CSO–Barangay Assembly session. Actually, the best-case scenario is to hold the two official meetings under the auspices of the DILG and to conduct a few community-led unofficial meetings in between every year. The process of citizens reclaiming the power they have lost to political dynasties in the past three decades will begin when democratic deliberation at the grassroots level becomes widespread and routine.

CONCLUSION

The 1987 Constitution has stood for more than thirty years without any amendment. Still, overall, the 1987 Constitution has fulfilled its design objective of establishing institutions that make the Philippines a constitutional democracy. Of course, the quality of these institutions is an altogether different matter. In fact, the critical assessment of the national charter undertaken here has shown that after thirty-five years, democracy in the Philippine has been in gradual decay as a consequence of the steady expansion of political dynasties.

While it is already a well-known fact that political clans, not political parties, form the foundation of the Philippine political system, it is the abject exploitation of a controversial “loophole” in the 1987 Constitution that has led to an increase in their numbers. The absence of a law to implement the regulatory intent of the

charter has allowed the unabated expansion and domination of political dynasties in the nation's politics and governance. And not surprisingly, despite loud calls on the legislature to provide the statutory definition for political dynasties as mandated by the 1987 Constitution, Congress continues to refuse to work on this particular piece of legislation, given that the majority of its members come from political clans.

While Dressel concedes that the Philippines remains a “puzzle for scholars of democracy,” part of this riddle is that aspect of the country that evinces “an activist civil society, high levels of political participation, and a political culture that emphasizes rights and justice” (Dressel 2011, 541). All these characteristics are sustained in the 1987 Constitution. It stands to reason, therefore, that the Constitution itself can be a source of solutions to the nation's democratic crisis.

Those who seek democratic reforms often focus too much on new ways to implement changes. But sometimes desired reforms can be achieved even within the existing legal framework, applying only innovative adjustments. The Barangay Assembly is indeed a logical choice to operationalize the “people power” ethos of the 1987 Constitution because Filipinos already know it as the natural site for the community to work together.

But to make the Barangay Assembly truly a vehicle for a citizen-led reinvigoration of political discourse and civic action, the CSOs, given their wherewithal and reputation, must be conscripted to help organize and manage the meetings. This CSO–Barangay Assembly partnership particularly aims to impose deliberative democracy standards in the conduct of the community meetings. This is one way of ensuring that the Barangay Assembly functions as a venue for proper communal learning, a space for diverse views to be expressed, and a viable platform to launch collective action.

The Barangay Assembly, properly disciplined by deliberative democracy principles and techniques, fulfils the people's right “to effective and reasonable participation at all levels of social, political, and economic decision-making” (Art. XIII, Sect. 16). The CSO–Barangay Assembly collaboration strategy thus underscores the value of the 1987 Constitution as a potent mechanism that can entrench deliberative values in the political system and revitalize a declining democratic order.

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