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Let PGMA Relinquish Power Apply the Rule of Law

As the nation suffers fiscal crisis, the embattled President is facing two major controversies that shakes our country's leadership. The first involves the President's family, specifically her son, Mr. Miguel "Mikey" Arroyo and brother-in-law, Negros Occidental Rep. Ignacio Arroyo in controversial illegal gambling payola. The severity of the crime is tantamount to graft and corruption, similar to what led to the downfall of former President Joseph Estrada.

The second concerns the GMA-Garci tapes which links the President to electoral fraud. This put Mrs. Arroyo's legitimacy and integrity as the President into question. Since June 6, when Presidential Spokesperson Ignacio Bunye first unveiled the existence of the "Garci tapes" the President has remained silent. Mrs. Arroyo said she would "not dignify" the issue since the source was patently illegal and that the tapes were part of destabilization plots against her government. Essentially, the content of those tapes implied a conspiracy between PGMA directing Commissioner Virgilio Garcillano to rig the presidential election in 2004 in order to win by at least 1 million votes against her close rival FPJ.

PGMA's delayed response on the wireless tapping issue has created a climate of uncertainty. The public is curious if it is indeed her voice on the tape. Did she or did she not have private conversations with COMELEC Commissioner Virgilio Garcillano during the period of canvassing in the 2004 elections?

But before PGMA could categorically answer the issue, Filipinos have heard "Hello Garci" tapes through ring tones and audio files. The transcript of the tape has been posted on the internet and print media. Series of fora and consultations were organized by civil society groups including the Academe to discuss the pervading issue. Opposition groups have staged mass demonstrations to pressure Mrs. Arroyo to answer the allegations against her. Even Human Rights lawyer Rene Saguisag reportedly asked people to hold tax boycotts until PGMA breaks her silence.

Many believe that PGMA should not invoke her right to privacy on a question that is of utmost public concern. Jesuit priest and lawyer Joaquin G. Bernas, SJ opined that, "*privacy concerns must give way when balanced against the interest in disseminating information of*

paramount public importance. Anyone who accepts public office also accepts an attendant loss of privacy. Jurisprudence is replete with assertions of democracy's national commitment to the principle that debate on public issues should be uninhibited, robust and wide-open."

On June 27, PGMA finally broke her silence. In a four-minute address televised live from Malacañang, President Arroyo admitted that it was indeed her voice on the tapes. She asked forgiveness for the phone calls she made to monitor and protect her million-vote victory margin. "*Sorry for lapse in judgment*" she said. However, she denied opposition allegations that she attempted to rig last year's presidential election. She also rejected calls for her to step down stating, "*I also take full responsibility for my actions and to you and to all those good citizens who may have had their faith shaken by these events. I want to assure you that I have redoubled my efforts to serve the nation and earn your trust,*" the Chief Executive said.

As expected, there were mixed reactions from different groups.

Senate President Franklin Drilon said "*the President has showed a lot of courage and humility when she finally told the truth about the controversial wire tapped conversations and called on her to win back the confidence of the people.*"

House Speaker Jose de Venecia said "*the President has regained the moral high ground by ending her period of isolation and reflection to face the Filipino people on an issue that has touched the heart of her presidency.*"

Former President Corazon Aquino expressed words of encouragement to PGMA by saying, "*Her admission of judgmental lapses leading to improper conduct on her part is a truly welcome development.*"

Pro-Arroyo lawmakers rallied behind the President together with Tarlac Rep. Jesli Lapus who said, "*Let us heed President Arroyo's call for us to now move forward after she has addressed the tape issue.*"

Executive Director Guillermo Luz of the influential Makati Business Club took a "wait-and-see attitude," much as stock market investors have always done.

The United States, Japan and China, the most important allies of the Philippines, have expressed support for President Arroyo despite her admission that the female voice on the controversial wiretapped conversations was indeed hers.

