



COUNTRIES AT THE CROSSROADS 2011: PHILIPPINES

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INTRODUCTION

Running on an anticorruption and antipoverty platform, presidential candidate Benigno Aquino III, the son of former president Corazon Aquino and the assassinated former senator Benigno Aquino Jr., scored a decisive victory in the Philippines' May 2010 general elections. To many Filipinos, Aquino's election provided a tremendous relief. The administration of his predecessor, Gloria Macapagal Arroyo, had been marred by a host of corruption and fraud scandals, increased political violence, and high rates of poverty and inequality. His main rivals for the presidency were former president Joseph Estrada, who had been convicted of "plunder" in 2007, and Senator Manuel Villar Jr., who had been implicated in suspicious real-estate deals. In his inaugural address, Aquino vowed to put a stop to "senseless spending," broken campaign promises, influence peddling, patronage politics, graft, and "*wang wang*," a colloquial reference to officials' arrogant overuse of siren-blaring police escorts to cut through traffic.

Philippine politics are dominated by representatives of the country's socioeconomic elite, who have long been steeped in the ways of political patronage. Spain and the United States, which ruled the Philippines for over three centuries and over four decades, respectively, nurtured these prominent families, allowing them to assume positions in the colonial government through elections that excluded the masses. In the 1960s, political patronage took on less personalistic forms, and elections were marred much more by violence, fraud, campaign overspending, and bribery, often summarized as "guns, goons, and gold." Amid worsening inraelite rivalry and growing social tensions, President Ferdinand Marcos declared martial law in 1972 to extend his rule and plunder the country's resources without constraints. In 1983, Benigno Aquino Jr., Marcos's main political rival, was shot dead upon his return from exile in the United States. Three years later, after a fraudulent presidential election, a "people power" uprising put an end to

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Marcos's authoritarian and kleptocratic rule,¹ installing the opposition candidate—the senator's widow, Corazon Aquino—as president.

The early years of the Philippines' newly restored democracy featured a return to elite-dominated patronage politics. By the 1990s, the country's political clans were resorting to “rent seeking” and political violence to entrench themselves in power. The privatization of public resources debilitated the already weak state and its bureaucratic apparatus. In many rural areas, where the national government's hold was tenuous, semiautonomous politicians who had reinforced their positions with private armies emerged or grew bolder.² Corruption reached the highest levels of the government. Accused of involvement in a *jueteng* (illegal gambling) racket, President Estrada was forced to resign in the face of massive protests in 2001, marking the second time in 15 years that Filipinos ousted a corrupt president through a popular uprising.³

At her inauguration, President Arroyo, who had been Estrada's vice president, promised to usher in “a new politics,” “improve moral standards,” and provide “leadership by example.” Her nine-year presidency, however, was riddled with scandals. The most infamous were the “Hello Garci” scandal, triggered by the exposure of a taped telephone conversation between her and an election commissioner on the rigging of the 2004 presidential election, and a US\$329 million deal with a Chinese government corporation, ZTE, to build a national broadband network, with US\$130 million reportedly earmarked for kickbacks to a group of officials and private individuals that included the president's husband. In a Pulse Asia survey conducted in late 2007, Filipinos rated Arroyo as the “most corrupt” president in Philippine history, surpassing even Marcos and Estrada. A sociologist has referred to the damage wrought by Arroyo as a “bonfire of institutions.”⁴ Despite all the scandals, Arroyo survived several impeachment and coup attempts.

The increased political violence under Arroyo included extrajudicial executions of hundreds of left-wing activists, the killings of dozens of journalists, a sharp rise in election-related violence, and the proliferation of private armies and death squads. The single most horrific incident was the Maguindanao massacre of November 2009, in which at least 57 people—relatives and supporters of a gubernatorial candidate, plus journalists observing their journey to register him—were brutally murdered, apparently by the private army of the incumbent governor, Andal Ampatuan Sr., a staunch Arroyo ally.

The massive outpouring of grief for Corazon Aquino, a symbol of moral stature, following her death in August 2009 galvanized a reform constituency that quickly gravitated toward her son, a senator who was untainted by corruption.⁵ A week before he was installed as president, Benigno Aquino III enjoyed a record-high 88 percent trust rating among the Filipino populace. However, given the pillaged state coffers, corrupted political institutions, and pervasive culture of impunity bequeathed by the previous administration, Aquino faced daunting challenges in pursuing his agenda. Meanwhile, Arroyo remained a formidable political force; she, her two sons, a brother-in-law, and other close allies won seats in the lower house of Congress during the general elections. The durability of both the Aquinos and the Arroyos illustrates just how central the family element remains in Philippine politics.

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ACCOUNTABILITY AND PUBLIC VOICE

The Philippines' May 2010 nationwide elections were the first to be conducted using an automated system. In past elections, the cumbersome manual system of counting votes often took weeks to finish. It also provided ample opportunities for cheating at various stages. Both the 2004 general and 2007 midterm elections are widely believed to have been tainted by large-scale fraud. Days before the 2010 elections, many Filipinos remained skeptical about electoral automation. The Commission on Elections (COMELEC),⁶ which oversaw the new system, had a credibility problem not only because of the "Hello Garci" affair, but also due to the ZTE scandal, which had implicated and forced the resignation of the COMELEC chairman. Two previous electoral modernization projects had failed after becoming mired in overpricing scandals.⁷ Nevertheless, the Philippines' first "e-election" was a major success. Voter turnout was a creditable 75 percent. The results or clear-cut trends of most electoral contests were known by late evening on election day, or the next morning. Although there were still some cases of fraud, including the busing of "flying voters" across district lines, these problems were far less common than in previous elections. Automation, however, did not halt vote buying, which was even more widespread and flagrant than before.

Garnering 42.08 percent of the vote, Aquino convincingly defeated Estrada (26.25 percent) and Villar (15.42 percent) in the presidential contest. Aquino's Liberal Party (LP) won only 45 seats in the 285-member House of Representatives, the lower house of the bicameral Congress, while Arroyo's Lakas-Kampi party took 106. But self-interested party-switching by lawmakers is very common in the Philippines, and in the months after the elections, the LP expanded to 80 seats in the House as Lakas-Kampi shrank to 48. The Aquino-aligned majority coalition in the House reached 251 members (including 21 Lakas-Kampi members), leaving the minority with just 34. The LP won only three of the 12 Senate seats contested in 2010,⁸ but it joined a 19-member majority bloc that is friendly to the Aquino administration. Only four senators are in the opposition, and one seat is vacant.

Since the government does not provide financial support to parties or candidates, usually only members of the country's elite can afford to mount adequately funded campaigns. Although there are laws regulating campaign finance, enforcement by COMELEC has been very lax. Many politicians understate their campaign contributions and expenditures in required declarations, and despite legal prohibitions, those in power often use state resources for campaigning.⁹ Little has been done to stem the flow of "grey" money from *jueteng* and drug lords to electoral campaigns.

