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Original Articles

Political Dynasties and Human Development Investments: Evidence of Linkage from Rizal Province, Philippines

John Emmanuel B. Villanueva

Tilting the Scales in Favor of e-Justice: Philippine e-Courts and the e-Filing System in the Post-Pandemic World

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Reflections from Scholars and Practitioners

Implications of the COVID-19 Crisis on the Administration of Philippine Diplomacy

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Walking on a Tightrope: The Challenging Role of Science Advice in Managing the COVID-19 Pandemic in the Philippines

Kristoffer B. Berse

Book Review

***A Phenomenology of Institutions: Relationality and Governance in China and Beyond* by Raul Lejano, Jia Guo, Hongping Lian, & Bo Yin**

Edna E. A. Co

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PHILIPPINE JOURNAL OF PUBLIC ADMINISTRATION

Volume 64 - Number 2

July - December 2020

Editor's Notes 88

Original Articles

Political Dynasties and Human Development Investments: Evidence of Linkage from Rizal Province, Philippines 90

John Emmanuel B. Villanueva

Tilting the Scales in Favor of e-Justice: Philippine e-Courts and the e-Filing System in the Post-Pandemic World 127

Mark Darryl A. Caniban

Reflections from Scholars and Practitioners

Implications of the COVID-19 Crisis on the Administration of Philippine Diplomacy 152

Miguel R. Bautista

Walking on a Tightrope: The Challenging Role of Science Advice in Managing the COVID-19 Pandemic in the Philippines 163

Kristoffer B. Berse

Book Review

A Phenomenology of Institutions: Relationality and Governance in China and Beyond by Raul Lejano, Jia Guo, Hongping Lian, & Bo Yin 168

Edna Estifania A. Co

2020 Index 171

Acknowledgment of Referees 178

Editor's Notes

This year's second issue features four articles (two original articles and two reflections) and a book review. This set highlights the importance of institutions and organizations in the areas of service provision and decision making. Three of the articles investigated selected services in the government's portfolio against the backdrop of the COVID-19 pandemic.

John Emmanuel B. Villanueva's article, "Political Dynasties and Human Development Investments: Evidence of Linkage from Rizal Province, Philippines," demonstrates how political dynasties affect public spending on key areas of education, health and social welfare. Employing a municipal-level analysis, which is scarce in the local literature, he found that fat dynasties in municipalities in Rizal Province tend to turn predatory as they are associated with lower investments in human development. The incumbency effect, power monopoly, and less vibrant electoral contestation are argued to have facilitated the entrenchment of local political families in power in Rizal municipalities. However, these findings do not necessarily lead to or imply the perpetuation of poverty, inequality and corruption, but they provide ample space for future studies.

Mark Darryl A. Caniban's article, "Tilting the Scales in Favor of e-Justice: Philippine e-Courts and the e-Filing System in the Post-Pandemic World," provides an in-depth description and cursory evaluation of a government agency's recent attempt to automate its services. Drawing from the literature and experiences of other countries, the costs and benefits of the ongoing automation are weighed. The Philippine efforts to adopt e-court and e-filing system are also juxtaposed against similar undertakings in other countries. Caniban's study also discusses how the pandemic accelerated the uptake of automated services in the judicial system in the Philippines.

A practitioner's reflection piece examines diplomacy as a government service amid the ongoing pandemic. Miguel R. Bautista's "Implications of the COVID-19 Crisis on the Administration of Philippine Diplomacy" exposes the possible disruptions and other implications of the pandemic in a crucial government service: foreign policy. His essay accordingly outlines the necessary innovations or interventions in three policy dimensions, particularly recommending the approaches of intellectual leadership and multilateral diplomacy. The exigencies of such approaches would complement the needed enhancement in the areas of foreign service personnel, organizational culture, recruitment, and capacity building.

How science intersects with policy and government, again with the COVID-19 pandemic providing context and content, is what Kristoffer B. Berse unpacks in his essay "Walking on a Tightrope: The Challenging Role of

Science Advice in Managing the Covid-19 Pandemic in the Philippines.” As he analyzes the role of science in government, he reiterates the muddling-through and balancing act that scientists perform in relation to government decisions and crisis management – and accordingly muses on the notions about authority and integrity of scientists and epistemic communities.

Lastly, Edna Estifania A. Co reviews Lejano et al.’s book “A Phenomenology of Institutions: Relationality and Governance in China and Beyond.” The review underlines the exploration of the relational dimension of institutions (using a Confucian perspective), and how institutions actually work amid varying situations and contextual characteristics within which policy actors behave.

We would like to welcome our associate editors for the next volume: UP-NCPAG Professors Simeon Ilago and Maria Faina Diola. Finally, we remain grateful for the support of our editorial board and staff, contributors, reviewers, and readers.

Editor

Political Dynasties and Human Development Investments: Evidence of Linkage from Rizal Province, Philippines

JOHN EMMANUEL B. VILLANUEVA

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This study is a preliminary empirical investigation to test whether dynastic mayors tend to have lower human development investments for their constituents. It inferred from a panel data composed of all 13 municipalities in Rizal, Philippines. Data in years 2001-2017 were drawn from these municipalities, dichotomized into dynastic or non-dynastic. Dynasties in this study are characterized as fat dynasties, consisting of elected public officials occupying political seats simultaneously with their relatives. Based on the results of panel-corrected Prais-Winsten generalized least squares estimation, this research found that Rizal municipal governments led by fat dynastic mayors tend to have significantly lower human development investments compared with non-dynastic counterparts. Specifically, they spent less on human development at the aggregate level (i.e., total municipal expenditure on health, education, and social welfare), at the combined levels of education and health, and at the specific sector of education. These findings support the predatory view of political dynasties, particularly the fat type. Results are robust to various alternative model specifications and econometric estimation procedures.

Keywords: *political dynasties, fat dynasties, human development investments, municipal government, municipal expenditure*

A thriving culture of self-perpetuating political families (Rossi, 2017) that manifest elite persistence (Querubin, 2013), hence, the term “political dynasties,” is a hallmark of Philippine politics, particularly at the local level (Teehankee, 2018). Political dynasties in the Philippines are “exceptional in their persistence and scope” (Mendoza, Ong Lopez, & Banaag, 2019, p. 3), so much so that their pervasiveness “is off the chart compared to any other country in the world” (Acemoglu & Robinson, 2013a, para. 3). As it is, nearly 80% of all representatives in the Congress are from political dynasties (Mendoza, Ong Lopez, & Banaag, 2019). At the subnational level, average dynastic share among local government officials stood at 81% for governors and vice-governors, 69% for mayors, and 57% for vice-mayors (Mendoza, 2018).

A political family is considered as a political dynasty if it retains political power by maintaining control in at least one elective position over successive electoral cycles (Albert et al., 2015). Alternatively, an elected politician is labeled as “dynastic” if he/she is related by blood (i.e., consanguinity) or by marriage (i.e., affinity) to other politicians currently or previously holding elective public office (Geys & Smith, 2017).

Article II, Section 26 of the 1987 Philippine Constitution proscribes political dynasties in the country. However, it requires an enabling legislation to be passed by the Congress to define and implement the said dynastic regulation (Collas-Monsod et al., 2004). Since most representatives in the Congress are members of political dynasties (Mendoza, Ong Lopez, & Banaag, 2019), passing an anti-political dynasty bill remains an uphill battle (Tadem & Tadem, 2016).

Literature on political dynasties is predominantly concerned with why and how they arise and persist (e.g., Dal Bo et al., 2009; Querubin, 2013, 2016). Relatively fewer studies analyze their consequences, particularly with respect to governance, socioeconomic outcomes, and development (Daniele & Geys, 2014; Geys, 2017; Geys & Smith, 2017). Contributing to the latter, this research examines the effect of dynastic presence on human development investments. Specifically, the research investigates the effect of fat political dynasties on human development investments at the municipal level, as reflected in the municipal government expenditure on education, health, and social welfare.

In line with the predatory view of political dynasties, this study posits that fat dynastic municipal governments have significantly lower human development investments compared with non-dynastic counterparts, *ceteris paribus* (i.e., everything else held constant/fixed). To empirically test the theoretical conjecture posed, the research employs a case study approach and draws inference from multivariate panel regression analysis of panel data in years 2001-2017 from all 13 municipalities in Rizal province, Philippines.

Based on the results of panel-corrected Prais-Winsten generalized least squares (GLS) estimation, this research finds that Rizal municipal governments led by fat dynastic mayors tend to have significantly lower human development investments for their constituents compared with non-dynastic counterparts. These findings support the predatory view of political dynasties, particularly the fat type: with wider and deeper entrenchment of political power due to monopoly of multiple elective positions over consecutive years, fat political dynasties are inherently prone to be predatory, i.e., inimical to governance, socioeconomic outcomes, and development.

The rest of the article is structured as follows: the remaining part of this section provides background/context of the study. The next section presents

a review of related literature. The article then expounds on the methodology employed in the study. It then discusses the findings of the study and offers various plausible explanations. The article ends with recommendations for further studies.

Human Development Investments

Human development is about expanding the richness of people's lives, rather than merely the richness of the economy in which they live. It concentrates on "improving the lives people lead rather than assuming that economic growth will lead, automatically, to greater wellbeing for all" (United Nations Development Programme [UNDP], n.d., para. 2). As a development paradigm, it endeavors to provide people with greater freedom to live the lives they value (UNDP, n.d.).

Central to the pursuit of human development are human capital accumulation and human capabilities expansion (Sen, 1997). Human capital refers to the stock of skills, knowledge, expertise, and other similar attributes that increase an individual's productivity (Becker, n.d., 1962; Goldin, 2016; Schultz, 1961, 1972). Human capital benefits both the individual and his/her society at large (Abrigo et al., 2017; Schultz, 1961). At the individual level, increased productivity associated with human capital is a source of future earnings, of future satisfaction, or both (Schultz, 1972). At the societal level, a large body of theoretical and empirical literature provides evidence that human capital plays a central role in bolstering economic growth and provides other positive externalities (Abrigo et al., 2017; Goldin, 2016). Nonetheless, the concept of human capital is fundamentally economic in nature (Becker, n.d., 1962; Schultz, 1961, 1972) and relates more to human development as a means to an end. To complement the notion of human capital, Sen (1997) introduces the concept of human capabilities: "the ability of human beings to lead lives they have reason to value and to enhance the substantive choices they have" (p. 1959). This concept, in turn, embraces the end aspect of human development.

Human development requires necessary government investments aimed at enhancing human capital and enlarging human capabilities (UNDP, 1991). In a decentralized representative democracy like the Philippines, local government units (LGUs) are at the forefront of such public investment initiative (Manasan, 1997). It is in this context that the study operationally defines human development investments as local government investments, reflected in the level of local public expenditure, on policy areas that directly reinforce both human capital and human capabilities. This definition does not discount the importance of private investments on human development, as people do invest in themselves in the form of private spending (Schultz, 1961). Instead, it highlights the government's pivotal role in helping citizens help themselves, because not all individuals have the initial endowments to be able to invest in their own human capital and

capabilities. Disparities in income, age, gender, educational background, health status, and social status are just some of many constraints (Beverly & Sherraden, 1997). In essence, government investments on human development are grounded on both efficiency (in relation to economic growth and positive externalities) and social equity (equal opportunity for all) considerations (Abrigo et al., 2017; Goldin, 2016; Beverly & Sherraden, 1997).

The three major pillars of human development are: the ability to (1) live a long, healthy, and creative life; (2) be knowledgeable; and (3) have access to resources necessary for a decent standard of living (UNDP, n.d.). Progress in these fundamental dimensions of human development is measured through a composite index dubbed as the Human Development Index (HDI) (UNDP, 2016). It is unsurprising then that discourse on human development investments is heavily focused on public spending on health and education.

Nonetheless, there is mounting recognition that public expenditure on social welfare should also be treated as human development investment, especially in terms of providing social protection and support for rehabilitation to disadvantaged and marginalized groups (Ahn & Kim, 2014; Morel et al., 2012; Gonzalez, 2017). The argument is that government investments in education and health is for all citizens, regardless of their constraints, while investment on social welfare is particularly focused on helping disadvantaged and marginalized groups enhance their human capital and expand their human capabilities to be able to participate in employment and social life (European Commission, n.d.; Beverly & Sherraden, 1997).

Collectively, public expenditure on education, health, and social welfare embodies an inclusive government strategy for human development investments as they represent “an essential part of what governments do to improve the quality of life of their citizens and the foundations of human capital in their societies” (Huber et al., 2008, p. 420). In relation to political dynasties that dominate local governance in the Philippines, the focus is on the level of local public expenditure in the said policy areas at the municipal level.

At this point, it is worthy to note that while it is more desirable to examine the effects of political dynasties directly on outcomes pertinent to human development (e.g., through the HDI), this study focuses instead on local public spending where they have direct influence. As explained by Solon et al. (2009), using local government outlays instead of development outcomes is justified because expenditures are more directly controlled by local leaders—thereby reflecting their real priorities. Consequently, given its implications on human development, local government expenditure on health, education, and social welfare represents a reasonable measure of good performance of incumbent local officials who may be dynastic or non-dynastic (Solon et al., 2009; Manasan, 1997).

Good Governance and Decentralization

In a bid to bring governance closer to the people, the Philippine national government devolved substantial taxing, spending, and borrowing powers to LGUs through a wide-ranging decentralization process embodied in the Republic Act 7160 or the *Local Government Code of 1991* (Llanto, 2012; Manasan, 2005). The central government institutionalized the transfer of the internal revenue allotment (IRA), a formula-based block grant, to help LGUs finance additional responsibilities (Labonne et al., 2015; National Tax Research Center (NTRC), 2008).

With the LGC in place, responsibility for basic services delivery was transferred to LGUs (i.e., provinces, cities, municipalities, and barangays): social welfare services, primary health care, hospital care, and an array of agricultural and environmental services.¹ A special case is basic education, as the primary responsibility for its provision still lies with the national government. LGUs' role is limited to the construction and maintenance of basic education infrastructure (e.g., school buildings) and funding of sports activities. At the municipal level, main devolved functions for basic services that relate to human development are as follows: (1) education – construction and maintenance of public elementary schools; (2) health – primary health care; and (3) social welfare – programs and projects concerning the welfare of vulnerable population (i.e., children, youth, elderly, and disabled persons) (Labonne et al., 2015; Bautista, 2013; Manasan, 2005). From an economic standpoint, the Philippines' decentralization drive redounds to increased efficiency and effectiveness in public service delivery, given that local chief executives (LCEs) are in a better position to know and respond (given their relative proximity) to the preferences of their constituents compared with national-level officials (Oates, 1972). But from the view of good governance paradigm, decentralization is more than economic welfare gains (Capuno et al., 2012a; Llanto, 2012): it symbolizes the “logical application of the core characteristics of good governance at the subnational and local levels” (UNDP, n.d., as cited in Brillantes & Cuachon, 2002, p. 3).

Governance can be considered “good” at the subnational level when local governments effectively and efficiently allocate and manage public resources to respond to collective problems of their constituents, in general, and, in relation to human development, to help them attain individual satisfaction and prosperity by providing them with key public services in the fields of health, education, and social welfare (UN Department of Economic and Social Affairs [UN DESA], 2007).

Political Dynasties: Predatory vs. Stationary Bandit View

Although decentralization ideally improves local public service delivery and enhances constituents' overall welfare (Solon et al., 2009), it may also reinforce the dominance and propagation of local hegemonies (UN DESA, 2007). In the Philippines, this is evident in the proliferation and perpetuation of political dynasties among LGUs after the LGC was enforced (Querubin, 2013, 2016).

In general, political dynasties may be considered as extractive political institutions (Acemoglu & Robinson, 2013b) that effectively concentrate and maintain political power within their families as relatives take turn occupying elective positions successively or simultaneously (Simbulan, 2012). Moreover, they “inherit an electoral advantage from their political forebears” (Daniele & Geys, 2014, p. 2)—in the form of “brand name recall,” wealth, and control of political and economic resources (George & Ponattu, 2017). Aside from these political and financial capital (Ali, 2016), political dynasties benefit from externalities or spillover effects of the so-called incumbency advantage, which claims that incumbent officials running for re-election have electoral advantage and, therefore, are more likely to win (Querubin, 2013). In the Philippines, candidates related to an outgoing incumbent enjoy an electoral advantage over non-dynastic candidates, but such advantage doubles for candidates who run in an election while their relative still sits in office (Querubin, 2016).

Because of these attributes, members of political dynasties have a higher likelihood of winning elections compared with non-dynastic candidates, all things being equal. Hence, political dynasties may: weaken political competition (high-quality non-dynastic candidates are easily defeated in elections); and worsen governance and negate accountability (moral hazard problems: self-assured of continuous re-election due to deep political entrenchment, incumbent dynastic officials may not have incentives to engage in productive vote courting activities and hence, underperform in office; implement self-serving policies; and perpetuate corruption). These outcomes, in turn, may lead to poorer socioeconomic outcomes and development (Bragança et al., 2015; George & Ponattu, 2017; Geys, 2017; Panao, 2016; Tusalem & Pe-Aguirre, 2013).

Essentially, these socially undesirable characteristics of political dynasties embody the more popular perception on them—the so-called “predatory view” of political dynasties (Solon et al., 2009). Consistent with this perspective, political dynasties are usually portrayed as inimical within the political science and sociology literature (Mendoza et al., 2016).

However, an alternative strand in the economics literature sees political dynasties in a positive light. That is, if political dynasties govern like “stationary bandits,” they may conceivably lead to positive effects (George & Ponattu,

2017; Mendoza, Jaminola, & Yap, 2019; Solon et al., 2009). This lesser-known perspective on political dynasties takes off from the idea of economist Mancur Olson (1993). According to Olson (1993), a stationary bandit is an autocratic/monarchic-type of leader who has “encompassing interest in the territory he controls and accordingly provides domestic order and other public goods... at the same time that he extracts the largest possible net surplus for himself” (p. 569). Further, the leader “anticipates and values dynastic succession that further lengthens the planning horizon and is good for his subject” (Olson, 1993, p. 571). Hence, although their interests are purely extractive, political dynasties may have the incentive to govern well and thereby induce positive effects on socioeconomic outcomes and development because of longer political horizon and bequest motives (Besley & Reynal-Querol, 2017; George, 2019; George & Ponattu, 2017; Mendoza, Jaminola, & Yap, 2019; Zheng et al., 2016).

