

TALISIK

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ABOUT THE COVER

The cover illustrates the plurality and attributes of contemporary culture. The map illustrates the plurality of ideas discussed in this issue, while the words that compose the map represent the different attributes of contemporary culture from which each contribution critically engages with. TALISIK, as an undergraduate journal of philosophy, aims to contribute to existing discourses and exchange of ideas particularly concerning the contemporary world.

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Layout by Mr. Timothy John C. Santiago

ABOUT THE JOURNAL

TALISIK: An Undergraduate Journal of Philosophy is the official publication and research arm of the BA Philosophy Program of the Faculty of Arts and Letters - University of Santo Tomas. It aims to foster a research culture among undergraduate students of Philosophy. As a research platform primarily for undergraduate philosophy students in the Philippines, the journal seeks to publish articles across the whole range of philosophical topics, but with special emphasis on the following subject strands:

Anglo-American Philosophy

Aristotelian-Thomistic Philosophy and Scholasticism

Continental European Philosophy

Contemporary philosophical issues and trends

Feminism and Postcolonial Theory

Filipino Philosophy

Oriental Thought and East-West Comparative Philosophy

TALISIK is a Filipino word. It is a contraction of “Talas” [Keeness] and “Saliksik” [Search]. **TALISIK** then means “Katalasan ng isip na umunawa ng anuman” [Keeness of the mind to understand anything] and “Malaliman at matalinong pagdalumat sa kahulugan ng anuman” [In-depth and intelligent search for the meaning of anything]. Based on the definition of **TALISIK**, the Editorial Board intends to demonstrate the acumen of undergraduate students of philosophy through their research undertakings. The journal primarily caters to the works of the UST undergraduate students of philosophy and welcomes contributions from other fields and institutions. Today, the organization also envisions expanding its academic channels not only through publication but also with discursive spaces that will allow curiosity and polemical research to develop.

TALISIK publishes issues annually.

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LETTER FROM THE EDITORIAL BOARD

The metaphor of the ‘ivory tower’ is commonly linked to the academia particularly to that of philosophy. Philosophy is believed to be withdrawn from the public, forming beliefs and ideas that are metaphysical, abstract, and speculative that they become obsolete in the *real* world. Simply, philosophy is accused of being overly theoretical without corresponding praxis. A notion that is rather arbitrary and misleading. While this metaphor is not necessarily an accurate description of philosophy, it does offer a chance for retrospection against philosophy’s tendency to overindulge in theories and overlook cultural and socio-political issues in favor of more abstract concepts.

With this, TALISIK sought to contribute to existing discourses and exchange of ideas concerning the contemporary world: the issues and difficulties it is facing. Thus, the editorial team is pleased to announce that the present volume consists of two journal articles, one Agora: Free Paper, and one book review that passed the rigorous review process of TALISIK. The papers focused on variegated themes that ranged from socio-political philosophy, Filipino philosophy, philosophy for children, and philosophy of religion. Firstly, Bryan Patrick Garcia’s article critically explores the effects of social media and the pandemic on individuals from the perspective of Byung-Chul Han and his notion of achievement society. Secondly, Carla Jane Zitazate’s work attempts to provide an ethical analysis of regional voting using Mercado’s philosophy of *sakop* as an effort to anticipate the result of the 2022 Philippine elections. Then, Kaira Milleen Catacutan’s Agora: Free Paper offers a distinction between legalist and legal pragmatist’s interpretation of the ‘best interest of children’ using the perspective of Onora O’Neill in the *Concepcion v. Court of Appeals*. Finally, Justin Sean Luis Canaria’s book review sympathizes with Reimer’s discussion of the truth behind contemporary practices of contraception.

We, the Editorial Board of TALISIK 2022-2023, present this current volume as our contribution to existing discourses on contemporary issues and concerns. The present volume would not be possible without the people behind this publication. We convey our sincerest gratitude to the guidance of our mentors, namely, Ms. Paula Nicole C. Eugenio, MA and Mr. Jessie Joshua Z. Lino, MA as well as to the previous Editorial Board of 2020-2022 for supporting us all throughout the review process. We would also like to thank the advisory board of the journal particularly Prof. Paolo Bolaños, Ph.D., Prof. Jovito V. Cariño, Ph.D., and Assoc. Prof. Roland Theuas D. Pada, Ph.D. whose passion and dedication to philosophy has constantly inspired the editorial team to continue this project that enables critical thinking and promoting the culture of research and writing. Most importantly, we thank all the reviewers for extending their time and expertise to ensure the quality of this journal and we wish to congratulate all the contributors whose works are not published. Lastly, the Editor-in-Chief would like to thank Mr. Anton Heinrich L. Rennesland, Ph.D. Cand. for being ‘one call away’ in assisting us for the betterment of the journal; to Ms. Mariefe B. Cruz for assisting us in the technical editing of an article; to our department chair Assoc. Prof. Marella Ada M. Bolaños, Ph.D. for her constant support; to Timothy John C. Santiago for his encouragement and assistance in designing this publication year’s cover; and to the hard work of the whole editorial team, Mr. Bryan Patrick Garcia, Mr. John Aaron Gabriel M. Borlas, Ms. Phoebe Cyrill Zuleika Cuachon, and Mr. Lian Benjamin P. Lim.

In connection with the previous discussion, Hannah Arendt provides a description of this problem in the academe in her differentiation of *vita activa* and *vita contemplativa*, a seemingly contrasting ways of life. While the former is concerned with the ‘active engagement’ with the world, the latter is concerned

in ‘understanding’ the world. However, Arendt asserts that action and contemplation can co-exist, working together to promote human flourishing and to make life more meaningful. Each contribution in the paper discusses socio-political conditions of contemporary society such as in the issues on social media and the COVID pandemic, regional voting and Philippine elections, Rights of Children, and contraception. These contemporary issues are the result of the ‘active engagement’ in the world, and philosophy’s attempt to discuss and analyze them exhibit *vita contemplativa*’s understanding of the world. While Arendt focuses on the *vita activa* because it directly engages with the world, the role of the *vita contemplativa* cannot be overlooked as it provides value to these activities. Without contemplation, any human activities become mere mechanical—without thought. In this sense, philosophy makes sense of our activities, that is, it makes our actions intentional and worthwhile. Therefore, this year’s publication is a testament that philosophy is neither withdrawn from the public nor overlooks issues in contemporary society—that philosophy’s place in the ‘ivory tower’ is misleading. For no philosophical endeavor will ensue nor even persist when every philosophical idea is not in cooperation with the conditions set forth by society.

The Editorial Board 2022-2023

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TALISIK: An Undergraduate Journal of Philosophy

Volume 9, Number 1 August 2022

Articles

- 1** BRYAN PATRICK B. GARCIA
The Negative Power of Positivity: Achievement Society, Social Media, and the Pandemic
- 12** CARLA JANE C. ZITAZATE
Rehiyonal na Pagboto sa Filipinas: Isang Etikal na Pagsusuri Gamit ang Pilosopiya ng Sakop ni Leonardo Mercado

AGORA: Free Papers

- 26** KAIRA MILLEEN CATA CUTAN
Legalism and Legal Pragmatism: Concepcion v. Court of Appeals and the Rights of (Legitimate) Children

Book Review

- 33** JUSTIN SEAN LUIS M. CANARIA
Reimers, Adrian J., *The Good is Love: The Body and Human Acts in Humanae Vitae and John Paul II*

The Negative Power of Positivity: Achievement Society, Social Media, and the Pandemic

Bryan Patrick B. Garcia

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Abstract: The study focuses its lens on achievement society and the achievement-subject. The study aims to understand the negative effects of social media on the individual through the positivity of achievement society. It is a different path of analysis on two relevant and heavily researched issues, social media and mental health, strongly influenced by a philosophical lens. Furthermore, this paper also intends to answer the question: “How does modern-day social media shape the achievement-subject, especially in the context of the COVID-19 pandemic?” The paper begins with an analysis on achievement society and contrasts it with Michel Foucault’s disciplinary society. I do this by explicating Michel Foucault’s conception of disciplinary society and Han’s method of distinction by accentuating the modal verb of compulsion such as “may not” and “should” contra the positivized verb of “can” found in achievement societies. Using psychoanalytic concepts of the super-ego and its positivized version, the ego-ideal, Han borrowed from Sigmund Freud, the obedience-subject and achievement-subject of disciplinary and achievement society, respectively, are explored. Focus is then shifted to a discussion of the impacts of social media and its capitalization of positivized spaces on the achievement-subject and how achievement society utilizes the romanticization of overwork and exploitation as a means of furthering the productivity of achievement-subjects and in reinforcing the neoliberal paradigm in the socio-political and economic landscape. These are further related to the ideas of Mark Fisher in his elaboration of reflexive impotence by citing a few examples. The study then takes a brief detour to revisit how Byung-Chul Han’s conception of the achievement-subject compares to Karl Marx’s theory of alienation, and how Han’s theory rethinks the Marxian notion of alienation. Lastly, the study posits that social media in achievement society negatively affects people through the positivity it proliferates and leads to achievement-subjects exploiting themselves in the name of productivity and achievement and those who are pressured or expected to be productive tend to face exhaustive depression. The study contextualizes its discussions within the COVID-19 pandemic.

Keywords: *disciplinary society, achievement society, obedience-subject, achievement-subject, social media*

Introduction

The COVID-19 pandemic has been raging for more than two years now. Two years since schools have been closed and work-from-home setups have been implemented. During this time, the world has surely seen a dramatic shift in how things move and act. Social distancing measures, vaccine mandates, and the like have all been part of the “new normal”. Even in this momentous shift in our society, there have been things that remained, in spite of the pandemic.

Neoliberal policies, the doctrine of efficiency in production, and the general crisis of capitalism still linger. The efficiency of production amid the pandemic has inspired the general direction of my paper. This notion of efficiency is further enforced by what Byung-Chul Han calls “achievement society”, wherein the negativity of Foucault’s disciplinary society is replaced with positivity. In other words, modal verbs of negativity and compulsion such as *may not* and *should* are replaced with the positive *can*.¹ In an achievement society, what Han calls achievement-subjects are made to engage in self-exploitation in order to achieve something. As Han writes about the achievement-subject: “...the contemporary achievement-subject [is] inflicting violence on, and waging war with, itself.”² In the times of home quarantines and lockdowns, the effects of achievement society can be observed and analyzed.

Hence, the study aims to understand the negative effects of social media on the individual through the positivity of achievement society. Furthermore, this paper also intends to answer the question: “*How does modern-day social media shape the achievement-subject, especially in the context of the COVID-19 pandemic?*”. This study mainly uses Byung-Chul Han’s analysis of achievement society and the achievement-subject in his book *The Burnout Society*. The paper begins with an analysis on achievement society and contrasts it with Michel Foucault’s disciplinary society. I do this by explicating Michel Foucault’s conception of disciplinary society and Han’s method of distinction by accentuating the modal verb of compulsion such as “*may not*” and “*should*” contra the positivized verb of “*can*” found in achievement societies. Using psychoanalytic concepts of the super-ego and its positivized version, the ego-ideal, Han borrowed the obedience-subject and achievement-subject of disciplinary and achievement society from Sigmund Freud. The latter, respectively, are to be explored. The focus of the paper is then shifted to a discussion of (1) the impacts of social media and its capitalization of positivized spaces on the achievement-subject, (2) and how achievement society utilizes the romanticization of overwork and exploitation as a means of encouraging the productivity of achievement-subjects and reinforcing the neoliberal paradigm in the socio-political and economic landscape. These are further related to the ideas of Mark Fisher in his elaboration of *reflexive impotence* by citing a few examples. The study then takes a brief detour to revisit how Byung-Chul Han’s conception of the achievement-subject compares to Karl Marx’s theory of alienation, particularly how Han’s theory rethinks the Marxian notion of alienation. Lastly, the study posits that social media in achievement society negatively affects people through the positivity it proliferates because it leads achievement-subjects to exploit themselves in the name of productivity and achievement. Thus, those who are pressured or expected to be productive tend to face exhaustive depression. The study, however, contextualizes its discussions to only be within the COVID-19 pandemic.

Disciplinary Society and Achievement Society

Gilles Deleuze once claimed and credited Michel Foucault for locating what is known as a *disciplinary society* which is characterized by its ability to “organize vast spaces of enclosure” where an individual relentlessly passes through different spaces of enclosure, and people are compared to prisoners.³ Furthermore, a disciplinary society is aimed at making its systemic elements docile and

¹ Byung-Chul Han, *The Burnout Society*, trans. Erik Butler (Stanford, California: Stanford University Press, 2015), 8.

² Han, *The Burnout Society*, 35.

³ Gilles Deleuze, “Postscript on the Societies of Control,” *October* 59, Winter (1992): 3.

useful at the same time.⁴ The “discipline” in disciplinary society has two images. According to Foucault, the first image consists of the discipline-blockade which is “on the edges of society” and has a negative function.⁵ The other image is called the discipline-mechanism which “improve(s) the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion for a society to come.”⁶ Looking at how disciplinary society is characterized, the following elements can be observed: enclosure, compulsion, and negativity. Disciplinary society is defined by prohibition and compulsion. The modal verb *may not* prohibits whereas the modal verb *should* compels.⁷ Han compares disciplinary society to Freud’s analysis of the psychic apparatus, wherein this apparatus is a repressive one with “prohibitions and commands that subjugate and repress.”⁸ Freud himself defines the ego as responsible for the institution of repression of instinctual impulses.⁹ In the case of the COVID-19 pandemic and how it affected everyday life, one may see certain elements of both Foucault’s disciplinary society and Han’s achievement society. One may argue for the restrictions and how lockdown policies are reminiscent of how disciplinary societies operated through prohibition.

This society of compulsion, repression, and negativity differs from what Han calls an *achievement society*. Unlike disciplinary society that prohibits and compels which relies on modal verbs such as *may not* or *should*, achievement society relies on the positivity of *can*. Han claims that the negativity of disciplinary society hits a wall or a limit in terms of expanding production and efficiency.¹⁰ The expansion of production is inhibited by the negativity of *no* in a disciplinary society, the *yes* and *can* of achievement society is faster and more efficient compared to the old paradigm.¹¹ Compared to a society of discipline that compels and prohibits, the current society of achievement, as Han puts it, is constantly shedding negativity in order to show itself as a society of freedom.¹² The mental illnesses that a disciplinary society produces differ from that of an achievement society. Freud’s repressive psychic apparatus is one built for Foucault’s disciplinary society and is plagued by neurotics and psychotics.¹³ The illnesses of contemporary achievement society on the other hand are those of depression and burnout, created by the overabundance of positivity driven by the neoliberal ethos of productivity and efficiency.¹⁴ It can be understood that an achievement society, unlike disciplinary society, is abundant in positivity in order to achieve a higher level of production and efficiency and relies on affirmation instead of prohibition. The depressives and victims of burnout in achievement society become products of the liberated ego ideal and the sense of freedom and self-responsibility.

