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*The solution to systemic corruption – in the way that political authority is used to amass private wealth – goes beyond the presidency and should not begin and end with litigations that promise no certain closure.*

## The fight against plunder goes beyond the courtroom

By the Policy Study, Publication, and Advocacy  
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Two senators – Ramon Revilla, Jr. and Jinggoy Estrada – are now in police custody upon orders of the anti-graft court, Sandiganbayan. A third senator, former Senate President Juan Ponce Enrile, awaits the same fate. The three senators, along with scores of their key staff, government officials, and other alleged accomplices, are facing plunder and graft charges after being implicated in a P10-bn pork barrel scam. Investigation revealed the three opposition figures, in cahoots allegedly with businesswoman Janet Lim Napoles, used their Priority Development Assistance Fund (PDAF) to receive multi-million kickbacks for several years. Napoles, the alleged mastermind of the scam, was earlier arrested. More charges are being readied against other members of Congress – representatives and senators – in what is turning out to be the scam of the decade.

For all the headlines and drama triggered by the pork barrel scam, one is led to ask: Is this now the real thing? Are all the investigations and charges being readied by state probers and prosecutors against powerful politicians the long-awaited measures that President Benigno S. Aquino III has unleashed in the fight against corruption now that he has only two years left in office? For long, the Philippines has been rated as one of the corruption capitals of the world but Aquino III – son of another president, the late Corazon C. Aquino – was expected since 2010 to clean the

government of corruption based on an election campaign promise.

To be clear, however, the legal actions being put to bear on the alleged crooks – with yet again the dirt of power politics and criminal greed unveiled – did not emanate as an initiative from the president. Rather, they came on the heels of a public outrage on the scam first exposed by a whistleblower and the resulting clamor to jail the looters of taxpayer's money. Appalled by the magnitude of the scam some groups coming from moderate and civil libertarian stripes even called for a radical “system change.” While protesters were marching in the streets Aquino III's allies defended the pork barrel and the president himself justified the bigger pork under the un-enacted Disbursement Acceleration Program (DAP). (Part of this lump-sum discretionary budget went to the Commission on Elections as intelligence fund to conduct surveillance of the poll body's election critics.)

Aquino III himself has, since 2010, filed as a priority bill the PDAF for Congress supposedly to secure cooperation for his pet bills and to broaden his party coalition in the legislature. He kept a blind eye on the long practice of the congressional as well as the presidential pork being used to line the pockets of politicians. Renamed a number of times to sugar coat and hide its filth pork barrel is one among many

privileges made legitimate by force of authority to sustain the system of patronage politics in the country.

With the public eye more vigilant and assertive – and Aquino's trust rating plummeting – the administration was forced to set in motion the criminal justice system which includes the justice department, NBI, and Ombudsman to go after the alleged crooks but not without the publicity to create perceptions about how decisive the administration was with regard to the latest scam. Discernible, however, was that the more legal actions taken the more the suspicions that Aquino's response was turning into a political vendetta against key opposition figures. Some Aquino allies including one claimed to be in the ruling faction – Budget Secretary Butch Abad – have been “cleared” by the president of any involvement in the controversy.

While the legal moves are essentially a response to public outrage over the latest heinous crimes the public expectation is low that such efforts will bear fruit. The low public expectation about a positive outcome from the charges is borne out by the weaknesses of the criminal justice institutions and the political compromises, trade-offs, and “reconciliations” that are usually forged in cases involving powerful persons – all making a mockery of justice.

For one, the cases and evidences are so massive while those charged and yet to be charged are so numerous that the whole process itself ending with either convictions or acquittals – or none of the above – may take 10 years. The president himself – whose term ends in June 2016 – has telegraphed to the next administration the responsibility of pursuing the cases altogether. Expectedly, the long and tedious process will be stalled and derailed no end – akin to the Maguindanao massacre cases – by technical issues, postponements, questions that will be elevated to the Supreme Court, witnesses recanting – and other standard tactics designed to delay. Assuming that the estimate is accurate, the 10-year period will go through two presidential elections where compromises are expected that will influence the judicial process or pardons issued in the remote possibility that convictions are meted out. Likewise, one of those being charged for plunder and graft, Enrile, would have been

a centenarian by then. Many figures in the prosecution, defense, and court would have left, retired, consumed by fatigue and seniority, or their credentials boosted by press coverage shifted to other professional and political opportunities. Soon, the limelight created by the drama will fade out.