Philippine elections are among the most violent in the world. A total of 112 people were killed in 150 election-related incidents during the 2010 general elections period, slightly fewer than the 121 deaths in 2007. However, the nongovernmental organization (NGO) Vote Peace reported 94 election-related fatalities in the 12 months before the official election period, including the victims of the November 2009 Maguindanao massacre. Thus, election-related deaths from January 2009 to June 2010 totaled 211.¹⁰ Public outrage over the Maguindanao massacre and peace initiatives undertaken by various civil society groups probably helped prevent the outbreak of more violent incidents during the election period.¹¹ Not even barangay (village) elections are

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spared from violence: a reported 39 people were killed in the October 2010 village balloting.¹²

One of the country's weakest institutions is its political party system. Dominated by leading political families, parties typically revolve around personalities rather than programs or platforms, and serve mostly as vehicles of patronage. Politicians switch parties, and parties switch alliances, whenever it is convenient. The party-list portion of the electoral system, which reserves 20 percent of the seats in the lower house for representatives of marginalized sectors and groups, has been penetrated by members of the elite and is essentially dysfunctional.¹³ Some members of the LP, together with certain party-list groups and civil society organizations, are working for the passage of a political party reform bill, but their drive has not gathered momentum to date.

Taking advantage of the Philippines' presidential system, Arroyo effectively used the powers of a strong executive for political patronage during her nine years in office, particularly by making appointments and controlling the disbursement of public funds. This had dire consequences for the integrity and competence of the civil service. A 2008 Civil Service Commission (CSC) study revealed that Arroyo appointed 81 undersecretaries and assistant secretaries, 53 presidential advisers and presidential assistants, and an unknown number of consultants. Furthermore, 56 percent of government managers did not have civil service eligibility. According to a former CSC chairperson, Arroyo made ample use of letters indicating that it is was the "desire" of the president that a certain person be given a certain position. Her unqualified appointees bloated, politicized, and deprofessionalized the bureaucracy, and demoralized rank-and-file government workers.¹⁴

Congress theoretically has primary control over government finances through the general appropriations bill, but in practice, the president has more clout, since disbursements of government funds to legislators' projects require his or her signature. This explains why after every presidential election, many opposition politicians switch to the president's party.¹⁵ Under Arroyo, fund releases to opposition congressmen dwindled. Senate minority leader Aquilino Pimentel Jr. remarked in 2006 that the attempt to impeach Arroyo in 2005 failed "not because it was weak or baseless but because Malacañang [the presidential palace] dangled money, pork barrel projects, government positions and other juicy incentives which proved irresistible to the unscrupulous congressmen."¹⁶

Since the restoration of democracy in 1986, NGOs, "people's organizations" (POs), and civic groups have been actively involved in national and local policymaking processes. The 1987 constitution explicitly recognizes the positive role of NGOs and POs in advancing the people's welfare and interests, and the Local Government Code of 1991 mandates the participation of NGOs and POs in various local government bodies. Civil society organizations are free from legal impediments and onerous requirements for registration, and their funders and donors are likewise free of state pressures. Under Arroyo, however, the participation of NGOs and POs in policymaking processes was to some extent impaired, especially at the local level, by the unbridled extrajudicial killings of leftist activists and other human rights violations (see Civil Liberties).

After the fall of Marcos, the Philippine media corps regained its reputation as one of the freest in Asia. Privately owned outlets once again came to dominate both the print and broadcast media, which were free from state censorship and interference. Ownership

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of the main media networks, however, remained in the hands of powerful political families.

Media freedom suffered terrible blows under Arroyo. According to the National Union of Journalists of the Philippines (NUJP), a total of 103 journalists were killed during her tenure, far above the totals for previous administrations, including that of Marcos. Some of those killed had been exposing crime and corruption, others were murdered for taking sides in local disputes, and still others were targeted after using their media platforms to engage in bribery and extortion.¹⁷ Of the 57 victims of the 2009 Maguindanao massacre, 29 were journalists.¹⁸ The crime brought the issue of impunity to the fore once again. According to a veteran reporter, only four of the 74 murders of journalists prior to the massacre had been resolved.¹⁹ Killings of journalists did not stop after Aquino took office. In his first 10 months as president, six journalists were murdered.

During the Arroyo administration, journalists also experienced various forms of harassment and intimidation. The president's husband, reacting to media reports linking him to various scandals, sued 46 journalists for libel, seeking P10 million (US\$231,500) in damages and P1 million (US\$23,150) in legal expenses in each of the cases. Although he eventually dropped the suits, they had a chilling effect on press freedom, according to the journalists involved.²⁰ In 2008, Ninez Cacho-Olivarez, publisher and editor of the *Daily Tribune*, was sentenced to a prison term of six months to nearly three years and ordered to pay over P5 million (US\$115,750) in moral and actual damages for writing an article on alleged corruption in an airport terminal construction project. She had accused a law firm whose lawyers were "well-placed in Malacañang, with more already entrenched in the judiciary," of influence peddling and unlawfully manipulating government institutions.²¹ Also that year, the Supreme Court imposed a P20,000 (US\$463) fine on another newspaper publisher, Amado Macasaet, for indirect contempt of court after he wrote about a gift-wrapped box containing P10 million (\$231,500) in cash that was given to one of the court's justices and was inadvertently opened by her secretary. In 2010, investigative journalist Marites Dañguilan Vitug received death threats shortly after the publication of her book on the politicization of the Supreme Court. Earlier, she had been sued for libel by Supreme Court justice Presbitero Velasco Jr. after exposing the latter's alleged involvement in partisan politics, namely his campaigning for his son, a gubernatorial candidate.²²

The Supreme Court's apparent tendency to restrict freedom of expression has not been limited to journalists. In 2010, when 37 professors at the University of the Philippines called for the resignation of Supreme Court justice Mariano del Castillo, whom they accused of plagiarism, the court cleared the justice and directed the professors to explain why they should not be punished. Various organizations, including lawyers' groups and the country's largest association of Catholic schools, roundly criticized the court's actions in the case.

The internet has become an important source of information, as well as a valuable venue for debate. Soon after the "Hello Garci" scandal broke, the respected Philippine Center for Investigative Journalism (PCIJ) posted digital versions of the audiotapes on its blog, circumventing legal impediments to their airing on mainstream broadcast media and allowing hundreds of thousands of Filipinos to listen for themselves. Internet exchanges enlivened the debate on the legitimacy and future of the Arroyo government, and

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bloggers writing on the scandal drew record numbers of user visits and reactions, including from Filipinos overseas.²³

The Philippines' lively media, which sometimes sensationalize news, were widely criticized in the aftermath of a hostage crisis in August 2010, in which a dismissed policeman killed eight Hong Kong tourists following an 11-hour standoff. The media's live, unrestrained coverage of the drama interfered with police operations and allowed the perpetrator to monitor their movements. Live footage of his brother's arrest apparently prompted him to begin shooting hostages.²⁴

CIVIL LIBERTIES

Never since the restoration of democracy in 1986 have civil liberties been so severely abused in the Philippines as during the Arroyo presidency. Hundreds of leftist activists, government officials, journalists, lawyers, religious leaders, and farmers have disappeared or been summarily killed since 2001.²⁵ Most of those accused of carrying out the killings were soldiers or police officers. The rise in extrajudicial killings is widely believed to be linked to the government's counterinsurgency campaigns against Communist rebels and armed Muslim separatist movements, its counterterrorist drives against extremist groups such as Abu Sayyaf, and the sometimes violent rivalries among political clans. The killings mounted despite the existence of internal mechanisms in the military and national police for investigating and punishing human rights violations. In addition, the independent Commission on Human Rights (CHR) is constitutionally mandated to investigate all violations of civil and political rights. Although the CHR has performed creditably over the last few years, it has no prosecutorial powers.²⁶ Meanwhile, impunity for extrajudicial killings remains the norm. Of 305 incidents in 2001–10 covered by one study, only four cases, or 1.05 percent, led to convictions.²⁷ Current president Benigno Aquino III, whose father was a victim of extrajudicial execution, has vowed not to countenance such killings. However, a local human rights group reported that as of March 2011, there had already been 45 extrajudicial killings and five enforced disappearances under the Aquino administration.²⁸