In the development of an achievement society, one can easily see social media’s role in it. Through social media, pages and social media accounts that perpetuate the positivity of achievement society run rampant. Self-help books, influencers, and hustle culture have become a common sight on the internet. Its positivity creates violence wherein people engage in destructive behavior in order to

⁴ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage Books, 1995), 218.

⁵ The “negative function” Foucault speaks of here involves “arresting evil, breaking communications, and suspending time.” See Foucault, *Discipline and Punish*, 209.

⁶ Foucault, *Discipline and Punish*, 209.

⁷ Han, *The Burnout Society*, 8.

⁸ Han, *The Burnout Society*, 36.

⁹ Sigmund Freud and Anna Freud, *The Essentials of Psycho-Analysis* (London: Vintage, 2008), 23.

¹⁰ Han, *The Burnout Society*, 9.

¹¹ Han, *The Burnout Society*, 9.

¹² Han, *The Burnout Society*, 36.

¹³ Freud’s theory of neurosis is a result of a failed suppression of the id by the ego and results in a conflict between the two. Psychosis on the other hand is an active remodeling of reality. See Freud, *The Essentials of Psycho-analysis*, 24, 570.

¹⁴ Han, *The Burnout Society*, 9.

reach the *ego ideal* and create a false sense of freedom.¹⁵ In contemporary society, social media is a factor for the self-destruction of the individual. By altering and affecting an individual's perception on labor and work ethic, achievement society and social media come hand-in-hand as a factor for the constitution of the achievement-subject. This shall be given deeper analysis in the latter parts of this study.

The Obedience-Subject and the Achievement-Subject

The obedience-subject and achievement-subject are two different entities. The former is compelled by negativity, while the latter is compelled by positivity. The obedience-subject can be related to disciplinary society. As stated in the preceding section, a disciplinary society is ruled by negativity, prohibition, and compulsion. Negativity and the sense of duty is ingrained within the psyche of the obedience-subject. Han writes that obedience-subjects repress their supposed inclinations in order to pursue their duty.¹⁶ Their psyche resembles the Freudian psychic apparatus of repression and duty. Han writes that the obedience-subject is subjected to the Freudian *super-ego*.¹⁷ This restrictive super-ego that is the heir of the Oedipus complex and the fear of castration,¹⁸ confronts the ego as a "strict father confronts a child."¹⁹ In other words, the obedience-subject does not see oneself as free and is restricted and compelled by an *Other*. The achievement-subject, on the other hand, is not compelled by this *Other*. Unlike the obedience-subject who is subjected to the super-ego, the achievement-subject is one that projects itself to what is called the *ego ideal*.²⁰ Furthermore, Han explains:

Negative compulsion issues from the superego. In contrast, the ego ideal exercises a positive compulsion on the ego. The negativity of the superego restricts the freedom of the ego. Projecting oneself into the ego ideal is interpreted as an act of freedom. But when the ego gets caught in an unattainable ego ideal, it gets crushed altogether. The gap between the real ego and the ego ideal then brings forth auto-aggression.²¹

In the passage, Han explains a false sense of freedom when the achievement-subject projects itself to the ego ideal due to the positive compulsion it exercises. In other words, it allows the achievement-subject to attempt to attain this ego ideal yet, the failure of the achievement-subject to attain this ego ideal brings forth auto-aggression. This can be further explained by what Freud describes as the "cruelty of the ego ideal towards the ego" which is characterized by guilt imposed by the ego ideal upon the ego, and in the case of melancholia (a term used to describe depression in Freud's time), the ego is forced to accept this imposition of guilt from the ego ideal.²² To relate Freud's idea to Han, in the moment the achievement-subject fails to reach or accomplish something, for example, they blame no one but themselves as they are free and not restricted, unlike the obedience-subject. This is such the case in an achievement-society wherein the once restrictive super-ego (the principle that prohibits, ex. *Thou shalt not...*) is positivized and becomes the ego ideal (the principle that positively compels by saying one *can* become this or that), which in turn gives a sense of liberation to the achievement-subject by putting the responsibility of achieving on themselves. This sense of

¹⁵ Han, *The Burnout Society*, 46.

¹⁶ Han, *The Burnout Society*, 37.

¹⁷ Han, *The Burnout Society*, 46.

¹⁸ Freud, *The Essentials of Psycho-analysis*, 399.

¹⁹ Freud, *The Essentials of Psycho-analysis*, 41-42.

²⁰ Han, *The Burnout Society*, 46.

²¹ Han, *The Burnout Society*, 46.

²² Freud, *The Essentials of Psycho-analysis*, 471-472.

responsibility brought on by the “freedom” of the positivization of the super-ego into the ego ideal leads to the self-exploitation of the achievement-subject, which for Han, is violent and more efficient, as the achievement-subject is the one who compels itself to burn itself out.²³

This distorted notion of freedom and self-responsibility ingrained into the achievement-subject’s psyche is further perpetuated by a neoliberal doctrine that is fixated on efficiency, productivity, and further accumulation of capital. Because of the positivization in achievement society, and the more efficient achievement-subject as its result, this neoliberal ethos of efficiency in production is more easily achieved. Along with this, a “mental health” plague has taken over as a costly consequence of making a dysfunctional capitalist system appear to work.²⁴ It can be seen here that the supposed “freedom” of the achievement-subject is their very own reason for enslavement. Moreover, the consequences of neoliberalism and achievement-society are not only on an individualized or personal level, but rather it extends to the socio-political. For example, Mark Fisher argues that students under a neoliberal economic system suffer from what he calls *reflexive impotence*, wherein these students are resigned to their fate and that every bad thing happening is a self-fulfilling prophecy.²⁵ Furthermore, Fisher relates this *reflexive impotence* to those suffering from learning disabilities or mental health problems. It is apparent in this situation that achievement society and the neoliberal order that benefits from its positivity not only mentally drains the achievement-subject, but also leads them to a form of apathy and resignation to their fates, as if their sufferings are meant to be.

Social Media and the Achievement-Subject

In the recent decade, it is apparent that social media has become an effective tool for communication and creating connections. Moreover, it can also be used in getting important ideas and messages across and changing one’s perceptions. Social media has been linked to many problems our contemporary society currently faces. Some problems include trolls, fake news, cyberbullying, and mental distress. For this section, I focus on some popular social media sites such as Facebook, Instagram, and YouTube. Before I go on, we may ask ourselves: “How does social media relate to the achievement-subject?” To begin with, social media platforms promote the idea of transparency which accelerates the streams of capital, communication, and information and sheds all negativity. Hence, a society of transparency manifests itself in a society of positivity.²⁶ Han claims that “transparency is inherently positive” wherein depoliticized spaces become its consequence as these spaces avoid negativity that may question the political status quo.²⁷ This is the very reason why social media platforms such as Facebook only have “likes”²⁸ (and recently giving the option to hide the number of reactions to a post) and YouTube virtually removing the dislike button to “prevent its creators from harassment.”²⁹ But the real reason for this, as Han would claim, is that negativity impedes information exchange. True to what Han claims, how can one engage with a YouTube video (which generates revenue through exchange of information by means of the video) when there are dislikes indicative of the video’s quality? This lack of negativity and the depoliticization of social media with the positivity

²³ Han, *The Burnout Society*, 47.

²⁴ Mark Fisher, *Capitalist Realism: Is There No Alternative?* (Winchester, UK: Zero Books, 2009), 19.

²⁵ Fisher, *Capitalist Realism*, 21.

²⁶ Byung-Chul Han, *The Transparency Society*, trans. Erik Butler (Stanford, California: Stanford University Press, 2015), 1.

²⁷ Han, *The Transparency Society*, 7.

²⁸ Han, *The Transparency Society*, 7.

²⁹ Patrick Knox, “Why Did YouTube Remove the Dislike Count?,” *The US Sun*, December 14, 2021, <https://www.the-sun.com/tech/4268641/why-did-youtube-remove-dislike-count/>.

of achievement society has helped in creating achievement-subjects who are not just mentally ill, but also, as Fisher would put it, *reflexively impotent*.

During this pandemic, many people suffered financially brought on by the economic crisis caused by the virus. A dystopia arose, yet in the midst of all the negativity, achievement society still found its way to aid the neoliberal socio-economic order. Through social media, feel good stories amid the pandemic portraying individuals going through terrible conditions have been used to amplify the *can* of achievement society. For example, the TV show *Kapuso Mo, Jessica Sobo* featured a story about teachers in Bukidnon who are forced to cross rivers just to bring modules to their students.³⁰ What could be derived from this? First, it depoliticizes the situation of the students and teachers. Second, it promotes positivity where students and teachers alike *can* rise above the challenges of the unjust order exacerbated by the pandemic. The depoliticization happens through the positivity of the narrative, and attempts to disguise the issue here of a neglected education system and also a poor treatment of those within the education system. The real political issue here is hidden, which would have been unmasked through negativity which questions the status quo. Moreover, the positivity of this narrative was amplified through shares on social media. It tells a story of the positive *can* which Han discusses, wherein one *can* continue education and work amid a terrible scenario. By this way, achievement-subjects who are already experiencing the brunt of the pandemic are further encouraged to exploit themselves because of the fact that some people who have it “harder” *can* do it, and so they can. It can be understood here that the depoliticization of the struggles of teachers and students created by positivity somewhat justifies the inequalities and shortcomings of our current society.

Aside from supposedly heartwarming stories of positivity, one of the most potent ways social media becomes a weapon for achievement society is the proliferation of *hustle culture*. Hustle culture is defined as the normalization of overworking oneself.³¹ Hustle culture and its message is an effective way for achievement-subjects to exploit themselves as it promotes the idea of exploiting oneself to such a limit in order to realize what one *can* be. For example, an Instagram page that goes by the handle @6amsuccess referenced a tweet of Elon Musk, a well-known billionaire and owner of Tesla, which describes himself as working more than “16 hours a day, 7 days a week.”³² This implies to the achievement-subject that one *can* become as successful as Musk if an individual is willing to overwork oneself. Furthermore, due to its positive nature, it endows upon the achievement-subject a sense of freedom and therefore, a sense of responsibility in order to achieve success through work. It would be useful to revisit the earlier sections of this paper, wherein, the old Freudian psychic apparatus of the obedience-subject is subjected to the super-ego, the heir of the Oedipus complex, and instills upon the subject duty and negativity. Now, achievement society positivizes the negative super-ego into the ego ideal, and seduces the achievement-subject to work, instead of compelling or endowing a sense of duty. The same thing happens through these social media posts that promote hustle culture, wherein there is no compulsion for the exploited, but rather, a voluntary self-exploitation, which is far more efficient than any form of disciplinary compulsion. Social media and hustle culture have basically justified the current order of inequality and exploitation, an order further exacerbated by the crisis of

³⁰ See GMA News, “In Bukidnon, Teachers Risk Their Lives Just to Bring Modules to Their Students,” GMA News Online, June 22, 2021, <https://www.gmanetwork.com/news/lifestyle/content/792511/in-bukidnon-teachers-risk-their-lives-just-to-bring-modules-to-their-students/story/>.

³¹ Afrina Arfa, “The Truth about the Hustle Culture,” Taylors University, September 1, 2021, <https://university.taylors.edu.my/en/campus-life/news-and-events/news/the-truth-about-the-hustle-culture.html>.

³² See Success Motivation Quotes (@6amsuccess), “#6amsuccess,” *Instagram*, January 19, 2022, <https://www.instagram.com/p/CY5bwaDrGPY/>.

capitalism and the pandemic. A teacher who has no working internet? Do not mind the inhumane workload when there are teachers who cross rivers just to get their job done. Having financial difficulties due to the pandemic? Work 16 hours a day and risk your physical and mental health to get a better life. These are the examples of what kind of mentality is promoted by contemporary achievement society through social media. Depoliticized spaces devoid of negativity promote self-exploitation and preserve the status quo, while zombie-like achievement-subjects become consumed by mental illness and impotence. Furthermore, as stated earlier, the ego ideal plays a factor in depression, and the failure to satisfy this ego ideal created by poverty porn and hustle culture in an achievement society creates an atmosphere suited for the birthing of depressives and those who are burnt-out. Through social media and its ability to alter an individual's perception of work and work ethic, the problems of an achievement society became even more accentuated.

Marx and Estrangement

Before going on with this paper, I found it necessary to take a short detour to discuss Marx's concept of alienation in relation to the achievement-subject and the overall discussion of this paper. Marx characterizes a worker sinking "to the level of a commodity" wherein the more they produce, the more suffering they encounter.³³ Furthermore, Marx says that the increasing value of the world of things leads to the devaluation of men and labor produces not only itself, but also the worker as a commodity.³⁴ Marx adds that the greater the product of labor, the lesser becomes the worker and that this product the worker has produced gains an external existence and is something alien that confronts the individual wherein this product of labor becomes hostile to the worker.³⁵ Marx's elucidation of alienation bears a similar relation to Byung-Chul Han's analysis of the achievement-subject. As discussed, the achievement-subject engages oneself into self-exploitation, wherein the more they exert their energy, the more wretched they become as they become prone to burnout and depression. In other words, the more individuals engage in a positive act (production), the more they encounter or put themselves in situations that negatively affect them (alienation or burnout). Or inversely, as the individual further negates oneself, the more profits they generate for the capitalist.³⁶

How does Marx's worker and Han's achievement-subject become victim to such a scenario? How do they seemingly enter into such exploitative and oppressive relations when there is clearly no freedom in their case? The answer to this is a false sense of freedom created by laws and norms within society. Let me begin with Marx's analysis first. Under capitalism, the worker is seen as "free" compared to a feudal serf, and this is exactly what the ideologues of the current system have proclaimed in their defense of capitalism. Marx, on the contrary would argue in *Grundrisse*, that capital is set free, instead of individuals under the free competition propounded by capitalism.³⁷ In the first volume of *Capital*, Marx elucidates how the worker enters into relations with the capitalist. The owner of money or the capitalist enters the sphere of circulation in search for a specific commodity whose use-value also creates value. This commodity the capitalist is in search for is the capacity for labor or

³³ Karl Marx and Frederick Engels, *Economic and Philosophic Manuscripts of 1844 and the Communist Manifesto*, trans. Martin Milligan (Amherst, N.Y.: Prometheus Books, 1988), 69.