Sequential tenure in office among relatives may reinforce familiarity and continuity, which bodes well with performance and bolsters inter-temporal incentives to pursue long-term government projects and programs (Bragança et al., 2015; Tusalem & Pe-Aguirre, 2013). Meanwhile, legacy/reputation concerns ascribed to bequest motives may mitigate or even trump moral hazard problems associated with political dynasties (Besley & Reynal-Querol, 2017). Concern for their relatives’ success in upcoming elections may mitigate the opportunistic behavior of incumbent dynastic officials and may likewise provide incentive to govern well and demonstrate good performance in office (Crowley & Reece, 2013; George & Ponattu, 2017; Zheng et al., 2016).

This study dwells on the nature of political dynasties as extractive political institutions (Acemoglu & Robinson, 2013b) and therefore adopts the predatory view of political dynasties (Solon et al., 2009) as the guiding theory behind the hypothesis being tested empirically.

Political Dynasties: Fat vs. Thin

While political dynasties are typically considered as a monolithic group (Lacroix et al., 2019), there is a growing body of literature that examines whether political dynasties have divergent effects when disaggregated into various categories (e.g., Ali, 2016; George, 2019). The logic is that the perceived effect of political dynasties as a homogenous group is a net effect of its various types—some of which are more inclined to have positive (or negative) effects than the others (George, 2019).

Mendoza and colleagues (i.e., Mendoza et al., 2016; Mendoza, Jaminola, & Yap, 2019; Mendoza, Ong Lopez, & Banaag, 2019) propose a functional typology of political dynasties in the Philippines: thin dynasty—if relatives occupy an elective position sequentially (i.e., family members continuously take turns

serving in the same post); or fat dynasty—if family members occupy multiple political seats simultaneously (i.e., at least two family members occupy different elective positions at the same time over consecutive years).

Mendoza and colleagues argue that fat and thin dynasties may possibly have divergent effects owing to fundamental differences in constraints and incentives. On one hand, fat dynasties tend to result in deleterious effects, whereas thin dynasties may possibly have desirable effects, *ceteris paribus*. Since fat dynasties are the predominant type in the Philippines (Mendoza, Jaminola, & Yap, 2019), the perceived net effect of political dynasties in the country in general (as homogeneous group) is logically assumed as malign.

Monopoly of multiple elective positions over consecutive years results in wider and deeper entrenchment of political power (Mendoza, Jaminola, & Yap, 2019). In addition, fat dynasties, having relatives in several positions, enjoy greater incumbency advantage externalities (Querubin, 2016; 2013). Given these factors, fat dynasties may not have the incentive to signal their competence by performing well in office. Worse, they may be more motivated to pursue self-serving activities to the detriment of their jurisdictions (Ali, 2016; Daniele & Vertier, 2018; George, 2019; George & Ponattu, 2017; Geys, 2017; Tusalem & Pe-Aguirre, 2013).

On the other hand, thin dynasties are constrained with less concentration of power (domination of only one political seat over successive years) (Mendoza, Jaminola, & Yap, 2019) and limited spillover effect of incumbency advantage (applying to one position only) (Querubin, 2016; 2013). Hence, relative to fat dynasties, thin dynasties will more likely turn to bequest motives to ensure re-election (Mendoza, Jaminola, & Yap, 2019)—they have the incentive to uphold their family's legacy or reputation by showing good performance in office, which, in turn, benefits constituents' welfare (Crowley & Reece, 2013; George & Ponattu, 2017; Olson, 1993; Solon et al., 2009; Zheng et al., 2016).

Since fat dynasties have higher tendency to have inimical effects compared with thin dynasties, studies of Mendoza and colleagues (Mendoza et al., 2016; Mendoza, Jaminola, & Yap, 2019; Mendoza, Ong Lopez, & Banaag, 2019) are concentrated on the former, rather than the latter type. This research follows suit by focusing on fat dynasties among municipalities in Rizal province.

The Municipal Mayor

As the LCE in charge of local governance at the municipal level in the Philippines (RA 7160), the mayor serves as the principal decisionmaker in setting priority agenda and implementing policies in line with the said agenda within the municipality (Dulay & Go, 2021). Section 444 of the LGC lists the duties

and functions of the municipal mayor: (1) exercise supervision and control over all municipal government policies, programs, projects, services, and activities (PPPSA); (2) enforce all laws and ordinances and implement all approved PPPSAs within the municipality; (3) initiate and maximize generation of revenues and other resources for the implementation of the municipal development plan and other PPPSAs; and (4) ensure the delivery of basic services for the constituents.

Pursuant to the execution of the municipal development plan and provision of basic services, the mayor is primarily responsible for proposing and disbursing the municipal government's annual fiscal budget (Local Government Academy, 2019). With this power, a mayor can prioritize spending on specific PPPSAs. For instance, a mayor may focus more on expenditure items within the social services sector, including human development investments in health, education, and social welfare of constituents. He/she may seek to spend heavily on general public services, which are perceived as a bountiful source of rents in office owing to its less transparent nature (Capuno et al., 2012b; Diokno-Sicat, 2016). The mayor may likewise utilize discretionary funds to return favors to current supporters and/or win new supporters/allies, subject only to the central government's oversight (Capuno, 2010).

An incumbent mayor in the Philippines is typically supported by the majority of the municipal council. The mayor also gets to freely appoint allies in key appointive positions (Capuno, 2010) and can take advantage of the wide latitude of discretion in fiscal decisionmaking (i.e., revenue generation and expenditures) to be re-elected (Solon et al., 2009). He/she may effectively boost election bids of his/her relatives to the position he/she will vacate and other elective posts via incumbency advantage (Querubin, 2016; 2013; De Dios, 2007).

Indeed, the municipal mayor wields sizable political and administrative powers and, thereby, possesses considerable leeway in the use of discretion (Labonne et al., 2015), particularly with respect to prioritization of municipal government expenditures. Therefore, examining the effect of political dynasties on human development investments with the mayoralty seat as reference position is a worthwhile research endeavor.

Case Study: Municipalities of Rizal Province

Many studies in the Philippines analyze political dynasties at the provincial level (e.g., Collas-Monsod et al., 2004; Virola et al., 2016). However, a number of researches here and abroad examine the effects of political dynasties at a lower local government level, i.e., at the municipal level where governance is closer to the people (e.g., Capuno et al., 2012a, 2012b and Dulay & Go, 2021 for the Philippines; Asako et al., 2015 for Japan; Bragança et al., 2015 for Brazil; Daniele & Vertier, 2016, 2018 for Italy).

This research aims to contribute to this stream in the literature by using the case of municipalities in Rizal province as a preliminary empirical investigation. Composed of 13 municipalities and one component city (i.e., Antipolo City), Rizal province stands as an interesting case for an initial empirical study on political dynasties on two fronts: first, the province itself is considered dynastic, with one family at the helm of gubernatorial position from 1992 to present (Rizal Provincial Government, 2019); second and more important, its municipalities² provide a good mix of dynastic and non-dynastic incumbent politicians, as will be shown in the results section of the study.

Review of Related Literature

Viewing political dynasties as a homogeneous group, relevant Philippine literature is dominated by empirical studies pointing to negative effects of political dynasties on governance, socioeconomic outcomes, and development. Pertinent international literature reflects the same trend. While political dynasties are typically considered as a monolithic group (Lacroix et al., 2019), there is a growing body of literature that examines whether political dynasties behave differently when categorized into various types. At this disaggregated level of analysis, results are mixed—both negative and positive associations are prominent. All cited studies utilized econometric analyses.

Philippine Context

Political Dynasties as Homogeneous Group

In the Philippines, Tusalem and Pe-Aguirre (2013) rely on ordinary least squares (OLS) regression to illustrate the pernicious effect of political dynasties on democratic governance in terms of public goods provision. Their results suggest that provinces dominated by political dynasties are less likely to experience good local governance with respect to: (1) health spending, (2) infrastructure development, (3) employment, (4) criminality, and (5) overall quality of government.

Meanwhile, Collas-Monsod et al. (2004) observed that political dynasties seemingly constrain the efficient delivery and quality of public services. Findings of their regression analysis suggest that the presence of political dynasties among provinces is linked to lower primary education completion rates, lower per-capita income, and higher poverty. Similarly, Mendoza et al. (2012) found, based on partial correlations, that provinces with higher concentration of political dynasties are associated with lower human development and higher levels of poverty.

Using a more nuanced approach via beta-binomial maximum likelihood estimation (MLE-BB), Mendoza et al. (2016) showed that the presence of political dynasties is correlated with greater poverty, specifically in non-Luzon provinces. In congruence with Mendoza et al. (2012, 2016), Tusalem (2019) provided evidence that dynastic prevalence among Philippine provinces is linked to higher poverty incidence, as well as lower average family income. Tusalem (2019) employed a panel-corrected standard error (PCSE) estimation.

Political Dynasties as Various Types

While Mendoza and colleagues proposed a dichotomous fat-thin classification of political dynasties, their analyses focused more on consequences of fat dynasties since they represent greater political concentration compared with thin dynasties (Mendoza, Ong Lopez, & Banaag, 2019). In their previous studies, Mendoza and Banaag (2017) showed that “where there are fatter dynasties, there tend to be deeper poverty and underdevelopment” (p. 1). More recently, Mendoza, Ong Lopez, and Banaag (2019) presented a special case of fat dynasties pertaining to provinces where the incumbent governor, mayor, and congressman are relatives. Following the econometric strategy of Mendoza et al. (2016) (i.e., MLE-BB), their results revealed a positive association between dynastic presence and poverty, with a more pronounced correlation in non-Luzon areas.

Dulay and Go (2021) also investigated the effects of fat dynasties, which they preferred to call horizontal dynasties. Banking on a close elections regression discontinuity design (RDD) among municipalities, they found that (1) horizontally dynastic mayors tend to have higher total government spending; (2) a mayor-vice-mayor dynastic linkage is specifically correlated with increased spending in the health and economic services components of total municipal expenditure; but (3) such increased expenditures do not lead to economic growth or lower poverty.

Using fixed effects (FE) specification, Capuno et al. (2012b) found evidence suggesting that dynastic mayors on their last term (i.e., last-term or term-limited) tend to reduce health insurance coverage to the poor but do not appear to have higher or lower expenditure on other local public services compared with that of other mayors. On the other hand, Diokno-Sicat (2016) adopts a random effects (RE) estimation and finds that last-term dynastic governors spend more on health, education, labor and employment, and housing and community development, but less on economic services. Meanwhile, results of Solon et al. (2009) based on RE logit estimates reveal that dynastic governors aiming for re-election tend to increase spending on economic development services when faced with competition from other political dynasties.

International Literature

Political Dynasties as Homogeneous Group

Drawing inference from the flooding incidence across Pakistan in 2010, Ali (2016) employs period fixed effects (FE) regression approach and finds that dynastic politicians significantly spend less on development-oriented programs, and that the expenditure is further dampened in the aftermath of floods. The definition of development expenditure in the study includes spending on education and health, among others.

Similarly, Asako et al. (2015) used instrumental variable (IV) estimation and found that Japanese municipalities with dynastic representatives to the Lower House exhibit lower economic performance despite having abundant resources. Meanwhile, Setyaningrum and Saragih (2019) unearthed evidence from Indonesia that political dynasties are negatively correlated with local government performance. Using OLS and quantile regressions, Acemoglu et al. (2007) found that municipalities in Colombia's Cundinamarca region with higher prevalence of dynastic mayors are less developed at the time of their study. They treated the presence of political dynasties as an indicator of political concentration, which, in turn, is viewed as measure of political inequality.

In India, George and Ponattu (2017) provide evidence that dynastic rule worsens both public goods provision—in terms of health, transport, financial services, and social welfare programs—and local economic development. Meanwhile, Bragança et al. (2015) showed that dynastic municipal governments in Brazil spend more resources on the following expenditure items: (1) education and culture, (2) health and sanitation, (3) housing and urban development, and (4) public transportation. Despite the larger expenditures, they find no significant changes in the quality of public services and improvements in economic growth among dynastic municipalities, compared with non-dynastic counterparts. Both George and Ponattu (2017) and Bragança et al. (2015) relied on close elections RDD strategy.

Political Dynasties as Various Types

Extending her analysis on political dynasties in Pakistan, Ali (2016) disaggregated dynasties in terms of their sources of power: land owning, business ownership, and connection to a *biradari* (clan). She found that dynastic representatives whose source of power is landholding (linkage with *biradari*) are more (or less) likely to engage in local development spending.

Among Italian city governments, Daniele and Vertier (2016) observed the following based on their results drawn from various specifications (i.e.,

close elections RDD, FE estimation, and propensity-score matching): (1) among mayors eligible for reelection (on a second term for a two-term limit), dynastic mayors spend relatively much more at the last year of their first term compared with non-dynastic mayors; and (2) among last-termers mayors, dynastic mayors seemingly reduce expenditures at the end of their term, compared with non-dynastic counterparts. In a more recent study using close elections RDD and FE estimation only, Daniele and Vertier (2018) showed that dynastic city mayors who are not yet term-limited are more likely to increase capital expenditure in the year before an election.

On the other hand, George (2019) continued to use RDD strategy and offered a binary classification of political dynasties: founder and descendant. He argued that founders (or descendants) of political dynasties in India have positive (or negative) effects on public goods provision: “greater exposure to founders improves the availability of public goods” (p. 28) along categories such as education, healthcare, and connectivity, whereas descendants worsen public goods provision in terms of education, healthcare, and sanitation.

Meanwhile, Lacroix et al. (2019) categorized political dynasties in France as democratic and non-democratic. Taking on the case of the enabling act giving full powers to Marshal Pétain, a dictator, on 10 July 1940, they found that democratic dynastic parliamentarians were more likely to oppose the act (by 7.6-9.0 percentage points margin) than non-democratic dynastic and non-dynastic parliamentarians. Lacroix et al. (2019) banked on a binary logit regression model.

Synthesis

As it appears, the effect of political dynasties on governance, socioeconomic outcomes, and development is not straightforward. Findings differ depending on (1) whether political dynasties are viewed as homogeneous group or as various types, (2) what the response variables are, and (3) the specific econometric strategy employed. Nevertheless, the predatory view on political dynasties dominates relevant literature.

Of particular interest to the research at hand, which focuses on the effect of dynastic presence on human development investments, are the following studies: Tusalem and Pe-Aguirre (2013) and Dulay and Go (2021) on health spending; Bragança et al. (2015), Diokno-Sicat (2016), and Ali (2016) on health and education spending; George and Ponattu (2017) and George (2019) on public goods provision in terms of education, health, and social welfare programs; and Capuno et al. (2012b) on health insurance coverage for the poor. Discussion of results of the present research draws insight from these studies.

Methodology

Research Design

This work adopts a quantitative case study approach as a research design and employs multivariate panel regression analysis of publicly available government data as a research method to empirically test the hypothesis posed.

Variables and Hypotheses

Main Variable of Interest: Political Dynasties

Akin to how several relevant studies identified family ties among elected public officials, the proxy measure for political dynasties in the study is determined through the “family name identification process” (Bragança et al., 2015; Daniele & Vertier, 2016; Mendoza et al., 2016; Querubin, 2013, 2016). However, the primacy of the mayoralty position as a reference point in identifying political dynasties is accentuated, given its power and discretion on municipal government expenditure consistent with the provisions of the LGC of 1991 (Labonne et al., 2015).

Following this modified approach, the family name of an elected municipal mayor (reference position) in Rizal province in 2001 is matched with the family name of elected (1) mayor (in subsequent elections), vice-mayor, and councilors in the same municipality; (2) mayors, vice-mayors, and councilors in other Rizal municipalities and city (Antipolo); (3) governor, vice-governor, and board members of Rizal; and (4) representatives of Rizal’s two (2) legislative districts³ between election years 2001 and 2016. The levels of matching process are presented in order—from within the municipality up to the legislative districts. If the family names are the same, they are initially considered relatives (whether by consanguinity or affinity). This method is closely related to the strategy of Dulay and Go (2021) and is more expansive compared with other related municipal-level researches that restrict family ties matching to elected officials within the same municipality only (i.e., Bragança et al., 2015; Daniele & Vertier, 2016, 2018). Meanwhile, familial relations are further verified through desk research and informal interviews. Data is culled from local election results for six electoral years between 2001-2017 (i.e., 2001, 2004, 2007, 2010, 2013, and 2016) collected and maintained by the Commission on Elections (Comelec).

This research considers a municipality/municipal government as “dynastic” if it is led by a “dynastic mayor” (homogeneous view) who may be fat dynastic or thin dynastic (disaggregated view), based on the dichotomized classification proposed by Mendoza and colleagues (Mendoza et al., 2016; Mendoza, Jaminola, & Yap, 2019; Mendoza, Ong Lopez, & Banaag, 2019). A municipality/municipal

government is classified as “thin dynastic” if members of the same family holds the mayoralty position continuously from 2001-2017 but do not have kinship ties with other locally elected officials in Rizal in any of the incumbency periods. On the other hand, a municipality/municipal government is categorized as “fat dynastic” if an incumbent mayor and at least one relative who also holds elective office are serving their terms simultaneously for at least two incumbency periods between 2001 and 2017.⁴ This is a stricter characterization of fat dynasties compared with that of Mendoza, Ong Lopez, and Banaag (2019), who propose a temporal conditionality of at least one election cycle only. The argument rests on the succession and considerable time facets of the “dynastic” nature of political dynasties. The Merriam-Webster dictionary (n.d.) defines dynasty as “a succession of rulers of the same line of descent” and/or “a powerful group or family that maintains its position for a considerable time.” Typical examples are the dynasties that ruled China for hundreds of years. Clearly, relatives who concurrently serve their incumbencies for just one term should not be considered as fat dynasties, or political dynasties at all, unless they demonstrate the staying power characteristic of dynasties by being re-elected for at least another term.

Based on the identification procedure cited above, six Rizal municipalities/municipal governments are identified as dynastic and all are categorized as fat dynasties: Baras, Binangonan, Cardona, Jala-Jala, San Mateo, and Tanay. The remaining seven municipal governments are considered non-dynastic: Angono, Cainta, Morong, Pililla, Rodriguez, Taytay, and Teresa. Further details are provided in the results section.