The Maguindanao massacre highlighted the phenomenon of private armies, whose proliferation Human Rights Watch has blamed on the government.²⁹ An independent commission formed after the massacre found that private armies work for influential politicians and consist of a variety of armed men—soldiers, policemen, “civilian volunteers,” security guards, jail guards, rebels and former rebels, cult members, and street thugs.³⁰ Under Arroyo, the national government effectively lost control of areas where these so-called warlords reigned with their private armies. Clans like the Ampatuans, who delivered votes to the president and her allies in the fraud-marred 2004 and 2007 elections, were sheltered from scrutiny by national law enforcement bodies.³¹ According to the Philippine National Police (PNP), there are a total of 107 private armies—a conservative figure, to some observers—across the country. The Autonomous Region in Muslim Mindanao (ARMM), of which Maguindanao is a part, is regarded as one of the main centers of electoral violence committed by private armies.³² In May 2011, Local Government Secretary Jesse M. Robredo announced that 41 of the 80 private armies in the ARMM had been disbanded since he assumed office.³³

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The proliferation of firearms, together with corruption and gross inefficiency in government, has made it difficult for the state to protect citizens from criminal syndicates, insurgents, and terrorist groups. According to a risk consultancy firm, there were 138 kidnapping incidents in 2009, the largest number since the company's monitoring began in 1995.³⁴ For well over a decade, Abu Sayyaf, a bandit-terrorist group that uses crude Islamist rhetoric, has engaged in bombings, kidnappings, extortion, and killings of Filipinos and foreigners alike, mostly in the southern Philippines. With assistance from the United States, the Armed Forces of the Philippines (AFP) have managed to kill or capture many Abu Sayyaf leaders,³⁵ but the group continues to perpetrate terrorist acts from time to time. The New People's Army, the guerrilla arm of the Communist Party of the Philippines, extorts "revolutionary taxes" from local politicians and mining, logging, and mobile-telephone companies that operate in its areas of influence, attacking the properties of those that do not pay.

The UN Committee on Torture has deplored "the numerous, ongoing, credible and consistent allegations, corroborated by a number of Filipino and international sources, of routine and widespread use of torture and ill-treatment of suspects in police custody." It has also expressed deep concern over the very limited number of investigations, prosecutions, and convictions in torture cases, and criticized the extensive use of arrests without warrants and lengthy pretrial detentions.³⁶ According to various human rights groups, "cruel, inhuman, and degrading conditions" persist in Philippine jails and detention centers, with problems including overcrowding; poor food, sanitation, and health care; high rates of sexual violence; and the detention of children with adults.³⁷ The International Prison Chaplains' Association has rated the Philippines' jail system as one of the world's worst.³⁸

In keeping with the spirit of the country's two "people power" revolts in 1986 and 2001, the state recognizes the freedoms of association and assembly. It respects the right to form or join free and independent organizations, including trade unions, civic associations, and business groups. The state also permits public rallies, strikes, and other forms of protest, and refrains from using excessive force against them. However, the extrajudicial killings and other human rights violations under the Arroyo administration effectively curtailed free association and assembly in many areas.

The Philippines remains a major source, transit, and destination country for human trafficking. According to the National Bureau of Investigation (NBI), it is one of the world's top five sources of trafficking victims.³⁹ Hundreds of thousands of Filipinos have been trafficked for purposes including prostitution, exploitative labor, and the illegal organ trade. Many dedicated government officials and NGOs have worked to fight human trafficking, but they have been no match for corrupt officials in league with trafficking syndicates, who have rendered the country's 2003 antitrafficking law largely ineffective.⁴⁰

The growing politicization of the judiciary (see Rule of Law) has left citizens whose rights have been violated by the state with inadequate means for redress. In the last few years, however, the CHR has enjoyed high public trust for investigating and reporting publicly on extrajudicial killings and enforced disappearances. Its former chairperson, now Aquino's secretary of justice, won praise for her impartiality and independence, and for being able to stand up to the administration, military, police, and local potentates.⁴¹

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Since 2006, the Philippines has consistently been listed as one of the top 10 performers on the World Economic Forum's annual Global Gender Gap Index. The country has been particularly successful in closing the gender gap in education and health. After nine years of lobbying by women's groups, the Philippines' Magna Carta of Women, a comprehensive package of legislation on gender equality, was signed into law in August 2009. The legislation, guided by the framework of the international Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), lays out the state's responsibilities in recognizing, protecting, and promoting the rights of women.

However, much remains to be done with respect to implementation. The labor force participation rate of women (49.3 percent in 2009) lags behind that of men (78.8 percent). Even in the comparatively "modern" technology and communications sectors, female employees experience sexual harassment, difficulty obtaining maternity leave, and gender bias in promotions. Women are heavily represented in the bureaucracy, but they tend to occupy technical or second-level positions, while men dominate the managerial and executive posts. Although the Philippines has had two female presidents, politics remains a largely male domain. Females constitute only 23 percent of the House of Representatives, 13 percent of the Senate, and 27 percent of the cabinet. According to the PNP, the number of cases of violence against women declined annually from 2001 to 2006, but has been rising since then. The NBI has found that 80 percent of the country's human trafficking victims are girls younger than 18. Tackling persistent but often underreported problems such as gender-based violence, trafficking in women, and terrible conditions for domestic workers has proven difficult.⁴² Over the past few years, various groups have campaigned for a bill that would institute universal access to reproductive health information, services, and supplies, but the country's powerful Roman Catholic bishops have steadfastly opposed it, objecting especially to its provisions on modern contraceptive methods.

In a major victory for lesbians and gays, the Supreme Court allowed the party Ang Ladlad to run in the May 2010 party-list vote. The court overturned a COMELEC decision barring participation by the gay rights group due to its alleged promotion of "immorality." The Magna Carta for Disabled Persons was enacted in 1991 to eliminate all forms of discrimination against those with disabilities. Such Filipinos have since obtained various forms of assistance in employment, education, health, and other areas. In 2007, the law was amended to extend more privileges, incentives, and protections, and it was renamed the Magna Carta for Persons with Disabilities.⁴³ Filipinos with disabilities, now estimated to number 9.7 million, still have very limited access to public buildings, employment, and social services in practice.