³⁴ Marx and Engels, *Economic and Philosophic Manuscripts*, 71.

³⁵ Marx and Engels, *Economic and Philosophic Manuscripts*, 72.

³⁶ Karl Marx, *Grundrisse: Foundations of the Critique of Political Economy*, trans. Martin Nicolaus (London: Penguin Books in association with New Left Review, 1973), 31.

³⁷ Marx, *Grundrisse*, 650.

labor-power.³⁸ Yet, labor-power cannot exist apart from a worker as this is only a potentiality, hence the worker “surrenders its creative power, like Esau his birthright for a mess of pottage.”³⁹ Marx writes:

Rather, he necessarily impoverishes himself, as we shall see further on, because the creative power of his labour establishes itself as the power of capital, as an alien power confronting him. He divests himself [*entäußert sich*] of labour as the force productive of wealth; capital appropriates it, as such.⁴⁰

Marx attempts to explain that the creative power of the worker’s labor becomes alien to the worker as it becomes the power of capital, the very thing that exploits labor. The products of the worker’s labor do not belong to him and its products such as innovations in science and technology simply become further means of capital’s domination over labor.⁴¹ What transpires in this supposedly “free” transaction between worker and capitalist becomes the very gateway for the negation of the freedom of the worker and leads to his exploitation. A similar situation is apparent with Han’s achievement-subject. The positivized ego ideal that gives a false perception of freedom to the achievement-subject becomes the reason they exploit themselves. Marx’s worker sees itself liberated from feudal bondage and free to “work” for anyone they desire. Han’s achievement-subject sees itself freed from the restrictive super-ego yet, this freedom is only a *faux freedom* as they are bound up by themselves by their relentless self-exploitation. Marx’s conception of alienation can be seen as a precursor to Han’s theory of the achievement-subject and their relation to each other are demonstrated by the fact that their false sense of freedom leads them to enter exploitative relations/scenarios where, in their positive activity (production), they are negatively affected (alienated/burnt out).

But it is not just through structural homology we can relate Marx to Han. In fact, the relation between the notions of alienation and the achievement-subject goes deeper. One main feature of the classical concept of alienation is the fact that a worker is externally exploited, by the capitalist. It is the capitalist who benefits from the labor of the worker, creating a sense of alienation on the side of the worker. For Han, what constitutes the stability of contemporary neoliberal societies is its lack of class struggle and structure similar to what Marx witnessed in the 19th Century.⁴² Instead of aggression between classes, and the aggression of the working class directed at something external like the capitalist, the aggression of the individual is turned against oneself, and the exploitation, as mentioned earlier, is something done by an individual to oneself.⁴³ What does this mean then? Alienation, in a sense, still exists. An individual who works does not entirely reap the benefit of their labor. But at the same time, the drive to alienate oneself does not necessarily come from an external factor, but rather an internal aggression. What we may derive in Han’s concept of the achievement-subject is a way to rethink how alienation takes its form in a society of late capitalism. I have to be clear to my reader, that this is as far as I may go for this section as it is not the main focus of the study. What this section of the paper provides is a better understanding of class dynamics present in neoliberal society which affects the mode of exploitation by individuals.

³⁸ Karl Marx, *Capital: A Critique of Political Economy*, trans. Ben Fowkes, vol. 1 (1867; repr., Harmondsworth: Penguin in association with New Left Review, 1990), 270.

³⁹ Marx, *Grundrisse*, 307.

⁴⁰ Marx, *Grundrisse*, 307.

⁴¹ Marx, *Grundrisse*, 308.

⁴² Byung-Chul Han, *Psychopolitics: Neoliberalism and New Technologies of Power*, trans. Erik Butler (London; New York: Verso, 2017), 6.

⁴³ Han, *Psychopolitics*, 7.

The Achievement-Subject amid the Pandemic

Achievement society and its implications amid the pandemic can be characterized on two levels: the personal and socio-political. Furthermore, the achievement-subject in the context of COVID-19 can be characterized as depoliticized and exhausted. On a personal level, achievement-subjects are not able to question the status quo, they become burnt out, experience depression, and become reflexively impotent. On a socio-political level the status quo is preserved by the positivity of achievement society as it sheds negativity for the sake of efficiency.

To put these two insights into further detail, the pandemic has already exacerbated the mental health crisis brought about by neoliberal policies. The achievement-subject is made to consume copious amounts of positivity through positivized spaces like social media. As stated earlier, positivized spaces reduce negativity, and along with it, criticism. Hence, the product of this are achievement-subjects that are devoid of politicization and critical thinking. This depoliticization of the achievement-subject is further worsened by the ever-exploitative relations set by neoliberalism. The depoliticized achievement-subjects are resigned to their fates, wherein mental health problems such as burnout, depression, and other mental illnesses are privatized and the possibility of a social systemic causation is removed.⁴⁴ The removal of systemic causation and depoliticization of the achievement-subject prevents any form of active or substantial engagement with society.

Positivity rules out the possibility of negation and criticism. The depoliticized achievement-subject who does not engage with society further reinforces and justifies the status quo. In a society of positivity, the lack of negation creates an overwhelming influx of information. Yet this does not equate to the truth, as truth is a negative force.⁴⁵ The inability to generate truth in a depoliticized space such as social media has created disastrous effects amid the pandemic. It can be seen in the instance of the spreading of fake news and misinformation. On YouTube, there is no ‘dislike button’ and on Facebook, you can only ‘like’ and react. The absence of truth and depoliticization create an atmosphere that allows strongmen and fascistic agendas to prosper. It has allowed misinformed opinions about the vaccine to spread. An overly positivized space does not filter out lies as long as it is able to transmit information efficiently. On a social level, the status quo is maintained.

On a personal level, the achievement-subject is made to believe that they *can* rise above the adversities of the pandemic, in spite of the fact that most of the achievement-subject’s problems are linked to the shortcomings of the system itself. “Motivation” pages and poverty porn are avenues of positivity that encourage the achievement-subject to exploit themselves. Along with a seductive ego-ideal that creates a false sense of freedom, the achievement-subject becomes their own source of misery. Social media becomes a way to perpetuate messages and distort an achievement-subject’s view on work and how they ought to work. Instead of being compelled by external forces like a boss, achievement-subjects exploit and alienate themselves in the process. In their futile attempt to act on this supposed freedom, they burn themselves out. Any failure they meet along the way is blamed on themselves. They become depressives who think they are losers who failed to take responsibility on themselves, when in fact it is the system that has failed them. Individuals subject themselves to relentless exploitation and tiredness that is “driven by obsessive career moves.”⁴⁶

⁴⁴ Fisher, *Capitalist Realism*, 21.

⁴⁵ Han, *Transparency Society*, 8.

⁴⁶ Slavoj Žižek, *Pandemic: COVID-19 Shakes the World* (New York: OR Books, 2020), 27.

Conclusion

This paper aims at studying the effects of social media and the positivity of achievement society on the achievement-subject in the context of the current pandemic and the prospective post-pandemic world. The paper began by elucidating the characteristics of achievement society and its difference with a disciplinary society. The study then described the achievement-subject, the obedience-subject, and their psyche. This was followed by a discussion of the impacts of social media on the achievement-subject and how achievement society utilizes the romanticization of overwork and exploitation as a means of furthering the productivity of achievement-subjects and in reinforcing the neoliberal paradigm in the socio-political and economic landscape. Furthermore, the study also briefly looked at Han's conception of the achievement-subject and its relation to Marx's notion of alienation.

Lastly, the study posited the following negative implications of social media and achievement society: 1.) Achievement society creates an atmosphere of positivity that depoliticizes the achievement-subject, eliminating the possibility of any form of critical engagement with society. Furthermore, due to this depoliticization, mental illnesses are privatized and any possibility of causation linked to structural defects of late capitalism are also eliminated. This then preserves the status quo. In the context of the pandemic, the spread of COVID-19 and the accompanying mental health crisis it has created are not causally linked to the failures and ineptitude of neoliberalism. 2.) Social media becomes an avenue of positivity which becomes harmful to the achievement-subject. First, due to its shedding of negativity, social media becomes a tool for misinformation and also populist politics to take hold. The lack of the negative power of truth in a positivized space removes the possibility of thorough criticism and the filtering of lies. Additionally, social media, through its content such as motivational posts and poverty porn, exacerbates the self-exploitation of the achievement-subject who is made to consume copious amounts of positivity by altering the achievement-subject's perception of work. Furthermore, achievement society leads to meaningless tiredness that is created by a desire to improve one's career. 3.) Achievement society and the positivized ego-ideal creates a false sense of freedom that leads to the self-exploitation of the achievement-subject.

These are just some of the negative effects of achievement society on the achievement-subject. As capitalism aims to survive its own disastrous effects by continuous improvements in its method of exploitation, as crises continue to wreak havoc on economies, we may see a pandemic with no end in sight: a pandemic of mental health illnesses brought on by a system that prioritizes people over profit.

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Rehiyonal na Pagboto sa Filipinas: Isang Etikal na Pagsusuri Gamit ang Pilosopiya ng Sakop ni Leonardo Mercado

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Abstrak: Ang rehiyonal na pagboto (regional voting) ay isang penomenon sa Filipinas kung saan nakabatay ang boto ng isang indibidwal sa teritoryal na pagkakaugnay niya sa isang kandidato. Ang hindi patas na distribusyon ng boto ay itinuturing na balakid sa ganap na pagkakaisa ng mga Filipino tungo sa pambansang kaunlaran at pagkakaroon ng hindi makatarungang eleksyon. Layunin ng papel na ito na susuriin ang penomenon ng rehiyonal na pagboto gamit ang mga nakapaloob na etikal na konsepto sa pilosopiya ng sakop ni Leonardo Mercado. Sa ganitong uri ng pananaw-sa-mundo na may mataas na pagpapahalaga sa relasyon niya sa kapwa at kapakanan ng kanyang sakop ay makikita ang pagkakaiba ng mga batayan sa tama at mabuti, mali at masama sa kung ano ang magbibigay kasiyahan at kabiguan sa kanyang sakop. Ang konsepto ng kabutihang panlahat ay anumang nakabubuti sa “lahat” ng kasama sa kanyang sakop; ang pagkakaroon ng dobleng pamantayan ng katarungan; at ang pamantayan sa pagpili ng mabuting lider ay kung sino mang makabubuti at magbibigay kaunlaran sa kanyang sakop at sarili. Sa gayon, mahalaga ang isasagawang pag-aaral upang maunawaan ang penomenon na ito at magkaroon ng pagsusuri tungo sa mga kinakailangang pagbabago upang maglagay kaayusan sa negatibong dulot ng rehiyonalismo partikular sa darating na Halalan 2022. Maaari ding ituring ang papel na ito bilang pagpapalawak sa etikal na katangian ng pilosopiya ng sakop.

Mga Susing Salita: *pagbotong rehiyonal, Leonardo Mercado, pilosopiya ng sakop, etika*

Panimula

Isa sa mga kulturang Filipino tuwing eleksyon ay ang rehiyonal na pagboto (regional voting) kung saan nakabatay ang boto ng isang indibidwal sa teritoryal na pagkakaugnay niya sa isang kandidato. Itinuturing na may kaniya-kaniyang balwarte ang bawat kandidato batay sa lugar kung saan siya pinanganak o kung saan sila naninirahan. Ang balwarte ay ang lugar na inaasahang pagkukunan ng boto ng isang kandidato kung kaya malaki ang epekto nito sa resulta ng mga halalan sa Pilipinas. Sa gayon, ang rehiyonal na pagboto ay itinuturing na balakid sa ganap na pagkakaisa ng mga Filipino tungo sa pambansang kaunlaran at ang pagkakaroon ng hindi makatarungang eleksyon. Ang penomenon na ito ay maaaring tingnan mula sa lente ng kasaysayan at pulitika, subalit mas bibigyang-pansin at layon ng papel na ito ang pagsusuri sa etikal na aspekto ng rehiyonal na pagboto sa Pilipinas mula sa lente ng pilosopiya ng sakop ni Leonardo Mercado. Ang pilosopiya ng sakop ay hindi lamang maituturing na kultural o antropolohikal na konsepto kundi mayroon ding mga nakapaloob na etikal na konsepto dito. Ang mga etikal na konseptong tama at mali, mabuti at masama, kabutihang panlahat, katarungan, at mabuting lider ang gagamitin bilang pangunahing pamantayan ng pagsusuri sa rehiyonal na pagboto. Titingnan sa papel na ito kung paano nakakaapekto ang *sakop* ng isang indibidwal sa

kanyang batayan ng tama at mali, mabuti at masama at paanong maaaring magbago ang kanyang pananaw sa konsepto ng kabutihang panlahat, katarungan, at mabuting lider.

Sa unang bahagi ng papel bibigyang paliwanag ang penomenon ng rehiyonal na pagboto sa Pilipinas gamit ang historikal na pananaw ni Teodoro Agoncillo at ang politikal na pag-aaral ni Julio Teehankee. Dito rin tatalakayin ang kahalagahan nito sa kontemporaneong panahon, partikular sa nakaraang halalan noong taong 2022. Sa bahaging ito rin ilalahad ang mga patunay na isang penomenon sa Filipinas ang rehiyonal na pagboto at ang iba pa nitong katangian. Sa susunod na bahagi ay tatalakayin ang pilosopiya ng sakop ayon kay Leonardo Mercado at ang ugnayan nito sa rehiyonal na pagboto partikular ang pagpapaliwang sa dalawang mahalagang katangian ng sakop: ang interpersonal at herarkiyang katangian na mapapansing taglay rin ng rehiyonal na pagboto. Sa ikatlong bahagi ng papel matatagpuan ang etikal na pagsusuri sa rehiyonal na pagboto. Sa bahaging ito titingnan ang mga pagbabagong naganap sa pagtingin ng mga Filipino sa konsepto ng tama at mali, mabuti at masama, kabutihang panlahat, katarungan, at mabuting lider kaugnay ng pilosopiya ng sakop ni Mercado. Ang pinakahuling bahagi ng papel ay maglalagom sa lahat ng konseptong nabanggit pati ang pagbibigay ng paliwanag kung paano ang papel na ito ay maaaring maging isang pagpapalawak ng pilosopiya ng sakop ni Mercado at ang kahalagahan nito sa kasalukuyang panahon partikular sa nalalapit na Halalan 2022.