On the other hand, Mrs. Susan Roces together with the opposition parties and leftist groups are now demanding PGMA to resign immediately. Mrs. Roces said that the tapes would serve as the "missing link" to the evidences they gathered last year aside from the election returns (Ers), statement of votes and fabricated numbers in the certificate of canvass (CoC).

Some quarters like Bayan Muna national vice chair Manuel Loste are having second thoughts about immediately unseating PGMA. They are unsure if Vice President Noli de Castro is truly qualified to take over.

Former Senator Loren Legarda urges the Presidential Electoral Tribunal (PET) to expedite the hearing of her electoral protest to determine the final results of the 2004 elections. She cited several cases of "*dagdag-bawas*" during the Kapihan sa Maynila" at the Manila Hotel last June 27, 2005.

Meanwhile a proposal for a snap election is reported to be gaining ground spearheaded by former Sen. Raul Roco, Sen. Aquilino Pimentel and Rep. Jerome Paras. While Senator Miriam Defensor-Santiago disagreed with the Senators' proposal stating that the Philippine government will be spending around Php 4.8 billion to fund the polls and reiterated that we could not afford that given the current fiscal crisis.

Sen. Pimentel warned that the administration was only baiting the opposition in challenging the latter to file impeachment case against the President. Mr. Randy David expressed the same views as Senator Pimentel that the latest Palace line, "*The President won the elections fair and square,*" is a model of studied evasiveness. If there are any doubts about her victory, they must be resolved in accordance with the rule of law. The alleged wiretapped conversations, whether authentic or not, are illegal, and therefore inadmissible in evidence. The President has not committed any impeachable offense. Without saying so explicitly, the Palace is daring the President's detractors to sue her. The President has numerous allies in both houses of Congress and the Senate. Her allies can ignore public opinion and throw out any impeachment case at any stage of the process. The country may go through this wrenching exercise all over again, hoping that truth and justice will prevail in the end. But in the final analysis, the case will be resolved by a vote based not on any objective appreciation of the evidence at hand but on political allegiance.

Moreover, Prof. David shared that the public skepticism about the autonomy of our institutions and the capacity of our political leaders for statesmanship is what is driving the protests in the streets. Suppressing legitimate dissent will only further damage our institutions. The crisis of legitimacy of the incumbent President is ripening into a crisis of institutional confidence. When the President

starts ordering the nation's armed forces to quell the critical voices of its citizens, the whole existing framework of the rule of law is put on the line. At that point, this crisis may well develop into a crisis of the entire social order.

By and large, the people are getting impatient listening to endless debates on the controversial "Garci Tapes." These do not bring jobs for the unemployed and food on the table for the hungry. Many believe that it is the narrow vested interests of a few that have taken precedence over national interests. And while most Filipino people are willing to forgive Mrs. Arroyo in her lapse in judgment, the time has come for the President to step down.

The People's Congress for Authentic Democracy (PCAD) proposed the creation of a Council of Leaders composed of persons known for their integrity, impartiality and patriotism, to serve with the religious sector as the voice of the innate wisdom, temperance, decency and righteousness of the Filipino society.

The Council of Leaders is composed of multi-sectoral groups responsible to craft development agenda to meet the current crisis and formulate a program of imperative political, social and economic reforms that will address poverty, poor governance and environmental crisis. It shall serve as a continuing watchdog to guard the people against the abuses of power that the current administration has amply demonstrated.

In a nutshell, there is now a growing movement against PGMA whether through a constitutional process or extra legal or extra constitutional. This movement can be described into one word, **RIOTS: Resign, Impeach, Oust, Tax boycott and Snap election.**

COSCA POSITION

In the midst of the controversy, the Center for Social Concern and Action (COSCA) of De La Salle University-Manila believes that the foundation of genuine democracy rests on clean election. An election is clean, honest and meaningful when it is the expression of the sovereign will of the Filipino people who have supreme authority, free, independent and in no way limited by external authority or influence. In this light, the sanctity of the ballot must be preserved and protected at all times in a manner consistent with the Philippine Constitution because it is only through an honest election that every Filipino is given a chance to cast his/her vote equally whether rich or poor, educated or uneducated.

