



spotlight

FAILING IN CONTROL

Legislative weakness in the face of a strongman president in the Philippines

When Rodrigo Duterte assumed the presidency of the Philippines in 2016, he pushed a campaign against illegal drugs that resulted in thousands of suspects being killed by law enforcers. Parliament appeared entirely ineffective in opposing the extensive human rights abuses during the Presidents anti-drug campaign. This Spotlight examines the wider working logic of Philippine democracy that makes Philippine parliament into a subservient accomplice of any determined administration of the day, even if this means going along with severe human rights violations.



Members of the Philippine Congress sing the Philippine national anthem during the opening of the Second Regular Session of 17th Congress at the House of Representatives in Quezon City, Philippines, 24 July 2017. Photo: © picture alliance/EPA | ROLEX DELA PENA.

BY PETER KREUZER

The political system in the Philippines, like other democracies, is built on the principle of separating legislative, executive, and judicial powers. Each of these branches is supposed to check and limit the authority of the others. This Spotlight focuses on the Philippine House of Representatives and illustrates why this fundamental principle, which is enshrined in the Philippine constitution, does not effectively function when challenged by a determined President.

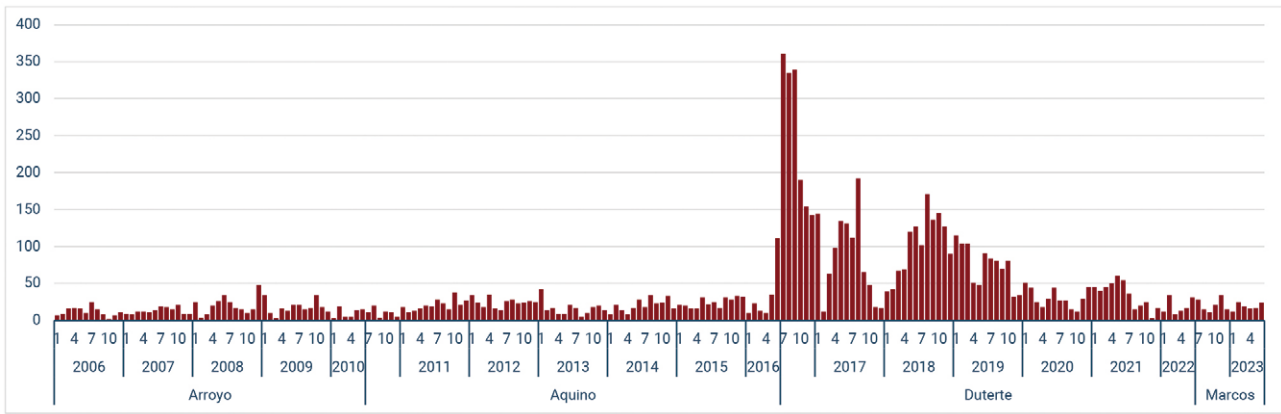
While legal analyses have concentrated on the President's ability to undermine attempts at control by

the legislative and judicial branches,¹ this Spotlight raises the question of why the legislature didn't even attempt to halt a President whose anti-drug campaign disregarded fundamental principles of due process and human rights. President Duterte's approach regarding the war on drugs and the use of deadly force by the police is a significant departure from the status quo and was not endorsed by any prominent politicians prior to Duterte's election. Yet, once in power, he executed his strategy without encountering any resistance from Congress.

This Spotlight investigates the reasons behind lawmakers' failure to oppose the violence and their alignment with a President who supported extrajudicial killings instead. The fragmentation within the parliament, weak political parties, and imbalances in patronage between the President and parliamentarians account for this alignment. These structural characteristics hinder the formation of broad coalitions against assertive administrations, even when democratic governance and human rights are in jeopardy.

THE "DUTERTE EFFECT": ESCALATION OF LETHAL POLICE FORCE

Before turning to the main topic, it is worthwhile to briefly assess the impact Rodrigo Duterte had on the use of deadly force by the police. In essence, fatal violence had been a consistent yet not particularly prominent aspect of police operations prior to Duterte's presidency. His leadership transformed it into a central component of a draconian strategy aimed at targeting drug dealers, albeit at the cost of victimizing a large number of suspected drug users and innocent individuals.



Suspects killed by Philippine National Police January 2006 – June 2023. Sources: own dataset, ABS-CBN dataset (<https://news.abs-cbn.com/specials/map-charts-the-death-toll-of-the-war-on-drugs>).