Rehiyonal na Pagboto bilang isang Penomenon

Ang mga Filipino ay kilala sa pagiging rehiyonalistiko kung saan mayroong pagkakahati sa pagitan ng iba't ibang rehiyon gaya halimbawa ng Cebu, NCR, Ilocos, o Zamboanga. Ang pagkakaroon ng rehiyonalistikong saloobin ay maaaring makita sa larang ng wika partikular sa malaking pagitan ng agwat ng mga wikang Bikol, Cebuano, Hiligaynon, Ilocano, Kapampangan, Pangasinense, Tagalog, at Waray.¹ Sa pananaw naman ng kasaysayan, ang pagiging rehiyonalistiko ng mga Filipino ay pinanghimok noong panahon ng mga Kastila bilang isang paraan upang mapigil ang anumang pag-aaklas o rebelyon laban sa pamahalaang Espanya.² Sa larang ng politika, makikita ang simula nito noong panahon ng mga Amerikano kung saan nakabatay ang elektoral na politika sa mga munisipalidad na nagtatag at nagpatibay sa mga lokal na mayayamang pamilya hanggang sa maluklok na sila sa isang pambansang posisyon.³

Ang binigyang tuon ng papel na ito ay ang politikal na aspekto ng pagiging rehiyunalistiko ng mga Filipino partikular ang rehiyonal na pagboto. Ayon kay Julio Teehankee (2002), ang uri ng elektoral na politikang itinatag ng mga Amerikano ay nagresulta sa pagkakatatag ng balwarte ng mga politiko sa kani-kanilang bayan o probinsya. Hindi lamang rehiyonal na pagboto ang naging resulta nito kundi pagkakatatag ng mga *political families* at *political dynasties* na madalas ay hawak ang matataas na lokal na posisyon gaya ng alkalde, gobernador, o kongresista.⁴ Ang mga *political families* na ito ay may malaking epekto sa rehiyonal na pagboto dahil ang mga politikong tumatakbo sa mga pambansang

¹ Florentino T. Timbreza, "Pamimilosopiya Sa Sariling Wika: Mga Problema at Solusyon," *Malay* 22, no. 1 (September 2009): 32, <https://doi.org/10.3860/malay.v22i1.1351>.

² Teodoro A. Agoncillo, *History of the Filipino People*, Eight Edition (C & E Publishing, Inc., 1990).

³ Alfred W. McCoy, *An Anarchy of Families: State and Family in the Philippines* (Ateneo de Manila University Press, 1994).

⁴ Julio Teehankee, "Electoral Politics in the Philippines," *Friedrich-Ebert-Stiftung, Electoral Politics in Southeast & East Asia*, 2002, 149.

posisyon ay madalas nagmumula sa mayayaman at maimpluwensyang pamilya sa isang rehiyon at matagal na nanungkulan sa lokal na pamahalaan.

Sa ganitong penomenon, ipinagpapalagay na ang boto ng kanyang mga lokal na kababayan ay agarang nasa kanya dahil sila ay napapabilang sa iisang lungsod o rehiyon. Halimbawa, lubos na mapapansin ang penomenon na ito pagdating sa paghalal ng Pangulo at Ikalawang Pangulo ng bansa. Mas mababanaagan ito sa pag-aaral ni Atty. Josephus B. Jimenez (2021) sa daloy ng rehiyonal na pagboto sa kasaysayan ng eleksyon sa Pilipinas. Ayon kay Jimenez:

Noong 1935 nanalo si Manel Quezon sa Tayabas, si Aquinaldo sa Cavite at si Aglipay sa Ilocos Norte. Noong 1941, nanalo uli si Quezon sa Tayabas ngunit natalo si Juan Sumulong sa kanyang sariling balwarte sa Rizal laban kay Quezon. Noong 1946, nanalo si Manuel Roxas sa Capiz at si Don Sergio sa Cebu. Noong 1949, nanalo si Elpidio Quirino sa Ilocos Sur at si Laurel sa Batangas. Noong 1953, nanalo si Ramon Magsaysay sa Zambales at si Quirino sa Ilocos. Noong 1957, nanalo si Carlos P. Garcia sa Bohol. Noong 1965, nanalo si Ferdinand Marcos Sr. sa Ilocos Norte at si Macapagal sa Pampanga ngunit natalo si Osmeña sa kanyang balwarte sa Cebu. Noong 1986 sinuportahan ng mga taga-Tarlac si Cory Aquino. Noong 1992 naman ay kay Fidel V. Ramos ang boto ng mga Pangasinense. Noong 1988, nanalo si Erap sa San Juan. Noong 1994, nanalo si Gloria Macapagal-Arroyo sa Pampanga. Noong 2010, si PNoy sa Tarlac at noong 2016 nanalo ang kasalukuyang pangulong Rodrigo Duterte sa Davao at sa malaking bahagi ng Mindanao.⁵

Mapapansin dito na maaaring may katotohanan ang penomenon kung saan ang mga kumakandidato sa posisyon ay sinuportahan ng kani-kanilang balwarte. Malaking bahagi rin ng mga kandidatong ito ay nagmula sa mayayamang pamilya sa kanilang rehiyon at nanungkulan muna nang matagal sa lokal na pamahalaan bago nakarating sa nasyonal na pamahalaan. Ilang mga halimbawa dito sina Quirino na anak ng isang *commissioner officer* ng mga Kastila ay nagsilbing kongresista ng unang distrito ng Ilocos Sur⁶; si Garcia na anak ng alkalde sa Talibon, Bohol na nagsilbi nang apat na termino at nang lumaon ay siya ring nagsilbi bilang kongresista at gobernador ng Bohol⁷; si Marcos Sr. na anak ng isang abogado at kongresista ng Ilocos Norte ay sinundan niya ang kanyang ama sa pagiging kongresista ng Ilocos Norte bago siya naging presidente⁸; si PNoy ay anak ni Cory at Benigno Aquino II na prominenteng pamilya sa Filipinas ay nagsilbi munang kongresista ng Ikalawang Distrito ng Tarlac⁹; at si Estrada naman ay matagal na nanungkulan bilang alkalde ng San Juan bago naging presidente ng Filipinas¹⁰.

Sa kasalukuyang panahon, mapapansin pa rin ang pagkakahating ito ng mga Filipino. Maaari nating tingnan ang mga kaganapan noong nakaraang Halalan 2022. Kagaya ng nakalipas na Halalan 2016 kung saan nakuha ni Ferdinand “Bongbong” Marcos Jr. ang suporta ng kanyang balwarte na Ilocos Region pati na rin ang karatig nitong mga rehiyong Cordillera Administrative Region, at Cagayan Valley na kilala sa bansag na “Solid North” ay inaasahang makukuha pa rin niya ang boto ng

⁵ Josephus B. Jimenez, “Regional Voting Patterns,” *The Freeman*, April 8, 2021, sec. Opinion. <https://www.philstar.com/the-freeman/opinion/2021/04/08/2089651/regional-voting-patterns>

⁶ “Elpidio Quirino,” *Your Dictionary*, accessed November 24, 2021, <https://biography.yourdictionary.com/elpidio-quirino>.

⁷ “Today in Philippine History, November 4, 1986, Carlos P. Garcia Was Born in Talibon, Bohol,” *The Kahimyang Project*, accessed November 24, 2021, <https://kahimyang.com/kauswagan/articles/1328/today-in-philippine-history-november-4-1896-carlos-p-garcia-was-born-in-talibon-bohol>.

⁸ The Editors of Encyclopaedia Britannica, “Ferdinand Marcos Ruler of the Philippines,” *Britannica*, accessed December 1, 2021, <https://www.britannica.com/biography/Ferdinand-E-Marcos>.

⁹ Melissa Albert, “Benigno Aquino III,” *Encyclopedia Britannica*, June 24, 2021, <https://www.britannica.com/biography/Benigno-Aquino-III>.

¹⁰ The Editors of Encyclopaedia Britannica, “Joseph Estrada,” *Encyclopedia Britannica*, April 15, 2021, <https://www.britannica.com/biography/Joseph-Estrada>.

mga ito.¹¹ Sa kabilang banda, “hawak” naman ng isa pang *presidential aspirant* noon na si Leni Robredo ang rehiyon ng Bicol kung saan siya ipinanganak.¹² Si Sen. Manny Pacquiao na isa ring *presidential aspirant* ay inaasahang makukuha ang boto ng kanyang mga kapwa taga-Mindanao.¹³

Ang ganitong konsepto ng rehiyonal na pagboto ay kakaiba sa konsepto ng rehiyonal na pagboto ng mga Kanluraning bansa gaya ng United Kingdom, Canada at Australia na nakabase sa dalawang pang-ekonomikal na pagkakahating konserbatismo at progresibo habang ang bansang United States ay nakabase ang rehiyonal na pagboto sa pagitan ng mga Republikano at Demokratiko.¹⁴ Ang mga pagkakahating ito sa pagitan ng konserbatismo at progresibo, at sa pagitan ng Republikano at Demokratiko ay nakaugat sa pagkakaiba sa pinaniniwalaang ideyolohiya at indibidwal na prinsipyong pinanghahawakan ng isang mamamayan. Halimbawa, isa sa mga pangunahing pagkakaiba ng Demokratriko at Republikano ay nakasentro sa magkaibang pananaw sa gampanin ng pamahalaan sa lipunan. Para sa mga Demokratiko, kinakailangan ang aktibong papel at pagsuporta ng pamahalaan sa pagpapatupad ng mga batas at mga proyekto para sa mas malawak na kaunlaran ngunit para sa mga Republikano, mahalaga ang limitadong kontrol at impluwensya ng pamahalaan sa mga batas at proyekto partikular sa pagpapatupad ng mga polisiya patungkol sa ekonomiya at negosyo upang mapanatili ang “free market”.¹⁵

Kung para sa mga Kanluranin nakabase ang rehiyonal na pagboto sa pinaniniwalaang ideyolohiya ng isang rehiyon, sa sinasaligang kandidato na kasama sa kanyang sakop naman ang pinagbabasehan ng mga Filipino sa pagpili ng kanilang mga opisyal. Ang kaugnayan ng rehiyonal na pagboto at pilosopiya ng sakop ay tatalakayin sa susunod na bahagi ng papel na ito.

Sa panghuling punto, ang ganitong uri ng kultura ay nakakabahala dahil sa hindi maayos na distribusyon ng boto na maaaring magresulta sa hindi patas at hindi makatarungang eleksyon. Mahalaga ang magiging gampanin ng papel na ito upang maisiwalat kung anong klase ng pag-iisip at moral na pagpapahalaga mayroon ang mga Filipino at paano ang mga ito nakakaapekto sa pagpili nila ng isang kandidato. Ang pangunahing metodong gagamitin ay etikal na pagsusuri gamit ang pilosopiya ng sakop ni Mercado.

Ang Kandidato bilang Parte ng kanyang Sakop

Ang pilosopiya ng sakop ni Leonardo Mercado ay tumutukoy sa grupo ng mga tao na nagsama-sama maaaring dahil sa pagkakalapit ng lugar gaya ng magkapitbahay at magkaklase; magkasama sa iisang kompanya o pagkakaparehas ng trabaho gaya ng mga korporasyon at pederasyon, at sa pagkakapareho ng interes at libangan gaya ng isang pagkakaibigan.¹⁶ Sa penomenon ng rehiyonal na

¹¹ “Solid North Backs Bongbong-Sara in 2022 Elections,” *The Manila Times*, August 28, 2021, <https://www.manilatimes.net/2021/08/28/news/regions/solid-north-backs-bongbong-sara-in-2022-elections/1812623>.

¹² Adrian Ayalin, “VP Robredo Hopes for Solid Bicol Vote as She Wraps up 5-Day Trip in Home Region,” *ABS-CBN News*, October 31, 2021, <https://news.abs-cbn.com/news/10/31/21/robredo-hopes-for-solid-bicol-vote-as-she-wraps-up-5-day-trip-in-home-region>.

¹³ Jan V. Escosio, “Pacquiao Eyes More Votes in Visayas, Mindanao,” *Inquirer.net*, November 21, 2021, <https://newsinfo.inquirer.net/1518067/pacquiao-eyes-more-votes-in-visayas-mindanao>.

¹⁴ Jimenez, *Regional Voting Patterns*.

¹⁵ Pew Reserach Center, “Beyond Red vs. Blue: The Political Typology,” *Pew Research Center*, November 20, 2021, 5–169, https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2021/11/PP_2021.11.09_political-typology_REPORT.pdf

¹⁶ Leonardo N. Mercado, “Sakop and the Individual,” in *Elements of Filipino Ethics* (Tacloban City: Divine Word University Publications, 1978), 47.

pagboto, ang primaryang dahilan ng pagkakaugnay ng kandidato at botante ay ang pagkakaiparepareho ng probinsya o rehiyon kung saan sila pinanganak. Kahit pa hindi sila lubos na magkakilala o hindi man lamang alam kung ano ang pangalan ng isa't isa ay itinuturing pa rin na bahagi ng sakop ng botante ang isang kandidato dahil para sakaniya nagsasalo sila sa iisang kaugalian, paniniwala, tradisyon, wika, at kultura. Sa ganitong paraan sinasabing “hindi na ibang tao” ang isang kandidatong kahit na ni minsan ay hindi niya nakasama o nakasalamuha.

Ngunit hindi ganoong kababaw ang pagkakaugnay nila sa isa't isa na umiikot lamang sa pisikal na pagkakaugnay. Nabanggit sa unang bahagi na marami sa mga kandidato ay nagmula sa mayayaman at prominenteng pamilya. Ang mga ito ay nanungkulan sa lokal na pamahalaan na hindi bumababa sa posisyon ng alkalde papunta sa gobernador at kongresista. Kadalasa'y matagal silang nanungkulan sa lokal na pamahalaan kaya naman masasabing ang kanilang pagkakaugnay ay mas malalim at may matagal na pundasyon sa pamamagitan ng ugnayan nila bilang tagapagsilbi at pinagsisilbihan.

Ngayong natalakay na natin ang tungkol sa pisikal na ugnayan ng botante at kandidato at ang malalim na ugnayang tagapagsilbi at pinagsilbihan ay maaari na nating konkretong sabihin na ang pilosopiya ng sakop ay maaaring gamitin sa pagsusuri sa rehiyonal na pagboto dahil nagpapamalas ito ng dalawang katangian ng sakop: ang *interpersonal* at ang herarkiya. Ang interpersonal na katangian ng sakop ay tumutukoy sa pakikipagkapuwa ng isang indibidwal sa ibang tao o pangkat. Hindi maituturing na sakop kung nag-iisa ka lamang; dapat mayroong sumasakop at nasasakupan.¹⁷ Ang herarkiyang katangian naman ay tumutukoy sa disparity o agwat ng hindi pagkakatulad o pagkakaipantay ng mga nakaatang na tungkulin sa isang ugnayan.¹⁸ Isang halimbawa nito ay ang agwat sa pagitan ng tungkulin ng isang panganay kumpara sa tungkulin ng isang bunso. Sa gayon, maituturing na *interpersonal* ang ganitong ugnayan dahil ang botante (sarili) ay aktibong nakikipag-ugnayan sa isa o madaming kandidato (kapuwa) na itinuturing niyang “hindi ibang tao”.¹⁹ Sa kabilang banda, kakikitaan ng katangiang herarkiya dahil sa agwat ng hindi pagkakatulad sa inaasahang gampanin sa pagitan ng tagapagsilbi at pinagsisilbihan.

