

Bongbong Marcos in Legal Clear to Take Philippine Presidency

Election commission hands son of ex-dictator a victory in striking down a petition to cancel his candidacy for moral turpitude

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The [arrest of an octogenarian](#) Filipino over the alleged theft of 10 kilograms of mangos provoked national outrage throughout the week, further highlighting the Philippines’ broken justice system. Mug shots of Leonardo “Narding” Flores, an 80-year-old man from the northern province of Pangasinan, who was detained for almost a week, went viral online.

Flores insisted that the mangoes were picked from a tree he planted himself, yet he still offered to pay the complainant, a neighbor, for the mangoes in order to avoid arrest. Nevertheless, police officers still dragged him to the precinct, insisting that he should first pay the 6,000 pesos (US\$120) bail money if he wants to avoid detention.

The episode, which saw police officers subjecting an octogenarian to humiliating conditions, drew widespread sympathy from across the country, as netizens offered to cover the bail money and sue the law enforcers for what is perceived as a disproportionate response to a seemingly trivial dispute.

More significantly, the incident also rekindled simmering public outrage over the impunity of convicted plunders, chief among them the Marcoses, who have been accused of [embezzling up to US\\$10 billion](#) during the dark days of dictatorship in the Philippines.

Former First Lady Imelda [Marcos began to trend online](#), as netizens pointed out her freedom [despite a 2018 conviction](#) on corruption charges.

“Imelda Marcos was convicted guilty of 7 counts of graft in 2018 but has never seen a day in jail. She was sentenced to a minimum of 42 years in prison but was deemed ‘too

old' to keep behind bars. Get lost with your selective justice. This is not fair at all," a netizen lamented online.

Former Philippine Police Chief Oscar Albayalde tried to justify the non-arrest of Imelda Marcos by arguing, "In any arrest or anybody for that matter, that has to be taken into consideration, the health, the age..." Years earlier, **Juan Ponce Enrile**, a former senator and Marcos crony accused of widespread corruption, [was also released from](#) jail due to his old age.

But many fear that the crisis of impunity is about to get far worse in the Philippines. On Monday, the Commission on Elections (Comelec) handed the scion of the Marcos family, **Ferdinand "Bongbong" Marcos Jr.** [a major victory](#) after striking down a petition to cancel his certificate of candidacy (CoC). The ex-dictator's son has thus cleared a major hurdle in his bid to reclaim the presidency for his family.



Ferdinand Marcos and his family including Bongbong Jr (right) at his second inauguration as Philippine president. Photo: Wikimedia Commons

In July 1995, a regional trial [court convicted Marcos Jr.](#) of failure to file and pay income tax returns between the years 1982 to 1985, when he was a government official during his father's dictatorship.

The former strongman's son was sentenced to seven years in prison and ordered to pay fines for several counts of violation of the National Internal Revenue Code. But when the Marcos' camp appealed the decision, the Philippine Court of Appeals (CA) upheld the

conviction but inexplicably modified the penalty, thus removing any prison terms and merely seeking fines.

So far, however, there [is no evidence](#) that Marcos Jr even bothered to pay the fines, yet he managed to run for and occupy multiple government positions, including governor of the northern province of Ilocos as well as Senator of the republic, throughout the subsequent decades.

Having narrowly lost the vice-presidential race in 2016, Marcos Jr is now the clear frontrunner to replace current president **Rodrigo Duterte**.

Since he expressed his bid for the presidency last year, various civic groups, including several human rights victims of the Marcos dictatorship period, have filed as many [as five petitions](#) to prevent the return of the notorious family to the Malacañang presidential palace.

In general, the petitions have been divided into two categories. A majority call for disqualification of Marcos Jr's presidential bid based on his prior conviction.

A disqualification, however, still provides the opportunity for Marcos to be replaced by a family member, either his sister, Imee, or mother, Imelda, both of whom also meet the basic requirements for a presidential candidate. It also leaves room for Marcos Jr to run for other offices in other election cycles.

But one of the petitions called for the full cancellation of Marcos' COC based on [charges of "moral turpitude"](#) and his alleged intention to deceive election authorities in the filing of his candidacy.

A cancellation of COC leaves no room for replacement by any family member. But on Monday (January 17), the 2nd Division of Comelec released a lengthy [32-page decision](#), which [heavily favored](#) the Marcoses.

"Respondent cannot be said to have deliberately attempted to mislead, misinform, or hide a fact which would otherwise render him ineligible," said the ruling.

The Comelec 2nd Division, which is packed with Duterte appointees, effectively regurgitated the Marcos' camp's argument in its ruling by stating that the Court of Appeals' (CA) amended decision in 1997 "did not categorically hold that respondent is convicted of a crime involving moral turpitude nor did it positively pronounce that respondent is meted with the penalty of imprisonment of more than 18 months."

The petitioners, however, argued that the CA did not have to spell out the implication of its conviction against Marcos Jr. But the Comelec 2nd Division insisted that "there is likewise no definitive declaration by the said decision that herein respondent is perpetually disqualified from holding public office."

One of the commissioners, a Duterte appointee and the incumbent's former fraternity comrade, even released a separate seven-page opinion to further flesh out the favorable ruling for the Marcos camp.

"Since the decision dated October 31 [1997] of the Court of Appeals did not expressly impose the penalty of perpetual disqualification to hold public office in convicting

respondent Marcos Jr, such penalty is not deemed written into or considered part of the final judgment of conviction of respondent Marcos Jr,” commissioner **Antonio Kho** argued.

To some critics, the election body was now effectively lawyering for the Marcoses. The triumphant Marcos camp thanked the Comelec for “upholding the law and the right of every bona fide candidate like Bongbong Marcos to run for public office free from any form of harassment and discrimination.”



Image on the right: Philippine President Rodrigo Duterte and his daughter Sara Duterte. Image: Twitter

Meanwhile, the Comelec’s 1st Division, which counts more independent-minded commissioners among its ranks and was widely expected to release its decision that day on the more palatable disqualification petitions, was mysteriously silent.

Yet few are holding their breath. Next month, [three of the senior](#) Comelec officials, including Aquino-era commissioner appointees **Sheriff Abas** (current chair) and **Rowena Guanzon**, are set to retire.

This means the election body will be entirely packed with Duterte-appointees for the bulk of the formal election campaign, which kicks off next month. The presidential election will be held on May 9.

And even if Comelec rules in favor of any of the disqualification petitions, the Philippine Supreme Court, which has rarely opposed the populist incumbent and is similarly [packed with Duterte appointees](#), will have the final say on the fate of Marcos’ presidential bid.

In a country where the rich and powerful enjoy rampant impunity, it’s doubtful that either the Comelec or the courts will dare to go against the Marcoses.

That’s especially true when the ex-dictator’s son is so dominant in opinion surveys and enjoys the [support of powerful blocs](#), including former presidents **Gloria Arroyo** and **Joseph Estrada** as well as presidential daughter **Sara Duterte**, who is running for the vice-presidency.

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