The 1987 constitution guarantees the "free exercise and enjoyment of religious profession and worship, without discrimination or preference." The state does not impose any restrictions on religious observance or ceremony. Parents are free to send their children to secular or religious schools. The separation of church and state is recognized, and the government does not interfere in the internal affairs of religious organizations. However, there are connections between religious and political affairs. Since some religious groups with large memberships openly or tacitly support certain candidates during elections, many politicians actively seek their backing, often in nontransparent ways. Church leaders were among those in the forefront of the protests that toppled Marcos and Estrada, but they opted not to endorse an ouster of Arroyo. During a dinner

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for Catholic bishops organized by Arroyo's office at the height of the impeachment proceedings against her, envelopes with cash purportedly for the poor were distributed to the prelates.⁴⁴

Muslims, who make up 5 percent of the country's population and live mostly on the southern island of Mindanao or the adjacent Sulu archipelago, have long felt that they have been discriminated against, or even oppressed, by the country's Christian majority. Many Muslims deeply resent the loss of ancestral lands to waves of Christian settlers from the northern and central Philippines, and especially to the land-grabbing activities of Christian warlords. Muslims have also bristled at being treated as second-class citizens and past government efforts to "integrate" them in ways that were insensitive to their religious, cultural, and historical identity.⁴⁵ After Marcos's imposition of martial law in 1972, a full-blown war erupted between the government and the secessionist Moro National Liberation Front (MNLF). Pressured by Muslim countries, Marcos signed a peace agreement with the MNLF in 1976, but it quickly fell through. After a split in the MNLF, a more Islamist group, the Moro Islamic Liberation Front (MILF), emerged in 1984. President Fidel Ramos forged a "final peace agreement" with the MNLF in 1996 and opened peace talks with the MILF the following year. The 1996 pact, which paved the way for the MNLF chairman to head a "special zone on peace and development" and the ARMM, was badly implemented, bringing neither peace nor development. By the mid-1990s, the MILF had become the largest Muslim secessionist group. In 2000, following an impasse in peace negotiations, Estrada launched an "all-out war" against the MILF. Arroyo revived the talks shortly after coming to power. In 2008, the Supreme Court, acting on a petition from powerful Christian politicians in Mindanao, stopped government representatives from signing a "Memorandum of Agreement on Ancestral Domain" (MOA-AD) with the MILF, and later declared the agreement unconstitutional.

The Aquino administration has created a new government panel to pursue peace talks with the MILF. More than 120,000 people have been killed and two million displaced in the course of four decades of fighting between government forces and the Muslim secessionist groups.⁴⁶ Fighting in the wake of the MOA-AD collapse in 2008 killed 400 people and displaced 700,000 others. Up to 60,000 remain displaced.⁴⁷

Indigenous peoples in the Philippines,⁴⁸ accounting for 14 percent of the population, have been subjected to historical discrimination, economic and political marginalization, and the destruction of their traditional ways of life. In 1997, in keeping with the constitutional mandate to recognize and promote the rights of "indigenous cultural communities," Ramos signed the Indigenous Peoples Rights Act (IPRA). The law spelled out in detail the rights of indigenous peoples to their ancestral lands, self-governance and empowerment, social justice, and the preservation and protection of their culture, traditions, and institutions. Despite these legal protections, indigenous peoples have continued to be victimized or threatened by various industrial and "development" schemes. A number of mining companies, for instance, have excavated the ancestral lands of indigenous peoples without their "free prior and informed consent" as required by IPRA, disrupting their livelihoods and often causing major environmental damage. Resistance by indigenous peoples to "development aggression" has frequently resulted in the militarization of their areas. Meanwhile, textbooks in history and social science, as well as the mass media, in many cases still depict indigenous peoples as being racially inferior to other Filipinos.

RULE OF LAW

The scandals and abuse that plague the Philippines give the impression that impunity is more prevalent than the rule of law. Closer examination of the country's judicial system reveals the myriad problems it confronts, with positive developments countered by disturbing trends.

The Philippine judiciary consists of the Supreme Court, which is the final appellate body; lower collegiate courts (Court of Appeals, Court of Tax Appeals, and the antigraft court Sandiganbayan); regular courts (regional, metropolitan, and municipal trial courts); and Muslim courts (Sharia district and circuit courts). The Philippines ranked second in *de jure* judicial independence in a 2003 study covering 71 countries, but only 22nd in *de facto* judicial independence,⁴⁹ and conditions have worsened considerably since the study was conducted. The impunity exhibited in the many corruption scandals and cases of crime and violence in recent years indicates that the judiciary has little power over corrupt and abusive officials or political and economic elites.

Politicized and patronage-based appointments made by President Arroyo in the latter half of her tenure, especially to the Supreme Court, have brought the issue of judicial independence into sharp relief. Although she had to choose from a list of nominees drawn up by the Judicial and Bar Council, she had considerable clout in the nomination process. As president, she had appointed four of the JBC's eight members and a fifth member was her justice secretary. By the end of her tenure, all 15 Supreme Court members were her appointees.⁵⁰ Although the constitution expressly prohibits appointments within the two months before elections, Arroyo chose a new Supreme Court chief justice, Renato Corona, in May 2010, rather than leaving the choice to her successor.

The Supreme Court took several decisions favorable to Arroyo during her presidency, including rulings that upheld the right of a cabinet official to invoke "executive privilege" and refuse to testify further in the Senate investigation of the ZTE scandal in 2008, confirmed the legality of Corona's appointment as chief justice, and temporarily blocked an attempt to impeach the ombudsman (see Anticorruption and Transparency). The court also struck down the first executive order issued by Aquino, aimed at establishing a "truth commission" headed by former chief justice Hilario G. Davide Jr. (1998–2005) that would have probed alleged irregularities during the Arroyo administration. The court ruled that the order, by singling out the previous administration, violated the equal protection clause of the constitution.

While the true extent of corruption in the judiciary is difficult to assess, the U.S. Agency for International Development (USAID) has found that the "widespread perception of corruption in the judiciary, especially the lower courts, [is] eroding public confidence in the justice system."⁵¹ The chairman of the ethics committee of the Philippine Judicial Academy (PJA) says that corruption often begins with lawyers and not with judges, and that it is "habit forming," starting "with little things" and then greatly expanding in scale.⁵² In recent years, there has been a growing perception that the upper courts are also very much affected by corruption. In 2008, amid investigations into the alleged bribery of several Court of Appeals justices, two senators declared that

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corruption at the court was “like cancer” and “widespread.”⁵³ The improprieties exposed by journalists seem to indicate that even the Supreme Court is not immune to corruption (see Accountability and Public Voice). According to Transparency International, factors that contribute to judicial corruption include political interference, inadequate budgets and salaries, the dependence of reform efforts on international donors, inconsistent application of procedural rules, the lack of a monitoring framework, the lack of emphasis on moral values in the educational system, and a large backlog that leads to delays in resolving cases.⁵⁴

In 2006, former Supreme Court chief Justice Artemio Panganiban summed up the major problems affecting delivery of justice in the Philippines with the acronym ACID, meaning (limited) access to justice by the poor, corruption, incompetence, and delay in rendering high-quality judgments.⁵⁵ Two years later, he reordered the four problems, perhaps to show that corruption had outstripped the others, resulting in the acronym CIDA.⁵⁶

The Supreme Court under Panganiban’s successor, Chief Justice Reynato Puno (December 2006 to May 2010), disciplined scores of court personnel who had been investigated and found guilty of corruption or incompetence. The punishments included the dismissal of two Court of Appeals justices and 18 trial court judges, the suspension of a Court of Appeals justice and 22 other judges, and the disbarment of a former Supreme Court justice. In compliance with the 2004 code of judicial conduct, Puno put a stop to the common court practice of employing judges’ relatives. Meanwhile, investigative journalists have started questioning the judiciary’s apparent lack of transparency. In the courts’ zeal to protect confidentiality, one journalist writes, they have developed an “instinct to conceal” and bred “a culture of secrecy.”⁵⁷ Another journalist has criticized the judiciary’s practice of denying or delaying requests for access to information, and judges’ refusal to disclose assets and liabilities as required by law, purportedly to protect themselves from harassment by hostile parties.⁵⁸

The constitution guarantees the right of access to the courts and to due process of law. In criminal cases, the accused is presumed innocent until proven guilty and has the right to a speedy, impartial, and public trial. Furthermore, he is entitled “to have competent and independent counsel preferably of his own choice,” and to be provided with a lawyer if he is unable to pay for one himself.