Fat dynastic municipalities/municipal governments are coded “1” in the database, while non-dynasts are coded “0.” This dummy variable treatment of political dynasties is consistent with how relevant studies operationally define dynasties in their regression analyses (e.g., Bragança et al., 2015; Daniele & Vertier, 2016, 2018; Diokno-Sicat, 2016; Dulay & Go, 2021; Lacroix et al., 2019; Mendoza, Ong Lopez, & Banaag, 2019; Tusalem & Pe-Aguirre, 2013). The author also concurs with the assertion of Mendoza, Ong Lopez, and Banaag (2019) that utilizing a dummy variable as indicator of dynastic presence is a much more nuanced approach compared with earlier indicators that simply relied on the share of political dynasties among all locally elected officials. The political dynasty dummy clearly links the familial ties among key incumbent officials. In this case, between the mayor and (1) vice-mayor and councilors in the same Rizal municipality; (2) the same set of local officials in other municipalities and city within the province; (3) the most powerful LCE in the province (i.e., the governor) and other key provincial government officials (i.e., vice-governor and board members); and (4) representatives of Rizal municipalities in the Lower House.

Outcome Variables: Municipal Expenditure on Human Development

This research examined the effect of dynastic presence on five distinct categories of human development-oriented municipal government expenditures. These categories are clustered into three domains: aggregate, combined, and specific sector levels. First, analysis started at the aggregate level wherein total local public spending on health, education, and social welfare will be collectively called as human development spending/expenditure. This approach is consistent with the study's assertion that the three sectors represent an inclusive government strategy for human development investments. Second, the combined spending on education and health was analyzed since expenditures on the two sectors are considered primary investments for human development. Third is the analysis on specific sector spending among the three expenditure items.

Indicators representing the various categories of LGU expenditure are extracted from the pertinent database compiled and maintained by the Department of Finance-Bureau of Local Government Finance (DOF-BLGF): the Statement of Receipts and Expenditures (SRE) report, which monitors financial performance (income and expenditure) of LGUs (BLGF, n.d.) (Table 1). Missing data, though few and far in between, are addressed through interpolation and extrapolation methods for a balanced panel dataset. Consistent with related researches (e.g., Daniele & Vertier, 2016, 2018; Kelekar & Llanto, 2013, 2015; Manasan, 1997, 1998), this study measures the outcome variables in per capita terms to control for each municipality's population size.

Control Variables

Among various determinants of human development expenditures, four factors are selected as control variables, which are measured at municipal level: (1) total local source revenue, (2) total IRA, (3) proportion of young population, and (4) proportion of elderly population. The first two variables belong to the supply side (ability to provide social services to constituency, which is tied to income that dictates how much a municipality can spend), while the other two variables represent the demand side (demanded social service component varies depending on the age group) of the fundamental equation for human development-oriented basic services provision at the local level (Cantarero & Lago-Peñas, 2012).

In light of the budget constraints theory (Samuelson & Nordhaus, 2010), the ability of an LGU to spend for human development services is largely a function of its total income (Kelekar & Llanto, 2013, 2015), which, in turn, is comprised mainly of IRA and local source revenue in the case of the Philippines (Manasan, 1997, 1998). Following Manasan (1997, 1998), IRA and local source revenue were used as distinct explanatory variables in the study's regression models to capture their individual effects.

Table 1
Outcome Variables: Indicators and their Technical Definitions

Outcome Variable	Indicator*	Technical Definition
Human development expenditure	Total municipal spending on health, education, and social welfare	Sum of municipal government expenditures on education, health, and social welfare
Total education and health expenditure	Not applicable (NA)**	Sum of municipal government expenditures on education and health
Total education expenditure	(Expenditure on) Education, culture & sports/ manpower development	Covers sector expenditures for services in support of schools and education facilities; planning and manpower development; sports; and cultural preservation and enrichment*
Total health expenditure	(Expenditure on) Health, nutrition & population control	Covers sector expenditures for health program including medical, dental and health services; planning and administration of nutrition programs; population and family planning programs; and administration of these programs*
Total social welfare expenditure	(Expenditure on) Social services and social welfare	Covers sector expenditures for the upliftment of disadvantaged families and children; the rehabilitation of the physically and socially handicapped; assistance to distressed and displaced individuals and families; care of the aged and other welfare services and payment of retirement pension and other social security benefits. Also included are expenditures for the provision of services and facilities for recreational, religious and other social activities not elsewhere classified*

* Adopted as is (i.e., verbatim) from the metadata document of SRE (BLGF, n.d.)

** Computed by the author from SRE database

Meanwhile, the respective proportions of young and elderly populations are among the standard set of demographic variables utilized in most empirical studies on LGU expenditure (Köpl Turyna et al., 2015). The rationale for inclusion rests on economic means, or lack of it. Compared with the working age population (ages 15-64) who are likely to be employed and therefore able to spend for their own education, health, and social security needs (private expenditure), young and elderly populations who are not yet working/have already stopped working need and/or demand more publicly funded social services (Kang & Magoncia, 2016).

Both age groups are associated with higher local government expenditures on health and social welfare (Lusky & Weinblatt, 1998, as cited in Žokalj, 2016, p. 404; Nguyen et al., 2009). However, they have a divergent effect on education expenditure owing to substitution effect. Young constituents are direct consumers of publicly provided basic education, while elderly constituents are not, but the latter are high-level consumers of the two other types of basic services, namely, health and social welfare. Hence, the higher the share of young (or elderly) age population, the higher (or lower) the education expenditure at the local level, *ceteris paribus* (Fernandez & Rogerson, 1997; Guziejewska & Majdzińska, 2018). This research adopts relevant revenue data from BLGF's SRE Report and municipal-level population data from the Philippine Statistics Authority (PSA) Census of Population and Housing for years 2000, 2007, 2010, and 2015 as indicators for the four control variables (Table 2). Since the database deals with observations from 2001-2017, population data are interpolated for 2001-2006, 2008-2009, 2011-2014, and extrapolated for 2016-2017.

Table 2
Control Variables, their Indicators and Technical Definitions

Control Variable	Indicator	Technical Definition
Total local source revenue	Total local sources	Sum of the municipality's total tax revenue and non-tax revenue*
Total IRA	IRA	Share of the municipality from national internal revenue taxes collected*
Proportion of young population	NA**	Percentage share of population ages 0-14 to total municipal population***
Proportion of elderly population	NA**	Percentage share of population ages 65-above to total municipal population***

* Adopted as is from the metadata document of SRE (BLGF, n.d.)

** Computed by the author from the PSA population data

*** To fit with the PSA (n.d.) definition of working age population (ages 15-64), the author adopts these age limits, which are also used by Guziejewska and Majdzińska (2018) and Kang and Magoncia (2016).

Dataset: Composition

This research relies on a panel dataset comprised of 13 municipal governments in Rizal province observed over a 17-year period (2001-2017). While limited relative to a national scope, the number of observations analyzed in this study is still statistically viable (e.g., N>30). Owing to the cross-sectional and time-series character of panel data (Wooldridge, 2020), a total of 221 observations are generated for the study (i.e., 13 municipalities x 17 years). The dataset contains information on municipal income, expenditure, population, as well as on whether the municipal governments are governed by dynastic mayors or not.

Econometric Model

The dataset compiled is analyzed based on the linear regression model shown below:

Y_{it} = β₀ + β₁dynasty_i + β₂control_var1_{it} +...+ β₅control_var4_{it} + μ_{it}

Where:

Y _{it}	Outcome variable representing each of the five (5) categories of human development expenditure; i = municipality and t = year
β ₀	Common intercept (constant)
dynasty	Main variable of interest representing dynastic presence; dummy variable coded 1 or 0 if municipality is deemed fat dynastic or non-dynastic
β ₁	Coefficient of the main explanatory variable; represents partial effect of dynastic presence on human development investments
control_var1-control_var4	Vector of control variables applicable to all dependent variables
β ₂ -β ₆	Coefficients of control variables
μ _{it}	Error term

With a total of five outcome variables representing various categories of human development expenditure, the research estimates a total of five related but nonetheless distinct panel regression models where all control variables are kept the same across all specifications.

Data Analysis

Akin with Tusalem (2019), this research employed PCSE estimation to analyze the regression model shown above, using the statistical software Stata 16. Particularly, it banked on a Prais–Winsten generalized least-squares (GLS) estimator with PCSEs. Such estimation strategy was chosen over the usual panel data estimators, namely, OLS, RE, and FE estimators (Torres-Reyna, 2007; Wooldridge, 2020), based on two key considerations: (1) the peculiarity of the study's panel data structure, and (2) the need to account for possible spatial dependence among the analyzed municipalities in Rizal province.

Standard model specification tests were conducted to check for specification error, omitted variable bias, and multicollinearity in the study's regression models. Results of these tests revealed absence of all three. Thus, the study's econometric models were properly and sufficiently specified (UCLA Institute for Digital Research and Education, n.d.). However, supplemental regression diagnostics confirmed the presence of panel heteroskedasticity, autocorrelation, and contemporaneous correlation (HPAC) disturbances (Blackwell, 2005) in the study's models.⁵ Disregarding these nuances in the analysis will lead to biased statistical inference (Hoechle, 2007).

Meanwhile, the panels/cross-sections observed over time in this study are municipalities, which are geographical units. Hence, spatial dependence is highly likely (Mendez & Santos-Marquez, 2020). Spatial dependence pertains to “the propensity for nearby locations to influence each other and to possess similar attributes” (Goodchild, 1992, p. 33). In econometrics parlance, spatial dependence is a form of cross-sectional dependence or contemporaneous correlation among observations (Hoechle, 2007). When such aspect is overlooked, results of any panel data analysis is prone to produce “biased, inefficient, and/or inconsistent coefficient estimates” (Tosun & Skidmore, 2004, p. 172).

Utilizing OLS estimation when HPAC disturbances are present is problematic (Beck & Katz, 1995). In the face of such disturbances, OLS regression estimates will likely be “biased, inefficient and/or inconsistent” due to violations of “standard OLS assumptions about the error process” (Podestà, 2002, p. 9). On the other hand, FE & RE models are inefficient alternatives because they can only address autocorrelation and heteroskedasticity, but not contemporaneous correlation (Hoechle, 2007; Stata Corp., 2019). Further, all three panel data estimators cannot address spatial dependence.

Developed by Beck and Katz (1995), the PCSE method is a robust estimator utilized in social science research when panel regression models have HPAC disturbances (Hoechle, 2007; Sarafidis & Wansbeek, 2012). It has also been used in several studies to specifically account for spatial dependence; for instance,

Tosun and Skidmore (2004) for counties in West Virginia, USA, and Díaz-Foncea and Marcuello (2014) for Spanish regions. Within the political dynasty literature, Tusalem (2019) used PCSE estimation to analyze the effect of dynastic prevalence, among other institutional, political, and geographical covariates, on several socioeconomic outcomes in the Philippines. Meanwhile, Martín-Mayoral and Sastre (2017) adopted the PCSE strategy in examining the determinants of aggregate social expenditure, including those for education and health, in Latin America.

If no autocorrelation function is specified, the PCSE strategy only accounts for heteroskedasticity and contemporaneous correlation by relying on OLS regression with PCSEs (Stata Corp., 2019). To address all three HPAC disturbances, the author follows the advice of Beck and Katz (1995) and sets a first-order autocorrelation [AR(1)] common to all panels (i.e., common AR(1) parameter). This approach is embodied in the use of PCSE method's enhanced version, the so-called Prais-Winsten transformation (Plumper et al., 2005), which is dubbed in the study as panel-corrected Prais–Winsten GLS estimator (Stata Corp., 2019).

Results

Political Dynasties among Municipalities in Rizal Province

Using the family name identification approach in the literature and following Mendoza and colleagues' fat-thin dynasty dichotomy, this research identified six dynastic municipal governments in Rizal: Baras, Binangonan, Cardona, Jala-Jala, San Mateo, and Tanay. All these identified dynastic municipalities are categorized as fat dynasties because they satisfy the following conditions: the incumbent mayor serves his/her term concomitantly with at least one relative also holding elective office in Rizal province for at least two incumbency periods between 2001 and 2017 (i.e., six out of 17 years). The other half, or the seven other municipal governments, are considered non-dynastic because they do not fit the criteria set for categorization into either fat or thin dynasties (i.e., Angono, Cainta, Morong, Pililla, Rodriguez, Taytay, and Teresa).

Table 3 presents the fat dynasties in Rizal province and illustrates how they dominate local elective positions in the province. For example, in Binangonan, the notation " M_0 -VM₀-G-M₁" for the 2016 column means that members of the political dynasty won four local positions in the 2016 elections and will thus serve their incumbencies simultaneously: Binangonan mayor and vice mayor, Rizal governor, and Antipolo city mayor.

Table 3
Fat Dynasties in Rizal Province

Municipality	2001	2004	2007	2010	2013	2016
Baras	-	M ₀	M ₀	M ₀ -C ₀	M ₀ -VM ₀ -C ₀	M ₀ -VM ₀ -C ₀
Binangonan	M ₀ -G	M ₀ -C ₀ -G	M ₀ -G	M ₀ -G	M ₀ -G-M ₁	M ₀ -VM ₀ -G-M ₁
Cardona	M ₀	M ₀	M ₀ -VM ₀ -C ₀ - VG-PBM	M ₀ -C ₀ -VG- PBM	M ₀ -C ₀ -VG- PBM	M ₀ -VG
Jala-Jala	-	M ₀	M ₀ -C ₀	M ₀ -C ₀	VM ₀ -C ₀	M ₀ -C ₀
San Mateo	M ₀	M ₀ -VM ₀	M ₀	M ₀	M ₀ -VM ₀ -C ₀	M ₀ -VM ₀ -C ₀
Tanay	M ₀	M ₀	M ₀ -PBM	M ₀ -PBM	M ₀ -PBM	M ₀

Note. M₀, VM₀, C₀ =mayor, vice mayor, and councilor in a reference municipality; M1...n, VM1...n, C1...n =mayor, vice mayor, and councilor in other municipalities/city; G=governor; VG=vice governor; PBM=provincial board member. Author's summary is based on 2001-2016 local election results obtained from COMELEC.

A closer look at Table 3 points to several interesting observations. First, between 2001-2017, the mayoralty position among fat dynastic municipalities in Rizal is entirely monopolized by a single political family—except for Baras and Jala-Jala. Second, the fat dynasties' extent of political control among elective positions in Rizal ranges from a minimum of three terms or nine years to a maximum of six terms or 18 years.

Elections are far from being competitive among fat dynastic municipalities in the province of Rizal. In fact, fat dynasties in these municipalities not only win by large vote margins. Some of them are already presumed winners⁶ even before votes are cast because they do not have a single competitor. For instance, one member of a political dynasty ran unopposed as mayor of Binangonan in the last term of his first three consecutive terms between 1998 and 2007 (i.e., in the 2004 elections) (Binangonan Municipal Government, 2017a). Incidentally, it was in the 2004 elections when he and his brother, who ran and won as councilor, started dominating in local elections in Binangonan. Since 1992, the family has had unrelenting clout on the Rizal gubernatorial position, and, since 2013, the Antipolo City mayoralty seat. Meanwhile, in the 2016 elections, members of the political dynasty in Cardona and Jala-jala won as mayors in their respective municipalities without any competition (ABS-CBN Investigative and Research Group, 2016).

The political entrenchment of fat dynasties in Rizal province continues beyond the covered period of this research (i.e., from 2001-2017). In the most recent 2019 elections, one of the members of these dynasties did a repeat of his 2004 electoral dominance and won again unopposed as Binangonan mayor (*Rappler*, 2019). As he was mayor again starting 2016, the mayor is poised to

have a second three-consecutive incumbency come 2022 elections (i.e., from 2016-2025). The same trend applies to his brother, who, after being term-limited as mayor from 2007-2016, ran and won as vice mayor in the 2016 elections and was re-elected in 2019 by an enormous winning margin of 46,002 votes. The vice mayor got 61,329 votes, while his independent opponent got a paltry 15,137 votes (*Rappler*, 2019). Meanwhile, a former San Mateo mayor from 2007-2016 won unopposed as vice mayor in the 2019 elections, while his wife was re-elected mayor via landslide victory over an independent candidate. The winning margin between the mayor's wife and her opponent was a whopping 47,878 votes, with the former garnering a total of 60,571 votes while the latter got only 12,693 votes (*Rappler*, 2019).

Fat Political Dynasties and Human Development Investments

Based on the panel-corrected Prais-Winsten GLS regression estimates shown in Table 4, it appears that fat dynastic municipal governments in Rizal province considerably invest less on their constituents' human development compared with their non-dynastic counterparts, controlling for other relevant variables.

At the aggregate level, Rizal municipalities governed by fat dynastic mayors from 2001-2017 tend to have significantly lower human development expenditures as they spend, on the average, around PHP 35.77 less per capita. With a probability value (p-value) of 0.051, this result is statistically significant at the 90% confidence level and provides moderately strong empirical evidence in support of the study's hypothesis on the effect of dynastic presence on human development investments.⁷

Meanwhile, the disparity in human development investments between dynastic and non-dynastic Rizal municipalities was found to be more pronounced when social welfare spending was excluded and analysis was focused on the combined expenditures for health and education only. Holding other factors fixed, education and health spending among fat dynastic municipal governments in Rizal is around PHP 42.08 lower per capita compared with non-dynastic municipalities. The relevant coefficient of the dynasty variable here has a p-value of 0.001—statistically significant at the most stringent 99-percent confidence interval. This coefficient offered a rather robust evidence in favor of the study's hypothesis.

Table 4
Effect of Dynastic Presence on Human Development Investments

Main Explanatory Variable	Dependent Variables				
	Human Development Spending	Education and Health Spending	Education Spending	Health Spending	Social Welfare Spending
Political Dynasty	-35.77* (18.34)	-42.08*** (12.31)	-34.53*** (8.37)	-5.05 (6.92)	7.42 (10.55)
Covariates:					
Local source revenue	3.59e-07*** (1.07e-07)	3.60e-07*** (8.66e-08)	1.56e-07*** (5.37e-08)	2.30e-07*** (6.87e-08)	8.10e-09 (4.72e-08)
IRA	2.09e-07* (1.08e-07)	1.31e-08 (7.76e-08)	-5.87e-09 (4.92e-08)	-5.66e-09 (4.81e-08)	1.88e-07*** (7.05e-08)
Percentage of ages 0-14 to population	4.69** (1.99)	4.79*** (1.74)	5.14*** (1.14)	-0.40 (1.49)	-0.16 (0.78)
Percentage of ages 65-up to population	66.83*** (10.05)	50.29*** (7.77)	5.28 (5.80)	44.31*** (5.15)	16.49** (6.48)
R-squared	0.29	0.37	0.28	0.37	0.09
Probability > Chi-squared	0.00***	0.00***	0.00***	0.00***	0.00***
Number of observations	221	221	221	221	221

Note. ***, **, *=statistically significant at 1%, 5%, and 10% levels, respectively; PCSEs in parentheses; dependent variables are in PHP per capita terms.

