



# PROJECT 2010

CONFRONTING THE LEGACY OF THE GMA REGIME

**FOCUS ON THE GLOBAL SOUTH** is a non-profit policy analysis, research and campaigning organization, working in national, regional and international coalitions and campaigns, and with social movements and grassroots organizations on key issues confronting the global south. Focus was founded in 1995 and is attached to the Chulalongkorn University Social Research Institute (CUSRI) in Bangkok, Thailand. It has programs in the Philippines and India.

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# PROJECT 2010

PROJECT 2010 is a collaborative initiative of Focus on the Global South together with friends, colleagues and partners. For us, moving forward requires looking back. This book attempts to document key events and unpack important issues that marked the GMA regime. It contains 9 pieces covering the 9 years of GMA. We asked contributors from various fields and backgrounds—activists, advocates, researchers, writers, journalists and academics-- to reflect and write about themes that they have been following and engaging through out the years. While it may be difficult for everyone to be in full agreement on all themes, and indeed Focus on the Global South does not necessarily share all views expressed in this book, we believe nonetheless that at this point, it is important to maintain that the issues, along with their implications, do not end once GMA steps down from the presidency. We shouldn't forget and we shouldn't allow the last nine years to simply be swept under the rug. Here, we begin to ask, *what happened under GMA? And where do we go from here?* Through this project, we wish to contribute to what we hope would be an ongoing collective discussion and debate, on the countless issues that surfaced in the last 9 years. Indeed, the project goes beyond this book, and beyond 2010.



# MOVING ON, LOOKING BACK: UNPACKING THE LEGACY OF GLORIA MACAPAGAL ARROYO

BY AYA FABROS

*"This year's 112th Independence Day celebration on June 12 will restore the pomp and significance of the civic-military parade at the Rizal Park Grandstand (Luneta) in Manila. This year's parade will feature 10 floats highlighting the 10-point agenda during the nine-year term of President Gloria Macapagal Arroyo. An eleventh float will honor..."*

- NEWS FROM THE OFFICE OF THE PRESIDENT

The parade is all set. The floats are primed, each one signifying feats of an outgoing president intent on basting up some last-minute legacy. The spectacle is ready to swagger on before mob and madness. *Remember me well*, says the spectacle to the crowd, bidding farewell to a thinning public methodically marshaled onto the sidelines. Pompous pageantry, an allusion to significance and substance, marks the final moments of a regime that defined the last nine years of our life as a nation.

The celebration conveniently overlooks the countless anomalies, controversies, and tragedies that characterize the regime. There is no mention of systematized plunder, institutionalized fraud, legitimacy questions, abuse or impunity. The float dramatizing the erosion of institutions, or the triumph of private interest over public good, failed to make it to the legacy list. The booth displaying the unparalleled dominion of patronage, rent-seeking, and transactional politics is glaringly absent. The commissioned song that gives the lowdown on major scandals, needless to say, was never written. For this, not a single centavo was spent on trumpeting the truth about her rule.

Yet, the legacy ingrained in our collective memory can only be gleaned from the endless succession of assaults, afflictions and atrocities during her presidency. What many of us would probably readily recall is the relentless rapid-fire regularity of controversies cropping up, hogging headlines-- the latest one more damning, more brazen, more abominable than the last; insult adding to injury compounding to tragedy of a citizenry witnessing, watching, waiting it out, while their government is razed to the ground from within.

An unconventional ascent to power. Accommodations and consolidation. Deals are signed and bagged. Bonds are sealed. Promises are made and broken. Wheeling and dealing prevail. A declaration not to run. An incumbent renege on her word. Telephone calls and electioneering. Government as campaign machinery. A 1 million vote lead target. Objections from the floor. Noted. Charges of fraud. Noted. A 3:38 AM Proclamation. Noted. A questioned mandate. A sitting president running, campaigning, winning a seat in congress. Most divisive, most destructive, most despised. A close associate appointed to a key post. A plan is hatched, projects are overpriced, kickbacks split, votes are bought and sold wholesale, bribes are taken, a country is conned. Wiretapped conversations. 2 CDs. Mouths are sealed by executive privilege. Meanwhile, elsewhere, everywhere. A Firm, a cartel, a mafia. Other close associates hatching, conniving, conning. Cover-ups and decoys. Smiling spokespersons spinning stories, diverting attention to flashy tarpaulin and empty statistics. Charges are filed, charges are junked. No form, no substance, no principles, no shame. No permit, no rally. Vice president is hosed down. Protesters are arrested without a warrant. Destabilizers are neutralized. Situation under control. State of Emergency, State of Rebellion. A tank is rammed onto a hotel entrance. A riot of the poor brandishing 'high-caliber' sticks and stones. *Ramdam ang Kaunlaran*. A \$ 20,000 dinner, a \$ 20,000 hotel room, a 500-peso subsidy for lifeline users of electricity. A backhoe and 57 corpses. Backdoor negotiations. Another election. Impunity. Immunity. A new President, a prosecution plan. A Midnight Appointee. A Parade. 9 years. 11 floats. A country beating the odds.