Para kay Mercado may mga pagkakataong lumiliit o lumalaki ang sakop ng isang indibidwal. Ang pamilya, angkan, fraternity, o gang ay maituturing na maliit na sakop habang ang isang partidong politikal ay malaki o malawak na sakop.²⁰ Katulad din to sa rehiyonal na pagboto kung saan may mga pagkakataong lumiliit o lumalawak ang sakop ng rehiyonal na pagboto. Ang rehiyonal na pagboto ay hindi lamang patungkol sa “rehiyonal” na pagpili ng kandidato kundi ay maaari rin itong tumukoy sa “probinsyal” na pagpapapasya. Ang mas lalong pagliit ng rehiyonal na pagboto papuntang “probinsyal na pagboto” ay nangyayari kung mayroong dalawang kandidato para sa iisang posisyon sa isang partikular na rehiyon. Halimbawa, noong nakaraang Halalan 2016 ay naglaban sina Robredo at Escudero sa pagkuha ng boto ng Region V o Bicol Region dahil pareho silang nagmula sa rehiyong ito: si Robredo sa Naga, Camarines Sur at si Escudero sa Sorsogon City, Sorsogon. Nahati ang buong

¹⁷ Emmanuel C. de Leon, “Kabanata IV: Leonardo N. Mercado,” in *Mga Tomasino Sa Pilosopiyang Filipino* (Manila: Komisyon sa Wikang Filipino, 2019), 75.

¹⁸ De Leon, *Leonardo Mercado*, 75.

¹⁹ Ayon kay Virgilio Enriquez, ang kapuwa ay maituturing na “ibang tao” o “hindi ibang tao”. Ang mga itinuturing na “hindi ibang tao” ay napapabilang sa kanyang sakop: De Leon, *Leonardo Mercado*, 75.

²⁰ De Leon, *Leonardo Mercado*, 75.

rehiyon sa pagitan ng maka-Robredo at maka-Escudero ngunit nakuha ni Robredo ang malaking bahagi ng boto ng mga Bicolano maliban sa probinsya ng Sorsogon kung saan nanalo si Escudero.²¹

Sa sitwasyon naman nang “paglaki” ng sakop ng rehiyonal na pagboto ay titignan muli natin sa nakaraang Halalan 2016:

Nanalo si Duterte hindi lamang sa kanyang balwarte sa Davao kundi sa buong Mindanao maliban sa probinsya ng Agusan del Sur, Camiguin, Misamis Occidental at Zamboanga del Norte kung saan nanalo si Manuel Roxas. Si Roxas rin ay hindi lamang nanalo sa Capiz kundi sa buong Visayas maliban sa Cebu, Bohol, Southern Leyte, Leyte, at Biliran kung saan nanalo si Duterte. Habang nakuha ni Grace Poe ang malaking bahagi ng buong Luzon partikular ang 16 na probinsya dito.²²

Sa gayon, mayroon ring pagkakahating “pangkapuluan” sa pagitan ng mga taga-Luzon, mga taga-Visayas, at mga taga-Mindanao. Ang mga nabanggit na katangian ng rehiyonal na pagboto sa pilosopiya ng sakop ay mahalaga sa gagawing etikal na pagsusuri sa susunod na kabanata.

Etikal na Pagsusuri Gamit ang Pilosopiya ng Sakop

Ang mga teoryang etika ng mga Kanluranin ay hindi sapat upang epektibong maipaliwanag at masuri ang isang penomenon na kakaiba sa kanilang karanasan. Gaya nang nauna kong sinabi patungkol sa pagkakaiba ng rehiyonal na pagboto ng Filipinas sa konsepto ng rehiyonal na pagboto sa mga bansang Kanluranin ay gayon din ang pagkakaiba sa mga teoryang pang-etika sa mga bansang Silanganin. Ang pagkakaibang ito ay dahil sa ang mga Kanluranin ay indibidwalistiko habang ang mga Silanganin ay “other-oriented” kung saan mas pinahahalagahan nila ang pakikipag-ugnayan sa kapwa at kalikasan. Ang pagiging indibidwalistiko ng mga Kanluranin ay ang naging dahilan kung bakit ang kanilang etika ay nakatuon sa karapatan (*rights*) ng isang indibidwal habang sa tungkulin (*duty*) nakatuon ang etika ng mga Silanganin.²³ Dahil dito napagpasyahan ng mananaliksik na hindi gumamit ng mga teoryang pang-Kanluranin sa halip ay gamitin ang pilosopiya ng sakop ni Leonardo Mercado. Nabanggit na sa naunang bahagi ng papel na ito ang kaugnayan ng pilosopiya ng sakop at rehiyonal na pagboto ngunit mahalagang maunawaan na hindi lamang ito isang sosyolohikal o antropolohikong konsepto ngunit ito ay kakikitaan ng mga etikal na konsepto at pagpapahalaga. Ang nakikitang potensyal ng pilosopiya ng sakop bilang kasangkapan sa etikal na pagsusuri ay ang nagtulak sa mananaliksik upang gamitin ito sa pagsusuri ng rehiyonal na pagboto sa Pilipinas.

Ang pagpili sa isang kandidato ay nakabase sa mga pagpapahalaga at pananaw ng isang indibidwal kung kaya’t sa penomenon ng rehiyonal na pagboto na nakabase sa rehiyonal na pagkakaugnay niya sa kanyang kandidato ay kakikitaan rin ng mga pagpapahalaga at pananaw ukol sa kung ano ang tingin niya sa tama at mali, mabuti at masama, at sa pananaw niya tungkol sa kabutihang panlahat, katarungan, at katangian ng mabuting lider gamit ang lente ng pilosopiya ng sakop.

Ang Tama at Mali, Mabuti at Masama

Sa panahon ng halalan maririnig ang iba’t ibang diskurso patungkol sa kung sino ang “tamang kandidato” at ang “maling kanidato”, “mabuting kandidato” at ang “masamang kandidato”. Dito

²¹ Karen Tiongson-Mayrina and Brenda Barrientos-Vallarta, “How the Provinces Voted for President, VP,” *GMA News Online*, June 3, 2016, sec. News, <https://www.gmanetwork.com/news/news/specialreports/568715/how-the-provinces-voted-for-president-vp/story/>.

²² Tiongson-Mayrina and Barrientos-Vallarta, *How the Provinces Vote*.

²³ Leonardo N. Mercado, “Katarungan (Justice),” in *Elements of Filipino Ethics* (Tacloban City: Divine Word University Publications, 1978), 54.

mapakikinggan ang pagtatalo sa mga nagawa ng isang kandidato: ano nga ba talaga itong mabubuting nagawa niya para sa bansa at ano-ano kayang mga batas o ordinansa ang naipasa niya habang siya’y nasa kanyang posisyon. Kung kaya’t madalas ay dito rin inilalabas ng mga kandidato ang kani-kanilang *track record*. Kilala ang ganitong kaganapan bilang “pagpapabango” ng kani-kanilang pangalan sa masa. Sa kabilang banda, madalas maglabasan ang mga “baho” o mga katiwalian at mga nakaraang kamalian ng mga kandidato sa panahon ng halalan. Maliban dito, kilala rin ang mga Pilipino sa pagiging *populists* kung saan nakabase ang kanilang boto sa plataporma at pangako ng isang kandidato na bigyang tuon at halaga ang mga karaniwang tao sa halip na mga mayayaman at makapangyarihang *elites* sa Filipinas.²⁴ Karaniwang kilala ang mga kandidatong ito sa tawag na “boses ng masa” at may katangiang karismatik at dominante sa tingin ng mga botante gaya ng isang artista. Ito ang mga klase ng kandidato na huwarang nangangako ng isang agaran at malaking pagbabago sa mga Filipino bilang kanyang pangunahing plataporma na naging dahilan upang maka-agaw pansin sa panahon ng halalan.

Sa ganitong paraan masasabi nating para sa isang botante ang tama at mabuti ay iyong mayroon nang napatunayan, may mainam na *track record*, wala o kakaunti ang mga isyu ng katiwalian, iyong may matatag na plataporma upang magbigay pagbabago lalo na para sa mga karaniwang tao, at base sa kanyang popularidad. Sa kabilang banda, ang isang mali at masamang kandidato ay iyong wala o kakaunti pa lamang ang napatunayan, kulang o mahina ang pangako ng pagbabago, at hindi ganoon ka-sikat at karismatik.

Ang mga nabanggit sa itaas ang karaniwang pamantayan ng pagpili ng kandidato para sa mga botante ngunit mag-iiba ang kanilang batayan ng pagpili ng kandidato na may implikasyon sa pananaw nila ng tama at mali, mabuti at masama sa penomenon ng rehiyonal na pagboto dahil nag-iba rin ang sitwasyon. Sa penomenon ng rehiyonal na pagboto ay mayroon nang koneksyon ang isang botante sa isang kandidato kaya’t nagkaroon ng pagkiling (*bias*) at pagtangi (*prejudice*) sa isa o maraming kandidato. Ayon sa pilosopiya ng sakop, ang pagiging *sakop-oriented* ng mga Filipino ay nagreresulta sa pagkakaroon ng dobleng pamantayan.²⁵ Ang indibidwal ay mayroon ng pagkiling sa isang kandidato dahil nagmula sila sa iisang rehiyon at pagtangi sa ibang kandidato dahil hindi sila nagmula sa iisang rehiyon kahit pa mas may mataas na kwalipikasyon at mas may mainam na *track record*. Para sakanya, mas karapatdapat piliin ang pamilyar na kandidato kahit gaano ito kasama kaysa sa kandidatong bago sa paningin kahit pa gaano ito kabuti.

Isang magandang halimbawa ay ang pamilyang Marcos ng Ilocos Norte. Marami ang nagtataka na sa kabila ng napakadaming kontrobersya ng kanilang pamilya partikular sa mga ninakaw na kaban ng bayan noong panahon ng Martial Law na hindi pa rin lahat naibabalik ay patuloy pa rin silang nanungkulan sa lokal at nasyonal na pamahalaan. Ang dating First-lady na si Imelda Marcos ay nanungkulan bilang kongresista sa Ikalawang Distrito ng Ilocos Norte noong 2019;²⁶ si Imee Marcos ay nanungkulan bilang senador noong 1998 hanggang 2007 at noong 2019 hanggang sa kasalukuyan, at gobernadora ng Ilocos Norte noong 2010;²⁷ at si Bongbong Marcos ay nanungkulan bilang senador

²⁴ Adele Webb and Nicole Curato, “Populism in the Philippines,” in *Populism Around the World: A Comparative Perspective*, 2018, 49–65, https://www.researchgate.net/publication/327799897_Populism_in_The_Philippines.

²⁵ Leonardo N. Mercado, “The Filipino Mind,” *The Council for Research in Values and Philosophy*, Cultural Heritage and Contemporary Change, 8 (1994): 160.

²⁶ Colin Crummy, “Sole Survivor: How Imelda Marcos Strutted Back to Power in the Philippines,” *The Irish Times*, December 14, 2019, sec. culture, <https://www.irishtimes.com/culture/film/sole-survivor-how-imelda-marcos-strutted-back-to-power-in-the-philippines-1.4103547>.

²⁷ Rappler.com, “Imee Marcos Tops Election Results in the North,” *Rappler*, May 14, 2019, <https://www.rappler.com/newsbreak/iq/230622-imee-marcos-tops-results-north/>.

mula 2010 hanggang 2016,²⁸ tumakbo bilang bise-presidente noong Halalan 2016 ngunit natalo nang maliit na porsyento lamang kay Leni Robredo, at ngayong Halalan 2022 ay nakatakdang tumakbo sa pagkapangulo. Mataas pa rin ang tiwala ng mga taga-Ilocos Norte at ang “Solid North” sa pamilyang Marcos sa kabila ng kaliwa’t kanang kontrobersya ng mga ito.

Kung titignan natin sa lente ng pilosopiya ng sakop, ang patuloy na pagtangkilik ng mga taga-Ilocos Norte at ang “Solid North” ay una dahil sa pisikal na pagkakaugnayan nila sa mga ito kung saan nagsasalo sila sa iisang kultura, paniniwala, at wika. Pangalawa ay dahil sa historikal na pagkakaugnay nila dahil matagal din nanungkulan at nagsilbi ang pamilyang Marcos sa lokal na pamahalaan dito. Dahil dito mayroon na silang “malalim na pinagsamahan” kaya ang pamilyang Marcos ay naging parte ng sakop ng mga mamamayan sa Ilocos Norte at ang mga karatig na rehiyon. Itinuturing niyang ang pagkapanalo ng kanyang sakop ay ang pagkapanalo niya rin kung kaya’t nakadarama din siya ng kasiyahan sa pagkapanalo ng kandidatong parte ng kanyang sakop.²⁹ Kapansin-pansin ang ganitong uri ng kaugalian ng mga Filipino sa tuwing may nanalo sa isang internasyonal o pambansang kompetisyon kung saan kahit na hindi niya kakilala ang manlalahok ay ipinagmamalaki niya ito dahil pareho sila ipinanganak o nakatira sa iisang rehiyon. Mapapansin ang napakadaming ‘congratulatory posts at messages’ sa mga social media sites kahit pa hindi sila magkakilala ngunit nagsasalo siya sa tagumpay na nakamit ng manlalahok. Ngunit sa pagkakataong matalo ang kalahok ay tila siya rin ay natalo dahil para sa manonood hindi lamang kinakatawan ng kalahok ang sarili ngunit pati ang probinsya, rehiyon, o bansa nito na itinuturing niyang primaryang ugnayan nila. Ganito rin ang mapapansin natin sa penomenon nang rehiyonal na pagboto kung kaya’t hindi lamang sa pagkapanalo o kasiyahan siya nakikisalo kundi pati na rin sa pagkabigo. Sa pagkabigo ng kanyang sakop ay makakaramdam din siya ng pagkabigo dahil naniniwala siyang mayroon siyang kontribusyon o ambag sa paglalakbay ng kandidato bilang matagal na ka-rehiyon at pinagsilbihan. Ang botante ay nagiging *extension* ng kandidato. Ang kagustuhang maipanalangin ang kandidatong parte ng kanyang sakop at ang pag-iwas sa kabiguan ang nagtutulak sa kaniya upang suportahan ang isang kandidato kahit pa gaano ito kasama o napapalibutan ng mga kontrobersya.

