

The Philippines engulfed in acute political and constitutional crisis

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Three weeks after gunfire rang out in the Philippine Senate, the political standoff it expressed has deepened into a constitutional crisis. The legislature sits under two competing leaderships, each denying the other's legitimacy. A senator wanted by the International Criminal Court (ICC) remains a fugitive; a second senator has been jailed for plunder. The executive is steadily accumulating the powers being vacated by the paralyzed upper chamber. Ferdinand Marcos Jr., son of the former dictator, governs by emergency decree, directs the Senate's reorganization, and is preparing to convene Congress in special session to pass legislation of his choosing.

The crisis emerges out of the conflict between the Marcos and Duterte factions of the Philippine ruling class that has been expanding and sharpening for years. Rodrigo Duterte, the former president whose six-year rule was defined by a drug war that killed tens of thousands, opposed deepening the Philippine military integration with Washington's war preparations against China—an alignment that Marcos, firmly in the US camp, has pursued without restraint. Sara Duterte, his daughter and current Vice President, became the focal point of that conflict after her political alliance with the Marcos family publicly collapsed. Rodrigo Duterte himself is currently in ICC custody in The Hague, where the court confirmed charges of crimes against humanity against him in April, sending his case to trial.

The current crisis was set off on May 11 when the House voted by 257 to 33 to impeach Vice President Sara Duterte for the second time. In the Senate, a bloc of pro-Duterte senators simultaneously moved to oust Senate President Vicente Sotto and install Alan Peter Cayetano—Duterte's former running mate—in his place by a 13-to-9 vote. The ICC chose the same day to unseal an arrest warrant, issued the previous November, for Senator Ronald “Bato” dela Rosa, Duterte's police chief and the chief enforcer of the *Oplan Tokhang* drug war killings. National Bureau of Investigation (NBI) agents arrived at the Senate to serve the warrant. Dela Rosa, who had spent the prior six months in hiding, had returned to cast his vote for Cayetano. He fled through the

corridors and up a stairwell, his scrambling progress captured on CCTV, and took refuge under Cayetano's grant of “protective custody.” Two nights later, gunfire rang out in the Senate building.

The shooting has now been shown to be a provocation staged by the Duterte aligned-forces. Senate Sergeant-at-Arms Mao Aplasca put on a bulletproof vest before the NBI arrived and fired the first shots. The Office of the Ombudsman placed him under six months' preventive suspension for the discharge of his weapon. In the early hours of May 14, dela Rosa and “bad-boy” movie star turned Senator Robin Padilla left the Senate compound in Padilla's vehicle. The Criminal Investigation and Detection Group described Padilla's role as “indispensable cooperation”: a second vehicle was positioned outside linked to a relative of Padilla; a former Army officer in a bulletproof vest was part of the escape party. The operation—the shooting, the chaos, the orchestrated departure—was designed to allow dela Rosa to slip the ICC's warrant under cover of an apparent confrontation between state forces. Padilla insists he merely offered his colleague a ride. Dela Rosa remains at large. Complaints for obstruction of justice have been filed at the Ombudsman against Cayetano, Padilla and Aplasca.

The ICC warrant under which dela Rosa is sought covers *Oplan Tokhang* killings from July 2016 to April 2018—crimes against humanity. His association with the Tadtad death cult in Davao del Sur, a fanatical anti-communist religious sect whose members hacked and decapitated villagers, extends back to 1987, when he was still a young Constabulary lieutenant. The architecture of death squads built under Rodrigo Duterte and dela Rosa in Davao became the template for the nationwide drug war.

The Cayetano Senate presidency installed on May 11 posed a direct threat to the Marcos administration: Under the constitution, the Senate president presides over an impeachment trial, rules on procedure and shapes its course. Sara Duterte's trial is scheduled to begin July 6. A Duterte-aligned Senate president would have wielded decisive

procedural authority over the proceedings against Duterte.