In the month he assumed power, there was a more than ten-fold increase in police use of deadly force compared to the averages of previous years. In other words, during the initial months of the campaign, the police killed more suspects than they had in an entire year in the preceding decade. Nevertheless, in the following years, police use of deadly force gradually decreased and, by mid-2021, returned to the levels seen before Duterte’s presidency.

The reasons behind the decline in violence are intricate and challenging to substantiate. Importantly, it should be emphasized that political resistance from the House of Representatives played no role in this decline.

A PASSIVE AND SUBSERVIENT HOUSE OF REPRESENTATIVES

Several mechanisms exist to enable Congress to exert some control over the executive branch, including symbolic strategies such as members delivering privilege speeches, House interpellations of administration officials, and House resolutions and control mechanisms like House requests for House committee inquiries in aid of legislation. Furthermore, while options for compelling the President to comply by delaying, non-passage, or reductions in parts of the budget are limited, they do exist. Even if unsuccessful,

such action can hold strong symbolic significance, as would any attempt at presidential impeachment.

However, there were neither privilege speeches nor interpellations aimed at highlighting and criticizing the new and highly excessive level of police use of deadly force. While the 17th Congress (2016–2019) witnessed a considerable number of house resolutions, only one resolution primarily referred to the House Human Rights Committee, and it was entirely unrelated to potential human rights violations by law enforcement.

Similarly, the House Committee on Dangerous Drugs received several resolutions requesting committee investigations in aid of legislation, but none of them addressed the issue of police use of deadly force. Despite the peak in law enforcement violence during the first six months of Duterte’s presidency, no meeting of the Human Rights Committee focused on this matter, nor did the committee take the initiative to initiate an investigation. The Dangerous Drugs Committee conducted nine meetings without engaging in discussions regarding the high number of suspects killed by law enforcement in the latter half of 2016.

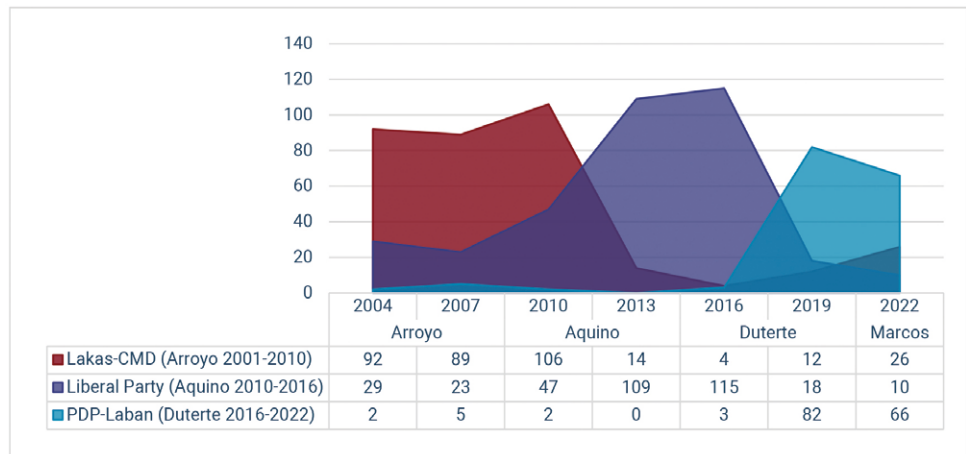
Evidently, there was a complete absence of proactive legislative involvement in restraining police force, not even through symbolic means to at least signal opposition. If anything, the committee practices demonstrated legislative acquiescence and support for an executive branch determined to disregard and violate due process, the rule of law, and human rights.

Options for legislative control through the House of Representatives	
	Symbolic
	Privilege speeches of individual members
	House interpellations
	House resolutions
	House and House Committee inquiries in aid of legislation
	Reallocation or reduction of budget appropriations; non-passage of budget
	Legislative action (House bill)
	Control
Impeachment	

A SEA OF TRANSIENT POLITICAL PARTIES STRIPPED OF ANY PROGRAMMATIC CONTENT

Several institutional features impose substantial limitations on the ability of the Philippine legislature to exercise control over the executive branch. These include the President’s authority to issue decrees, the presidential privilege to propose the budget and veto specific items, and extensive appointment powers held by the President. Nevertheless, while these constraints originate from the Philippine constitution, the fundamental issue of legislative

Seats of strongest parties in the Philippine House of Representatives (2004–2022).



ineffectiveness in exercising control is rooted in how political cooperation and conflict are structured and perceived within the Philippines.