Sa kabuuan, sa penomenon ng rehiyonal na pagboto ang basehan ng tama at mabuti ay ang anumang magbibigay kasiyahan sa kanyang sakop at ang mali at masama ay iyong mga bagay na magbibigay kalungkutan o kabiguan sa kanyang sakop. Ang ganitong pananaw sa tama at mali, mabuti at masama ay may negatibong implikasyon sa konsepto ng katarungan na tatalakayin sa mga susunod na bahagi ng kabanata.

Pag-unawa sa Konsepto ng Kabutihang Panlahat

Kaugnay nang mga nabanggit sa itaas, para sa mga botante ay nagsasalo sila sa iisang “paglalakbay” kaya’t tila may responsibilidad sila sa isa’t isa bilang “magkabaryo”. Ngunit ang responsibilidad ng isa’t isa ay hindi nagtatapos sa pagsuporta lamang ng botante sa kandidato. Maaari itong maiugat sa panibagong kulturang Pilipino: ang pagtanaw ng utang-na-loob. Ang pagtanaw ng utang-na-loob ay isang katangian ng *patron-client relationship* sa politika ng Filipinas na nagpapakita ng tangkang pagtumbas ng indibidwal sa natanggap niyang *tulong* mula sa isang politiko o kaya ang inaasahang matatanggap na *tulong* mula sa politiko patungo sa indibidwal matapos niya itong suportahan.³⁰ Subalit itinuturing na

²⁸ “Senator Ferdinand ‘Bongbong’ R. Marcos, Jr.,” Legacy Senate, accessed December 7, 2021, https://legacy.senate.gov.ph/senators/sen_bio/bmarcos_bio.asp.

²⁹ Mercado, *Sakop and the Individual*, 49.

³⁰ L.B. Teves, “Patron-Client Relationship and Participation: The Case of the Philippines,” *Entwicklungsanthnologie* 9, no. 1 (2000): 43–59.

Janus-faced ang isang politiko dahil ang tulong na kanyang ibinigay ay may inaasahang kapalit (sa anyo ng boto o anumang uri ng pagsuporta sa politiko) at dahil maaaring magkaroon ng *pagtataksil* o hindi pagtupad sa kanyang pangako (na *tulong*) sa indibidwal na sumoporta sakaniya.³¹ Sa ganitong paraan mahahalintulad ang *patron-client relationship* sa Filipinas sa ugnayang tagapagsilbi at pinagsisilbihan sa penomenon ng rehiyonal na pagboto. Ito ay dahil matagal na nanilbihan ang kandidato sa lokal na pamahalaan na kinabibilangan ng botante kaya ang mga *tulong* at iba pang *kabutihang loob* na natanggap niya ay inaasahang tatanawin ng botante bilang utang-na-loob sa kandidato kaya't mataas ang posibilidad na susuportahan niya ito sa halalan.

Ngunit hindi dito nagtatapos ang pagtanaw ng utang-na-loob na mula sa botante para sa kandidato, kundi mayroon ding inaasahang pagtanaw ng utang-na-loob mula sa kandidato patungo sa botante na parte ng kanyang sakop. Madalas nating marinig ang katagang “Tboboto ko si (*pangalan ng kandidatong karehion niya*) dahil alam ko na kung mananalo siya ay bibigyan niya ng pokus ang pagpapatupad ng mga polisiya at programa na lubos na mapapakinabangan ng ating rehiyon.” Kung gayon hindi lamang kabutihan ng “lahat” ng Filipino ang nasa kanyang isip kundi mas pinapanigan niya rin kung ano ang mabuti para sa “lahat” ng parte ng kanyang sakop. Kahit na hindi indibidwalistikong maituturing ang mga Filipino ay hindi niya pa rin inilalayo ang kapakanan ng kanyang kapuwa sa kanyang pansariling kapakanan.³² Dahil siya ay may pagkiling sa kandidato na nagmula sa kanyang rehiyon ay inaasahan din niyang may parehong pagkiling ang kandidatong ito sakaniya bilang taga-suporta na nagmula sa parehong rehiyon. Naging tila walang katapusan ang pagtanaw ng utang-na-loob. Mula sa kandidato patungo sa botante at papunta sa kandidato at pabalik sa botante at patuloy ang pag-ikot nito. Ito marahil ang dahilan kung bakit sa tinagal ng panahon ay hindi pa rin lumilipas ang suporta ng mga kabalwarte ng isang kandidato kahit pa nasadlak na ito sa napakaraming katiwalian. Para kay Mercado, ang pagiging sakop-oriented ng mga Filipino ay ang dahilan sa paghingi ng tulong ng indibidwal sa kanyang sakop sa tuwing siya ay nabibigo at ang pagbabahagi ng kasiyahan sa tuwing siya ay nasa magandang disposisyon.

Ang ganitong uri ng pag-iisip ay hindi lamang kaligayahan o kalungkutan ng kanyang sakop ang nasa isip ng isang indibidwal kundi hindi niya pa rin nilalayo ang kapakanan ng kanyang sarili. Maituturing na indibidwalistiko pa rin ang mga Filipino ngunit sa naiibang paraan. Sa kanyang pananaw ng kabutihang panlahat ay hindi lamang kung ano iyong nakabubuti sa kanyang sakop kundi pati din sa kanyang sarili. Sa konsepto ng kabutihang panlahat, ang sakop ng “lahat” ay ang kanyang *sakop* lamang at hindi talagang lahat ng mga Filipino. Sa *patron-client relationship* at ugnayang tagapagsilbi at pinagsisilbihan, ang botante ay may pagkiling sa kandidato na kabilang sa kanyang sakop kaya't sa halip na ang pamantayan ng pagboto ng indibidwal ay batay sa kwalipikasyon ng kandidato, ang botante ay nakatingin sa kanyang sakop. Ang pagtingin sa sakop ay ang pagbabalewala sa kabutihang panlahat, ang mas malawak na sakop ng “lahat”.

Ang ganitong pananaw sa kabutihang panlahat ay nakakaalarma dahil mas lalo nitong pinaghihiwalay o pinaghahati-hati ang mga Filipino sa pagitan ng mga nahahating rehiyon. Imbes na pagtuunan ng pansin kung ano itong nakabubuti para sa lahat ng Filipino tungo sa mas progresibo at malawakang kaunlaran ay mas pinagtutuunan ng pansin ang kabutihang “panrehiyonal” lamang.

³¹ John Thayer Sidel, “Beyond Patron-Client Relation: Warlordism and Local Politics in the Philippines,” *Kasarinlan* 4, no. 3 (1989): 19–30.

³² Mercado, *The Filipino Mind*, 160.

Pananaw sa Katarungan

Ang kandidato ay *extension* ng botante bilang parte ng kanyang sakop kung kaya't ano mang kasiyahan niya ay nakadarama din siya ng kasiyahan at ang ano mang ikinalulungkot o ikinabibigo ng kanyang sakop ay siya ring ikinalulungkot o ikinabibigo niya.³³ Kung kaya tuwing binabatikos ang isang kandidato ay tila siya rin ay kasamang pinapahiya. Ang hiya (o *shame*) ay isang pagpapahalagang Filipino kung saan nakararamdam siya ng pagbaba ng kanyang pagkatao sa tuwing may nagagawang hindi sinasang-ayunan ng itinakdang pamantayan ng lipunan. Ito ang pinakainayawan niyang maranasan kaya't ang indibidwal na nasasadlak sa kahihyan ay maaaring maging bayolente.³⁴ Sa penomenon ng rehiyonal na pagboto ay mapapansin ang pagiging bayolente ng mga taga-suporta ng isang kandidato partikular sa kanyang rehiyon sa sino mang "naninira" sa kanyang *sakop*. Ano mang bayolenteng aksyon niya ay nabibigyang katwiran kahit pa may ibang tao na siyang nasasaktan dahil ginagawa niya ito sa ngalan ng ikasasaayos ng kanyang sakop. Halimbawa nito ay ang mainit at mapait na palitan ng mga "Solid North" sa "United Bicol" noong nakaraang Halalan 2016.³⁵

Ang armonya ay isang pinakamahalagang katangian ng sakop. Isasakripisyo niya ang pansariling kapakanan para sa mas mataas na halaga ng pagkakaisa.³⁶ Ibinigay na halimbawa ni Mercado ang pilosopiya sa pagsasabong ng mga Filipino. Ayon sa kaniya, ang pagpili ng mananabong sa pupustahan niyang manok ay nakabatay sa koneksyon niya sa may-ari ng manok. Pipiliin niya ang panabong ng isang kaibigan o kabaryo sa halip na iba at ang pagpili sa kabilang panig na hindi kasama sa kanyang sakop ay maituturing na pagtaliwas sa kanyang sakop. Bilang mananabong ay panandalian niyang isusuko at isasantabi ang pansariling kagustuhan at mga pagtanggap para sa kapakanan ng sakop.³⁷ Dito makikita ang mataas na pagpapahalaga sa armonya ng indibidwal sa kanyang sakop kaya't handa siyang gawin ang lahat para mapanatili ito at maiwasan ang anumang tunggalian. Sa penomenon ng rehiyonal na pagboto, maaring ituring na wala o hindi marunong makisama ang isang indibidwal na hindi pipiliin ang kandidatong mula sa kanyang rehiyon. Maaari rin siyang bansagang *traydor* at *takwil* dahil sa pagtaliwas niya sa inaasahang kilos na dapat niyang gawin at sundin. Kung gayon, sa kagustuhang hindi mapahiya, matawag na *hindi marunong makisama*, at mapanatili ang armonya sa pagitan ng kanyang mga kapwa botante sa kanyang rehiyon ay ibaba niya ang kanyang desisyon sa ano mang napagpasyahan ng kanyang sakop: ang suportahan ang kandidato na nagmula sa kanilang rehiyon. Maikokonekta din ito sa naunang pagtalakay ukol sa indibidwalistikong katangian ng sakop. Mayroon siyang makukuhang kapakinabangan sa pagsuporta sa kandidato kahit na sabihing mayroon siyang pagkiling dahil mas mahalaga pa rin sakaniya ang sinasabi ng kanyang sakop kaysa sa iba na labas sa kanyang sakop.

Ang ganitong uri ng pananaw sa katarungan ay maaaring magresulta sa dobleng pamantayan ng katarungan kung saan ang basehan ng tama at mali ay nakadepende sa dikta ng kanyang sakop. Maaari rin itong magresulta sa pagtalikod sa hustisya at ang pagtanggap sa inhustisya kung ang indibidwal na nakagawa ng masama o krimen ay parte ng kanyang sakop at sa pagsagawa nito ay mayroon rin siyang matatanggap na pansariling kapakinabangan.

³³ "the sakop fulfillment, is also personal fulfillment" from Mercado, *Filipino Mind*, 126.

³⁴ Mercado, *Katarungan (Justice)*, 61.

³⁵ Bea Cupin, "Robredo: United Bicol Can Beat the 'Solid North,'" *Rappler*, May 6, 2016, sec. Philippine Election, <https://www.rappler.com/nation/elections/131994-robredo-united-bicol-beat-solid-north/>.

³⁶ De Leon, "Leonardo Mercado", 57-86.

³⁷ Mercado, *The Filipino Mind*, 143-45.

Ang pananaw sa mabuting lider

Base sa mga naunang pagtatalakay, ang konsepto ng tama at mabuting kandidato, mali at masamang kandidato ay nakabase sa kasiyahan at kabiguan ng kanyang sakop. Higit dito, dahil mataas ang pagbibigay halaga niya sa armonya sa pagitan ng kanyang sarili at sakop at pagsunod sa dikta ng kanyang sakop, nagkakaroon ng mga pagbabago sa kanyang pananaw sa kabutihang panlahat at katarungan. Ang mga pagbabagong naganap sa mga konseptong nabanggit ay may negatibong implikasyon din sa kanyang pananaw sa mabuting lider.

Nabanggit sa unang bahagi ng Etikal na Pagsusuri na labas sa konteksto ng rehiyonal na pagboto, ang madalas na basehan ng isang mabuting lider ay iyong may malinis at magandang track record, iyong magbibigay kaginhawaan sa mga Filipino, iyong magbibigay kaayusan sa mga isyung hinaharap ng bansa na matagal nang nalugmok sa kahirap, at iyong popular at karismatik.

Ngunit sa konteksto ng rehiyonal na pagboto, ang pagbabagong naganap sa pagkakaroon ng pagkiling sa kandidatong kasama sa iisang rehiyon at pagtanggap sa kandidato hindi kabilang sa kanyang rehiyon ay nagresulta sa pagtingin sa mabuting lider bilang isang klase ng lider na nagtataglay ng mga sumusunod na katangian: parte ng kanyang sakop, inaasahang bibigyang tuon ang sariling rehiyon upang mas lalong magbigay kaunlaran sa mga mamamayan nito na kabilang sa kanyang sakop, at iyong magbibigay kaginhawahan sakaniya bilang isang pagtanaw ng utang-na-loob ng kandidato sa patuloy na pagsuporta sa kaniya ng botante. Subalit nais ko uling bigyang linaw na ang ugnayan ng botante at kandidato na parte ng kanyang sakop ay hindi lamang umiikot sa pisikal na pagkakaugnayan nila kundi sa mas malalim at ganap na ugnayan: (1) nagsasalo sila sa iisang wika, kultura, tradisyon, at paniniwala; (2) at matagal na nanilbihan ang mga kandidato sa kanilang rehiyon. Base sa dalawang naunang obserbasyon ay ating mapapansin na ang mga pagbabagong naganap sa pananaw sa mabuting lider ay hindi maaaring sabihin na nakabatay lamang sa pansariling hangarin ang pagsuporta ng mga botante. Maaaring para sa botante ay “mabuti” ang kandidatong parte ng kanyang sakop dahil matagal itong nanungkulan sa kanyang rehiyon kaya personal na nasaksihan at napakinabangan niya ang mga ordinansa at proyektong naipatupad nito sa kanyang rehiyon, at madalas ito nagiging parte ng mga pag-uusap ng mga tao na naging dahilan upang tignan niya ang kandidato na parte ng kanyang sakop bilang “mabuting manglilingkod”.