The Marcos administration moved to resolve this over the first days of June. There are only twenty-four senators; one is a fugitive, another is under arrest. Twelve, they claim, thus constitutes quorum. Cayetano and his eleven allied senators refused to attend plenary sessions, denying quorum. On June 3, the last session day before Congress adjourned as a legislative body until July 27, Senator Francis Escudero appeared on the floor as the twelfth vote, shifting from the Duterte to Marcos camp.

The new twelve-senator bloc declared all leadership positions vacant, elected Senator Sherwin Gatchalian as acting Senate president, reshuffled committee chairmanships and passed Senate Resolution No. 430, amending the impeachment rules to allow senators to elect a presiding officer other than the Senate president by majority vote—stripping Cayetano of his last institutional weapon over the coming trial. The Marcos palace recognized the result within hours, calling it “in accordance with the law and the rule of law,” and the House prosecution team followed suit. Cayetano, streaming live from outside the chamber, denounced it as an “illegal coup d’état” and insisted he remained the “legitimate, legal, moral Senate President.” A petition challenging the twelve-senator quorum has been filed with the Supreme Court. The Senate will sit as an impeachment court to open Sara Duterte’s trial on July 6, even while Congress is formally in recess; regular plenary sessions are not scheduled to resume until July 27, with two rival leaderships still claiming authority.

Senator Jinggoy Estrada, a longtime member of the Duterte bloc, was arrested on June 1 on non-bailable plunder charges filed by the Office of the Ombudsman. He appeared at the Sandiganbayan, the special anti-graft court that tries corruption cases against public officials, on June 2 in a yellow prison uniform and handcuffs. He was committed to Quezon City Jail, and his motion to quash was denied on June 4. With dela Rosa a fugitive and Estrada behind bars, Cayetano was left with at most eleven votes.

The corruption charges that removed Estrada are almost certainly grounded in fact. Philippine politics has no shortage of genuine corruption—the flood-control scandal that has convulsed the Senate for the past year involves ghost projects, overpriced contracts and kickbacks paid throughout the system, implicating both the Duterte and Marcos camps. But the Ombudsman who filed against Estrada is Jesus Crispin Remulla, the former Justice Secretary who created the NBI-DOJ flood-control task force and was then appointed by Marcos to lead the independent anti-graft body. The task force was directed initially at fifteen contractors personally named by Marcos in a speech. When eighteen former soldiers testified before the Cayetano-

led Blue Ribbon hearing on June 4 that they had personally delivered suitcases of cash to Marcos and former House Speaker Romualdez, the NBI’s response was to announce an investigation into whether each of the eighteen had been paid five million pesos to fabricate their testimony. The machine that prosecutes Estrada is the same machine that protects Marcos.

The decisive political issue is not which senators go to jail, but rather, through the mechanisms of corruption scandal and under the cover of constitutional crisis, the concentration of power in the hands of the presidency. In March, as the US war on Iran drove oil prices beyond the reach of working-class households, Marcos declared a State of National Energy Emergency to remain in force for one year. Congress simultaneously passed Republic Act 12316, delegating to the presidency the power to suspend or reduce excise taxes on petroleum products through December 2028—a core legislative prerogative transferred to executive discretion by the very body whose authority is now being supplanted. When the Senate locked up in June, Marcos simply ordered it to “get back to work”—and it did. He has since confirmed he is prepared to call Congress into special session on the request of the Gatchalian leadership he recognized, to pass priority legislation of his choosing, including a supplemental war budget.

The 1987 Constitution contains explicit provisions restricting foreign military basing and requiring Senate ratification of treaties—provisions written against the US military presence that sustained the previous Marcos dictatorship of the president’s father. These provisions are the primary constitutional obstacle to the full formalization of Washington’s forward base architecture in the Philippines, which now includes nine EDCA sites with further expansion announced, and which was on full display at Balikatan 2026 in May: 17,000 troops, the first live Tomahawk firing on Philippine soil, the first Japanese combat deployment since the Second World War. Marcos has made it clear he wants these constitutional restraints loosened, but every move toward Charter Change has so far been blocked in the Senate by the Duterte camp—a resistance that has included his own sister, Senator Imee Marcos. With that bloc now stripped of its Senate positions, the path to a constitutional convention has opened for the first time.



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