With a workforce of 2,300 judges and 25,500 other court personnel across the country, the judiciary received just 0.87 percent of the national budget in 2010, down from 0.94 percent in 2009. The resulting low salaries have contributed to an acute shortage of judges, with about 23 percent of magistrates’ positions remaining vacant. A given judge now serves about 50,000 people, a much higher ratio than the ideal of one judge for every 10,000 people. According to a Supreme Court spokesman, justices and judges work under intense pressure, and many of them “use their own personal computers and printers, repair their own courtrooms, work on weekends to decllog their dockets.”⁵⁹ A shortage of prosecutors and public attorneys, who fall under the Department of Justice and outside of the direct control of the judiciary, compounds the inefficiencies.⁶⁰ Policemen have been authorized under certain conditions to act as prosecutors, especially in remote areas.⁶¹ Transparency International reported in 2007 that it took five to six years on average to resolve an ordinary case in a trial court, and perhaps another six years to resolve any appeals.⁶² Many defendants languish in jail as cases drag on. Of the

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Philippines' total incarcerated population, 67.3 percent are in pretrial detention, one of the highest proportions in Asia.⁶³

Despite the judiciary's questionable autonomy and persistent shortcomings, some important reforms have been enacted. Under the leadership of then chief justice Davide, the Supreme Court undertook the Action Program for Judicial Reform (APJR), which has been held up as a model for judicial reform in developing countries. Launched in 2001, the program has been credited, at least in part, with promoting transparency in the judicial appointment process, helping citizens to bring legal challenges, facilitating an increase in judicial salaries and a subsequent increase in judicial applications, the adoption of new codes of conduct for judges and other court personnel, thorough investigations of complaints against judges and other court personnel, and the introduction of more efficient, automated systems to help reduce the case backlog. The Supreme Court and APJR were also instrumental in the formalization and curriculum development of the PJA, the country's only training school for justices, judges, court personnel, lawyers, and aspirants to juridical posts. Under Davide, judicial decisions gained general respect, and Supreme Court rulings came to be accepted as final.⁶⁴ To promote easier access to justice for the poor and disadvantaged, the Supreme Court launched the Justice on Wheels (JOW) project, modeled on mobile courts in Guatemala, which resolved cases speedily through mediation and helped to reduce overcrowding in jails.⁶⁵

Several reform programs started under Puno have also yielded progress. The innovative Small Claims Courts project has expedited the resolution of civil cases involving monetary claims not exceeding P100,000 (US\$2,300). To encourage the use of arbitration and mediation, the Supreme Court has promulgated special court procedures for these dispute-resolution mechanisms. An Enhanced JOW, or EJOW, apart from settling cases quickly, has extended free legal, medical, and dental aid to detainees. These three projects have contributed immensely to reducing the judiciary's case backlog and increasing access to justice for the poor.

In 2007, responding to the sharp rise in extrajudicial killings in 2005–06, the Supreme Court promulgated a new legal mechanism called the writ of *amparo*, which provides “remedies to any person whose right to life, liberty and security is violated and threatened” by compelling, for instance, the military and the police to look for persons reported missing. The court soon followed this reform with the writ of *habeas data*, which obliges state forces to give families of the disappeared access to official documents and files, on the basis of the “right to truth.” These new legal tools have contributed to the location and release of some missing persons, but they have not put a stop to extrajudicial executions. The Asian Human Rights Commission has found the writ of *amparo* to be an insufficient solution, calling on the Philippine Congress to “enact laws against torture and enforced disappearances and laws to afford adequate legal remedies to victims.”

Although the constitution mandates civilian control over the military, serious weaknesses in this control have emerged in practice. In addition to the problem of police and military impunity for extrajudicial killings, many soldiers and police have allegedly engaged in various criminal enterprises, including extortion, election rigging, *jueteng*, and trafficking in drugs, weapons, or persons. The military has acknowledged that unscrupulous personnel sell stolen military supplies to rebel and terrorist groups, and to politicians with private armies. Among the arms seized from Ampatuan residences

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following the Maguindanao massacre were pieces of ammunition with military and police markings.⁶⁶

Military mutineers staged three coup attempts against the Arroyo government. The last attempt, in November 2007, was mounted by 30 soldiers, a senator and former navy officer, and a brigadier general, all of whom had previously been detained for the two earlier attempts. They walked out of their trial, marched to a nearby luxury hotel and occupied its second floor. Accusing the government and military commanders of corruption, the soldiers demanded Arroyo's resignation and called on the military to turn against her. After security forces stormed the hotel, however, the men surrendered.

The military owes its politicization to Marcos, who expanded its purview to nonmilitary matters and cultivated politically loyal officers. Military involvement in politics was reinforced by the major role the military played in the protest-driven power transfers of 1986 and 2001. Since then, politicians have frequently attempted to use the military in their political maneuverings, and civilian officials have failed to provide effective services in insurgency-affected areas, leading the military to assume a growing number of governance functions at the local level.⁶⁷

A widening corruption scandal has engulfed the AFP, validating the accusations voiced by mutinous soldiers. Retired colonel George Rabusa, a former AFP budget officer, was asked to testify before Congress in January 2011 on an apparently anomalous plea-bargaining agreement between the Office of the Ombudsman and a former AFP comptroller, Major General Carlos Garcia, who had faced "plunder" charges but was out on bail. However, Rabusa went much further in his testimony, exposing the corrupt diversion of enormous sums from state coffers by top military officers. Among those he named were four former AFP chiefs of staff, who had received tens of millions of pesos in "welcome" and "farewell" gifts and unaudited allowances. Former Commission on Audit (COA) auditor Heidi Mendoza, who had done the auditing in the Garcia case, revealed other irregularities in military funds. In a dramatic turn, former AFP chief Angelo Reyes committed suicide after being implicated by Rabusa. A spokesman for the Department of National Defense later confirmed that corrupt generals had embezzled "staggering" amounts of government funds.⁶⁸ In the wake of the congressional hearings, Filipinos now consider the AFP to be the most corrupt government agency, followed by the PNP.⁶⁹ Rabusa has filed a formal plunder complaint against three former AFP chiefs and 19 others, and the Department of Justice has issued summons to the accused.

Filipinos have the right to own property, whether alone or in association with others. In the 2010 Index of Economic Freedom, however, the Philippines scored low on property rights: 30 on a scale of 0 to 100. The index cited corruption and politicization in the judicial system as well as a serious organized crime problem.⁷⁰

The property rights of the poor are particularly weak. Over the past two decades, there have been significant legislative gains on this front, including laws on comprehensive agrarian reform, indigenous peoples' rights, and urban development and housing. But implementation of these laws has been hampered by cooptation of government agencies by private interests, overlapping property claims, conflicting legislation, and opposition from major landowners, corporate interests, and armed groups.⁷¹ As a result, the growing trend of foreign corporations leasing huge swathes of farmland for the production and export of biofuels and food crops constitutes a major threat to the property rights of poor farmers and indigenous peoples.⁷² The commitment

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of the Aquino administration to agrarian reform is being tested by the case of the Hacienda Luisita, a plantation estate covered by agrarian reform that is owned by the Cojuangco clan, to which Aquino belongs. Instead of distributing land to farm workers, the Cojuangcos have been pushing for a stock distribution option.