For another, the cases are being processed in the very institutions with known past records of bias, partisanship, incompetence, or corruption. Supposedly, the chief executive has been trying to shape up the Ombudsman as well as the Sandiganbayan in order to dispense justice fair and square with his own appointees but this has been confined to a few key positions. Whether these presidential appointments will bring independence and integrity to these constitutional bodies remains to be seen. A mere appointment does not constitute a fundamental institutional reform which is what is needed in these bodies. This early, to complicate the issue, Aquino himself has pre-empted the Sandiganbayan's issuance of arrest warrant by telegraphing that Enrile because of his age should be treated humanely with a hospital or house arrest instead of police detention pending his trial.

The pork barrel scam cases will be tried in the context where most allegations of plunder, corruption, and other heinous crimes involving powerful persons – presidents, their relatives, legislators, generals, warlords, and top local officials – since the end of the Marcos dictatorship ended up without any significant closure let alone in seeing justice take its course. At best, those charged with non-bailable high crimes like plunder and graft were arrested – but, unlike ordinary suspects, given VIP treatment – due to strong public indignation and peaceful revolts but the wheels of justice grind so slowly that the cases filed against them were or will soon be forgotten altogether. All the evidences dug up and testimonies amassed are in the archives, burned, or been forgotten; many witnesses and whistleblowers ended up dead or shied away due to a weak witness protection program.

This farcical justice only reinforces what every Filipino already knows. There can never be justice unless the criminal justice system is overhauled. Being

such, the country's criminal justice system is forever etched with double standards: It's not how the justiciable case is built, it's who you are that matters. Justice favors those with wealth and power, those without won't find any.

On a more unfortunate note: With the pork barrel already declared unconstitutional, the national budget and lump sum allocations will now be solely under the president. Members of Congress and other politicians still aching to have a cake from the trillion-peso budget in the guise of projects earmarked under the executive department's agencies now have to form a queue before the president. Patronage politics did not die with the high court ruling. On the contrary, it was strengthened under Malacanang. Presidential discretionary funds and other resources will be used in the 2016 elections in support of Aquino's presidential and other candidates.

What this bleak situation conveys is that the solution to systemic corruption – in the way that political authority is used to amass private wealth – goes beyond the presidency and should not begin and end with litigations that promise no certain closure.

Certainly it cannot be addressed especially by a president whose purported political will transcends not the boundary where his own friends are and whose sense of justice is selective. The reason why plunder and corruption is systemic is not only because its tentacles are deeply entrenched, far and wide, infesting all levels of bureaucracy and the elite-dominated social architecture. It is also because the very institutions and agencies that are mandated to address it have been weakened by – or themselves become complicit with – those who, big or small, practice it and are therefore part of the problem. Systemic corruption is an appendage of the bigger system of political dynasties – are not its members the main source and beneficiaries of corruption? – as well as social inequities and underdevelopment that breed corruption and other social crimes.

The anti-pork barrel movements and watchers face the daunting task of creating or linking up with the broad struggle for wide-ranging reforms, putting the anti-corruption action to the bigger platform of social, economic, and political change. But these democratic forces should strike fast while the iron is hot.

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*For reference regarding this issue analysis:*

Bobby M. Tuazon  
Director for Policy Studies  
Center for People Empowerment in Governance  
3F CSWCD Bldg., Magsaysay Avenue, University of the Philippines, Diliman 1101, Quezon City  
Tel/Fax +9299526; email [info@cenpeg.org](mailto:info@cenpeg.org), [cenpeg.info@gmail.com](mailto:cenpeg.info@gmail.com)  
[www.cenpeg.org](http://www.cenpeg.org)