# Family or Bangsa?

The Proposed Anti-Political Dynasty Provision in the Draft Bangsamoro Basic Law

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The signing of the Comprehensive Agreement on the Bangsamoro<sup>1</sup> (CAB) is a milestone in the Mindanao peace process. According to its proponents, the peace framework laid down by the CAB is the most progressive of all attempts to secure sustainable peace in Mindanao. For one, it calls for a parliamentary form of government that according to the Moro Islamic Liberation Front (MILF) reflects the aspirations of the Bangsamoro<sup>2</sup>. Moreover, invoking the Bangsamoro's right to self-determination, they demanded more fiscal autonomy from the Philippine national government and they called for greater control of the resources in the future Bangsamoro territory. According to the proponents of the CAB, these features are very different from the existing Autonomous Region in Muslim Mindanao<sup>3</sup> (ARMM).

The call for political and fiscal reforms in Mindanao however ends there. A proposal to include an anti-political dynasty provision in the proposed Bangsamoro Basic Law (BBL) was turned down in the House of Representatives version of the bill and the anti-political dynasty provision in the Senate version of the bill was not adopted in the version of the bicameral conference. Political families/clans in the Philippines play a prominent role in Philippine politics and the non-inclusion of an anti-political dynasty provision in the law puts to question whether this new law would continue the dominance of political families in the future Bangsamoro territory and whether it could contribute to violence in Mindanao. This paper discusses the implications to peace of the absence of an anti-political dynasty provision in the Bangsamoro Basic Law.

While the signing of the CAB is important in the peace process, it is not enough. It is imperative that the progressive features of the CAB to be translated into a law that will provide the legal framework of the future political entity in Mindanao. It is for this reason that they called for the passage of the Bangsamoro Basic Law (BBL) in the Philippine Congress. Unfortunately, the passage of the BBL faced delays in the Sixteenth Congress and the promise of a political transition during the Benigno Aquino administration did not materialize. The Rodrigo Duterte administration inherited the responsibility to pass the BBL as it is one of the government's commitment in the CAB. Early on, Duterte wanted the peace process in Mindanao to be inclusive and for the law to be compliant with the 1987 Philippine Constitution. He wanted the Moro National Liberation Front (MNLF) to be involved in the crafting of the draft BBL. He also wanted some unconstitutional provisions to be scrapped. Duterte also offered two distinct strategies in achieving peace in Mindanao. One is the passage of the BBL and the other is the creation of a federal state of Bangsamoro in Mindanao thru constitutional change.

The BBL went through changes and finally it turned into the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao (OLBARMM) which was signed by Duterte on 27 July 2018. The OLBARMM is an important legislation for the peace process between the Philippine government and the MILF. Based on the CAB, the OLBARMM is one of the commitments of the Philippine government to the peace process. It provides the legal foundations of the new political entity in

<sup>&</sup>lt;sup>1</sup> The Comprehensive Agreement on the Bangsamoro is a peace agreement signed by the Philippine government and the Moro Islamic Liberation Front in 2014.

<sup>&</sup>lt;sup>2</sup> Bangsamoro roughly translates to the Moro nation. Moros are the inhabitants of Mindanao who have been Islamized.

<sup>&</sup>lt;sup>3</sup> The Autonomous Region in Muslim Mindanao was also created through legislation and its current form is based on Republic Act 6734. Its creation is partly due to the Final Peace Agreement signed between the Philippine government and the Moro National Liberation Front (MNLF).

Mindanao that will replace the ARMM. Both the government and the MILF are satisfied with the OLBARMM. According to the MILF, the OLBARMM was largely compliant with the CAB. The legislators have worked to ensure that the OLBARMM was compliant with the 1987 Philippine Constitution. But is it compliant with the 1987 Philippine Constitution? This paper would also explore this question by examining the absence of the anti-political dynasty provision of the OLBARMM.