ANTICORRUPTION AND TRANSPARENCY

In Transparency International's 2010 Corruption Perceptions Index, the Philippines was ranked 134th out of 178 countries. Corruption was listed as the most problematic factor for doing business in the Philippines in the 2010 Global Competitiveness Report.⁷³ According to the UN Development Programme, almost 20 percent of the country's annual budget is lost to corruption. Two economics professors at the University of the Philippines trace the widespread corruption to structural factors such as the patronage system, lack of publicly available information, manipulation by powerful interests, and a patrimonial political culture.⁷⁴

State activity in the economy is supposed to be regulated and monitored in a manner that minimizes opportunities for corruption. In recent years, however, the powers of some regulating bodies have been greatly weakened. The Senate investigations into the ZTE scandal revealed that the country's top economic planning agency, the National Economic and Development Authority (NEDA), had meekly acquiesced to a bribery-tainted project, and that the normal procedures for evaluating the economic and social impact of projects had been circumvented. In the view of several senators and six former NEDA directors general, the agency had been reduced to "a rubber-stamp institution."⁷⁵ The COA found that certain state-owned corporations had misused funds, and that their officials were receiving inflated salaries, yet the Arroyo government did nothing to curb these excesses.⁷⁶

Of over 100 countries ranked by Fitch Ratings, the Philippines is the fourth worst at tax collection,⁷⁷ the country's main and perennial fiscal problem. The state loses at least P250 billion (US\$5.8 billion) a year to pervasive tax evasion or avoidance. While the Bureau of Internal Revenue has often harassed poor market vendors and owners of small shops who do not issue receipts, it has not aggressively pursued much more substantial tax evasion by the rich and powerful.⁷⁸ About 80 percent of major taxpayers, for instance, claim 70 to 90 percent of reported gross income as allowable deductions. Tax evasion has been made possible by rampant corruption in the revenue-generating agencies.⁷⁹ The Aquino administration, through the Bureau of Internal Revenue and the Bureau of Customs, has filed cases against high-profile tax evaders, including government officials from the previous administration.

The Philippines has a fairly well-developed legislative and administrative framework for fighting corruption. An antigraft and corrupt practices law dating to 1960 obliges all public officials to file detailed sworn statements of assets and liabilities every year. A law enacted in 1989 defines the code of conduct and ethical standards for public officials and employees. Among other effects, it expanded the disclosure requirement to include the assets, liabilities, and financial and business interests of the spouses and children of government officials. The 1989 code specifically upholds the public's "right to know" the contents of these statements. Gaining access to them, however, is

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sometimes difficult. In the experience of journalists and anticorruption NGOs, the most inaccessible declarations have been those of military officials and judges.⁸⁰ The Philippines ratified the UN Convention against Corruption in 2006, and the Arroyo administration included an anticorruption package as a major feature of its medium-term development plan for 2004–10.⁸¹ Given the subsequent spate of scandals, this commitment proved to be mainly rhetorical.

The Philippines has a network of 18 special anticorruption agencies. The Office of the Ombudsman, constitutionally designated as a protector of the people, has the broadest powers. It can, for instance, move to stop or prevent acts of impropriety, investigate corruption cases, and impose administrative sanctions on erring officials. Three other constitutional anticorruption bodies are the Sandiganbayan (special antigraft court), the Civil Service Commission, and the COA. Arroyo established a Presidential Anti-Graft Commission (PAGC) to assist her in coordinating and supervising the government's anticorruption efforts, and to investigate cases involving civil servants in the executive branch. The country's profusion of anticorruption bodies has drawn criticism, as there is considerable overlap in their respective duties and little clarity on which agency should take the lead in a given situation. After taking office, Aquino dissolved the PAGC, which he viewed as redundant.

The Philippines' anticorruption laws and agencies have not yielded much success in practice.⁸² In a 2009 Transparency International survey, 77 percent of Filipinos rated their government's actions in the fight against corruption as ineffective. And in a 2008 bribe-payers study, senior business executives operating in the Philippines gave the government's anticorruption efforts even poorer ratings: 32 percent said they were ineffective, and another 60 percent found them very ineffective.

In 2007, the Philippines enacted an anti-red tape law to improve efficiency in the delivery of government services and prevent graft. Nevertheless, in the World Bank's annual survey on the "ease of doing business," the Philippines dropped from 133rd out of 178 countries in 2008 to 144th out of 183 in 2010.⁸³ According to a survey of expatriate business executives, the Philippines has the third most inefficient economy among 12 Asian countries studied. Businesses and individuals often cope with bureaucratic obstacles by engaging illegal "fixers," who collude with corrupt government employees to "facilitate" transactions.⁸⁴

In Senate investigations into illegal gambling, an Anti-Money Laundering Council spokesman stated that the council was powerless to crack down on major gambling operations. He cited a Supreme Court decision requiring the council to give suspects prior notice before it could investigate their accounts.⁸⁵

The anticorruption efforts of the new Aquino government suffered a serious blow when the Supreme Court declared that the "truth commission" formed by the president was unconstitutional. The commission had already drawn up a list of 23 possible large-scale corruption cases that it could investigate, including the ZTE and "Hello Garci" scandals. The administration said it had decided to establish a truth commission because the leaders of existing institutions, specifically the Office of the Ombudsman, were too close to the Arroyos.⁸⁶

In March 2011, Aquino's allies in the lower house of Congress succeeded in impeaching Ombudsman Merceditas Gutierrez by a huge margin. The lawmakers found sufficient evidence for a trial in the Senate, on the grounds that her office's very low

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conviction rate and inaction on major corruption cases amounted to “betrayal of public trust.” Earlier, one of the country’s top newspapers had asserted that Gutierrez, who once served as Arroyo’s chief legal counsel, “shielded the former president, her family, close associates and officials from charges of corruption, enrichment in office and abuse of authority.”⁸⁷ Ten days before the start of her Senate trial, Gutierrez resigned.

Aquino has also moved to overhaul the COA leadership, selecting a new chairperson and appointing Heidi Mendoza, the former auditor who testified in the case of General Garcia, as a commissioner.

Victims of corruption are able to register complaints, but they rarely win compensation and often face harassment or intimidation. Given the many extrajudicial killings over the past decade, anticorruption activists, investigative journalists, and lawyers do not feel secure when exposing or reporting on bribery and corruption. Nevertheless, thanks to the persistent efforts of courageous journalists, allegations of corruption continue to receive widespread and unbiased coverage in the national as well as many local news media.

Whistleblowers sometimes face deadly violence. A school district supervisor who witnessed massive cheating in the 2007 elections in Maguindanao and filed a complaint with COMELEC was shot dead shortly thereafter. A whistleblower who testified during Senate hearings in 2005 that Miguel Arroyo and several government officials had received money from *jueteng* operations was shot dead in February 2010. And a former technical consultant to NEDA who had decided to testify on the ZTE scandal was abducted from an airport by men who appeared to be military personnel; he may have escaped death only because the media promptly reported on his disappearance. Although the Arroyo government’s Medium-Term Philippine Development Plan for 2004–10 advocated a law to protect whistleblowers, no such measure was passed.