Kongklusyon

Naipakita sa mga ginawang pagtatalakay na sa penemonon ng rehiyonal na pagboto nag-iiba ang pananaw ng isang indibidwal sa kung ano ang tama at mali, mabuti at masama, sa konsepto ng kabutihang panlahat, katarungan, at batayan ng mabuting lider. Ang basehan ng tama at mabuti ay ang anumang magbibigay kasiyahan sa kanyang sakop at ang mali at masama ay iyong mga bagay na magbibigay kalungkutan o kabiguan sa kanyang sakop habang ang konsepto ng kabutihang panlahat ay anumang nakabubuti sa “lahat” ng kasama sa kanyang sakop at hindi ang lahat ng kanyang kapuwa Filipino; ang konsepto sa katarungan ay nagreresulta sa dobleng pamantayan ng katarungan kung saan nakabatay ito sa dikta ng kanyang sakop; at ang pamantayan sa pagpili ng mabuting lider ay sino mang makabubuti sa kanyang sakop at sarili.

Dahil sa mga nabanggit na pagsisiwalat sa etikal na pagpapahalagang nakapaloob sa rehiyonal na pagboto gamit ang pilosopiya ng sakop ni Leonardo Mercado ay maituturing na isa itong nakakaalarmang kultura sa Filipinas dahil sa hindi maayos na distribusyon ng boto na maaaring magresulta sa hindi patas at hindi makatarungang eleksyon at ang mas lalo nitong paghahati sa mga

Filipino sa iba't ibang probinsya, rehiyon, at kapuluan. Ang rehiyonal na pagboto ay isang balakid sa ganap na pagtatag ng isang nasyonal na sakop ng mga Filipino. Kaya kung magpapatuloy ang ganitong kultura lalo na sa darating na Halalan 2022 ay inaasahang magkakaroon pa rin ng hindi makatarungang eleksyon at ang paglaganap ng korupsiyon at gulo sa pagitan ng mga nag-tutunggalian na mga rehiyon. Inaasahang magtitipon tipon pa rin ang mga botante na nagmula sa iisang rehiyon upang suportahan ang kanilang kandidato nang hindi sinusuri at ginagamitan ng kritikal na pag-aanalisa ang pagpili ng susunod na mga uupo sa pwesto ng Pangulo at Ikalawang Pangulo. Bagamat may mga pagkakataong ang pagiging *sakop-oriented* ng mga Filipino ay nagpapakita ng kanilang pagpapahalaga hindi lamang sa sarili kundi sa kabutihan ng kanyang kapuwa ay hindi pa rin maiiwasan ang negatibong implikasyon nito sa mga moral na pagpapahalaga kaya't kinakailangang magkaroon ng pagsusuri ang mga Filipino sa mga pagbabagong kinakailangan nilang gawin upang ang mga tradisyonal at hindi na nakabubuting mga kaugalian at kultura ay mabigyan kaayusan.

Higit sa lahat ipinapakita ng pagsusuring ito na maaaring gamitin ang pilosopiya ng sakop upang suriin ang mga etikal na pagpapahalagang nakapaloob sa kulturang Filipino at kung bibigyan lamang ng kaukulang atensyon ng mga mag-aaral sa pilosopiya at mga Filipinong pilosoper ay maaaring kakitaan ng potensyal upang magamit sa mga etikal na pagsusuri ng mga kulturang Filipino.

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Legalism and Legal Pragmatism: Concepcion v. Court of Appeals and the Rights of (Legitimate) Children

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In 1990, the United Nations General Assembly enforced the Convention on the Rights of the Child (UN CRC), an “international human rights treaty” that declares the preservation and protection of the rights of children regardless of their race, gender, class, and other ascribed status in the society.¹ Article 3 of the Convention states that, “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”² This “best interest” is imposed by the statute, and therefore inalienable to every child subjected to programs and procedures that cater to children’s rights. However, who determines the best interests of the child? Due to the innocence and vulnerability of children, the best interests of children are determined by the adults—precisely, the legal authorities, especially when it comes to circumstances involving judicial bodies. This paper is grounded on how the rights of children are viewed and enforced by legal mechanisms. A legalist interpretation follows the letter of the law—strictly giving little to no consideration of the big picture.³ Legal pragmatists, on the other hand, concern themselves with what is “best for the community’s future, not counting any form of consistency with the past as valuable for its own sake.”⁴

Rights, in this case, are viewed as legally enforceable mechanisms; hence, perspectives on law are also adopted when realizing the implications of these rights. To portray this, Onora O’Neill in her article *The Dark Side of Human Rights*, emphasizes that problems arise with how these rights are viewed (whether meaningfully or not) and implemented (or not) by parties given the obligation to realize these rights.⁵ Her article examines the nature of rights and the implications of holding rights. A ‘Normative View’ of human rights implies that there are duties to be carried out for rights to be upheld. On the other hand, the ‘Aspirational View’ of human rights implies that rights are only perceived as something idealistic. Lastly, the ‘Cynical View’ of human rights entails that rights can be limited to particular groups of people through declarations and covenants (given the lack of unanimous agreements to these documents). These perspectives on how rights are treated and expected to be enforced may inform how they are interpreted by the law, and vice versa.

¹ Civil Society Coalition on the Convention on the Rights of the Child, “Guide for Monitoring the UN CRC in the Philippines.”

² United Nations, Convention on the Rights of the Child.

³ As Scheingold mentions in “Chapter 10: Legal Education and Professional Socialization: The Myth of Rights Revisited”, legalists refuse to see the matter in the greater scheme of things and consider the moral, socio-political and even economical layers of the issue at hand when deciding on a ruling (*The Politics of Rights*). Legalists tend to overemphasize the blackletter law and adhere strictly to what legal procedures entail.

⁴ Dworkin, *Law’s Empire*, 95.

⁵ O’Neill, “The Dark Side of Human Rights,” 320–22.

The case of *Concepcion v. Court of Appeals* shall demonstrate how the legalist nature of Philippine courts enact a potentially harmful interpretation of rights. In substantiating, O’Neill’s four critiques of rights enforcement shall be invoked.⁶ First, rights upheld through legislations, are subjected to complexities of bureaucracies and technicalities that essential responsibilities are looked over. Second, compliance with these complexities may impose burdens to the rights holder, forcing them to forfeit their rights. Third, when rights holders complain about a violation of their rights or its inaccessibility, they are oftentimes dispirited, left without consolation, for insisting on their rights. Lastly, compensations for a violation of their rights or its inaccessibility are not warranted by legal or political institutions. These four shall prove the argument that stringently enforcing the rights of the child—the best interests of the child—is not pragmatically ideal.

The first section shall present the context of UN CRC and its subsequent Philippine laws. The next section shall provide the salient facts of the case, followed by the ruling of the Court in terms of O’Neill’s criticisms of rights enforcement. Furthermore, the role of the state in pursuing the Rights of the Child shall be introduced. The last section will conclude the application of concepts on the case study.

The Rights of the Child

Children’s rights are both a combination of liberty rights—entitlement to freedom and security—and welfare rights—entitlement to education, healthcare, and the likes. These rights are deemed by worldwide treaties and national laws. Following O’Neill’s perspective on rights, in the Philippines, children’s rights are viewed as both aspirational and normative. The Aspirational View of rights sees the act of upholding the rights as the ideal. With this, there are no accountabilities that belong to the entities that should enforce these rights. For example, Principle 9 of the Declaration of the Rights of the Child states that it is the right of a child to be protected from undue employment while they are not yet of legal age.⁷ Yet, the Philippine government fails to ensure that there will be no child labor.⁸ However, the State will not be subjected to punishment by other governing bodies as there are no institutions that compel the State to enforce such security. Meanwhile, the Normative View of rights demands the bearers of rights to perform duties. However, there are sectors which cannot adhere to such obligations namely, the children who cannot be expected to do obligations like paying taxes as a contribution to the State.

With this, it should be noted that a few months after the UN CRC was unanimously ratified by the UN General Assembly, the Philippines became a signatory to the convention, which was supported by the Senate.⁹ Moreover, to put the rights convention into action, the Philippines executed the Juvenile Justice and Welfare Act (JJWA) of 2006 which now transformed these abstract rights to legally enforceable provision.¹⁰ Because of the national laws in place, the UN CRC would not be perceived from the Cynical View, but are now perceived from the Normative View. These rights prescribe and proscribe through the legal sanctions drafted by legal authorities. The signing of international declarations entails commitment to abide by the values it forwards. But long before the

⁶ O’Neill, “The Dark Side of Human Rights,” 320–22.

⁷ UNICEF, Declaration of the Rights of the Child.

⁸ Philippine Statistics Authority, “Working Children by Occupation, Year and Sex.”

⁹ Civil Society Coalition on the Convention on the Rights of the Child, “Guide for Monitoring the UN CRC in the Philippines.”

¹⁰ UNICEF, “Philippines Can Be Proud of Juvenile Justice Law as World Commemorates 30 Years of the Convention on the Rights of the Child – United Nations.”

UN CRC was established, the Philippines has been following the same principle. As invoked by the court decision in the Concepcion v. Court of Appeals, the Child and Youth Welfare Code of Presidential Decree 603 bears the same essence as it demands to prioritize every child's welfare. Thus, it can be said that the notion of children's rights the very least, does not remain ostracized from the reality of children's welfare.¹¹ The existence of policies upholding them and legal decisions defending them implies that the Philippines is striving towards making rights more than a mere aspiration.

Explication of the Case

Gerardo Concepcion, the petitioner, wanted to have his marriage with Ma. Theresa Almonte, the respondent, annulled due to bigamy. Gerardo reasoned that Ma. Theresa has been married to Mario Gopiao for nine years before Gerardo and Ma. Theresa married. The fact that there was a previous marriage was not denied by Ma. Theresa but she insisted that it was not legitimate and that they did not even live together. It is important to note that Gerardo and Ma. Theresa had a child, Jose Gerardo. Now, Gerardo's petition resulted to Jose Gerardo being recognized as an illegitimate child by the trial court. In the Family Code, legitimacy is always preferred over illegitimacy because the former has more rights than that of the latter. Having been declared as an illegitimate child, Ma. Theresa then wanted her child's surname to be named after her maiden name as this was one of the rights of an illegitimate child. It can be surmised that Ma. Theresa did not bother considering the illegitimate status of her child so long as her child is named after her, as the biological mother. Ma. Theresa's insistence was not well-received by the court because ascribing to an illegitimate status does not translate to pursuing the best interest of the child. When the case was raised to the Court of Appeals, the first marriage that Ma. Theresa had, was recognized as the legitimate and persisting marriage, making Jose Gerardo (Gerardo and Ma. Theresa's biological son), a legitimate child of Mario Gopiao and Ma. Theresa. Mario Gopiao. However, the legitimacy was already considered irrelevant by Ma. Theresa due to years of non-interaction. Thus, Jose Gerardo was deemed a legitimate child of a man whom he had not known.

Duty of the Court

The rights of children are treated as normative due to the laws implicating them. Invoking O'Neill's normative perspective on rights, the Court responds by interpreting the law formally and being legalistic about the benefits that the child may attain. Whatever the court's ruling is, it will inform how the rights of the child should be enacted and what the best interests of the child are.¹² Because of this, the State has a mandated obligation to endorse these rights and ascertain that they are being observed. In the ruling of this case, the court affirmed the role of the state as *parens patriae*. Meaning, that by the laws, the State guards children from being taken advantage of and to ensure the children's unhindered growth and maturity towards becoming citizens with a sense of accountability and morality in the society.¹³ Likewise, the court, as the defender of the laws and as part of the State, is given the duty to fulfill obligations which carries out justice for the rights of the child.¹⁴ The court has the power to correct, punish, and provide compensation whenever these rights are violated by others or even by the receiver of the rights. In this instance, the Supreme Court attempted to correct the previous rulings

¹¹ "G.R. No. 123450 - Gerardo B. Concepcion v. Court of Appeals, et Al."

¹² Rosenberg, *The Hollow Hope: Can Courts Bring About Social Change*.

¹³ "G.R. No. 123450 - Gerardo B. Concepcion v. Court of Appeals, et Al."

¹⁴ O'Neill, "The Dark Side of Human Rights," 319.

and redirect the situation to cater directly to the rights of the child—by providing more rights—where the best interest lies.

The Court on “Best Interests of the Child”

“Best interest” is not interpreted subjectively or relatively as in considering the situations of real life. Interpretivism has no place in the eyes of the law. Rather, what the best interest of the child is, is interpreted legally as these laws in place are expected to pursue the highest good for the child. In this judicial case, Ma. Theresa suffered from the consequences of legally upholding what is in the best interest of her child. O’Neill identified four (4) ways on how rights can burden human beings: complexity, compliance, complaint, and compensation.¹⁵ These were all experienced by all the parties involved in this case.

Complexity. Because of Gerardo’s desire to have his and Ma. Theresa’s marriage annulled and still merit visitation rights of their son, Jose Gerardo, they all have to undergo through the lengthy bureaucratic procedures of the legal system. As O’Neill posed, conforming to regulations—in this case, submitting proof of filiation, exposing rather private records and media, documenting concerned parties’ whereabouts—seems to be a requirement to fully realize one’s rights.¹⁶ The case went from the Trial Court to the Court of Appeals up to the Supreme Court only for Jose Gerardo to be declared as a son of someone irrelevant to him up until the decision of the Supreme Court was reached. The Court itself said that it took almost 15 years for the case to be settled. For 15 years, Jose Gerardo’s status was thought to be legitimate. And now, his identity was drastically changed by legally making him the son of a supposed father whom he had not known.¹⁷ They had to go through all these complexities motivated by the fight for their rights and the right to their son, and yet, it was the son who was at a disadvantage brought by the impractical turnout of the case ruling.

Compliance. In a situation where a certain right is not enforced or is violated, O’Neill states that the possessor of rights is urged to call out the State for the absence of compliance. At the same time, when the enforcer implements that right in its own interpretation, the possessor of that right is bound to comply. Since the best interests of the child is the governing principle in deliberation on issues concerning the rights of the child, in the end, Jose Gerardo had no choice but to have a legitimate status in the eyes of the law. However, in the early phase of this case, when Jose Gerardo was declared illegitimate, Ma. Theresa, his biological mother, appealed to the court for not complying with her right as the mother. She requested to have her surname as the child’s too. Yet, the court frowned upon this. Ma. Theresa, as a mother, cannot claim to have a legitimate child with her recent husband. However, she can claim legitimacy for her child with her former husband who was not even the father of the child. This mandatory compliance to the rights of the child enforced by the law forced undue strains on the relationships of the parties involved. For instance, Mario must morally and economically support his legitimate child, Jose Gerardo, as dictated by the legitimacy of Jose Gerardo. Not only that, Gerardo, the biological father of Jose Gerardo, earned no rights to his child nor obligation to support his child.