Lastly, Rizal municipalities governed by fat dynastic mayors tend to significantly under-invest specifically in education. Relative to non-dynastic municipalities, dynastic municipal governments in Rizal spend, on the average, about PHP 34.53 less per person. This result is likewise statistically significant at the most stringent 1% level (p-value=0.000), providing a very strong evidence in support of the research hypothesis. As for health and social welfare expenditures, respectively, the study found no statistically significant effect of dynastic presence among Rizal municipalities. These findings are hardly surprising given the plethora of related studies that pointed to the same negative effect of political dynasties on governance, socioeconomic outcomes, and development: Ali (2016) on health and education spending among constituencies in Pakistan; Tusalem and Pe-Aguirre (2013) on health spending among Philippine provinces; Capuno

et al. (2012b) on health insurance coverage for the poor among Philippine municipalities and cities; and George and Ponattu (2017) and George (2019) on public goods provision in education, health, and social welfare programs among Indian villages.

But why did dynastic mayors in Rizal perform poorly in terms of local public spending on human development? Does it not adversely affect their chances of staying in power via re-election? As argued in this study, a plausible explanation is the predatory view of political dynasties: apparently, they did not have the incentive to invest in human capital enhancement and human capabilities expansion of their constituents as a means to endear themselves to voters and ensure their stay in political power. Reliance on their monopoly of political power coupled with inherited political and financial capital, as well as incumbency advantage externalities is apparently enough to secure votes for them and their relatives during elections.

In sum, members of political dynasties have higher likelihood of winning elections compared with non-dynastic candidates, all things equal (Querubin, 2016). This advantage is ascribed to their key attributes: (1) effective concentration and preservation of political power as relatives take turn occupying elective positions (Simbulan, 2012); (2) bequeathal of massive political and financial capital (Ali, 2016) in the form of “brand name recall,” wealth, and control of political and economic resources (George & Ponattu, 2017); and (3) benefiting from externalities or spillover effects of incumbency advantage. Such substantial electoral advantage may induce dynastic politicians to feel self-assured of continuous re-election, resulting to several moral hazard problems, including underperformance in office (Zheng et al., 2016). Among other mechanisms, this tendency may manifest in terms of the incumbent dynastic mayor’s substantially low human development investments, as shown in the case of municipalities in Rizal province.

Further, fat dynasties enjoy wider and deeper entrenchment of political power (monopoly of multiple elective positions over consecutive years) (Mendoza, Jaminola, & Yap, 2019) and benefit considerably more on incumbency advantage externalities (extends to relatives in several positions) (Querubin, 2013; 2016). These advantages almost ensure continuous re-election for them and their relatives. Following such logic, fat dynastic mayors in Rizal seemingly lack the incentive to signal their competence by performing well in office. Particularly, they appear less motivated to project a caring image to boost their re-election (and/or election of relatives) by spending more on human development-oriented sectors. Inherited and accumulated electoral advantages of fat dynastic mayors in Rizal may so insulate them from the threat of competition from non-dynasts “that they mute performance incentives” (George & Ponattu, 2017, p. 2). Beyond its popularity in the relevant literature, the choice of predatory view of political

dynasties as a guide in elucidating the results of the research is grounded on the political and electoral realities in Rizal province where fat dynasties are deeply entrenched and are not faced with significant electoral/political competition—as discussed in the previous section. This context helps explain why the study's findings run counter to that of Bragança et al. (2015) and Dulay and Go (2021).

Bragança et al. (2015) find that dynastic municipalities in Brazil spend more on health and education, while Dulay and Go (2021) show that horizontally dynastic municipalities in the Philippines have higher health expenditure. Both studies rely on regression discontinuity design (RDD) anchored on close elections, and therefore the results apply mainly on localities with high political competition. As Bragança et al. (2015, p. 13) put it, the estimated effects of their political dynasty variable “represent local estimates of dynastic politicians on economic outcomes for municipalities that are highly competitive” and that “*these effects might be quite different in localities where dynasties win by a large vote margin* [emphasis added].” This argument is in sync with Asako et al. (2015) who assert that political dynasties tend to have higher public expenditures only among jurisdictions with competitive elections. As shown in the previous section, elections are far from being competitive among fat dynastic municipalities in the province of Rizal. In fact, fat dynasties in these municipalities not only win by large vote margins, some of them run—and win—totally unopposed. In this section, the study provides empirical evidence that fat dynastic mayors in Rizal significantly invest less on human development of their constituents. The reminder of Bragança et al. (2015) is seemingly instructive in this case: “political dynasties facing less electoral competition can be less accountable and therefore perform worse than dynasties facing a lot of competition” (p. 14).

Control Variables and Models' Overall Significance

Consistent with findings in the literature, all control variables have their expected signs, denoting direction of association. All are statistically significant predictors of municipal per capita human development investments at various combinations, which justify their inclusion in the study's regression models. The R^2 or coefficient of determination, which represents the “percentage of variation in the dependent variable explained by variation in the independent variables” (Figueiredo Filho et al., 2011, p. 60), among the regression specifications above (i.e., between nine percent and 37%) fall within the range of R^2 values reported by scholars who publish articles on determinants of local government expenditure on health, education, and social welfare (e.g., Araújo et al., 2017; Kelekar & Llanto, 2013, 2015; Manasan, 1998). Moreover, the study's R^2 range of nine percent and 37% is a decent result, given that R^2 values of regression models in the social sciences field are typically low (Wooldridge, 2020), with a value of at least nine percent considered to be respectable (Itaoka, 2012). On the other hand, all five regression models are statistically significant at the 99% confidence level, based

on the Prob>X² values—denoting a strong “joint significance” of all explanatory variables in each specified model (Solon et al., 2009; Torres-Reyna, 2007).

Robustness Check: Alternative Estimation Strategies

Results of the study are robust to two alternative estimation strategies that also address HPAC disturbances: (1) feasible generalized least squares (FGLS) estimator and (2) FE estimator with Driscoll-Kraay standard errors (SE). As illustrated in Table 5, coefficients of the dynasty variable stay statistically significant even when estimated using FGLS and Driscoll-Kraay approaches. In fact, the coefficients generated by FGLS are identical to those from the adopted panel-corrected Prais–Winsten GLS strategy, with slight differences in standard errors. Nevertheless, the latter strategy was adopted because it is superior to the former when the focus is on hypothesis testing (Moundigbaye et al., 2018; Reed & Ye, 2011), which is the case for this research. Besides, compared with FGLS, the PCSE approach possesses finite sample advantage and generates more accurate standard errors for small panels⁸ like the study’s dataset (Beck & Katz, 1995; Hoechle, 2007; Moundigbaye et al., 2018; Stata Corp., 2019; Reed & Ye, 2011). Meanwhile, the Driscoll-Kraay strategy is not used since it is more suitable for panel datasets where cross-sections are larger than the number of time periods (i.e., N>T) (Knight, 2014; Hoechle, 2007). The study’s dataset follows the N<T structure (i.e., 13 municipalities<17 years).

Table 5
Alternative Estimation Strategies:
Effect of Dynastic Presence on Human Development Investments

Estimation Strategy	Dependent Variables				
	Human Development Spending	Education and Health Spending	Education Spending	Health Spending	Social Welfare Spending
Adopted:					
Prais-Winsten with PCSEs	-35.77* (18.34)	-42.08*** (12.31)	-34.53*** (8.37)	-5.05 (6.92)	7.42 (10.55)
Alternatives:					
FGLS	-35.77* (19.74)	-42.08*** (13.61)	-34.53*** (8.13)	-5.05 (7.78)	7.42 (11.26)
FE with Driscoll-Kraay SE	-29.56*** (8.24)	-30.78*** (7.49)	-27.45*** (5.84)	-3.32 (4.34)	1.21 (4.42)

Note. Coefficients shown are those of the political dynasty variable; ***, **, * = statistically significant at 1%, 5%, and 10% levels, respectively; standard errors in parentheses; dependent variables are in PHP per capita terms.

Robustness Check: Alternative Specifications

Sticking with the PCSE approach, findings are likewise generally robust to three alternative model specifications: (1) adding unit and period dummies to the adopted linear model (i.e., linear model with unit and period dummies); (2) transforming the dependent variable into its natural logarithmic form (i.e., log-linear model); and (3) adding unit and period dummies to the log-transformed specification (i.e., log-linear model with unit and period dummies). Several related studies (e.g., Ali, 2016; Diokno-Sicat, 2016; Dulay & Go, 2021) have employed these alternative specifications to estimate the effect of political dynasties on human development investments. For this research, however, these specifications are found to be saddled with omitted variable bias, specification error, and multicollinearity. These issues are mainly the reason why the study adopted a linear model without unit and period dummies, which is free from the said biases/errors.

Table 6
Alternative Specifications:
Effect of Dynastic Presence on Human Development Investments

Regression Specifications	Dependent Variables				
	Human Development Spending	Education and Health Spending	Education Spending	Health Spending	Social Welfare Spending
Adopted:					
Linear model	-35.77* (18.34)	-42.08*** (12.31)	-34.53*** (8.37)	-5.05 (6.92)	7.42 (10.55)
Alternatives:					
With unit and period dummies	-84.93 (62.77)	-153.55*** (42.78)	-104.37*** (27.12)	-43.89 (37.05)	8.39 (30.57)
Log-linear model	-0.189** (0.085)	-0.232*** (0.066)	-0.450*** (0.119)	-0.069 (0.067)	0.086 (0.236)
Log-linear with unit and period dummies	-0.813*** (0.158)	-0.408** (0.173)	-1.059*** (0.366)	-0.627*** (0.217)	-0.056 (0.303)

Note. Coefficients shown are those of the political dynasty variable; ***, **, *=statistically significant at 1%, 5%, and 10% levels, respectively; PCSEs in parentheses; dependent variables are in PHP per capita terms.

Another motivation behind the choice of the adopted specification is the word of caution given by Plumper et al. (2005). The researchers advised against the inclusion of unit and period dummies when panel data is estimated through

PCSE because unit (or period) dummies disproportionately absorb most of the theoretically interesting cross-sectional (or time-series) variance in the data (Plumper et al., 2005). The use of unit dummies is specifically problematic when a level effect of a time invariant variable (e.g., the study's political dynasty dummy) is being tested, since adding unit dummies suppresses the level effects. Meanwhile, including period dummies not only absorbs large portions of the trend in the outcome variable, but also tends to bias estimates (Plumper et al., 2005). True enough, the study's alternative regression specifications with unit and period dummies generate unacceptably high coefficients—as can be observed from Table 6.

Conclusions

Local government investments on human development, reflected in their level of expenditure on health, education, and social welfare, are necessary public investments geared towards enhancing human capital and enlarging human capabilities of their constituents. Therefore, human development spending represents a reasonable measure of good performance of incumbent local officials who may be dynastic or non-dynastic (Solon et al., 2009; Manasan, 1997).

The study empirically tested whether dynastic mayors tend to have lower human development investments for their constituents. The research inferred from a panel data composed of all 13 municipalities in Rizal, Philippines. Data in years 2001-2017 were drawn from these municipalities, dichotomized into dynastic or non-dynastic. Dynasties in this study are characterized as fat dynasties, wherein an incumbent mayor serves his/her term concomitantly with at least one relative also holding elective office in Rizal province for at least two incumbency periods between 2001 and 2017.

Based on the results of panel-corrected Prais-Winsten GLS estimation, this research found that Rizal municipal governments led by fat dynastic mayors tend to have lower human development investments for their constituents compared with non-dynastic counterparts. Specifically, they spent less on human development (1) at the aggregate level (i.e., total municipal expenditure on health, education, and social welfare), (2) at the combined levels of education and health, and (3) at the specific sector of education. These findings support the predatory view of political dynasties, particularly the fat type: with wider and deeper entrenchment of political power due to monopoly of multiple elective positions over consecutive years, fat political dynasties are inherently prone to be predatory—inimical to governance, socioeconomic outcomes, and development.

While the study's findings are statistically significant, economically meaningful, and robust to various alternative model specifications and econometric

estimation procedures, some caveats need to be pointed out. For one, results of this research only apply to Rizal province. Therefore, the study provides only a snapshot of how fat political dynasties affect local governance in the Philippines. A subsequent research analyzing all municipalities in the country is needed to portray a nationally representative empirical evidence. Meanwhile, the author recognizes that the study's findings may possibly be affected by endogeneity, since the regression modeling employed "cannot control for unobserved characteristics of politicians, parties, or efforts of mobilization" (Bragança et al., 2015, p. 14). A future research intends to build on the econometric model developed in this study to address possible endogeneity concern.

Endnotes

¹ For a full list of devolved functions per LGU, please see Section 17 of the 1991 LGC.

² Antipolo City is excluded from the sample for comparability among observations.

³ Rizal's first district covers Angono, Binangonan, Cainta, and Taytay; the second district encompasses Baras, Cardona, Jala-Jala, Morong, Pililla, Rodriguez, San Mateo, Tanay, and Teresa.

⁴ Incumbency periods considered based on the three-year term limit provided for LGU officials (LGC of 1991): 2001-2004; 2004-2007; 2007-2010; 2010-2013; 2013-2016; 2016-2019.

⁵ Stata commands and results of these diagnostic tests are available upon request.

⁶ Unopposed local election candidates only need to have one vote to be declared as official winners (Tomacruz, 2019).

⁷ Interpretation of p-value as evidence against the null hypothesis (i.e., there is no relationship/effect) and in favor of the alternative hypothesis (i.e., there is relationship/effect) is in line with the guidelines recommended by Hartmann et al. (2018): $p \leq 0.01$ as very strong evidence; $0.01 < p \leq 0.05$ as strong evidence; $0.05 < p \leq 0.10$ as moderate evidence; and $p > 0.10$ as weak or no evidence.

⁸ Composed of 10-20 cross-sections and 10-40 periods (Stata Corp., 2019).

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Tilting the Scales in Favor of e-Justice: Philippine e-Courts and the e-Filing System in the Post-Pandemic World

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The Philippine government has recently made significant steps in automating public services, such as online payment of taxes, setting up of online applications for registrations, permits and licenses, and customer service hotlines. However, the judiciary lagged behind in adopting these innovations and was still largely paper-based until the emergence of the coronavirus disease 2019 (COVID-19) pandemic. This article discusses the development, importance and implications of electronic courts (e-courts) and the electronic filing (e-filing) system in a pre- and post-pandemic world. Gleaning from a review of secondary data, official documents and reports, jurisprudence, and case studies on other legal jurisdictions and international courts that make use of electronic systems, this study identifies the following benefits of the e-court and e-filing system: (a) efficient use of paper and cost savings in hiring judiciary personnel; (b) remote online access to court services and remote storage of court records and information; and (c) convenience through submission of pleadings and legal papers beyond the close of business day. The study also highlights the risks and stumbling blocks in the e-court and e-filing system: (a) cost of infrastructure and manpower; (b) integrity of files, and (c) digital privacy of litigants. Judicial administrators are called to formulate e-court and e-filing strategies that take into account the need for free access to courts and speedy trial, as well as health-related safeguards in litigation and pleading submission. With the emergence of critical junctures, such as the COVID-19 pandemic, the judiciary's efforts in incorporating technological innovation in the dispensation of justice have been accelerated and finetuned to suit the needs of the litigating public in the time of the "new normal."

Keywords: *e-governance, e-court, e-filing, electronic judicial administration*

The judicial branch of government derives much of its power from the Constitution and from public support and respect. The public perception of courts and the legal profession plays a vital role in the success of the justice system as a government institution. In the Philippine judiciary, local trial courts are the first points of contact for litigants who seek redress for wrongs and injuries against them or enforce rights under the law. Most cases start at trial courts, which examine pieces of documentary evidence and determine their credibility, genuineness, and due execution. The trial courts also examine witnesses and the litigants. Strictly speaking, oral arguments, presentation of evidence and

testimony, and filing of papers are physically done in court, since hearings are traditionally held in person and not virtually or remotely (Supreme Court, 1997, Sec. 2, Rule 135).¹

Information and communications technology (ICT) has made it possible for the state to improve the delivery of public services through electronic governance or “e-governance.” In the judicial branch, courts are moving ahead and embracing technology to enhance their work practices (Dillon & Beresford, 2014). The concept of electronic courts, or “e-courts,” arises in discussions among judges, lawyers, and court employees who foresee the impact of technology on procedural aspects of the litigation process.

The idea of installing e-courts has enticed judicial administrators around the world striving to improve the delivery of services. Ideally, an e-court should provide “24/7 remote online access to court services, relevant records, and information... audio and videoconferencing capabilities, electronic disclosure, and digital presentation features, together with support for the automated electronic processing of high-volume cases” (Dillon & Beresford, 2014, p. 3). Prior to the COVID-19 pandemic, the farthest the Philippine courts had come in terms of ICT-based service delivery was the digitization of court calendars by providing information kiosks outside courtrooms. All hearings were then held in court; no fully paperless e-filing mechanism existed.

Beginning the first quarter of 2020, the spread of the coronavirus disease 2019 (COVID-19) prompted countries to impose lockdowns and close their borders to international travel. Following the advice of the World Health Organization (2020) regarding the nature and mode of transmission of the COVID-19 virus, governments have imposed the so-called “social distancing” approach, more aptly known as physical distancing, to help contain the spread of the disease (Center for Disease Control and Prevention, 2020). Health protocols (e.g., non-contact temperature checks and wearing of facemasks) and disease management mechanisms (e.g., contact tracing, quarantine, and travel restrictions) were also enforced (Research Institute for Tropical Medicine [RITM], 2020). These measures presented new challenges in managing occupancy in business establishments, government offices, and other public spaces, including courts. After lockdowns, sending employees back to physical offices proves to be challenging as safety concerns have to be considered, such as managing occupancy levels and floor plans, adjusting air ventilation/filtration systems, installing acrylic window barriers in transactional office spaces, procuring non-contact thermometers, and retraining staff and security personnel (Tranel, 2020).