The Department of Education has been notorious for setting a bad example on corruption.⁸⁸ Because of anomalous deals between department officials and a cartel of publishing houses, many textbooks used in public schools have been riddled with errors and technically defective.⁸⁹ According to the World Bank, 40 percent of the funds intended for the poor in the Food for School program did not reach the intended beneficiaries due to “design weaknesses, mis-targeting, and significant leakage to the non-poor.”⁹⁰ In 2009, the Department of Education canceled the program after discovering that the supplier of its “fortified instant noodles with fresh eggs” had overpriced the product and made false nutritional claims. Early in 2011, six department employees were suspended for six months for their involvement in the “noodle scam.”⁹¹

The public’s right to information is expressly guaranteed in the Philippine constitution. However, due to the absence of an enabling law, information users have encountered various difficulties in compelling government agencies to release documents. The legal gaps include the absence of a uniform, simple, and speedy procedure for access; the lack of delineation of what information may be excluded from disclosure; the dearth of administrative or legal sanctions for noncompliance; and the inaccessibility of the courts as a forum for resolving disputed requests.⁹² Congress almost passed a freedom of information bill in early 2010. A broad coalition of civil society organizations is now vigorously campaigning to secure its enactment.

In the 2010 Open Budget Index (OBI) published by the International Budget Partnership, the Philippines was rated 55 out of 100, indicating that it provided the public

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with only some information on its budget and financial activities during the year. This was an improvement from its OBI score of 48 in 2008. The gain was mainly due to more comprehensive information in the Philippines' executive budget proposal, which nonetheless still had gaps on certain fiscal activities and on the impact of different macroeconomic assumptions. The country's year-end report was viewed as far from comprehensive, as it did not include explanations for the difference between the original performance indicators and the actual outcome. The audit report produced by the COA was likewise deemed insufficiently comprehensive, as it did not include audits of all expenditures and extrabudgetary funds. Moreover, its publication was not timely.⁹³

According to Social Watch Philippines (SWP), an NGO working for budget reforms involving greater civil society participation, large sums of money are lost through corruption and mismanagement because the country's budget process lacks transparency and oversight. Although Congress is supposed to have the power of the purse under the constitution, Arroyo determined budget allocations in practice, and her allies received preferential treatment. Since a majority of lawmakers were in the ruling coalition, Arroyo faced a generally compliant Congress, and only a few legislators thoroughly examined the budget.⁹⁴ A former national treasurer and SWP leader remarked that "many budget items have no special provisions and are subject to the manipulation of only one person."⁹⁵ Another avenue for corrupt allocations has been the practice of "congressional insertions," which occurs during bicameral committee negotiations that are not open to the public. Aquino's ruling coalition has ended the practice altogether. His budget secretary has expressed hope that the budget process can be made more transparent and open to civil society involvement.⁹⁶ Under Aquino's "reform budget," implementing agencies are required to publish on their websites the status of projects and fund utilization.

PO/NGO participation in local development councils under the 1991 Local Government Code has led to a much more open budget process in many villages and municipalities. However, in areas where conservative traditional politicians hold sway, the budget process remains as closed and top-down as ever.

The World Bank has noted that since the 1970s, many of the Philippines' most notorious corruption scandals have involved failures in government procurement. In 2003, the confusing mix of laws and regulations on procurement were consolidated into an omnibus law, the Government Procurement Reform Act (GPRRA), which sought to promote transparency, competitiveness, efficiency, accountability, and public monitoring in both the procurement process and the implementation of procurement contracts. According to a joint assessment by the Philippine government, the Asian Development Bank, and the World Bank, public procurement has become more efficient, the introduction of online "e-procurement" systems has vastly improved transparency and efficiency in implementation, and many loopholes for corruption opportunities have been closed since the enactment of the GPRRA.⁹⁷ However, this assessment may be excessively positive. The GPRRA does not appear to have significantly deterred procurement anomalies, including such high-profile scandals as the ZTE deal.

As a longtime recipient of foreign assistance, the Philippines has established formal procedures for the fair and legal distribution of both official and private donor funds. Nevertheless, lack of transparency, mismanagement, and corruption have not infrequently attended the government's handling of foreign assistance. The Arroyo

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administration adopted policies that tended to weaken established safeguards. Through government-to-government contracts or executive agreements, projects funded through official development assistance were exempted from compulsory bidding procedures. Moreover, Arroyo issued executive directives giving implementing agencies the power to approve major state projects without having to undergo evaluation by NEDA and its Investment Coordinating Committee.⁹⁸ Following a surge in assistance from China over the past decade, controversy and scandal have hounded Chinese-assisted programs, such as the ZTE agreement and the North and South Rail projects, that were approved outside of the normal procedures.⁹⁹

RECOMMENDATIONS

- The government should prosecute and punish corrupt civilian and military officials, putting priority on those involved in major corruption cases to shatter the culture of impunity and make corruption a high-risk, low-reward activity.
- Thoroughly investigate the killings of activists and journalists over the past decade; prosecute and punish those responsible. The president should order the top officials of the AFP and the PNP to investigate military and police personnel implicated in extrajudicial killings, and to report publicly on these investigations. Ratify without delay the International Convention for the Protection of All Persons from Enforced Disappearance.
- The Philippine Congress should enact a law on strengthening the political party system that would require parties to put forward their platforms and governing programs, promote party loyalty and discipline, penalize party switching, and provide state funds for party—not personal or dynastic—development. COMELEC should institute tighter controls on campaign contributions.
- Develop a comprehensive political settlement with the MILF and the MNLF, in coordination with non-Muslim indigenous peoples, that would ensure the rights of Muslims and indigenous peoples to their ancestral domains and protect them from discriminatory practices.
- Deepen reforms aimed at strengthening judicial integrity (particularly those designed to increase transparency) and promoting judicial efficiency (particularly those designed to speed up trials and reduce backlogs).
- Deepen electoral reforms by modernizing voter registration and devising mechanisms to prevent or significantly reduce major electoral problems such as election-related violence and vote buying.
- The president should take a direct and proactive role in the dismantling of all private armies and “death squads” and the investigation of military and police involvement.

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- Restore and strengthen the merit system in civil service appointments, and establish mechanisms to insulate the bureaucracy from politics, such as limiting the appointment powers of the president.
- The Philippine Congress should enact a right to information law that lays down a standard procedure for the handling of citizens' requests for information and the mechanics for the public disclosure of important government transactions.

¹ In 2004, Transparency International (TI) listed Marcos among the world's most corrupt leaders of the past 20 years. During his two decades in power, Marcos allegedly embezzled US\$5 billion to US\$10 billion. See TI, *Global Corruption Report 2004* (Sterling, VA: Pluto Press, 2004), 13, http://www.transparency.org/publications/gcr/gcr_2004.

² Alfred W. McCoy, ed., *An Anarchy of Families: State and Family in the Philippines* (Madison: University of Wisconsin Center for Southeast Asian Studies, 1993).

³ The Philippines was the only country with two leaders in TI's 2004 list: Marcos and Estrada. TI estimated that Estrada had amassed US\$78–80 million during his less than three years in power.

⁴ Randy David, "Bonfire of Institutions," *Philippine Daily Inquirer*, February 23, 2008, <http://opinion.inquirer.net/inquireropinion/columns/view/20080223-120664/Bonfire-of-institutions>.

⁵ Joel Rocamora, "Partisanship and Reform: The Making of a Presidential Campaign," in *The Politics of Change in the Philippines*, ed. Yuko Kasuya and Nathan Gilbert Quimpo (Manila: Anvil Publishing, 2010), 73–89.