It is argued by this paper that the OLBARMM is a product of political families securing their interests in the name of the *bangsa* or the nation. The worst thing that could happen is that the OLBARMM would be detrimental to the Moro nation. If these are the main prospects of the OLBARMM, the future political entity will be different in form from the ARMM but will be the same structurally as it operates within the control of political families.

The paper will have three parts. The first part is a discussion of selected literature that could help us understand the Moro political family by using the works of Mendoza, Wadi, and Lara. The second part would be a presentation of the prominent political families in Mindanao. The paper would argue that these political families have become political dynasties that the 1987 Philippine Constitution have explicitly prohibited. The next section would be a short discussion of the advantages and the disadvantages of the non-inclusion of an anti-political dynasty provision in the OLBARMM.

## **Moro Political Families**

This section largely relies on the work of Lara (2014), Wadi (2008), and Mendoza et al. (2016). While the study of political families in the Philippines should include reading Alfred McCoy and Carl Lande, the three would suffice for understanding the Moro political families in the Philippines.

In studying the shadow economies of Mindanao, Lara (2014) discussed the nature of the influence of Mindanao leaders. In his survey of the literature on leadership in Southeast Asia and the Philippines, he argued that in the precolonial, colonial, and postcolonial periods, Mindanao leaders have relied on the cognatic kinship of the *orang besar* (men of prowess). Lara defined cognatic kinship as a "bilinear kinship [that] means that hereditary descent is neither exclusively male nor female, where both sexes enjoy equal inheritance rights...[and therefore] [i]n such conditions, the importance of lineage is diminished, even though kinship ties remained 'the idiom of social organization'..." The leaders then would benefit from a large extended family network but they do have to manifest a capacity to lead maybe through the use of spiritual power, the masterful use of violence, etc.

In citing the work of Patricio Abinales, Lara (2014) also talks about the changes in the leaders of Mindanao from being *orang besars* to Mindanao politicos during the colonial period. These Mindanao leaders have to skilfully learn how to use traditions to get support from their kin and at the same time learn how to benefit from the colonial masters. Mindanao politicos also have to contend with the centralizing nature of power during the colonial period and learn to work with the territorial boundaries defined by this centralizing force. In the postcolonial period, Mindanao politicos would learn how to work with the national elite. National elites will be beholden to Mindanao politicos in election time as they are the ones who could deliver the votes. This is similar to the patronage politics of Lande.

Lara (2014) also cites the work of Sidel on bossism. In the literature, bosses are unlike patrons who ensure loyalty by their clients through a system of patronage. Bosses use violence and other resources in order to maintain control over their bailiwicks. Mindanao leaders may in fact act like benevolent patrons or as bosses. Citing Sidel, political bossism reveal certain patterns: "[o]ne, they succeed in entrenching themselves in the 'commanding heights' of the local political economy, most notably the 'illegal economy,' public lands, commercial/transportation chokepoints, and heavily

regulated crops and industries. *Two*, most local bosses rely on superordinate power brokers especially in acquiring state-based derivative and discretionary powers, and these brokers underpin their emergence, entrenchment, and survival. *Three*, local bosses are able to pass on their bailiwicks to successive generations in 'classic dynasty form.'"

Lara (2014) concluded that the Mindanao leaders of today are products of the precolonial, colonial and postcolonial realities in Mindanao. To summarize he wrote "Under U.S. colonial rule the modern-day political clan began to emerge. At their core was the extended bilateral family plus the fictive kinship relations that were created under headman rule. Most of Mindanao's local strongmen emerged from these clans and their descendants and kin continue to lead powerful clans to this day...Each one was embellished by legitimacy earned from their 'supernatural' powers, or their skills in building alliances and settling disputes. Others established themselves from their ties to other men with positions within the sultanate or in the offices of the colonial authority and the post-colonial governments. Through their control over people, and skills in armed conflict, they embedded the rules that structured the behaviour of subjects in their communities."