With the emergence of the COVID-19 pandemic, judicial administrators in the Philippines started rethinking the necessity of in-court hearings and paper-based filing of pleadings and other legal submissions due to travel constraints and

health-related threats associated with the traditional in-court litigation. In its guidelines on conducting hearings through videoconferencing, the Supreme Court sought to reduce in-court, person-to-person contact between persons deprived of liberty (PDLs), judges, lawyers, litigants, and court personnel (Administrative Circular 37-2020). Electronic filing of pleadings and court submissions was also implemented (Microsoft Philippines Communications Team, 2020). An in-depth study and review of innovative court administration techniques, such as the e-courts and e-filing system may benefit regulators and court administrators in improving judicial services at the grassroots level.

Drawing from secondary data and case studies from various jurisdictions employing e-courts and e-filing system, this article compares the e-courts and e-filing system in the Philippines before and during the COVID-19 pandemic. The article also discusses selected case studies of international courts and foreign jurisdictions employing e-courts and e-filing systems, which may guide similar applications in the Philippine judiciary. The benefits and challenges in implementing e-courts and e-filing in Philippine trial courts are also discussed in detail. The article concludes that the automation of court processes through the e-court and e-filing system will impact the accessibility of services by the litigating public and the resilience of the judiciary, especially in these trying times. It offers policy recommendations for improving e-court and e-filing systems in Philippine trial courts.

Methodology

Much of the findings presented in this article is culled from a review of secondary data, official documents and reports, jurisprudence and case studies on foreign jurisdictions and international courts that use e-courts and e-filing systems. The article also draws its analysis from related literature on the benefits and challenges involved in the implementation of e-court and e-filing systems. The pace of ICT reform policies related to the establishment of e-court and e-filing systems in the Philippines is analyzed in the light of critical junctures such as the COVID-19 pandemic.

The case study design allowed for in-depth, multi-faceted investigation of complex issues in the practice of judicial administration. The study reviews institutional reforms in the judiciary, particularly in the implementation of e-courts and e-filing systems and its impact on constitutional rights to speedy trial and free access to courts. Consequently, this study makes policy recommendations for future improvements of the e-courts and e-filing system.

e-Court Systems in International and Foreign Courts

Even before the COVID-19 pandemic, international and foreign courts around the world have put in place e-court and e-filing systems. Private businesses, government offices, and court administrators faced logistical burdens and challenges in implementing the system during the pandemic. Nonetheless, COVID-19 ushered in a critical juncture that challenged old ways of doing things and offered a new paradigm for litigation and delivery of legal and judicial services.

International Courts

In 1993, the International Criminal Tribunal for the former Yugoslavia (ICTY) began to devise an e-court to administer evidence submitted by parties involved in the various humanitarian crimes committed during the Yugoslav wars. At that time, most high courts did not have e-courts that broadcast criminal trials, nor did they translate their proceedings to multiple languages. When it held its first trial in 1996, the ICTY had a state-of-the-art courtroom where reporters transcribed proceedings using a software that produces transcripts in real time. Multiple cameras were also installed inside the courtrooms. The confidentiality of the proceedings was protected, having due regard to distressed or protected witnesses, whose faces may be pixelated or voices distorted to prevent reprisals and danger to their security (United Nations International Residual Mechanism for Criminal Tribunals, n.d.).

In the case of United Nations (UN) courts, electronic filing is practiced in first-level courts and appeals tribunals. The United National Appeals Tribunal, the dispute tribunal of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the standing committee of the UN Joint Staff Pension Board (UNJSPB), among others, implement electronic filing of appeals through an e-filing portal system (United Nations Appeals Tribunal, n.d.).

The Permanent Court of Arbitration (PCA), an arbitral tribunal that resolves disputes arising from treaties, international agreements of states-parties, international organizations, and private parties, also allows e-filing in a limited sense. Although submissions are generally done through paper-based filing, electronic submissions are likewise allowed. The court is equipped with electronic databases that can handle submission of voluminous records in complex cases (United Nations Conference on Trade and Development [UNCTAD], 2003).

E-filing is also implemented in international organizations that provide alternative dispute resolution for specialized legal concerns. The World Intellectual Property Organization (WIPO), which provides arbitration, mediation services, and expert determination in settling domestic or cross-border commercial and intellectual property disputes, allows requests for arbitration to be filed through

e-mail or the WIPO Intellectual Property (IP) portal form. The respondents' answers may be filed in the same e-mail format (World Intellectual Property Organization, n.d.). The Singapore International Commercial Court also provides web-based services through online filing of and full access to court submissions, as well as case management through e-mail and SMS reminders, and electronic calendaring and hearing management modules (Singapore International Commercial Court, 2019).

Foreign Courts

By 1997, at least 50 high-technology courtrooms operated in various countries around the world (Schofield & Mason, 2012). In the United States, federal courts have moved to the case management/electronic case files (CM/ECF) system, which facilitates document management. Lawyers may file pleadings, motions, petitions, and exhibits online. Plaintiffs are able to serve defendants via email, especially when a particular defendant cannot be located or reached by standard means. The e-court system allows real-time access to the documents filed. State courts are likewise moving swiftly to this system (Donald & Teeple, 2014). Consequently, more than 31 million cases are on the federal filing system, and more than 320,000 attorneys and others have filed documents in federal court through the internet in 2005. In the same year, some 86,000 cases were eligible for e-filing in the New York state court system, but only a small fraction was actually filed online. In some California courts, however, e-filing is mandatory (Marcus, 2008, pp. 1835-1836).

In South Korea, the integration of ICT to court processes began as early as the 1970s. ICT integration started with a simple information tool for judges on the cases they were handling. The tool later expanded to a case management system in 1986. In the late 1990s to early 2000s, a client-based case management system and judge support system was installed. These systems were later merged into a web-based network to form part of the Korean judicial information system. Subsequently, the Korean Supreme Court added into its e-court system additional features such as digital signatures, public key infrastructure (PKI) and digital certificates. The Korean Supreme Court periodically reviews and recalibrates its court processes through business process reengineering-based information strategic planning (BPR/ISP), ensuring that its e-courts comply with global standards (Chongthammakun, 2014).

Azerbaijan courts also greatly benefited from automation. In a case study by the World Bank Group on Azerbaijan courts, the Azerbaijani judiciary saw between 2012 and 2015 a swelling of cases filed in court from utility companies against defaulting clients. The number of claims rose from 20,964 cases in 2010 to 165,343 cases in 2015. This deluge of cases heavily clogged Azerbaijan's courts. When the judiciary subsequently introduced an automated system for dealing

with cases, more than 16,000 cases had been processed by the end of May 2018. The system's automatic processing of uncontested claims mitigated the inflow of cases and relieved the judges' caseloads. In embracing this automated system, "judges really supported this [system] because they realized it would relieve their workload. They then have much more time to focus on adjudication of simple cases" (Brezovar, as cited in Beschel et al., 2018, p. 138).

E-filing systems are also implemented in some countries in Southeast Asia. Malaysia's e-court system, established in 2011, contains an online calendar of cases that may be accessed by all judicial staff, court officers, and judges. It also maintains a queue management system that ensures the attendance of lawyers in videoconferencing hearings on a first-come, first-served basis. Courts located in geographically isolated or distant states, such as Sabah and Sarawak, conduct trials through videoconferencing to reduce travel costs. Case proceedings are recorded and transcribed electronically. Requesting parties may procure a copy of the recordings in a compact disk (CD) free of charge for subsequent reference, particularly during the appeal stage (Hassan & Mokhtar, 2011). Saman and Haider (2012), in their study on electronic records management system in Malaysia's Shari'a courts, revealed that streamlining IT infrastructure into court processes increased the case disposal rate tremendously. Fifty-eight percent of cases in Shari'a courts were deemed disposed within one month after implementation of e-court systems.

Singapore's e-court and e-filing systems, introduced in 2000, paved the way for a shift from document-centric to case-centric electronic litigation system, particularly in lower courts, such as family courts. In this system, the lawyers draft the court documents and convert them into appropriate formats for uploading into machine-processible information. This approach reduces the time and effort spent in manual data processing. Singapore's e-court system also provides for digital transcription of court records. These records are processed by a third-party vendor, which is paid by courts and litigants (Prakash, 2009).

In Thailand, the government has mandated the implementation of e-court systems that facilitate electronic filing, case management, and litigation (Charmonman & Mongkhonvanit, 2016). As of 2016, two of 240 courts began implementing an e-court system (Jullamon, 2016).

Implementing e-Court Systems in the Philippines

Free access to courts and legal assistance (Sec. 11), as well as the right to speedy trial and/or disposition of cases (Sec. 14), are constitutionally-mandated rights offered to all litigants, persons deprived of liberty (accused), and the public (Art. III, 1987 *Constitution*). In a case decided by the Supreme Court, these

constitutional rights impose “a duty on the judicial branch of the government which can cannot be taken lightly” (*People of the Philippines v. Rio*, 1991, para. 10). These rights need to be safeguarded regardless of socioeconomic status or other circumstances affecting the persons concerned (Batongbacal et al., 2020). Ideally, under Philippine law, cases ought to be decided by our courts within limited time frames. Section 15(1), Article VIII of the 1987 Constitution sets the limit within which cases must be decided by the following courts:

- Supreme Court: 24 months
- Lower collegiate courts (Court of Appeals, Court of Tax Appeals, and the Sandiganbayan): 12 months
- Trial courts (regional and municipal): 3 months

However, case disposition and clearance rates in the Philippines in 2019 indicate delays in court processes and clogging of court dockets (Table 1). These problems undermine public trust in the justice system and deter socioeconomic development (Caparas & Feliciano, 1987). Often, delays are caused by the court’s inability to act in a speedy manner on matters concerning actions filed therein. Caparas and Feliciano (1987) explain these delays as a problem of organization, management and coordination, manifested in poor trial calendar management, piecemeal litigation of issues, sheer laxity by court judges and personnel, delay in judicial writing, and inadequacy of support staff in courts as well as court facilities. Consequently, despite the high incidence of clearance and accomplishment rates of old backlogs in lower courts, the inflow of new cases negatively affects the disposition rate of the courts (Supreme Court, 2019). Based on the data in Table 1, it would appear that the appellate courts, while boasting impressive clearance rates vis-à-vis new cases, have below-average disposition rates for pending cases. On the other hand, and quite inversely, trial courts, while having impressive disposition rates vis-à-vis pending cases, appear to have average to below-average clearance rates for new cases. However, the Supreme Court report does not define what constitutes “new” cases. In 2019, the Supreme Court registered a backlog of 8,746 pending judicial cases, 6,014 newly filed judicial cases, and four reinstated cases, adding to a total of 14,764 cases. Among them, 5,792 cases were disposed of (Supreme Court, 2019). In *GIOS-SAMAR, Inc. v. DOTC* (2019), the Supreme Court admitted to mounting pressures in its backlog of cases, ruling that:

[w]hile reflective deliberation is necessary in the judicial process, there is simply no ample time for it given this Court’s massive caseload. In fact, we are not unaware of the proposals to radically reform the judicial structure in an attempt to relieve the Court of its backlog of cases. Such proposals are, perhaps, borne out of the public’s frustration over the slow pace of decision-making. With respect, however, no overhaul would be necessary if this Court commits to be more judicious with the exercise of its original jurisdiction by strictly implementing the doctrine of hierarchy of courts. (Section II-H, para. 16)

Table 1
Disposition and Clearance Rates of Philippine Courts in 2019

Court	Disposition Rate ^a	Clearance Rate ^b
Supreme Court	39%	96%
Court of Appeals	38%	93%
Court of Tax Appeals	34%	111%
Sandiganbayan	29%	471%
Second-level courts (regional trial courts and Shari'a district courts)	122%	43%
First-level courts (metropolitan trial courts, municipal trial courts, municipal circuit trial courts, and Shari'a circuit courts)	104%	70%
Family courts	104%	42%

^aRate of disposed cases vis-a-vis total number of pending cases
(total case output/total case input x 100)

^bRate of disposed cases vis-a-vis new cases (total case output/new cases x 100)
Source: Supreme Court (2019)

Apart from the inundation of new cases in the trial and appellate courts, several factors also come into play in the clogging of court dockets in the Philippines. Among them is the propensity of Filipinos to pursue litigious actions than amicable settlements elsewhere. Disini et al. (2002) argue that Filipinos, as a people, are litigious in nature. They surmise that:

[t]his perception is based on the heavy case inflow in the first and second level courts, which means a high number of cases filed by parties for the period of 1995 to 2000. Further, losing parties in those cases decided by the lower courts pursue their appeals all the way to the Supreme Court, which accounts for heavy caseload even in the review courts. (Disini et al., 2002, p. 5)

Contributing to the problem of clogged court dockets is the lackadaisical attitude of some court personnel and judges in handling cases. A number of judges and court personnel have been found by the Supreme Court to have violated both the Constitution and the Code of Judicial Conduct when they failed to decide cases and resolve motions within the deadline set by law and the Rules of Court. The Supreme Court considered these failures as gross inefficiency, which warranted administrative sanctions (*OCA v. Judge Garcia-Blanco*, 2006; *Tamondong v. Pasal*, 2017). Moreover, Tadiar (1999) asserts that strict requirements for proof

of service of pleadings, judgments, and other papers to be delivered in physical form, as well as discontent in the country's postal service, are major causes of delay in the litigation of cases.

Pre-Pandemic e-Court System

One of the goals outlined in the Philippine Development Plan (2017-2022) is “pursuing fair and swift administration of justice” (National Economic and Development Authority [NEDA], 2017, p. 79). With this goal in mind, the Philippine government is working to improve civil, criminal, commercial, and administrative justice systems through measures that promote real-time justice (NEDA, 2017).

In recent years, the Philippine government has strived to establish a judicial infrastructure to comprehensively monitor cases as one of its strategies to speed up disposition of cases and decongest court dockets. In 2000, the Supreme Court began implementing the Action Program for Judicial Reform (APJR) to improve court services and de-clog court dockets. This program entailed, among others, the automation of case flow management and monitoring systems for lower courts (Supreme Court, 2008). In 2013, the Supreme Court pilot-tested the first e-court system at the Quezon City Regional Trial Court. Lower courts in Quezon City were tasked to complete the mandatory encoding of all case information to be included in the e-courts project. Judges in these courts were required to suspend court hearings to expedite the mandatory encoding of case information (Office of the Court Administrator Circular No. 52-2013). Later, e-courts were rolled out in the trial courts in the cities of Angeles, Lapu-Lapu, Tacloban, Davao, Cebu, Makati, Pasig and Mandaluyong, such that “by the end of 2016, e-courts were already in place in 287 trial courts handling about 30% of the total caseload of the Philippine court system” (Supreme Court, 2017, p. 6).

The e-court system established by the Supreme Court is meant to organize and control case workflows from filing to implementation. Through this system, judges and court personnel are able to monitor, manage and process cases more efficiently. Court administrators are also able to monitor court performance (National Competitiveness Council, 2015).

In 2016, the Supreme Court vowed to hire 635 court decongestion officers as part of its *Hustisya* project, which seeks to assist courts inundated by heavy caseload. Under the program, the inventory of cases in these courts would be carried out by a team from the Office of the Court Administrator (OCA) with the help of a team from The Asia Foundation. The latter provided additional manpower for manual encoding of case information to the system (Public-Private Partnership Center, 2016).

E-Court System during the Pandemic

As early as 13 March 2020, the Supreme Court formed a task force to monitor the condition of justices, judges, and court personnel as well as the physical courts amid the rising cases of COVID-19 infection and to explore measures to avert the spread of the pandemic (Memorandum Circular No. 26-2020).

In compliance with Administrative Circular No. 26-2020, access to physical courts were limited, such that only persons with official businesses are allowed within court premises and subjected to non-contact thermal scanning. Visitors and court personnel were required to fill up health declaration forms. Frequent sanitation and cleaning of all court premises was directed. Subsequently, Administrative Circular No. 27-2020 ordered hearings to be reset for the disinfection of courts.

With the declaration of the community quarantine on 15 March 2020, all courts in the country operated through a skeleton staff. All justices and judges were put on standby to hear only urgent matters (Administrative Circular No. 30-2020). In line with Administrative Circular No. 31-2020, from 16 March to 15 April 2020, all courts nationwide saw a drastic reduction of operations. All in-court hearings were suspended, except only those that pertain to petitions, motion and pleadings on bail and *habeas corpus*, judgments of acquittals, reliefs by arrested and detained persons during the quarantine period, and other related actions. As of 23 March 2020, all physical courts were shuttered and could only be reached through their respective hotlines, email addresses and Facebook accounts (Administrative Circular No. 32-2020).

Consequently, the importance of paperless e-filing is underscored by the government's policy to prevent the spread of COVID-19 pandemic. While the pre-pandemic e-filing and e-court system was hinged on the need for efficient use of paper and conservation of resources (Administrative Matter No. 11-9-4-SC), the post-pandemic system aimed to protect public health and safety. This system is relatively new, as litigating practitioners, judges, and court personnel are still in the process of adjusting, retraining, and finetuning the system.

By the end of March 2020, the Supreme Court allowed e-filing of criminal complaints and information² together with supporting documents. In deference to the defendants' right to speedy disposition of cases, judges must act within three days from the electronic filing of the complaint or information, which may include (a) dismissing the case outright if the judge finds no probable cause, or (b) issuing commitment orders or warrants of arrest upon finding of probable cause. When in doubt, judges may order the prosecutor to electronically file additional evidence. If there is probable cause and bail is a matter of right, a release order may be approved and electronically transmitted to the court upon submission

of documentary requirements for bail. The order is likewise electronically transmitted to the executive judge, who then orders law enforcement authorities to release the detained person (Administrative Order No. 33-2020).

By way of Administrative Circular No. 37-2020, the Supreme Court ordered the pilot-testing of electronic hearings involving persons deprived of liberty (PDLs) through videoconferencing in selected courts. The videoconferencing approach applies to criminal cases covering all stages of trial, including arraignment, pretrial and bail hearings, trial proper, and promulgation of judgment. During videoconferencing, witnesses need not step into physical witness stands, and may instead testify online (Administrative Circular No. 37-2020). Raffle of cases are likewise made electronically or through videoconferencing (Administrative Circular No. 39-2020; Administrative Circular No. 43-2020).