How do we begin to make sense of the last 9 years?

This book attempts to document some key events and unpack important issues that marked the GMA regime. Intending to underscore matters that must be remembered, examined, addressed, the 9 pieces contained in this book cover critical themes that were highlighted during the 9-year course of the GMA regime: chronic fraud in Philippine elections, politicized appointments, rent-seeking, corruption, abuse and other maneuverings, which compromised, co-opted and undermined key processes and institutions such as Congress, the Military, the Judiciary and the Bureaucracy.

The range of issues included here sheds light upon the legacy of the GMA regime. Under the GMA presidency, rules and processes were subverted; power and presidential prerogatives were abused; positions, agencies and offices were compromised at such an alarming rate and extent, such reckless abandon, across various levels and branches of government. From departments and bureaus, Congress, courts, constitutional bodies to the military and police, it was as if the President had declared *'open season,'* where nothing was inviolable. Here, we begin to gather how GMA and her inner circle coordinated and centralized, conducted and set the climate for the systematic rape and pillage of our public institutions and state resources.

The Arroyo administration was involved in various controversies, although corruption scandals have hogged much of the attention as regular staples in daily news. Reports have pointed to instances of corruption, bribery, extortion, and rent-seeking taking place early on in 2001, such as the CBK-IMPISA deal and Perez case, as well as the contentious PEACe Bonds issue. These high-profile cases suggest the involvement not just of politicians and government officials, but also the private sector, big business and even civil society.

One considered casualty of such maneuverings would be the power sector reform program, which Wilson Fortaleza examines here, describing what he considers the "wanton use of power to either secure that power, or to extend such power beyond its political boundaries." (Fortaleza, p. 41)

In this respect, Fortaleza presents how the Arroyos, chosen cronies and oligarchs, cashed in on the power sector, twisting a push for privatization into an opportunity for overtly private gain, in the process limiting the prospects of improved service delivery and more efficient public control over such a vital sector. According to Fortaleza, "The power industry is one of the most lucrative industries in the country today, especially upon the implementation of EPIRA. It is a cash-rich business with inherent monopoly structures that provide vast incentives and gains to industry owners. Yet these have never been used to satisfy consumers' demand for lower rates and better service but in furtherance of the oligarchs' objectives of expanding their respective empires."(Fortaleza, p. 41)

Also discussed in relation to political accommodation and appointments that happened at that time, these and other similar incidents have been viewed as moves to reward and consolidate allies, especially in the face of a questioned mandate and a shaky political terrain; while for others, it signaled the resumption of *'business as usual,'* contrary to the promised political change and better governance of a President installed through another EDSA.

The lid on such scandals has been blown open since then, with cases such as the ZTE-NBN deal, the Malacañang Brown bags and the Jocjoc Bolante scam, even as it is clear that reports and allegations still only bare the tip of the iceberg. More importantly, over the years, these scandals have started to be situated within a larger context that begins to factor in their implications. In this respect, the ZTE-NBN deal or the Jocjoc Bolante fertilizer scam should not only be viewed in terms of the shocking amounts of cuts, kickbacks, and bribes that distinguished these schemes. It must be emphasized that the \$ 130 Million overprice of the ZTE and the P 728 Million worth of *'downloaded'* (read: split up, diverted, pocketed) fertilizer funds barely cover the extent of damage wrought.

The *'mind-boggling'* Bolante scheme, where public funds were disbursed and siphoned off through a program that did not materialize, illustrates how the collusion of various parties utilized the full machinery of the DA in ripping off government and intended beneficiaries. (see Rimban, p. 30-35) It also shows how the bureaucracy is plugged into a reinforced network of patronage and plunder, rather than strengthened to determine and carry out critical programs and projects of the government.

Similarly, the *'inter-agency'* cooperation in the scrapped ZTE-NBN deal (which implicates officials from COMELEC, to NEDA, to Malacanang, and if things worked out *'smoothly'*, perhaps even Congress) also demonstrates how mafia masterminds in government lurk, pounce and capitalize on any given opening provided by privileges of their offices and networks, along with existing weaknesses of agency protocols and procedures, in the process rendering these more vulnerable to corruption and abuse. (see Carizo, pp. 45-52)

Both cases also bring to light how the appointments process is misused, to put in place key cronies-- the Bolantes, the Neris, the Abaloses, among others, who will conceive, conceal, connive at implementing schemes for their and their bosses' personal and political benefit-- rather than install effective administrators who will run departments properly and develop programmatic measures for the benefit of the people. Here, Cecilia Lero takes the discussion on the co-optation of the appointments process a bit further, expounding on "how the administration of President Gloria Macapagal Arroyo has been able to effectively take advantage of such structural deficiencies in order to expand executive power to the detriment of Philippine democracy." (Lero, p. 72)

Where appointments primarily serve as a means for deploying dependable allies as reliable conduits for diverting public funds to private bank accounts and political coffers, and generally for achieving narrow objectives of the appointing power, a critical process is reduced to a tool for perpetuating the reign of those in power, while diminishing the efficacy of governance and public services, and undermining the prospects of an already flawed democracy.