While Lara's observation of Mindanao leaders could be applied to other leaders in the Philippines, Wadi (2008) would argue that Mindanao leaders are also distinct. He argues that "[w]hile dominant Filipino political dynasties are present practically all parts of the country facilitated through wider and stronger reach of Filipino-dominated State and its attendant political and economic power, Moro political dynasties are limited to certain areas in Muslim Mindanao while their power and influence are mere pittance to actual power in the hands of national political dynasties and political elites." Moreover, as minorities, Wadi argues that it would be difficult for members of Moro political dynasties to get elected in national positions. If they do get appointed in national positions, the become "loyal servants and obedient soldiers to whoever appoints them." Lastly, Wadi argues that unlike Filipino political dynasties, Moro political dynasties have to contend with the "persistent secessionist rebellion, militarization and historically-entrenched culture of resistance and dissent" in Mindanao.

Whereas Lara and Wadi talked about the emergence and nature of political dynasties, particularly of Moro political dynasties and how they are different from other Filipino political dynasties, Mendoza et al. (2016) discussed the effects of political dynasties in the Philippines. They argued that the fatter the dynasties are, that is, as more members of the political clan simultaneously occupy elective positions, the poorer the provinces are especially those of outside Luzon. Mendoza would argue that most of the poorest provinces in Mindanao have fat dynasties. The political dynasties become a factor in the impoverishment of the provinces because while resources are being allotted to the strongholds of the political dynasty, the lack of accountability in disposing of these resources becomes an important since those who allot and those who dispose these resources are from the same political family. While there are limitations to the study, it still provides a compelling reason why discussion of political dynasties are important.

# Mindanao Political Dynasties

Article 2, Section 26 of the 1987 Philippine Constitution states that the "State shall guarantee equal access to opportunities for public service and prohibit political dynasties as may be defined by law." The intention of the framers of the 1987 Philippine Constitution seems to be to do away with political dynasties. It is also a product of observations that politics in the Philippines have been dominated by a few prominent families. The state principle however is not self-executory since the definition of a political dynasty would require legislation. Since 1987, there have been attempts to have an anti-political dynasty bill passed but all have failed. The reason offered for its failure is that according to studies, most of the members of the Philippine Congress are from political dynasties.

While there is no anti-political dynasty law, there is an anti-political dynasty provision passed along with the Sangguniang Kabataan (Youth Council) Reform Act of 2015. In the said law, youth council members should not be "related within the second civil degree of consanguinity or affinity to any incumbent elected national official or to any incumbent elected regional, provincial, city, municipal, or barangay official, in the locality where he or she seeks to be elected..." This is the inspiration for the calls for the inclusion of an anti-political dynasty law in the OLBARMM. How entrenched are the political families are in the politics of the ARMM?

The ARMM has five provinces namely Basilan, Lanao del Sur, Maguindanao, Sulu and Tawi-Tawi. The ARMM is one of the poorest regions in the Philippines. The provinces also rate poorly in human development indicators. The table below shows the prominent families in the politics of the five provinces.

Province	Family	Positions and Year/s in Office
Basilan	Akbar	Wahab Akbar
		- Representative, Lone Dist. (2007)
		Jum Jainudin Akbar
		- Governor (2010-2013)
		Representative, Lone Dist. (2016)
Lanao del Sur	Alonto/Lucman/Adiong	Sultan Alauya Adiong Alonto
		- Senator
		Ahmad Domocao Alonto
		- Governor
		- Representative
		- Senator (1958-1961)
		Abdul Ghaffur Alonto
		- Governor (1960-1967)
		Princess Tarhata Alonto-Lucman
		- Governor (1970–1974)
		- OIC (1987–1988)
		Abul Khayr Alonto
		Normala Alonto Lucman
		- Vice governor
		Mamintal Alonto Adiong Jr.,
		- Governor
		- Representative, Dist. 1 (1992-2001)
		Ansaruddin Alonto Adiong
		- Regional Governor
		- Representative, Dist 1. (2013-2019)
		Birl Alexandra
		Ricky Alonto Mamainte
		- Municipal mayor, Bayang