In a bid to supplement and revise the 1997 *Rules of Civil Procedure* amid the pandemic, the Supreme Court released new amendments, which took effect on 1 May 2020 (Administrative Matter No. 19-10-20-SC). According to the amended rules, filing of pleadings and court submissions in civil cases may also be made electronically. Section 3, Rule 13 states that:

[t]he filing of pleadings and other court submissions shall be made by:

- (a) submitting personally the original thereof, plainly indicated as such, to the court;
- (b) sending them by registered mail;
- (c) sending them by accredited courier; or
- (d) *transmitting them by electronic mail or other electronic means as may be authorized by the Court in places where the court is electronically equipped.*

In the fourth case, the date of electronic transmission shall be considered as the date of filing. [emphasis added]

The new Rules of Court also allowed receipt through electronic means (Section 5, Rule 13), provided that parties consent to electronic service (Section 9, Rule 13). For purposes of determining the completeness of electronic service, the rules prescribe that “at the time of electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent,” the service is deemed complete (Section 15, Rule 15). The court may also issue court orders and notices electronically to all parties. The paper copy of the order or notice may be kept or retained and attached to the records in the court (Section 18, Rule 15).

In courts where a general community quarantine (GCQ) was imposed, appellate courts (e.g., the Courts of Appeals, Sandiganbayan, Court of Tax Appeals and the Supreme Court) started receiving petitions and pleadings filed electronically. Pleadings and court submissions may be electronically transmitted to the concerned trial courts, provided the trial court branch has an official email

address. Otherwise, electronic submissions may be transmitted to the Office of the Clerk of Court, which shall forward said submissions to the concerned branches where cases are pending (Supreme Court Administrative Circular No. 40-2020).

Because of the limited operation of national postal service system, paper-based filings through registered mail were still functional, albeit limited, during the various lockdown periods. With the imposition of enhanced community quarantine (ECQ), employees of the Philippine Postal Corporation (PhilPost) were mandated to operate at a capacity necessary to maintain the prompt delivery of services (Inter-Agency Task Force for the Management of Emerging Infectious Diseases [IATF], 2020a). Thus, PhilPost employees are exempted from the implementation of ECQ, “without prejudice to the requirement of strict social distancing measures in their establishments” (IATF, 2020b, p. 3). In a public advisory dated 6 April 2020, the PhilPost (2020a) announced that delivery post officers are open only three times a week and limited only to four hours of operation a day. Door-to-door delivery service of mails was also limited based on priority (e.g., vital communications, parcels containing medicines, perishable goods, among others). In another public advisory (PhilPost, 2020b), the Philippine Postal Corporation apologized for the temporary delay of deliveries, as it prioritized minimum health standards for its employees and other stakeholders.

Because of the operational limitations in paper-based filings through registered mail and the physical closure of courts, e-filing became a pragmatic alternative to filing of court submissions. During the lockdowns imposed from March to May 2020, and sometime in August of 2020, lawyers and party-litigants were constrained to electronically file pleadings and court submissions. In this way, pleadings were seasonably submitted. When these respective lockdowns were lifted, hard copies of e-filed pleadings may be subsequently filed by the parties-litigants or their lawyers, particularly when required by the court. As a result, case dockets would contain the original copies of pleadings signed by lawyers in fresh ink as well as any attachment/annex consisting of original or certified true copies of documents.

Gleaning from the new Rules of Court and related administrative circulars from the Supreme Court, the e-filing system currently exists side-by-side with, and in addition to, paper-based filing systems (e.g., personal filing, filing through registered mail, and filing through an accredited courier). When physical courts or post offices are temporarily closed, making personal filing or filing by mail impossible, lawyers and party-litigants may resort to e-filing of pleadings.

Despite inclusion of e-filing of pleadings as a mode of filing and its full operationalization during the pandemic, there are some limitations to this approach. In the following instances, paper-based filing remains the primary mode

of filing and service. Section 14, Rule 13 of the new Rules of Court enumerates the types of pleadings and court submissions which may not be subject of e-filing, as follows:

[n]otwithstanding the foregoing, the following orders, pleadings, and other documents *must be served or filed personally or by registered mail when allowed, and shall not be served or filed electronically*, unless express permission is granted by the [c]ourt:

- (a) initiatory pleadings and initial responsive pleadings, such as an answer;
- (b) subpoena, protection orders, and writs;
- (c) appendices and exhibits to motions, or other documents that are not readily amenable to electronic scanning may, at the option of the party filing such, be filed and served conventionally; and
- (d) sealed and confidential documents or records [emphasis added]

The COVID-19 pandemic has likewise allowed courts to rethink the conduct of in-court hearings. Starting 14 May 2020, videoconferencing hearings were allowed in both newly-filed and pending cases (Administrative Circular No. 39-2020). The Supreme Court considered videoconferencing in courts an “initial success.” More than 7,000 videoconferencing hearings were done in a month alone and more than 22,000 PDLs were consequently released during lockdown (Supreme Court of the Philippines Public Information Office, 31 May 2020, “Videoconferencing hearings to continue in GCQ areas”). As such, videoconferencing hearings for both criminal and civil cases were slated to continue during the GCQ period. From 4 May 2020 to 7 August 2020, a total of 47,676 videoconferencing hearings have been conducted by authorized courts. This translates to a success rate of 85% (OCA Circular No. 130-2020). In a circular dated 22 September 2020, the Office of the Court Administrator allowed remote appearance of parties in hearings to continue (OCA Circular No. 158-2020).

Benefits of e-Courts and e-Filing

Efficient Use of Paper and Labor Cost Savings

In the long run, e-court and e-filing systems may facilitate the efficient use of paper and would result in savings that otherwise will be spent procuring paper and printing equipment. For instance, in South Korea, the implementation of an e-court system saved the judiciary USD221 per e-filing. The money saved on e-courts resulted from “reduction in the use of paper, the time spent in court, the need for storage space, as well as easier archiving of documents and a general streamlining of processes and services” (Doing Business, 2014, p. 66).

Moreover, by digitizing and e-filing court records, the cost of hiring judiciary personnel can be considerably reduced. In the United States, the state

of Utah is expected to have gross staff savings amounting to 8% to 16% upon full implementation of the e-courts system (Cunningham, 2015).

Remote Access and Storage to Case Files and Information

With e-courts, litigants and lawyers may easily access court files in real time even on weekends and beyond office hours. E-courts thus reduce the transaction and transportation costs in going to physical courts to follow up on the status of their cases.

In Chicago courts, paper-based filing took five days, while e-filing only took four seconds to accomplish. Associated costs that can be reduced with e-filing also include maintenance of file storage facilities. In the United States, it costs USD360,000 to construct and USD18,000 annually to maintain a 20x60-foot file room. In comparison, a 150-GB hard drive, which has a storage capacity equivalent to 70 file cabinets, only costs less than USD100 (Doing Business, 2014).

Convenience in Filing Pleadings

Ideally, an e-filing system provides 24/7 remote online access to court services, relevant records, and information to all parties. With this technology, law firms and litigants would have seamless, real-time access to their records, ensuring that lawyers can write and file their pleadings anytime, anywhere in the country, as long as they are connected to the internet.

Risks and Stumbling Blocks in e-Courts and e-Filing

When litigating cases, personal information in pleadings and court submissions (e.g., contact numbers, residence address, tax information, and bank account information) may be provided by the parties concerned. Litigating family cases (e.g., annulment of marriage, legal separation, or adoption) includes providing confidential information, such as family history, information pertaining to personal relationships, sexual history, and medical and psychological history. Thus, storing information electronically or online may put the digital privacy of parties-litigants as well as the virtual integrity of the e-court system at risk. Building and maintaining e-courts and e-filing systems also come with infrastructure and manpower requirements.

Infrastructure and Manpower Requirements

Historically, the costs of building e-courts in the United States have been varying (Cunningham, 2015). The functional capacity of an e-court depends on the

caseload of a given court. To defray costs of rolling out and maintaining an e-court system, the Supreme Court may charge lawyers and/or litigants reasonable fees for the maintenance of the system through a secured e-payment portal, as judicial administrators did in other jurisdictions. For instance, in Malaysia, law firms must pay via electronic banking an annual fee for the digital certificate provided by a private outsourced company which maintains the e-court and e-filing system (Hassan & Mokhtar, 2011, p. 242). In Singapore, the e-filing system automates the calculation of e-court-related fees, which may be charged to the law firms' or lawyer's accounts with the system. In doing so, fee payments are cashless and convenient (Prakash, 2009, p. 10). Online payment systems reduce red tape in court cashier offices where the payment of docket fees and other related fees are still largely cash-based. Ultimately, the private and public sector may share in the costs and returns of funding the e-court system.

One of the stumbling blocks to the implementation of e-court technology in the Philippines lies in its internet connectivity. The country is not yet 100% connected to the Internet. In a 2019 survey by the Social Weather Stations (SWS, 2019), a meager 46% of Filipinos have access to the Internet. In rural areas, only 38% of Filipino adults have internet access. Hence, rolling out such a project would require funding the physical and virtual infrastructure that would serve as the backbone of the country's e-court and e-filing system.

With the benefits of streamlined court operations and access to records, on the one hand, and the risks to privacy of private parties, on the other, courts must determine whether public interest may be safeguarded by some other less restrictive measures. Another main issue is the need to constantly upgrade information technology (IT) infrastructure for file storage, sharing, and access. Government institutions, therefore, need to keep the records up to date to provide better services to all litigants, lawyers, and court employees (Hartmann & Steup, 2015).

Digital Privacy of Data and Litigants

Elefant (2000, as cited in Marcus, 2008) observes that sensitive personal information would likewise be easy to access and share together with electronic court files stored in the Internet. Thus, while e-filing allows easy access to court files, there are conceivable intrusions on the litigants' private lives. However, these potential intrusions are negligible, since court records, as a matter of policy, have always been open to the public (Marcus, 2008). Stanfield (1997) suggests that, in managing information through cyber courts, "[t]here is a need for procedures and policies to be put in place to preserve security... guidelines need to be developed for archival and retrieval of such information" (p. 260).

Identity theft of litigants and protecting personal information that may compromise litigants' privacy and reputation is another overarching consideration in the setting up of e-courts. Some pleadings expose the address, contact information, and personal identification numbers (e.g., tax identification number or social security number, credit and debit card numbers) of the litigants. In cases involving personal injury or sex-related offenses, the names, addresses, and contact information of the victims may also be exposed.

Legal safeguards exist to protect personal information from being exposed once they are entered into an e-court system. Practicing lawyers submitting pleadings and documents, as well as judicial administrators, may redact information in the pleadings and supporting documents when these may contain personal information deemed sensitive and confidential.

When legal proceedings concern minors and family cases, Section 12 of Republic Act No. 8369, otherwise known as the *Family Courts Act of 1997*, provides that all proceedings (hearings and conciliation), which necessarily includes pleadings, court submissions, and pieces of evidence filed during these proceedings, are strictly confidential. In *People of the Philippines v. Cabalquinto* (2006), the Supreme Court underscored the confidentiality of the identities of victims and their immediate family members/household members in a sexual abuse case:

the Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well those of their immediate family or household members, shall not be disclosed. (para. 16)

Virtual Integrity of the System

Tan and Ang (2003) explained that the constant threat of hacking besieges the e-government's integrity as an instrument of public policy. These security issues are no different from the issues in commercial establishments in dealing with sensitive trade or client data. Tan and Ang also explained that efforts to make e-government services more secure need to be backed by policy for them to effectively deter or respond to cybercrime and security breaches.

Moving Forward: Litigation and Judicial Management in the New Normal

Due to lockdown and quarantine measures, courts were forced to install remote processes of administering justice. Responding to the health crisis, the Supreme Court instructed all courts to implement work-from-home (WFH)

schemes, skeleton staff arrangements, and measures that sanction e-filing and videoconferencing in lieu of in-court hearings and paper-based filings. It was reported that during the first nine days of pilot videoconferencing hearings, a total of 4,683 PDLs were released. These statistics represented 125% of normal daily release. Six weeks prior to the implementation of the Microsoft 365 in videoconferencing hearings, a total of 9,731 PDLs were also released (Microsoft Philippines Communications Team, 2020).

On 31 May 2020, the Supreme Court Public Information Office (2020) announced that, considering the initial success of videoconferencing hearings, which numbered 7,000 in a month, and more than 22,000 PDLs freed or released during lockdown, videoconferencing hearings were to continue during the implementation of GCQ measures in the Philippines. Any party to a case may request that his/her case be heard through videoconferencing in a proper motion in court. This option is available to both civil and criminal cases.

An examination of the Supreme Court circulars and announcements pertinent to the COVID-19 pandemic would reveal that current judicial policies underscore the interests of public health and safety in implementing the e-filing of pleadings and court submissions as well as videoconferencing of trials. Since the new Rules of Court only added e-filing as one of the modes of filing pleadings and court submissions, paper-based filing still exists along with e-filing. However, as of this writing, the Supreme Court has not yet ordered the reversion to pre-pandemic and non-electronic means of litigation. It can be deduced from this development that e-filing and videoconferencing are part of the new normal in judicial administration.

Batongbacal et al. (2020) recommended solutions for implementing alternative court procedures and alternative approaches for resuming court proceedings, in view of public health and safety during the pandemic. The policy alternatives being recommended by Batongbacal et al. are cumulative, incremental, and progressive policy approaches or actions, which gradually phase out paper-based filing systems towards a completely electronic, cloud-based system.

Amid health and travel-related constraints linked to the pandemic, as well as limited government resources, it is appropriate to roll out policy strategies in layers or tranches, rather than overhaul the system at once. Batongbacal et al. (2020) surmise that a fully automated court system and court process may be ideal. However, it may take years to design and implement a fully functional e-court and e-filing system. Thus, a tier-based approach (i.e., transitioning from short-term to mid-term to long-term approaches) would prove prudent and realistic.

Table 2
Policy Strategies in Resuming Court Proceedings During a Pandemic

Timeline	Approach	Specific Policies
Short-term	Mixed	Current paper-based system + Technology-based measures
Medium-term	Hybrid	Some courts leave paper-based system; some continue + Transitional technology-based system
Long-term	Smart	Overhauling of trial court system towards a fully electronic, cloud-based system

Source: Batongbacal et al. (2020)

The short-term approach focuses on mixing current paper-based filing systems and technology-based measures. Electronic submission of pleadings and other court submissions may be combined with paper-based filings, the latter entailing receipt and storage at holding centers to allow the dissipation of virus particles before examination and processing by court personnel and judges. In the medium term, courts with technological facilities—especially those in city centers and urban areas where broadband internet and cellular data signal are more stable and accessible—may roll out e-court and e-filing systems at full capacity. Meanwhile, courts in far-flung districts and remote areas may still implement paper-based filings and limited in-court hearings, taking note of minimum health standards. In the long run, approaches to filing and hearings may be refitted towards a fully electronic, cloud-based system, using online-based platforms. These changes would necessitate periodical examination and analysis of all judicial and administrative machineries, budgeting, exchange of best practices at the community level, and retraining and reskilling of court personnel and practitioners in line with the new normal (Batongbacal et al., 2020).

It is hoped that e-filing and videoconferencing currently being implemented in Philippine courts will altogether serve as a stepping stone for switching from conventional filing and in-court hearings to completely electronic systems. In minimizing face-to-face interactions and paper-based filing, the COVID-19 pandemic has given public organizations, including the judiciary, the nudge towards partial and, eventually, full operationalization of e-governance in courts. Ultimately, the various methods aimed at redesigning work by which courts perform their functions in the post-pandemic world would have to be patterned from lessons in other organizations and other e-court jurisdictions.

Limitations and Implications for Subsequent Research

This article analyzed secondary data, reports, documents, jurisprudence, and case studies to draw out the benefits and challenges involved in the implementation of e-court and e-filing systems. It traced how Philippine courts recently shifted from paper-based to electronic filing of pleadings and court submissions and videoconferencing in lieu of in-court hearings amid the COVID-19 pandemic. Future research may explore primary data with regard to the effectivity of the post-pandemic e-filing and e-courts systems rolled out recently in the Philippines. These studies may validate whether e-court and e-filing systems helped ease the clogging of court dockets and facilitated hearings. However, with a lack of prior study on the effectivity of the pre-pandemic e-filing system, it may prove difficult to compare the pre- and post-pandemic systems altogether. Since paper-based and electronic filing exist simultaneously at present, future studies may compare data on the number of submissions and disposition/clearance rates according to each method of filing.

Another limitation that may be addressed by further research is the lack of primary data on attitudes, behavior, and motivation of stakeholders with respect to the e-court and e-filing system in the Philippines. Future research may be done to determine levels of acceptability and adjustment to the e-filing system and solicit recommendations and feedback loop mechanisms between judicial administrators, private practitioners, and civil society groups in sharing best practices.

Conclusion

Automation is necessary if the government intends to afford efficient, up-to-date, and paperless service to its citizens. Public policymaking and legislation must be reshaped accordingly to the changing realities in judicial administration in the Philippines. Thus, while automation creates both skepticism and adjustment, most especially to those who are not technology-savvy, the purpose of incorporating ICT in government services is to enable people to safely seek judicial redress or prosecute their cause in a timely manner during the pandemic.

The e-court and e-filing system project may be used to capture basic case information as they are filed and track subsequent documents filed at the trial court level. Several factors may help calibrate and improve in rolling out these systems. While the judiciary may decide to adopt and continue these programs, as it already did with the issuance of the new Rules of Court, clear-cut rules and protocols help provide security and privacy to the litigants, lawyers, and judicial administrators to maintain the integrity of the files and the system from any external breach.

Prior to the COVID-19 pandemic, trial courts have yet to fully operationalize the e-court and e-filing system. Back then, the identified benefits of these systems would have been a mere wish list for the intended stakeholders. Now, with the establishment of post-pandemic e-court and e-filing system, these benefits can slowly be reaped insofar as the ease of litigation and improvement of service delivery in courts are concerned. In this age of digital transformation and in a post-pandemic world, the full automation of court processes influences the fate of the justice system. Ultimately, an efficient, economical, and stable e-court and e-filing system contributes to the future of sound judicial administration in the Philippines, while ensuring the health and safety of all litigants, lawyers, judges, and court personnel.