These corruption scandals and their implications represent only one dimension of the GMA legacy. While these controversies point to the amplified, inconceivable scale and brazenness of the GMA plunder and corruption portfolio, in the case of Philippine elections, Roberto Verzola observes another form of escalation, saying that, "under Gloria Macapagal-Arroyo's nine-year rule, this process went from bad to bizarre." (Verzola, p. 14)

Asserting that the 2004 election was stolen through the complicity of various players, Verzola notes conditions and contradictions that characterize our deteriorating electoral terrain under GMA. "In 2001, the military forced President Joseph Estrada, who was elected by the people through an overwhelming landslide, out of Malacañang and installed Arroyo in his place. In 2004, Arroyo cheated her way to a second term. Luckily, she was caught on tape planning the one-million vote-padding operation, even nonchalantly discussing a plan to kidnap a minor election clerk. Arroyo would have been impeached, but her minions in Congress blocked every effort to investigate the cheating, in effect becoming her partners-in-crime. In 2007, Arroyo's administration party got even bolder, concocting a patently fraudulent COC from Maguindanao to put their party-mate in the senatorial winning circle. In 2009, their Maguindanao ally, the Ampatuans, drunk with power and emboldened by the culture of impunity, ordered the massacre in broad daylight of their political opponents, including journalists and innocent civilians who just happened to witness the crime. Despite the public and international outcry, the murderers were charged with improbable offenses like rebellion, improving their chances of acquittal." (Verzola, p. 14)

These developments in the conduct of elections surface issues that spill over to other bodies and arenas. The rise to infamy of Mindanao as fraud capital and impunity exemplar is one acknowledged dimension, mentioned here by Herbert Docena, who discusses developments in the region, within its larger political and historical context. (Docena, pp. 64-69)

Also, Arugay and Curato note how this particular elections "redefined the boundaries of using the military for political ends" as they discuss the dual nature of GMA-military relations. "While the misconduct of some military personnel has been a staple feature of Philippine elections, the 2004 polls was unique in the sense that it did not just involve discreet maneuvers from the military top brass or officers moonlighting as mercenaries and private security to local candidates. Instead, the 2004 polls mobilized entire military units such as the Philippine Marines as agents of electoral fraud, which according to several senior officers, even Marcos did not dare do." (Arugay and Curato, p. 19)

Employing 'entire units' would signify a more institutionalized and systematic use of agencies and government bodies, noted both in the case of the Military, in the case of bureaucratic agencies as seen in the fertilizer scam, and the case of the COMELEC, as revealed by the "Hello, Garci?" case, wherein the office mandated to protect the sanctity of the vote served as the primary perpetrator of institutionalized fraud. Moreover, Verzola also stresses another adverse implication of "Hello, Garci?" with respect to the conduct of the GMA regime.

According to Verzola, "we all heard Arroyo's voice and Garcillano's, plotting not only electoral crimes, but also a kidnapping. Yet, she neither lost her government position, went to jail, nor suffered any kind of punishment. Somehow, she got away with it. This close call, it seems, emboldened Arroyo for the rest of her term. It reinforced her sense of impunity and power. If she could get away with getting caught in the act, on tape, committing a crime, then she can get away with practically anything. This, apparently, was the lesson she learned from her successful 2004 election caper." (Verzola, p. 9)

Despite these countless controversies, the Arroyo administration managed to survive the last 9 years, by effectively wielding vast powers and resources of the state. In doing so, it managed to close off legitimate venues of redress,

and 'control' the situation by co-opting institutions of checks-and-balances, concealing information, suppressing civil liberties and stifling opposition and protest. Executive Privilege (EO 464) and Calibrated Pre-emptive Response (CPR), the No Permit, No Rally policy, and worse, numerous cases of forced disappearances and summary executions, go hand in hand with bogus impeachment cases or the virtually automatic junking of legitimate ones.