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		Zia Alonto Adiong - Representative, Dist. 1
		Yasser Alonto Balindong - Representative, Dist. 2
		Alexander G. Alonto, Jr, - Board member, Dist. 1
		Abdulrashid Alonto Balindong - Board Member, Liga ng Barangay
		Amer Gary Alonto Balindong-II - Vice mayor, Malabang - OIC mayor, Malabang
		Haroun Al-Rashid Alonto Lucman - Regional vice-governor
		Abdul Mikhail Alonto B Balindong
		Datu Birua Alonto - Mayor, Marawi City, 1938
		Rashid Lucman - Representative, Lone Dist. <i>defunct</i> (1961-1969)
		Mamintal Adiong - Representative - Governor,
		Pangalian M. Balindong - 1971 ConCon Delegate - Representative, Dist 2 (1995-1998, 2007-2016)
		Jamal Alonto Municipal mayor, Bubong
Maguindanao	Ampatuan	Andal Ampatuan Sr Governor, ARMM
		Andal Ampatuan Jr Mayor, Datu Unsay
		Zaldy Ampatuan - Governor, ARMM

Mastura	Datu Tucao O. Mastura, CPA, LLB - Mayor, Sultan Kudarat, Maguindanao (1977–2007; 2010–2013) - Governor, Shariff Kabunsuan (2007- 2010)
	Atty. Datu Michael O. Mastura, AB, JSD - Representative, Dist. 1 (1987–1995) - Delegate to the 1971 Constitutional Convention
	Datu Armando Mastura, BSC - Mayor, Sultan Mastura (2003–2013)
	Datu Ismael V. Mastura, AB, MA - Vice governor (2010–2013) - Board member, Shariff Kabunsuan (2007–2010)
	Atty. Datu Ishak V. Mastura, BSM, JSD - Deputy Executive Secretary, ARMM - Secretary, DTI ARMM
	Datu Rauf Mastura, CPA - Mayor, Sultan Mastura (2013)
	Bai Norhaina Mastura Vice mayor, Sultan Kudarat, Maguindanao (2013)
Sinsuat	Datu Sinsuat Balabaran - appointed senator(1934)
	Blah Sinsuat  - Maguindanao Delegate, 1935  Constitutional Convention  - Congressman, Entire Province of  Cotabato (North Cotabato, South  Cotabato & Cotabato City) (2nd  Congress)
	Duma Sinsuat - Governor, Cotabato Province (1942– 1945)
	Pidtukasan Sinsuat - Mayor, Dinaig, Maguindanao (now Datu Odin Sinsuat Municipality)

## **Odin Sinsuat**

 Mayor, Dinaig, Maguindanao (now Datu Odin Sinsuat Municipality)

# **Kused Sinsuat**

- Board member, Maguindanao, Dist 1

## **Ombra Sinsuat**

- Mayor, Datu Odin Sinsuat Municipality,
   Maguindanao
- Vice-mayor, Datu Odin Sinsuat Municipality (2010–present)

#### Lester Sinsuat

 Mayor, Datu Odin Sinsuat Municipality (2001–present)

# Bimbo Sinsuat

- Assemblyman, Maguindanao, Dist. 1
- Vice governor, Maguindanao Province (2001–2004)

# **Roonie Sinsuat**

- Assemblyman, Maguindanao, Dist. 1 (2001–2012)
- Speaker, Regional Assembly,
   Autonomous Region in Muslim
   Mindanao (ARMM) (2004–2012)

## Russman Sinsuat

- Board member, Maguindanao (2001–2010)

# Sandra Sinsuat-Sema

Representative, Dist. 1, Maguindanao
 & Cotabato City (2010–present)

## Mando Sinsuat

- Mayor, Cotabato City (1947–1967)

# Michael "Datu Puti" Sinsuat

- Mayor (1963–1984, 1992–2001)
- President, League of the Municipalities of the Philippines, Maguindanao Chapter