⁶ COMELEC's chairperson and six commissioners are appointed by the president with the consent of the Commission on Appointments.

⁷ Nathan Gilbert Quimpo, *Contested Democracy and the Left in the Philippines after Marcos* (New Haven: Yale University Southeast Asia Studies, 2008), 217.

⁸ Members of the House of Representatives are elected for three-year terms. Senators serve six-year terms, with half of the Senate's 24 seats contested every three years.

⁹ Joel Rocamora, "Campaign Finance and the Future of Philippine Political Parties" (paper presented at a conference on "Political Finance and Democracy in East Asia," Seoul, South Korea, June 28–30, 2001, organized and cosponsored by the Sejong Institute and the National Endowment for Democracy).

¹⁰ Vote Peace, "Public Report: 2010 Philippine Elections" (unpublished manuscript, September 2010).

¹¹ Twelve members of the Ampatuan clan and 183 members and supporters of the clan's militia have been charged with murder. The clan's patriarch has pleaded not guilty. As of June 1, 2011, only 91 of the 195 people charged were in government custody.

¹² Dennis Carcamo, "PNP: 39 Dead, 14 Injured in Barangay, SK Polls," *Philippine Star*, October 26, 2010, <http://www.philstar.com/Article.aspx?articleId=624410&publicationSubCategoryId=200>.

¹³ For instance, Juan Miguel Macapagal Arroyo, the multimillionaire son of former president Arroyo, now sits in Congress as a party-list representative of security guards and tricycle drivers.

¹⁴ Isa Lorenzo and Malou Mangahas, "Malacañang Is No. 1 Agency with Excess Exec Hires—CSC," Philippine Center for Investigative Journalism, April 24, 2008, available at <http://www.gmanews.tv/story/91443/Malacañang-is-No-1-agency-with-excess-exec-hires---CSC>; Tita C. Valderama, "Saludo: Bloated Bureaucracy Clearly an Issue," Philippine Center for Investigative Journalism, April 24, 2008, available at <http://www.gmanews.tv/story/91367/Saludo-Bloated--bureaucracy-clearly-an-issue>.

¹⁵ Joel Rocamora, "Philippine Political Parties, Electoral System and Political Reform," *Philippines International Review* 1, no. 1 (Spring 1998), <http://www.philsol.nl/pir/JR-98a.htm>.

¹⁶ Aquilino Pimentel Jr., "Bribes Show Futility of Impeachment Attempt against GMA," press release, May 29, 2006, http://www.senate.gov.ph/press_release/2006/0529_pimentel4.asp.

¹⁷ Philip Alston, *Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions, Philip Alston—Addendum: Mission to Philippines* (Geneva: UN Human Rights Council, 2008), 16, available at <http://www2.ohchr.org/english/issues/executions/visits.htm>.

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¹⁸ Photojournalist Reynaldo Momay, who had reportedly joined the convoy, may have been the 30th journalist killed in the massacre. His body could not be found in the mass graves, and he remains missing.

¹⁹ Tom Evans, “Group: Philippines Most Dangerous Country for Journalists,” CNN, November 26, 2009, <http://edition.cnn.com/2009/WORLD/asiapcf/11/25/philippines.danger/index.html>.

²⁰ Emily Green, “Journalists Undaunted by Arroyo’s Suits,” *Newsbreak*, May 2, 2007, http://newsbreak.com.ph/index.php?option=com_content&task=view&id=3360&Itemid=88889007; Isa Lorenzo, “Journalists Welcome, Criticize Mike Arroyo’s Dropping of Libel Cases,” *Daily PCIJ* (blog), May 3, 2007, <http://www.pcij.org/blog/?p=1653>.

²¹ Julie M. Aurelio, “Tribune Publisher Olivares Found guilty of Libel,” *Philippine Daily Inquirer*, June 6, 2008, <http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20080606-141064/Tribune-publisher-Olivares-found-guilty-of-libel>.

²² Aries Rufo, “Journalist Gets Death Threat after Release of Book on Supreme Court,” ABS-CBN News, March 22, 2010, <http://www.abs-cbnnews.com/nation/03/22/10/journalist-gets-death-threat-after-release-book-supreme-court>.

²³ Carla Montemayor and Ricardo Zugasti Azagra, “Journalist-Bloggers and the Public Sphere in the Philippines: Some Exploratory Questions,” *Cuadernos de Información* 25, no. 2 (2009): 61–68, http://comunicaciones.uc.cl/prontus_fcom/site/artic/20091216/imag/FOTO_0320091216152156.pdf.

²⁴ Kara Santos, “Media Take a Hit in Hostage Crisis,” Inter Press Service, August 28, 2010, <http://ipsnews.net/news.asp?idnews=52651>.

²⁵ As of February 2010, the Commission on Human Rights had recorded 777 cases of extrajudicial killings since 2001.

²⁶ The Office of the Ombudsman investigates and prosecutes government officials accused of crimes, focusing mainly on corruption cases. However, no criminal case against police or military personnel for alleged human rights violations can proceed without the approval of the ombudsman.

²⁷ Al A. Parreño, *Report on the Philippine Extrajudicial Killings (2001–August 2010)* (Manila: U.S. Agency for International Development [USAID] and the Asia Foundation, 2010), available at <http://www.scribd.com/doc/37530361/FULL-Report-on-the-Philippine-EJKs-2001-2010>. Parreño’s findings match those of Philip Alston, the UN special rapporteur, in his report on extrajudicial executions in the Philippines for the period 2001–07. See Philip Alston, *Report of the Special Rapporteur on Extrajudicial Summary or Arbitrary Executions, Philip Alston—Addendum: Mission to Philippines*.

²⁸ Ronalyn V. Olea, “Amnesty International Hits Aquino Government for Lack of Justice, Continuing Violations,” *Philippine Reporter*, May 27, 2011, <http://www.philippinereporter.com/2011/05/27/amnesty-international-hits-aquino-government-for-lack-of-justice-continuing-violations/>.

²⁹ “Human Rights Watch Blames Gov’t for Rise of Private Armies,” ABS-CBN News, January 21, 2010, <http://www.abs-cbnnews.com/nation/01/21/10/human-rights-watch-blames-govt-rise-private-armies>. In a 2009 report, Human Rights Watch criticized the operations of a different type of nonstate armed group: “death squads” targeting criminal elements in Davao City. See Human Rights Watch, *You Can Die Any Time* (New York: Human Rights Watch, 2009), <http://www.hrw.org/en/node/82034/section/1>.

³⁰ “Private Armies’ Hold Philippine Politics at Gunpoint,” Agence France-Presse, July 2, 2010, available at <http://www.zimbio.com/AFP+News/articles/kX4VWtXTjQd/Private+armies+hold+Philippine+politics+gunpoint>.

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³³ J. P. D. Poblete, “Palace Airs Urgency to Defer ARMM Polls,” *BusinessWorld*, May 16, 2011, <http://www.bworldonline.com/content.php?section=Nation&title=Palace-airs-urgency-to-defer-ARMM-polls&id=31412>.

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³⁷ Amnesty International, “Philippines,” in *Report 2009* (London: Amnesty International, 2009), <http://report2009.amnesty.org/en/regions/asia-pacific/philippines>; “Concluding Observations of the Committee against Torture: The Philippines,” UN Committee against Torture; “Philippines: Protecting Life and Dignity in Places of Detention,” International Committee of the Red Cross, February 3, 2010, <http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/philippines-update-030210>.

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