In this respect, the last 9 years underline how other important components of the state have been enlisted to rally behind a regime under fire. As Walden Bello and Sabrina Gacad put it, "The Philippine House of Representatives has thus far been one of the major staging grounds for Mrs. Arroyo's attempts to circumvent the law in the interest of maintaining her hold on power." (Bello and Gacad, p. 55)

Whereas, Congress is "meant to be a co-equal body to the executive, a countervailing force to the vast powers of the Presidency, and the overweening ambition of the successive leaders that had occupied the position," as Bello and Gacad point out, "majority of the members of the 14th Congress of the House of Representatives has reneged on Congress' constitutionally-mandated duty to act as checks and balances to the executive, and has in fact played into the entire traditional politics game of pursuing personal and dynastic interests in exchange for political favors. Gloria Macapagal-Arroyo successfully subverted the 14th Congress into a source of support to perpetuate her power, and a means to insulate her from the legitimacy crisis that her administration has consistently faced. Arroyo used Congress as a rubberstamp for turning major national projects into personally profitable endeavors, as staunch defender of her interest in the face of impeachment and, with a streak of innovation, as the backdoor to preserve her influence over Philippine politics." (Bello and Gacad, p. 55)

This transactional approach of the Arroyo regime, along with many deep-seated grievances and frustrations regarding conditions within the military and Philippine society at large, also aggravated restiveness and divisions in the military, pushing some factions to step beyond their bounds and actively instigate regime change, even as several failed attempts appear to attest to a well-executed 'divide-and-rule' strategy where the military is concerned.

Beyond the term of the Arroyo regime, outside the realm of the legislative and the military, there are also some disturbing developments that hint at deliberate moves that could shield the President from being answerable for wrongdoing. Marites Vitug, who shares her insights on Supreme Court-GMA relations and the midnight appointment of the chief justice, suggests possible scenarios in relation to future cases involving the outgoing president. (Vitug, pp. 85-89)

While protecting Arroyo and her minions from charges and controversies, these maneuverings reinforce a legacy of using the state against the people, rather than re-establishing the relevance of a government for the people.

These are just some points from nine examples, in a long list of issues and scandals under GMA. Their prevalence rests on an achieved level of mastery in ransacking the government for private and political gain, a

cultivated climate of transactional exchange, and an established state of impunity, three key hallmarks of the Arroyo regime. Their implications go beyond the facts and allegations that comprise each case.

Probing and presenting some initial propositions to identified issues, the articles found in this book do not imply that these problems are unique to the Arroyo regime. In fact, controversies that beset the Arroyo administration reflect a familiar storyline: State institutions have been routinely perverted, the formal bounds of democracy constantly exploited, to cater to the private and political interest of supposedly public officials, of the rich and powerful, allowing those in power to stay in power and expand their privileges and prerogatives. Meanwhile, the citizenry is further pushed back, marginalized from meaningful political intervention and engagement, whether by deliberate acts of disenfranchisement or repression, by aggregated experiences that lead to disillusionment and exasperation, or by the sheer weight of their dispossession and impoverishment. What is emphasized here is this: GMA, outgoing president and incoming representative of the 2nd district of Pampanga, exemplified, exacerbated, even exonerated this terrible reality to the hilt.

GMA's legacy is a legacy of regression.

GMA's regime demonstrated how low we could sink and how easily we could slide back. This will make an already tough and arduous political project of instituting necessary changes even more difficult and complicated. More sober analysis would even assert that this regime might have already set back the prospects of achieving palpable change in the interim.

One clear danger of this legacy is its possible impact on our political imagination. There are a lot of issues, starkly highlighted in the past nine

years, which must be collectively confronted, threshed out, addressed. While these may be complex and daunting, it is hoped that our experience under GMA would only strengthen, rather than weaken, our resolve to follow through on our political projects aimed not just at rebuilding from the aftermath of the Arroyo regime, but, more importantly, striking at socio-political and economic conditions that created a GMA in the first place.

As we grapple with these questions and challenges, we must never forget the more substantive underpinnings of all our criticisms and frustrations, even after we heave that satisfying sigh of relief, once GMA steps down from the Presidency. We must never allow what's familiar, what's common, what's entrenched to hi-jack our aspirations for what is possible. We must never let this regime take away our capacity to conceive, our willingness to commit and our perseverance to carry out more thoroughgoing transformation. As we take stock of the GMA legacy, we must also constrain it from defining, confining our political projects for the future.

This book is a modest initial contribution to this continuing collective discussion and process.

The parade is over. The floats have come and gone. The spectacle will be replaced by another spectacle. And the air is abuzz with hope and promise. The legacy of regression is ushered out by a dazzling flicker of renewal and transformation. They sit next to each other in a chauffeured car, en route to another display. Having said their *goodbyes and good riddances*, the people have dispersed, settling back into the comforts of their homes, their work, their everyday routines. The razzle-dazzle has died down. But the people are still watching. They will be waiting, working towards a legacy. •