		- Executive vice-president, League of the Municipalities of the Philippines, National Chapter
		Israel Sinsuat - Mayor, South Upi, Maguindanao
		Michael "Baby Dats" Sinsuat - ABC chairman, Upi, Maguindanao (1992–2010)
		Jaberael "Datu Jay" Sinsuat - Board member, Maguindanao, Dist. 1
		Jabaar Sinsuat  - ABC chairman, South Upi,  Maguindanao  - Appointed mayor, South Upi,  Maguindanao
		- Fatima Sinsuat - Mayor, Upi, Maguindanao (1980–1986) - Chairwoman, Philippine National Red Cross (2000–present)
		Ibrahim Sinsuat - Appointed mayor, Datu Blah Sinsuat Municipality (2006–2010)
		Abdullah "Ugcog" Sinsuat - Mayor, Upi, Maguindanao (1960–1963)
		Mohammad "Unting" Sinsuat - Appointed mayor, Upi, Maguindanao (1986–1987) - Mayor, Upi, Maguindanao (1987–1992)
		Marcial Sinsuat - Mayor, Datu Blah Sinsuat (2010– present)
		Datu Nguda Sinsuat Chairman of barangay Capiton, Dinaig (now Datu Odin Sinsuat Municipality)
Sulu	Arbison	Allayon Arbison Jr Mayor, Luuk (Present)

		Abd by the standards
		Abdulmunir M. Arbison
		- Representative, Dist. 2 (2001-2010,
		2016-2019)
		Maryam Arbisan
		Maryam Arbison - Representative, Dist. 2 (2013-2016)
		- Representative, Dist. 2 (2013-2010)
		Alnur Arbison
		Provincial Board Member, Dist. 1 (Present)
	Loong	Tupay Loong
	2001.8	- Representative, Dist.1 (2010-2016)
		, , , , , , , , , , , , , , , , , , , ,
		Alkhadar Loong
		- Provincial Board Member, Dist. 1
		(2010-2013, 2016-Present)
		Abubakar Loong
		- Provincial Board Member, Dist. 1
		(2013-2016)
		Benjamin Loong
		- Vice Governor (2010-2013)
		Madzhar Loong
		- Mayor, Parang (Present)
		Hussin Loong
		Representative, At-large <i>defunct</i> (1984-1986)
	Abubakar-Tan	Nurunisah Abubakar-Tan
	7 to do data i a ii	- Vice Governor (2016-Present)
		(2020 1 1 2001)
		Abdusakur Abubakar-Tan II
		- Governor, (2013- Present)
		- Representative, Dist. 1 (1987-1992)
		Abdusakur Mahail Tan
		- Vice Governor (2013-2016)
		- Governor (2007-2013)
		Kerkhar Tan
		- Mayor, Jolo (Present)
		Samier Tan
		Mayor, Maimbung (Present)
Tawi-Tawi	Jaafar	Nur G. Jaafar
.am rawi	Jaaran	- Representative, Lone Dist. (1992-2001,
		2006-2013)
		Soraya C. Jaafar
		- Representative, Lone Dist. (2001-2004)

The table shows some of the Moro political families in the ARMM. Some of the political families have been involved in politics since the 1960s and some have only emerged in the early 2000s. Borrowing the term of Mendoza, some political families like the Alontos, Masturas, and Sinsuats are fat political dynasties. Members of the family occupy different positions simultaneously. Moreover, some positions are occupied consistently by members of the same family. There are also some family members that have occupied various positions in different times.

The literature on political dynasties maybe correct in arguing that the prominence of the families depend not only on the political clan but also on the ability of the members of that political family to network with national elites and how they control resources. The Amputuans maybe an interesting case in point. During the Gloria Macapagal-Arroyo administration, the Ampatuans dominated the Maguindanao political landscape. They seem to have had the support of the national government as they acted as local bosses in Maguindanao. However, national public outrage ensued because of the massacre of media men and candidates from a rival political family that which have allegedly been perpetrated by the Ampatuans. During the investigation, authorities discovered high-powered weapons in the possession of the family and a mass grave. The wealth of the Ampatuan family was also scandalous given the poverty in the province of Maguindanao. No national political elite could save the Ampatuans without negatively affecting their own political careers. The prominent members of the Ampatuan family are in jail and have been replaced by another political family in Maguindanao.