Endnotes

¹ Sec 2. Publicity of proceedings and records. — The sitting of every court of justice shall be public, but any court may, in its discretion, exclude the public when the evidence to be adduced is of such nature as to require their exclusion in the interest of morality or decency. The records of every court of justice shall be public records and shall be available for the inspection of any interested person, at all proper business hours, under the supervision of the clerk having custody of such records, unless the court shall, in any special case, have forbidden their publicity, in the interest of morality or decency.

² An information is an accusation in writing charging a person with an offense, subscribed by the prosecutor and filed with the court. See Section 4, Rule 110 of the Rules of Court.

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Reflections from Scholars and Practitioners

Implications of the COVID-19 Crisis on the Administration of Philippine Diplomacy

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The COVID-19 pandemic is widely recognized as one of the most important challenges that humanity currently faces. It has had a greater disruptive effect on the world than recent wars and has caused greater social disruption than most upheavals in the modern age with the continuing effects of the pandemic threatening the established order of global governance and international relations. These challenges make clear that Philippine foreign policy is at a crossroads. This article examines the implications of the COVID-19 pandemic on the administration of Philippine diplomacy. It discusses the economic and political impact of the COVID-19 pandemic. The discussion zooms in to how the pandemic affects the foreign service sector. The article concludes with some implications for the administration of Philippine diplomacy.

Keywords: *Philippines, diplomacy, public administration, COVID-19 implications*

The COVID-19 pandemic is widely recognized as one of the most important challenges that humanity currently faces. It has had a greater disruptive effect on the world than recent wars. The continued effects of the global economic and financial crisis of more than a decade ago, combined with the waves of natural disasters linked to climate change, further underscored the need for building resilience across the board. These challenges make clear to the Philippine government that it stands at a crossroads, particularly in terms of its foreign policy. The current foreign policy path may be comfortable because it is familiar. Yet, given recent global trends and developments, it minimizes the probability of the country emerging stronger from the pandemic. This article examines the implications of the COVID-19¹ pandemic on the administration of Philippine diplomacy. It discusses the economic and political impact of the COVID-19 pandemic, particularly in the foreign service sector. The article concludes with some implications for the administration of Philippine diplomacy.

The Impact of the COVID-19 Pandemic

Economic Consequences

The COVID-19 pandemic is still underway, and understanding its effects can be compared to studying an iceberg: some things are obvious, but much more lies unseen beneath the surface. One of the things that we do know is that the COVID iceberg is big. The economic consequences alone are daunting.

The initial supply-side impact to global outputs has now been exacerbated by the demand-side shock as millions around the world lose their main sources of income. Estimates about how much has been spent globally to mitigate the COVID-19 pandemic reflects the ongoing nature of the crisis. The International Monetary Fund (IMF), for example, has estimated the global amount to a staggering USD 12 trillion and growing.² It is generally agreed that what has been spent so far will not avoid a contraction, with the hope that measures will contain the damage to a recession, avoiding an economic depression.

In developing countries, the majority of their populations do not have the social safety nets and other infrastructure needed to protect their most vulnerable. As they struggle to contain the public health emergency, developing countries also endeavor to minimize the economic and social dislocations resulting from the crisis and the Great Shutdown.³ This problem has generated increased fiscal strains for many and the limited fiscal space that they face consequently raises the prospect of a new debt crisis.

As if the prospect of a debt crisis was not bad enough, many sectors of the economy may not have the ability to recover, particularly those that rely on the movement of people and personal contact. These sectors include tourism and travel, as well as the hospitality and food services industries. A further cause for concern is that many of these sectors are important or increasingly important for developing economies. In the Philippines, the erosion of the consumption base combined with the potential losses in remittances are especially worrying. These economic dangers have inspired some countries to turn further inward, erecting barriers to trade and attempting to decouple their economies from others. Paradoxically, the open and interdependent world that helped many countries in their path to development, along with the multilateral institutions that embody it, is suddenly no longer relevant.

This situation is perhaps unsurprising. Research by the United Nations Conference on Trade and Development (UNCTAD) on some of the specifics makes for grim reading. Trade experienced a significant drop, from 7% to 9% compared to 2019. The World Trade Organization (WTO) is slightly less optimistic in their trade estimates, indicating that the fall in world trade will be at least 9.2% in

2020. UNCTAD estimates on investment are equally grim: global foreign direct investment (FDI) flows will decrease 49% percent in 2020, from their 2019 value of USD1.54 trillion. In addition, FDI is projected to decrease by a further 5% to 10% in 2021 with recovery only expected to start in 2022. The Sustainable Development Goals (SDGs), already lagging far behind schedule in their implementation, are now further in question.

Political Impact

In bringing our world to a sudden stop, the COVID-19 pandemic made that most important ingredient for diplomacy—personal contact—a rare commodity. Normalcy has been redefined in terms of distancing and isolation. Existing systemic strains around the world have become more acute, and the already precarious state of the multilateral system has become more complicated and unpredictable. As countries confront the pandemic and seek to protect their own from the worst, the solidarity that has marked the best of multilateralism has come under increasing pressure.

Many noticed, for example, how one country has paralyzed the Appellate Body of the WTO, dealing a severe blow to the multilateral trading system. This erosion of the political will of one of the key players and guarantors of the current system has accelerated the crisis in multilateralism and has resulted in some major international gatherings concluding without tangible outcomes and the withdrawal of major countries from international bodies. Most worryingly, we see a rise in unilateral actions with little or no regard for international mechanisms and commitments.

These failures, even before COVID, are the symptoms of a broader and underlying lack of political will to tackle the big questions of our time in a transparent and inclusive manner. This has aggravated the specter of trade wars and has hampered much-needed international cooperation in crucial areas such as alleviating climate change impacts and addressing the migration crisis. Indeed, this trend also risks further eroding the stability and security prospects around the globe, including the West Philippine Sea, the Korean Peninsula, the Middle East, and Eastern Europe. The erosion of multilateral cooperation may, in turn, magnify the threats from terrorism and cyberattacks, among others.

Further complicating an already confusing panorama is the rise of authoritarianism and populism, forces that have brought the world to the brink time and again in the last century. These events have weakened international cooperation and the tentative progress made in advancing regional integration across the globe. Brexit is a clear example, compounded by the less than stellar collective global response to the COVID crisis.

Implications for Philippine Diplomacy: Policy Considerations

If the Philippines is to weather COVID, it will need to summon its reserves of courage and vision to take a leadership role and guide the subsequent world order towards a direction that will be beneficial for its interests. This calls for leadership of ideas and of action. In particular, the Philippines needs to address three interrelated policy dimensions.

Intellectual Leadership in Promoting a Global Economic System Conducive to Philippine Interests

The first policy dimension that the Philippines needs to address is to actively exercise intellectual leadership in promoting a global economic system that will help advance Philippine national development while maintaining economic security. The Philippines should continue to advocate for a global system that promotes greater fairness and equity. But navigating the treacherous global waters of diplomacy should be based on the pragmatic recognition and pursuit of real geopolitical interests, unhindered by the ideological and historical rifts that have distorted the global discourse on development.

An agenda for post-COVID multilateral policy in the Philippines should therefore include assuring meaningful access to trade, securing value chains for strategic supplies and commodities including food, meaningful participation in international economic decision making and rule-making, and recognizing the long-neglected nexus between international peace and security and development. This agenda calls for actively engaging in various multilateral mechanisms to revitalize key institutions and processes. Specifically, the Philippines should exercise intellectual and political leadership so that its interests on issues such as trade, debt, investment, technology transfer, climate change, and migration are adequately addressed in the various outcomes of multilateral conferences and processes.

Advancing the National Interest through Pragmatic Multilateralism

Exercising intellectual leadership implies a second consideration—proactively using the levers and structures of multilateralism to translate into action the strategic objectives of the country by playing an active leadership role in the various multilateral institutions as well as blocs of countries. This means being more assertive about the right of the Philippines to lead. It must be disconcerting to find that the Philippines, the 12th largest country in the world in terms of population, does not have a seat at the G-20, while smaller countries do. In the post-COVID-19 world, there is no room for an implied historic and inherited role for only some countries to lead and others to follow.

The Philippines needs to leverage and rejuvenate the Global South. Worsening economic realities among developing countries, diverging outlooks and philosophies, and the lack of unifying leadership have eroded the influence and impact of the Non-Aligned Movement (NAM) and the Group of 77 (G-77)⁴ in recent years, to the point that in some crucial negotiations, such as climate change, developing countries speak not with one, but multiple voices.

The post-COVID reality presents an opportunity for the Philippines to take an important leadership role in the renewal of the Global South, enabling the country to build and lead the necessary coalitions to promote a global agenda that will advance its interests. These coalitions should result in a web of multilateral relationships and institutions that can help to constrain larger powers that may pose a challenge to Philippine interests. In doing so, coalitions with like-minded governments, both from the Global North and South, and other stakeholders should be built and nurtured in order to maximize effective action and impact.

Evolving International and Regional Security Arrangements

This leads to the third consideration: using multilateralism to shape institutions, especially in the Philippines, to maximize peace, stability, and prosperity on its terms, influencing the geopolitical balance in the region. Philippine foreign policy, therefore, needs to be examined in generational terms. Many are frustrated by multilateralism because it does not yield instant gratification. Yet its rewards can be more lasting and meaningful. The key is in building relationships and interlocking interests to promote positive behavior and constrain negative actions and tendencies.

Recent events have demonstrated that there is no longer such a thing as guarantor of the global system. There really are no permanent friends or enemies, only permanent interests. The Philippines' relative value to its friends and protectors depends on their understanding of their own interests. It is thus important for the Philippines to re-evaluate its strategic relationships and build the necessary structures that will minimize its dependency while maximizing its continued influence. However, it is likewise important not to create a geopolitical vacuum.

One way to re-evaluate and strengthen relationships with neighboring countries and other institutions is by promoting greater ASEAN integration. This includes establishing regional supply chains to better insulate the region from future shocks and maximize ASEAN's capacity for rapid response for its members when needed. The evolution of ASEAN as a regional economic bloc helps to diminish the gravitational pull of other players.

ASEAN also needs to be more effective as a political bloc, promoting collective peace and security. While, admittedly, the expected benefits from the adoption of the ASEAN charter have not been fully realized, regional and global realities suggest the need for exploring further regional integration.

Further integration should in turn lead to stronger ASEAN cooperation in multilateral forums, such as Asia Pacific Economic Cooperation (APEC), Asia-Europe Meeting (ASEM), and the Forum for East Asia-Latin America Cooperation (FEALAC). The imperatives generated post COVID-19 for a more proactive foreign policy and regional and global leadership open up new opportunities. ASEAN member states will need to consider how the various regional structures can be strengthened, such as the ASEAN Secretariat, to enable it to play a similar role to those in the European Union (EU) or United Nations (UN), notwithstanding the needed reforms in these organizations. For the Philippines to play a key role in transformative leadership in the region, it needs to be conscious of its real place in the world and a public that demands the diplomacy needed to fulfill its national destiny. Philippine diplomacy, and the infrastructure that makes it possible, needs to be aligned towards this goal.

Implications for Philippine Diplomacy: Public Administration Considerations

Philippine diplomacy in favor of the country's needs and interests requires addressing the resulting public administration implications,⁵ specifically the people, culture, and intellectual base of the foreign service.⁶ Formulating policies and initiatives needs to address pressing issues in each of these areas.

The People

An often-repeated observation is that a foreign service represents the best and brightest of its country. It implies that the diplomatic profession retains sufficient prestige and integrity to make the lifelong commitment worthwhile for the best and brightest candidates. Offering incentives and professional opportunities to attract and retain talent, such as career advancement, may help improve job satisfaction and public service motivation, maintaining the sense of mission that attracts people to public service.

In the last few decades, unfortunately, the prestige, direction and sense of mission of foreign service in the Philippines has declined, partly because of challenges prevalent in the civil service, but mainly because of mixed and often conflicting priorities. One of the clear indications of paradigm shift was the move from traditional diplomacy to the protection of overseas Filipino workers (OFWs) catalyzed by the Flor Contemplacion case in the mid-1990s.⁷

An increase in the number of political appointees to foreign service positions also led to the perceived decline of career advancement opportunities, particularly at the senior levels of the foreign service. Remuneration of members of the foreign service remains relatively low, although it has improved in recent years. Directly related to the issue of recruitment into the foreign service, and an important aspect in effective human resource development, is the question: what is the nature of a Philippine diplomat? Should diplomats be specialists or generalists? The prevailing paradigm in the Philippine foreign service is for its diplomats to be generalists.

The generalist approach has some clear advantages. Each officer is assumed to be interchangeable in terms of skills. Organizing large training activities on a broad subject for the staff also reduces the need to invest heavily in several clusters of specialized training. Moreover, guiding personnel along the same career escalator helps minimize the need to plan the development of individual officers with clear specializations. The approach makes human resource management simpler.

However, this approach undermines a key value of diplomats today—to provide context and understanding amid rapid information overload. Assuming that all foreign service officers are interchangeable also ignores the reality that different people have different temperaments and skill sets. For example, what makes a good and compassionate assistance-to-nationals officer is not necessarily what makes a good national security specialist, which often requires realism and dispassionate detachment.

Organizational Culture

Strengthening the organizational culture of the foreign service is also an important consideration. In the case of the Philippine foreign service, institutional pride mitigated against the modest compensation received by Philippine diplomats compared with that received by their foreign counterparts. Institutional pride shaped a sense of responsibility that Philippine diplomats should hold themselves to a higher standard of conduct and achievement. Sadly, this sense seems to have diminished in recent years.

Organizational culture is an essential ingredient for establishing a more assertive and proactive post-COVID-19 Philippine diplomacy. Having a strong organizational culture redounds to the accomplishment of the mission and purpose of the foreign service sector. The intellectual and organizational infrastructure allowing socialization processes inherent in human resource management, such as training, needs to be put in place to guide and transmit a positive organizational culture.

Intellectual Base

An important component of foreign service is its intellectual base. Establishing higher standards of conduct and performance promotes a culture of greater intellectual achievement. Currently, the foreign service mainly relies on conventional thinking and approaches, rather than on scholarship and out-of-the box thinking. A proactive and assertive foreign policy based on leadership of thought and ideas allows foreign service to implement initiatives.

With its current structures and approaches, the Philippine diplomacy is not optimally equipped in terms of training and experience to generate plans and programs that meet present and future needs. Building the requisite intellectual and analytical capacity in the foreign service helps better identify policy options and alternatives, but this exercise will require time. In the meantime, the foreign service needs to engage its key stakeholders to formulate and implement policies that the Philippines deserves and needs.

Making Philippine Diplomacy Fit for Purpose

Bringing together the aforementioned considerations to make Philippine diplomacy fit for purpose will require a significant investment of political will and resources. It would help bridge the gap in domestic initiatives, such as the *Build Build Build Program*, where the governance infrastructure leaves more room for improvement. A pragmatic approach to making Philippine diplomacy more meaningful could begin with reforms in recruitment and human resource management, particularly by determining the foreign service sector's needs for specific skills and capacities. Various areas of specialization that may be considered in recruiting staff may include consular services or assistance to nationals, economic/trade, national security, and multilateral diplomacy, among others. Career paths clearly identifying attractive career opportunities within each specialization should be clearly charted. This strategy would help provide incentives for foreign service employees to choose their respective specializations. The approach would also help in designing more appropriate training initiatives as personnel advance through the ranks.

The foreign service sector may look to the career development and training of military officers as a model. Junior officers in the military typically receive basic skills and leadership training upon entry, as well as specialized training for officers to fulfill their mandated roles. As they progress in their military careers, the junior officers continue to receive mandatory training in their respective areas of specialization to enhance their effectiveness. Field-grade (mid-level) officers receive more advanced leadership and management training. Training of senior and flag ranks takes on a more strategic dimension.

Applying this analogy to the training arm of the foreign service, the Foreign Service Institute (FSI), would mean shifting it from its current character as a course-delivery institution⁸ to one more akin to a diplomatic staff and command college. To be truly an all-of-government institution, FSI should provide holistic and long-term foreign service training for all individuals engaged in foreign service work, including service attaches.

The Department of Foreign Affairs (DFA) and FSI should also collaborate more closely to strengthen institutional culture and memory. One possible innovation would be to establish and adequately resource the position of Department Historian to maintain, promote, and help guide the evolution of Philippine diplomatic history. This could enrich the joint initiatives of DFA and FSI. Maintenance of archives and records in the DFA, which hold significant historical value, should also be improved. Systematizing the management of records and archives will improve institutional memory and strengthen organizational culture.

The interface of FSI with the DFA policy planning office also needs to be strengthened. The FSI's Center for International Relations and Strategic Studies (CIRSS) conducts useful research and analysis. Closer interaction with the DFA policy planning office would facilitate the application of CIRSS's study findings in policy planning and implementation processes.

Foreign service personnel also need to continuously improve their intellectual skills by engaging in scholarly analytical work on Philippine foreign policy. Some foreign services require their diplomats to publish scholarly papers for promotion. Allowing foreign service personnel to undertake sabbatical work in academic institutions and policy think-tanks may help them contribute to scholarly work in foreign service policy. Collaboration with the academe, civil society, and the private sector may likewise help the foreign service field contribute to development across various fields.

Sharing of experience and knowledge can also be nurtured by encouraging foreign service personnel to train and serve in other government departments. This proposal could be far more useful in developing effective senior diplomats than, for example, the current system structured around the Career Minister examinations.⁹

Conclusion

The COVID-19 pandemic continues to bring a mix of new challenges while accelerating many changes that were already previously underway. The crisis highlights the need to transform the global system of governance and

international relations. In particular, the pandemic brings about important implications for Philippine foreign policy, requiring innovations both in the way that foreign policy is seen and implemented in the Philippines.

In turn, the policy implications mentioned earlier indicate the need for Philippine foreign service to respond to the current needs and aspirations of the Filipino people. To do so entails improving recruitment and training of Philippine diplomats, strengthening the organizational culture of the Philippine foreign service, and equipping state institutions with the infrastructure needed to implement foreign service reforms. These measures may contribute to the quality and assertiveness of Philippine diplomacy in a post-COVID world. However, the foreign service is a tool for development. For the tool to be effective, it must be wielded with both skill and wisdom by the nation's political leadership. This will take time and will span several administrations. Nonetheless, such leadership needs to recognize that, ultimately, the future of the foreign service and of Philippine diplomacy lies in the hands of the Filipino people.

Disclaimer

The views expressed in this article are those of the author and do not necessarily reflect those of the United Nations or the UN member states.

