



PRESS RELEASE

Center for People Empowerment in Governance (CenPEG)

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High Court un masks self as pro-oligarch in latest Party-list ruling

The latest Supreme Court (SC) ruling on the Party-list system will go down in history as an act of betrayal against poor Filipinos. It was a ruling by justices who, confined in their air-conditioned rooms and detached from the country's extreme social realities, acted yet again in favor of the high and mighty - the political dynasties.

None but the country's ruling political elite are cheering this latest travesty of justice. The high court's latest ruling is the second legal offense against the poor within a few months after it shot down at least three petitions by citizens' groups for the enactment of an enabling law on the constitutional prohibition of political dynasties.

The Center for People Empowerment in Governance (CenPEG) director for policy studies, Prof. Bobby M. Tuazon, today said the SC went beyond its judicial powers by arrogating unto itself what is virtually a legislative or even a constitutional amendment to the Party-list law.

Tuazon, who is CenPEG's in-house political analyst, said the high court erred in saying that the intent of the Constitutional Commission (1986-1987) that drafted the constitution was to make the political system pluralist by, as well, opening up the Party-list system to established traditional political parties. The SC extracted a few proceedings from the ConCom to support its ruling but the complete records will show otherwise, he said. The intent was to open the Party-list system only for poor or marginalized groups consistent with a pluralist, multi-party system and even up participation in the electoral field that has been – and continues to be – dominated by the elite through their mainstream traditional parties. Corollary to this was to make elections more issue-oriented through the new system.

Pluralist or equal competition in elections does not mean expanding the participation of dominant traditional political parties through the Party-list system. Rather, it is enhancing and safeguarding the rights of marginalized groups who, for the past 100 years, have been deprived of any voice in legislation, he said.

By saying that the dominant political parties of the traditional elite have the right to participate in the Party-list system through their Party-list sectoral wings is a mockery of the constitutional provision on the Party-list scheme, Tuazon said. How can elitist, exclusivist oligarchic parties ever have "sectoral wings" and qualified to enter the Party-list system for the marginalized?, Tuazon asked

The SC justices also unmasked their lack of political discernment and naivete in saying that only national political parties have ideological cause while sectoral parties do not. "We challenge the justices to show whether any of the traditional political parties have ideological platform that they advocate and consistently fight for – and that none of the sectoral parties can show anything of this sort," Tuazon said.

Many of the genuine Party-list groups have clear ideological causes whether for wage workers, peasants, urban poor or women and on national issues; many of their leaders have lost their lives owing to state harassment for espousing genuine social, economic, and political reform, he said. Such political repression had in fact moved the SC to engage in judicial intervention and activism, guaranteeing the writs of amparo and habeas data to protect human lives.

Worse, the SC is wrong in further saying that the Party-list law does not require national and regional parties participating in the system to represent the "marginalized and underrepresented." This will, in effect, allow the dominant political parties to have a field day in dominating the Party-list elections even



if their rationale for election engagement is precisely to perpetuate the dominance of traditional forces for vested interests whether in Congress or the presidency, Tuazon said.

Obviously, many of the SC justices are blind to the current dynamics and absurdities of the Party-list system which have allowed the political dynasties to maintain their supremacy in both houses of Congress while encroaching into the Party-list system to expand such hegemony, Tuazon said. After five elections since 1998, the Party-list system has served as a mechanism by the elite backed by vicious tricks to entrench their rule in Congress at the expense of the marginalized constituents.

Such machinations by the country's political oligarchs are now legitimized by the SC ruling, the CenPEG political analyst said. The Party-list system has become a tool to solidify the disproportionate power equation which favors the oligarchs – with the SC as their complicit partner, Tuazon said.

Another CenPEG Fellow, Felix Muga II, said "Political parties big or small will always insist to be allowed in a proportional Party list system since the system can give them a share of the power in proportion to their vote-getting capacity." He added: "To mix the traditional political parties with the political formation of the marginalized sector means political disaster for the latter."

The next legislative agenda is to craft a Party list law that will insulate sectoral representation from the elite." We need a win-win party list law ASAP or the real Party-list groups will have an insignificant representation in 2016," Muga III said.

Another CenPEG analyst said: The party-list system is a constitutional affirmative action meant to bring about substantial equality. It is akin to provisions in the same Constitution prohibiting political dynasties, limiting terms of office, espousing pro-marginalized and pro-underrepresented rights, among others. The Constitution is a reflection of the one great fight against inequalities and inequities that still prevail in the country. It is the theology of liberation in the body politic.

Hence, when the it decided to convert marginalization and underrepresentation as only one of several factors in qualifying for party-list participation, including factors that may undermine or subvert the preference for those marginalized and underrepresented, the SC reversed and set aside the constitutional intent toward an affirmative action. The high court is wrong even if it is legally empowered to impose erroneous legal precedents. Possessing the power is apart from exercising it prudently and correctly.

What is further dismaying about the latest approach of the SC on the Party-list is its level of discernment of the country's political situation. It is, simply put, elitist. The high tribunal was plied with arguments pro-marginalization and pro-underrepresentation as well as those against it. Instead of making a difference in the lives of those who have long been disempowered, it throws its weight to favor elitist politics. Allowing traditional politicians who share the same stage as or the economic tycoons themselves to pack the party-list contest with the have-nots, did the Supreme Court think the Davids can slay the Goliaths? The decision is either too much wishful thinking or too much sadism.

CenPEG is a not-for-profit policy research and analysis institute based in the University of the Philippines, Diliman campus. Its programs include governance and corruption, political parties and electoral reform, foreign policy and national security, and peace process, among others.

For reference:

*Bobby M. Tuazon
Director for Policy Studies
CenPEG
3F CSWCD Bldg., Magsaysay Avenue
UP Diliman 1101, Quezon City
Tel/Fax +9299526; email: info@cenpeg.org, cenpeg.info@gmail.com*