While poverty in the region can be attributed to the dominance of some political families in the region, we should also take into account other factors for the poverty in the ARMM. The armed conflict and the slow process of peacebuilding are important factors in explaining the stunted growth of the region. The insecurity in some areas have also led some public officials to flee from their jurisdictions and govern remotely. Such is the case for some Basilan, Sulu, and Tawi-Tawi local governors who are mostly based in Zamboanga City. The problem may also not be the political families per se but corruption or the corrupt practices of some of its members. While Mendoza et al. provide a compelling case on the relationship of fat political dynasties outside of Luzon and poverty, there are other explanations to the poverty in the ARMM.

The case for an anti-political dynasty provision in the OLBARMM

The anti-political dynasty provision in Senate Bill No. 1717 reads "No Party Representative should be related within the second (2<sup>nd</sup>) civil degree of consanguinity or affinity to a District Representative or another Party Representative in the same Parliament." This prohibition is only for party representatives in the Bangsamoro Parliament but it does not apply to other representatives in the Bangsamoro Parliament. It is a very weak anti-political dynasty provision but it was still rejected by the Bicameral Conference on the OLBARMM.

The main reason why there is no anti-political dynasty provision in the House of Representatives version and why eventually Duterte signed a law without an anti-political dynasty provision is that there are fears that political families would not support the OLBARMM once a plebiscite is held. Political families and their supporters will not support a law that will limit their influence. It is therefore a strategic move on the part of the proponents of the OLBARMM.

It was also argued that it can be discriminatory because while it is a state policy, it will only be applied in a law for minorities. The MILF said that it supports moves to do away with political dynasties but it should be a legislation that would apply nationally rather than on a particular region. While there is no national law that applies to all political dynasties in all elective positions, it is important to note that a national legislation was passed to ensure that youth councils in the Philippines are not members

of political dynasties. Inclusion of an anti-political dynasty provision therefore is not necessarily discriminatory.

This paper has argued that political dynasties are not the sole reason for the poverty in the ARMM but since it is a state policy to prohibit political dynasties, the Philippine Congress should have included an anti-political dynasty provision in the OLBARMM. At best, it was a missed opportunity on the part of Philippine Congress. It may also be interpreted as members of political families from Congress protecting the members of political families in the future Bangsamoro Autonomous Region.

Another issue with regard to the absence of an anti-political dynasty provision in the OLBARMM is Lara's observation that political families are involved in shadow economies. Moreover, Lara and International Alert have called for action on clan feuds. They have observed that since the signing of the peace agreement between the Philippine government and the MILF, the main source of conflict in Mindanao has been horizontal conflicts, that is conflict among groups (including political families) in Mindanao rather than vertical conflicts, that is conflicts between government and other non-state groups. An anti-political dynasty provision could have limited the political powers of families involved in shadow economies and those involved in horizontal conflicts. An anti-political dynasty provision therefore could contribute to a more sustainable peace in Mindanao.

Lastly, an anti-political dynasty provision in the OLBARMM will make the law and the whole peace process more progressive. Powers of the political clans will be limited and governance will be open to more people. The constitutional provision against political dynasties is not just about prohibiting members of political dynasties to dominate politics but also about ensuring individuals have equal access to opportunities to public service. Public service should not be a monopoly of one or a few political families.

Mindanao and its people deserve peace. The signing of the CAB and the eventual signing of the OLBARMM by Duterte present opportunities for sustainable peace in Mindanao. The reality however is that political families present risk in peace in the long run. For one, the monopoly of power by a few individuals may lead to discontent. Second, the power of political families need to be curbed because of their involvement in the shadow economies and horizontal conflict. An anti-political dynasty provision could have been a move to protect the larger interests of the bangsa but it seems that the passage of the OLBARMM has been for the preservation or even the strengthening of the family.

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