Complaint. Gerardo, Ma. Theresa, and Mario are obligated to abide by the ruling of the court for it legally caters to the interests of Jose Gerardo. Complaining about the enforcement of rights will only bring about further complications due to the complexity of the bureaucracy and the lack of

¹⁵ O’Neill, “The Dark Side of Human Rights,” 321.

¹⁶ O’Neill, “The Dark Side of Human Rights,” 321.

¹⁷ “G.R. No. 123450 - Gerardo B. Concepcion v. Court of Appeals, et Al.”

guarantee of just reparations to the parties affected.¹⁸ Doing so would spend valuable time, energy, and resources; Jose Gerardo's re-seeking of justice would be nothing but inconvenient. Even before the case reached the Supreme Court, the legitimacy sought by Gerardo and Ma. Theresa has been hindered by bureaucracy. Having to go on trial from one court to another not only burdens the two parties but also Jose Gerardo as his legitimacy status is being legally questioned. Furthermore, the case had already been moved to the jurisdiction of the Supreme Court for oral arguments. This means that unless new pieces of evidence are presented and new circumstances arise, there is no reason for the Supreme Court to revoke its decision. Complaints can only be made informally and seeking to move the case for reconsideration will only add a few more years to the 15 years that the case has been running. Doing so might cause further injustice to Jose Gerardo.

Compensation. The Court, by the power of the laws, delivered compensation in the form of attributing legitimacy to Jose Gerardo. However, due to the systems of the courts and the appeals by both parties, it took 15 years for Jose Gerardo's right to legitimacy and support be acknowledged. The supposed compensation, attaining justice and pursuing Jose Gerardo's best interest, was delayed, in a legal-bureaucratic aspect, and denied, pragmatically. O'Neill was correct when she said that gaining compensation has its advantages though the disadvantage lies with what one had to go through to attain compensation and with how worthwhile it is.¹⁹ It is not always worth the time, resources, and effort. In Gerardo's case, his filing for annulment and its consequences i.e., acquiring visitation rights to Jose Gerardo, only resulted in losing his status as the recognized father of Jose Gerardo. Since Jose Gerardo was only a child when this case took place, his rights were put in prime by the court. The unexpected compensation due to the child's rights produced the least desirable outcome for both Gerardo and Ma. Theresa, and to an extent, the oblivious Mario.

Conclusion

This paper aims to prove that a normative notion of rights and a legalistic interpretation of rights enforcement do not always work in favor of the rights holder. Such is the case of how Jose Gerardo was subjected to legal complexity, coerced compliance, undue repercussions of complaint, and a rather troublesome form of rights compensation.

In the Philippines, declarations or covenants of rights are backed up by the State via the laws used to legally enforce them. The court always goes back to the essence of the rights. Though they are meant to protect when these rights are imposed on an individual or groups of people it is not always the case that it results in favorable outcomes. G.R. No. 123450 attests that an imposition, such as rights, can prove to be harmful even when it intends to secure a universal good.

What is declared to be legal may not always be pragmatic. As in the case of *Concepcion v. Court of Appeals*, when the court ruled in favor of the child—Jose Gerardo—by declaring him to be a legitimate child of his mother's first husband, Mario, whom Jose Gerardo is not even acquainted with. Gerardo, the petitioner, and the proven biological father of Jose Gerardo, then had all his paternal rights to Jose Gerardo null, void, and non-existing to begin with. Upholding the "best interests" of Jose Gerardo resulted in a lengthy legal battle of complexities, undue obligations, and less-than-ideal compensation. For the Court, what is the "best interest" for Jose Gerardo fails to consider the social context he was in. The Court neglected to look beyond the formalist letter of the

¹⁸ O'Neill, "The Dark Side of Human Rights," 321.

¹⁹ O'Neill, "The Dark Side of Human Rights," 321.

law and value the reality the child was in. All these complications subject the notion of rights and its enforcement to questioning. To add, when it comes to the topic of illegitimate children, the children have no choice but to be governed by what the law prescribes and what their parents caused them. This the vulnerable children at an inescapable disadvantage, mostly caused by their parents. Only the parents have accountability for their status, and yet, it is the children suffering the consequences, had it been harmful. The poor children have nothing to do with their illegitimacy. As Judge Ulysses Butuyan once remarked, “There are no illegitimate children. There are only illegitimate parents”.²⁰

In whichever way rights are viewed, it is of prime importance to consider beyond the legal implications of its enforcement. Legal pragmatism offers an avenue for flexibility and adaptability for the rights holder, particularly when the rights holder itself is a child. The law bears the duty to state and inform what should be attained, but it is the legal institution, as represented by the judge in this case, that bears the accountability and responsibility to see to it that the ideal and realistic ‘best interests of the child’ are met. *Concepcion vs. CA* begs us to question what rights are for when its imposition entails injury, and how the body of law can remedy this.

²⁰ Butuyan, “Illegitimate Parents.”

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Book Review: Reimers, Adrian J., *The Good Is Love: The Body and Human Acts in Humanae Vitae* and John Paul II¹

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Adrian Reimers' book *The Good is Love: The Body and Human Acts in Humanae Vitae and John Paul II* discusses the truth behind contemporary practices as regards to the conjugal act such as contraception that are branded as immoral by the 1968 encyclical of St. Pope Paul VI *Humanae Vitae* and the Personalist Philosophy of St. Karol Wojtyla (Pope John Paul II), specifically his *Theology of the Body*. It is comprised of eight chapters outlined in a scholastic fashion. Chapter 1: The Heart of the Issue: Love, as the title indicates, introduced the reader to the heart of the issue, which is love. Here, Reimers elucidates the Christian notion of love as presented in its moral philosophy. It aims to present the notion of love in the Christian understanding so as to be able to understand why the Church forbids the use of contraception— because it is contrary to love. The key argument here is that love comes from God as the Creator of man, therefore, man was made to love the way God loves His creation. From here, one can solidly establish the true notion of conjugal love in relation to the love the Creator has for His creation. Having established this, the true essence of the body as a spiritual composite is discussed in Chapter 2. It is from this nature as a spiritual composite with a rational nature where it gets its dignity, and hence must not be subservient to subjective emotions or pleasures, and actions must be directed to respect its dignity.

Having proven that the philosophically founded morality accentuates is always in accord with the law of God as its end, Reimers presents in the third chapter the character of the present era as regards to the practice of contraception. He showcases the dark reality behind this prevalent belief by exposing the historical and conceptual aspects: the good as presented by Max Scheler, and the effects utilitarianism had on the mindset of the world today (affecting even those in the Church particularly in the “Majority Report” of the papal commission on birth control commissioned by the Vatican to discuss the issue). Having exposed the truth behind the contemporary mindset, Reimers discussed briefly but concisely John Paul II's theology of the body in Chapter 4, and subsequently the pope's understanding of the notion of concupiscence vis-à-vis the notions of virtue and covenant. He paid particular attention to the tendency of contemporary society to reduce concupiscence from the evil that it is to a natural part of man's fallen nature. Then, in Chapter 6: Acts and Morality, he discoursed on Wojtyla's account of proper human actions that lead to self-fulfillment (i.e., moral actions) as he outlined in his opus *Person and Act* as well as in his other writings prior to and after his election to the papacy. Of particular note here is the comprehensive discussion on the idea of mortal sin against the objections to it by contemporary ethicists.

After the philosophical discourses in the previous chapters, Reimers discussed the importance of faith and obedience and intellectual submission for human beings to recognize their vocation. He explained here that it has been far too common for the authority of the Magisterium to be criticized

¹ South Bend, Indiana: St. Augustine's Press, 2020.

for being legalistic. In reality though, distancing one from faith actually harms the well-being of the human person as a spiritual composite. As humans are called to love as God loves, similarly man is called to faith because it is the way to love the Creator whom he finds fulfilment as shown by St. John of the Cross. From here, Reimers concludes with the discussion of the spirituality of marriage in the eighth chapter, a topic that often goes unnoticed in the pope's theology of the body. He presented there that marriage is a gift that intends to bring the utmost fulfilment to the conjugal life and hence must always be found in relation to spiritual goodness, particularly by piety, one of the gifts of the Holy Spirit.

In terms of its content, the book discusses an ongoing, controversial debated issue worldwide. The practice of sex outside of marriage (e.g., cohabitation and infidelity), that was once abhorred, is now normalized so long as there is mutual consent between both parties. Many people, especially the young, are being educated or experience the values of the conjugal act in this manner and so are losing their notion of what is truly right and wrong. Even those from a deeply religious background are vulnerable to these New Age trends. By knowing and upholding the objective truth by living it out, one will be able to find true fulfilment as satisfaction for all their longings for love.

The author is very scholastic in his presentation and discussion of the content of his work. It is outlined well, and his arguments are consistent with what he emphasized throughout the work. The choice of words he used are easily understandable, making Wojtyla's dense philosophy, the Magisterial teaching, and Thomistic metaphysical concepts easily graspable. The greatest strength this book has is Reimers' constant use of vivid and concrete examples to illustrate abstract and general concepts being discussed. For example, in Chapter Two in the discussion on the aspect of the Conjugal Act where the two are "Becoming One Flesh," Reimers divides the discussion into *Physical Structure of the Act*, *Organic meaning*, *Interactional meaning*, *Sensual and emotional factors*, and *The Subjective: Emotions and Pleasure*. In the *Interactional meaning*, he illustrates the complementarity of the actions of both parties by saying the man's behavior is more aggressive which is why he enters the woman's body while the woman's behavior is passive and receptive. The act has both anthropological and symbolic significance where the action of the man is a sign of conquest and at the same time, a commitment given the fact the possibility of conception. On the other hand, the woman, while surrendering to the man, subdues his masculinity.² This explains why many feminists would revolt at the image of surrender and conquest without considering that there is axiological implication in this regard.

In terms of objectivity, while the author is clearly Catholic, he shows depth and mastery of the topic, the issues surrounding it and the arguments he utilized and refuted. As an example, in Chapter 2, Reimers discusses the apparent good pro-contraception proponents promise to the people. He acknowledges the apparent good they show as valid but expounds that the good cannot remain in *utilitas* but on *honestum*. Such is the case of John Stuart Mill, who attempted to refine Jeremy Bentham's utilitarian principle of morality based on "the greatest happiness of the greatest number" from quantitative pleasures of sex and food to qualitative pleasures such as education. Still, as Wojtyla shows, this simply cannot work because ultimately, pleasures are sensual and fleeting and subjective, therefore, cannot be the ground from objective morality. Reimers then goes on to reflect on the impact and implications utilitarianism had in shaping the world as we know it today in a manner that exposes the bleak secret hidden amongst the normal reality of the day to day lives of the people as presented in the mainstream media. This influence of utilitarianism has extended even to the Church as seen in *The Majority Report*. Having discoursed that, Adrian then proceeds to expound the foundation of the

² Reimers, "Becoming One Flesh," in *The Good is Love*, 33.

Church's arguments against contraception as outlined in her moral theology and John Paul II's *Theology of the Body*. Through this method of presentation, Reimers was able to show that the Church's arguments against these practices are coherent and have a solid foundation and are not solely reliant on divine revelation. Moreover, Adrian's respect to the reader is clearly seen from the introduction. The writings of Wojtyla were regarded just as one would regard any respectable writer. Hence, he writes, "if the reader disagrees on John Paul II's assessment of Freud as a "master of suspicion", he is not obliged to change his mind."³

As a devout Catholic, the proponent agrees wholeheartedly with Adrian Reimers' work because it is in line with the Culture of Life movement that opposes the Culture of Death that is widespread in today's postmodern world.⁴ The best term which captures the postmodern mentality is what the late Pope Benedict XVI calls 'The Dictatorship of Relativism' "that does not recognize anything as definitive and whose ultimate standard consists solely of one's own ego and desires."⁵ Relativism, caused by many factors such as the excess of modernism exacerbated by postmodernism's outright denial of the transcendental value of truth, has poisoned the minds of people in the society. Coupled with the hedonist, consumerist, secularist and materialist mentality brought on with widespread unbridled capitalism spread around the world by globalization, then one need not think twice why people think that it is alright to commit abortion and use contraception. The Catholic Church is fundamentally the only large institution that opposes issues such as abortion, homosexual activity, contraception, etc. Its oppositions to these practices, which are being normalized as a part of global culture, has led the Church to be criticized and at worst ostracized in the minds of many liberals especially since they had lost their credibility as a source of teaching authority with people questioning: "Who is the Church to say what I want to do that makes me happy?" With the notion of who man is becoming vaguer than it has ever been, there has to be a clearer view of who man really is so as to clear up the confusion that stems from the issue of sexuality. In reality, they have made death normal and downplayed morality to the point that it becomes subjective.

The Good is Love: The Body and Human Acts in Humanae Vitae and John Paul II turns a nightmare into a wonderful dream come true. The primary topic discussed is about a contemporary real-life issue that is put forward in the mainstream culture as progress in human development. But this work manages to expose the truth behind this so-called progress. Instead of the progress as it is often portrayed, contraception is actually a recess in human moral development. Through the analysis of the encyclical *Humanae Vitae* and the philosophical and theological writings of John Paul II, Reimers was able to showcase the metaphysical reality behind the issue that the proponents of the practice reject. It does this in a profound yet down to earth manner that readers will be able to relate to. Reading this book will open one's eyes to the bigger picture: that is portrayed as true, good, and love in contemporary culture is an evil practice legitimized as a result of decades of philosophical and cultural movements that shaped the world we know today. Moreover, he will be able to understand the Catholic Church's teachings against contraception and abortion for example, thereby enabling

³ Reimers, preface to in *The Good is Love*, xx.

⁴ The Culture of Death refers to the New Age movement as an attempt by contemporary thinkers to reinstate the practices that Christianity rejected such as homosexuality, contraception, euthanasia, suicide, etc. as practices against life, giving rise to a new image of humanity as a result of blind and random forces rather than that of a loving Creator. The proponents of these are known as the Architects of the Culture of Death. Cf. Donald De Marco and Benjamin Wicker, *Architects of the Culture of Death* (San Francisco: Ignatius Press, 2004), 15.

⁵ Pope Emeritus Benedict XVI and Peter Seewald, *Light of the World: The Pope, The Church and The Signs Of The Times* (San Francisco: Ignatius Press, 2010), 27.

them to find true happiness. Ergo, the reader will be made aware about the truth about the good, which is love, and vice-versa.

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