Endnotes

¹ The article uses the terms COVID-19 and COVID interchangeably.

² Gaspar, V., Medas, P. Ralyea, J., & Ture, E. (2020, October 14). Fiscal policy for an unprecedented crisis. *IMFBlog*. <https://blogs.imf.org/2020/10/14/fiscal-policy-for-an-unprecedented-crisis/>

³ Indeed, as of the writing of this article in early November 2020, these economic downturns are increasingly looking more like "The Great Shutdowns."

⁴ The NAM and G-77 are the blocs that represent developing countries in the UN. The NAM represents developing countries on political matters, while the G-77 on economic matters.

⁵ There are many other considerations, including the need to address the revitalization of the administration of diplomacy with broader reform of the civil service (which is clearly beyond the scope of this article).

⁶ While "foreign service" usually refers to the personnel of the Department of Foreign Affairs (DFA) assigned overseas, in this paper it shall refer more broadly to the "country team," namely the officers of the DFA and the various attached agencies assigned overseas.

⁷ Flor Contemplacion was an overseas Filipino worker (OFW) convicted of murdering another OFW, Delia Maga, and Nicholas Huang, the son of Maga's employer, in May 1991 in Singapore. Contemplacion was found guilty by the Singaporean court, sentenced to death in January 1993, and executed by hanging on 17 March 1995. The case sparked both domestic and

international indignation over the apparent lack of due process and denial of legal rights that led to Contemplacion's execution. It offers a case for reexamining the competency of Philippine foreign service officials, particularly in providing legal assistance to OFWs.

⁸ Most FSI courses are stand-alone in nature. This shift would require a more holistic vision of continuing training and human resource development.

⁹ The Foreign Service Act, RA 7157, requires that eligible officers undergo an examination for promotion to the rank of Career Minister, i.e., into the ranks of the senior foreign service. The Career Ministers examination has been criticized for favoring officers who have been fortunate to have had a conventional "substantive" trajectory, to the detriment of those who have been involved more in areas such as consular and assistance-to-nationals work. One weakness of the examination is that it is not based on any significant career development or preparatory training.

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Walking on Tightrope: The Challenging Role of Science Advice in Managing the COVID-19 Pandemic in the Philippines¹

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Science advice is an exercise in funambulism. To effectively influence the grand spectacle of politics, science needs to constantly walk on a tightrope, as it carries the weight of objectivity on one hand and the complex, often subjective, demands of the government and public sector on the other. Lean too much on either side and it can easily lose either its credibility in the eyes of the public or its seat in the corridors of power. This struggle is no small feat given that scientists have to “muddle through”—to borrow the words of Charles Lindblom (1959)—a system that is highly bureaucratic and not easily malleable to scientific persuasions. This delicate balancing act is even more critical during major disasters such as the ongoing COVID-19 pandemic. The trail that SARS-COV-2 leaves behind has all the ingredients of a challenging crisis: its impacts are massive and unprecedented, it requires urgent action, and it comes with a good deal of uncertainty. While it is not exactly a black swan event, it is pretty much a major perturbation that makes a perfect ground for science to assert its authority as a provider and arbiter of scientific evidence.

Keywords: *COVID-19, emergency management, scientific application, science advice*

The Philippine government has taken the same tack: put science to task to guide decisions in managing the pandemic. In mid-March, when the government needed to decide whether or not to extend community lockdown in the whole Luzon island, the marching order then from President Rodrigo Duterte was to listen to what the experts had to say. A month later, it would reiterate the same stance as the government invited select external experts—medical doctors and scientists—to formally present their recommendations before the President. In the words of Harry Roque, the official government spokesperson:

Ang magiging basehan ng ating Presidente ay ang rekomendasyon ng IATF, ang rekomendasyon ng mga dalubhasa, at ito po ay magiging base sa siyensiya. (The President's decision will be based on recommendations from the IATF and experts, and it will be based on science.) (Merez, 2020).

The IATF that Roque referred to is the Inter-Agency Task Force for Emerging Infectious Diseases (IATF-EID), the primary supra-body initially mobilized by the government to manage the pandemic. It is not a new organization; it was created in 2014 as a response to the Ebola episode, but it has not been activated until this year.

The IATF itself is headed by the Secretary of the Department of Health (DOH), a frontline science agency currently led by a medical doctor. It is a multi-agency, multi-layered structure with a number of working groups charged with different aspects of the crisis. One such team is the Sub-Technical Working Group (Sub-TWG) on Data Analytics composed of volunteer scientists from the government, academe, and private sector tasked with analyzing epidemiological data.

However, the appropriation of scientific analysis for decisionmaking has not been seamless. The Sub-TWG would later develop a risk matrix that was supposed to guide the designation of areas under different levels of lockdown. Observers—experts and laypeople alike—would soon notice that some low-risk areas were placed under strict lockdown protocols (i.e., the enhanced community quarantine or ECQ). As it turned out, epidemiological trends were just one of the considerations of the IATF's classification. Security and social factors apparently weighed more than the Sub-TWG's risk-based recommendations, indicating how science advice is really just one of the many voices in the policy table.

The government has made other decisions that were clearly not grounded on science or scientific thinking. For instance, one government agency under the IATF has insisted on the installation of barriers for motorcycle riders in spite of transportation experts advising against it for health and safety reasons. At the local level, one governor fought tooth and nail on her refusal to wear face masks and actively promoted the use of steam inhalation locally called "*tuob*" or "*suob*" to prevent infection with nary an evidence to support such claims.

The gravitas of science advice, in spite of what the government claims in public, has been put under closer scrutiny when data-related issues have been discovered by external scientists. The government and its IATF-affiliated experts were quick to defend the errors, albeit not convincingly, rather than admitting a mistake and making the needed correction. This move seeded doubts on the accuracy and truthfulness of evidence being provided by the government and its scientists.

The opprobrium reached its peak when the government and its allied medical experts started selling the narrative that the Philippines was already in the so-called second wave. The public, independent experts, and even other high-ranking members of the IATF quickly rebutted this assertion, pointing to the factual impossibility of three imported cases in January constituting an epidemic wave. In response, the DoH and its allied experts attempted to insist on their storyline by conjuring alternative scenarios and terms that further fanned the public's distrust in the government's overall management of the crisis.

The Philippine experience demonstrated the potential and limitations of science advice in crisis management. We have seen how science can easily fall into a "credibility trap" in crisis situations. This is especially so when scientists themselves become part of a body that calls the shots and would end up defending the position of that agency at all costs.

This situation is not unique to the Philippines. World Bank economist and Nobel Prize awardee Paul Romer cautioned of the same when he appeared before the US House Budget Committee Hearing on Federal Research and Development last 8 July 2020, to wit:

There is an inevitable tendency for an agency that has to make technical decisions to report to the public a version of the facts that supports its decisions. These agencies turn into advocates for specific positions. In the process, they lose their scientific objectivity. (Sec. 4.3)

Our experience also pointed to how science can be a useful tool for communicating risks and influencing behavior. However, the challenge is ensuring that it does not end up sacrificing established scientific facts just to advance a government narrative, especially an erroneous one.

It should be kept in mind that science advice is not etched in stone, as science itself is provisional and not infallible. It is acceptable for science to admit mistakes in light of new or more compelling evidence. Doing otherwise will be detrimental to the integrity of science advice provided to the government, and it will also jeopardize the legitimacy of government actions following such advice. Scientific facts cannot be twisted or bent just to support a particular storyline.

Romer (2020) put forward the need to separate the roles of decisionmaker and fact-finder to protect scientific integrity. He cited the current situation in the US "where agencies that were responsible for difficult real-time decisions that were central to our pandemic response... justified their decisions by presenting the public with a biased or misleading summary of the facts" (Romer, 2020, Sec. 4.3). Like what we have seen in the Philippines, this action can erode the trust of the people on both science and government.

Lastly, we have witnessed the problems of an ad hoc yet closed government science advice structure in the Philippines' response to the pandemic. As per the government press release, members of the aforementioned Sub-TWG were volunteers, mostly scientists who have ongoing projects with the government prior to the pandemic and are constrained by non-disclosure agreements that preclude the open sharing of data, findings, and methodologies. The current system also excluded other experts, including social scientists, who could provide vital additional insights, such as in terms of influencing people's behavior and communicating key messages.

To deal with future perturbations, we need to institutionalize a platform that would allow experts from different disciplines to collectively and independently assess the situation and determine possible solutions. Correcting for the shortcomings of the current IATF Sub-TWG setup and the complete absence of science advice mechanisms in other agencies, including local government units, there is a need for a system that can be activated in times of compound disasters and other complex emergencies like COVID-19. Science advice, after all, must be called upon not only when the disaster is already unfolding, but long before it materializes.

By and large, crisis situations are dominated by competing values that need to be reconciled within a short period of time. Where time is not a luxury, the "paradox of scientific authority" can only be minimized if the mechanism for government science advice is transdisciplinary, transparent, and independent. Science loses its legitimacy the moment it forms a protective, exclusivist silo and becomes subservient to a political objective.

Endnotes

- ¹ Winner, INGSA-Asia Essay Contest 2020, <https://www.ingsa.org/activities/>

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Book Review

Lejano, R. P., Guo, J., Lian, H., & Yin, B. A. 2019. *Phenomenology of Institutions: Relationality and Governance in China and Beyond*. Routledge Press. 162 pages.

A Phenomenology of Institutions: Relationality and Governance in China and Beyond

The book, *A Phenomenology of Institutions: Relationality and Governance in China and Beyond*, is an offshoot of *Frameworks for Policy Analysis*, a book first published by the Tsinghua University Press in 2006. *A Phenomenology of Institutions* initially describes some concepts in institution studies. But, reading on, one realizes that the book does not follow the style and thinking of Douglass North and Elinor Ostrom, who examined institutions as a set of rules, nor is it simply about lines of authority typical of the Weberian tradition.

At a deeper level, the work of Lejano et al. highlights the relational dimension of institutions. This relationality refers to patterns of action that evolve as responses to the daily interchange among policy actors. Further rationalizing the relationality concept, the book distills and muses on grand decisions or actions that take new routes due to or under emerging unique institutional conditions by actors. When policymakers encounter challenging points on the ground, one finds and examines the rationality of decisions and policies relative to the realities. In other words, institutions operate as a response to the prevailing need and conditions on the ground. The institutional life discussed in the book breathes and kicks.

To elucidate the phenomenological character of institutions, the book picks up some cases in China that illustrate the realities and challenge the concept and workings of institutions. Case method is one approach adopted by the authors as a way to argue its relationality concept. Cases are the best evidence to argue for the relational institutions' performance and action. One case elucidates how institutions operate and cope with realities in an area under Chinese rural land reform in Chengdu. Another case discusses work among environment-oriented non-government organizations in Yunnan and Jiangsu. Both cases point out what environmental changes are emerging and how institutions take shape to respond and adapt to these changes.

The usual notion is that institutions entail repeatable patterns of action with regard to an organization's or agency's legal structures, documentation habits, and practices. The cases in the book draw out the larger landscape of

the institutions, such as modernization in general, the so-called “socialism with Chinese characteristics,” modernization of government system, social market economy, challenges of democratic politics, harmonious society, and ecological progress and challenges, among others. In other words, the shape and conduct of institutions as set rules were examined in light of change, as shown in the cases presented in the book.

Beyond merely emphasizing the normative principles of institutions as most Western authors do, the book offers an interesting angle to illustrate how institutions respond and adapt to the changing conditions external to them. The cases cited by the authors offer an evidence-based perspective on institutions.

The hermeneutics of the institution stand out—the culture, the material and whatever else that falls under the so-called *locale*, which defines specific time and space. These elements are vital influences that shape the institutions. Hermeneutics—the culture, the warm and living elements of institutions—is often neglected by many institutional studies. However, they ultimately prove to be crucial and decisive in determining the success or failure of institutional performance. This is especially true in the Oriental and non-Western contexts. In fact, some thoughtful scholars say “institutions can only be as good as the people and the culture that pervade the institution.”

The book does not highlight or affirm the normative principles and definition of institutions, but neither does it absolutely defy the norms of institutions as defined by the West. It articulates the Chinese notion of phenomenological, evolving institutions and the search for a new path to the concept of institutional life. The descriptive approach unravels the complexity of the interface between the institution and the locale, and allows the free flow of the adaptation and course of action taken by institutions influenced by external factors. The institutional adaptation and dynamism relative to the external factors, and the consequential emergent decision, is itself the institutional life.

The book offers another way of looking at institutions and another approach to institutional studies. The framework highlights a concept and discourse that is textured and cognizant of specific characteristics of institutions, offbeat from the usual Western normative perspective on institutional studies.

The comparability between the Confucian and the Western notions of institution is an added value. The comparison is an interesting contribution of the authors to institutional studies.

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2020
Author-Title Index
Vol. 64, Nos. 1 & 2

- Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.
- Bautista, Miguel R., Implications of the COVID-19 crisis on the administration of Philippine diplomacy, 152-162.
- Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.
- Berse, Kristoffer B., Walking on a tightrope: the challenging role of science advice in managing the COVID-19 pandemic in the Philippines, 163-167.
- Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.
- Co, Edna E. A., A phenomenology of institutions: relationality and governance in China and beyond [review of], 168-170.
- Lantin, Ma. Loren Josephine O., Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.
- Ng, Anne Clarice L., Building policy capacity of local governments for big data applications in public transportation, 1-34.
- Perez, Revka E., Building policy capacity of local governments for big data applications in public transportation, 1-34.
- Rosario, Mamer S., Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-89.
- Tiglao, Noriel Christopher C., Building policy capacity of local governments for big data applications in public transportation, 1-34.
- Villanueva, John Emmanuel B., Political dynasties and human development investments: evidence of linkage from Rizal Province, Philippines, 90-126.

2020
Subject Index
Vol. 64, Nos. 1 & 2

BIG DATA

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

BIRTH CONTROL – GOVERNMENT POLICY

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

BOOK REVIEWS

Co, Edna E. A., A phenomenology of institutions: relationality and governance in China and beyond [review of], 168-170.

CHINA – POLITICS AND GOVERNMENT

Co, Edna E. A., A phenomenology of institutions: relationality and governance in China and beyond [review of], 168-170.

COVID-19 – EMERGENCY MANAGEMENT

Bautista, Miguel R., Implications of the COVID-19 crisis on the administration of Philippine diplomacy, 152-162.

Berse, Kristoffer B., Walking on a tightrope: the challenging role of science advice in managing the COVID-19 pandemic in the Philippines, 163-167.

Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.

COVID-19 – ECONOMIC ASPECT

Bautista, Miguel R., Implications of the COVID-19 crisis on the administration of Philippine diplomacy, 152-162.

COVID-19 – SCIENTIFIC APPLICATION

Berse, Kristoffer B., Walking on a tightrope: the challenging role of science advice in managing the COVID-19 pandemic in the Philippines, 163-167.

COVID-19 TESTING

Berse, Kristoffer B., Walking on a tightrope: the challenging role of science advice in managing the COVID-19 pandemic in the Philippines, 163-167.

DIPLOMATIC RELATIONS

Bautista, Miguel R., Implications of the COVID-19 crisis on the administration of Philippine diplomacy, 152-162.

ELECTRONIC GOVERNMENT INFORMATION

Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.

FAMILY PLANNING

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

HEALTH CARE DELIVERY

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

HOUSING POLICY

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

INFORMAL SETTLER FAMILIES (ISF)

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

INFORMAL SETTLEMENTS

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

INTERNET IN PUBLIC ADMINISTRATION

Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.

JUDICIAL PROCESS – ELECTRONIC SERVICES

Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.

JUDICIAL PROCESS – INTERNET USE

Caniban, Mark Darryl A., Tilting the scales in favor of e-justice: Philippine e-courts and the e-filing system in the post-pandemic world, 127-151.

LOCAL GOVERNMENT – RIZAL (PROVINCE)

Villanueva, John Emmanuel B., Political dynasties and human development investments: evidence of linkage from Rizal Province, Philippines, 90-126.

LOCAL GOVERNMENT – TRANSPORTATION MANAGEMENT

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

MEDICAL POLICY

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

ORTHOPEDIC IMPLANTS

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

ORTHOPEDIC SURGERY

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

PHILIPPINES – FOREIGN RELATIONS ADMINISTRATION

Bautista, Miguel R., Implications of the COVID-19 crisis on the administration of Philippine diplomacy, 152-162.

PHILIPPINES – POLITICS AND GOVERNMENT

Villanueva, John Emmanuel B., Political dynasties and human development investments: evidence of linkage from Rizal Province, Philippines, 90-126.

POLITICAL DYNASTIES

Villanueva, John Emmanuel B., Political dynasties and human development investments: evidence of linkage from Rizal Province, Philippines, 90-126.

POLITICS AND GOVERNMENT – RIZAL (PROVINCE)

Villanueva, John Emmanuel B., Political dynasties and human development investments: evidence of linkage from Rizal Province, Philippines, 90-126.

POPULATION – INTERNATIONAL COOPERATION

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

POPULATION POLICY

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

PUBLIC ADMINISTRATION – CHINA

Co, Edna E. A., A phenomenology of institutions: relationality and governance in China and beyond [review of], 168-170.

PUBLIC HOUSING – SOCIAL ASPECTS

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

PUBLIC HOUSING PLANNING AND DEVELOPMENT

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

REPRODUCTIVE HEALTH LAWS

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

REPUBLIC ACT 10354

Alviar, Nicomedes B., Domestic policymaking in a globalizing world: the relevance of international factors as context to the Reproductive Health Law (Republic Act 10354), 35-48.

SETTLERS

Bautista, Teodoro Lloydon C., Effects of collective leadership on community resilience of relocated informal settlers, 49-68.

SIGN FRACTURE CARE INTERNATIONAL

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

TRAFFIC ENGINEERING

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

TRAFFIC ENGINEERING – PASIG CITY

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

TRANSPORTATION – COMPUTER NETWORK RESOURCES

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

TRANSPORTATION MANAGEMENT SYSTEMS – PASIG CITY

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

TRANSPORTATION POLICY

Ng, Anne Clarice L.; Perez, Revka E.; Tiglao, Noriel Christopher C. Building policy capacity of local governments for big data applications in public transportation, 1-34.

TREATMENT OF FRACTURES

Rosario, Mamer S.; Lantin, Ma. Loren Josephine O. Towards a more efficient fracture care delivery by a public tertiary facility in the Philippines, 69-86.

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