I contend that in the Philippines, practical legislative opposition to a sitting President is nearly inconceivable due to the following factors:

- The absence of robust political parties with enduring agendas and shared normative perspectives among dedicated members.
- The excessive fragmentation of the already fragile party system, which hampers any coalition-building efforts against the administration.
- The central role of the family as the core unit of political cooperation and competition.

In the Philippines, political parties primarily prioritize the interests of specific politicians and families. Many parties have short lifespans, focusing on the local constituencies of political families and often winning just one or two seats. Politicians also exploit their memberships in both local and national parties to maximize their personal advantages. Even relatively stable parties face divisions and significant fluctuations, gaining or losing seats based on the outcome of presidential elections. In a typical pattern, a candidate wins the presidency, and then the party gains seats—it rarely works the other way around.

The challenge posed by temporal instability to effective collective action is exacerbated by the growing presence of numerous small-scale political parties in the House. Presently, the 80 percent of seats available in single-seat constituencies are distributed among 30 different parties along with six independent members. This pattern reflects the systematic fragmentation observed in the remaining 20 percent of seats, which are allocated proportionally to other parties through the party list system. Here, no single party can secure more than three seats, ensuring continued fragmentation.

The overall count of parties (including independent members) represented in the House has increased from 32 in 2004 to 92 in 2022. Out of these, 85 hold only between one and three seats. In sum, this situation makes the prospect of forming a united, policy-driven multi-party coalition against a radical president highly improbable.

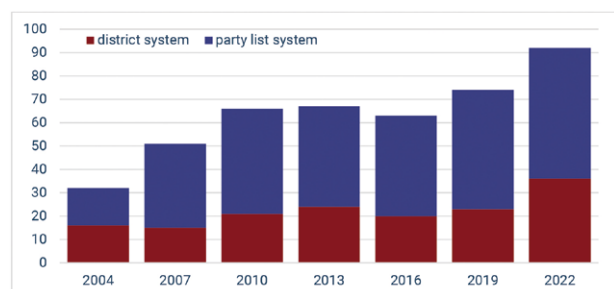
pect of forming a united, policy-driven multi-party coalition against a radical president highly improbable.

BANDWAGONING WITH THE PRESIDENT WHATEVER THE PRICE

The lack of a stable system of enduring political parties offering clear programmatic alternatives is a direct result of the familial nature of Philippine politics. This phenomenon, often described as an “anarchy of families” as coined by McCoy in the 1990s,² continues to be highly relevant in explaining why a determined President’s radical political agenda encountered minimal opposition from the Philippine political establishment.

A significant majority of House representatives hail from political families or dynasties, with other family members occupying roles at the provincial and municipal levels.³ Consequently, the House of Representatives serves as a platform for negotiating various family interests, whether they align, complement, or compete, all vying for a share of national government resources.

The President “appoints government officials up to the sixth level of bureaucracy, has power over the national budget through line vetoes, and can allocate funds between government agencies.”⁴ These powers offer multiple avenues to influence the distribution of resources to House members, enabling the President to either secure their sup-



Total number of parties and independents with representation in the Philippine house of Representatives 2004–2022.

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port or penalize resistance. Early alignment with the ruling power often appears to be the most rational individual choice, creating strong dynamics toward conforming to presidential preferences.

This intricate interplay of cooperating and competing families, all dependent on presidential favor, goes a long way toward explaining the absence of parliamentary opposition to Duterte's radical policies. Despite the lack of prior support for his aggressive anti-drug agenda among national and local politicians, the structure of Philippine politics, driven by familial and local interests, hinders resistance. Forming a unified front around a policy emphasizing human rights and due process becomes nearly impossible when confronting an administration determined to disregard these principles.

THE RESPONSIBILITY OF A RESPONSIBLE PARLIAMENT

The dynamics described above pose a significant challenge to the principle of mutual checks and bal-

ances between the executive and legislative branches in the Philippines. This systemic lack of control may be a minor concern when mainstream politicians assume the presidency. However, the Duterte presidency has demonstrated that these characteristics can have severe consequences when a radical politician exploits the weaknesses in legislative oversight to pursue political projects that exceed the normative boundaries of a liberal democracy.

The responsibility for the limited efforts to counter the erosion of human rights and due process during the Duterte presidency falls squarely on Philippine lawmakers. As long as the current system persists—where families form the bedrock of a quasi-anarchic political structure, prioritizing power retention and local concerns, while political parties serve as transient tools for gaining and wielding power—the threat of legislative inaction in response to threats against the fundamental principles of a human rights-based democracy, as observed during Duterte's drug war, will persist.

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