Ideally, clean elections should never be an expression of the power of money, arms and propaganda or the abuse of authority. Fraudulent and dishonest elections will undermine the honesty and ability of the government to be truly oriented towards public service. For this reason, PGMA's admittance on June 27 that it was her voice on the tape influencing and directing Commissioner Virgilio Garcillano to rig the presidential election in 2004 in order to win by at least 1million votes was a serious crime that cannot be ignored.

Legally, PGMA has violated Article XIII of the Omnibus Code by exercising undue influence and intervention over Commissioner Garcilliano, a public officer. PGMA deliberately made fourteen calls to Commissioner Garcilliano, which was not simply “a lapse in judgment” on her part. If found guilty, PGMA can be sentenced to disqualification for public office and deprivation of the right of suffrage as stipulated under Article XIII, Sec. 264 of the Omnibus Code.

Furthermore, COSCA strongly believes that cheating is immoral and so is the blatant abuse of power and disregard for common good. PGMA has no moral ascendancy to lead the nation anymore because her credibility and integrity has been tarnished. The circumstances and evidences have made us to realize that because power corrupts people, it may lead to all acts contrary to law, good morals, good customs and public interest.

CALL TO ACTION

COSCA together with civil society groups, invites the Lasallian Family and citizens who have a genuine concern for the country to unite and work actively for the strengthening of democracy in the Philippines.

WE AFFIRM our commitment in protecting and promoting democracy in the Philippines. We believe that a genuine democracy works because the democratic institutions and processes are still in place while the enlightened citizenry can add substance and meaning to the democratic process. A vibrant democracy works because responsible citizens are vigilant and honest in fighting for truth and social justice.

WE BELIEVE in preserving the sanctity of the ballots in the same way we put premium value on the dignity of the human person.

In dealing with the GLORIAGATE scandal, we **AFFIRM** our commitment to the following democratic principles and values:

- Apply the Rule of Law
- Follow the legal and constitutional process
- Form a Truth Commission that will investigate the Gloriagate scandal
- Instill hope and faith in God to the Filipino people especially the youth
- Restore peace and order in the land as we strengthen our democratic institutions
- Mobilize the Filipinos to fight for Truth, Social Justice and for genuine National Development.

We DENOUNCE in the strongest possible terms the use of violence or any other unjust, illegal and immoral means to seize state power.

WE DEMAND Commissioner Virgilio Garcillano to surface and categorically answer all the allegations against him.

WE PRAY for President Arroyo to voluntarily relinquish her power and facilitate the smooth transition of a new government following the legal and constitutional processes within 6 months.

WE SUPPORT the creation and institutionalization of Multi-Sectoral Council aimed at transforming the government bureaucracy already marred with corruption and inefficiency. We truly believe in good governance exercising transparency, accountability and integrity of public office.

WE PROPOSE the Multi-Sectoral Council to assist the newly created government in formulating its development agenda truly responsive to the needs of the Filipino poor and consistent with the Christian values inspired by the charisma of St. John Baptist De La Salle.

WE JOIN the Lasallian Family and the Filipino people in their fervent prayers asking for forgiveness and for the restoration of Truth, Justice and Peace to our nation.

Let PGMA Relinquish Power. Apply the Rule of Law. Save the Philippine Economy.

Prayer for Peace and Justice

Almighty and eternal God,
May your grace enkindle in all of us
a love for the many unfortunate people
whom poverty and misery
reduce to a condition of life
unworthy of human beings.

Arouse in the hearts of those who call you Father
a hunger and thirst for justice and peace
and for fraternal charity in deeds and in truth.

Grant, O Lord, peace in our days,
peace to souls, peace to families,
peace to our country, and peace among nations.

Live Jesus in our hearts, forever.

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