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Justice for Martial Law Victims Should Include Deconstructing Historical Revisionism

Healing the wounds and rectifying a historical wrong is a difficult process. It is a struggle in itself akin to the crucible of thousands of Filipinos – possibly millions - who dared to fight the Marcos dictatorship 40 years ago.

It took all of 27 years – since the fall of Marcos rule - before the “Human Rights Victims Reparation and Recognition Act of 2012” was signed into law. Its signing by President Benigno S. Aquino III on Feb. 25 highlighted the commemoration of the 27th year of EDSA Revolution I that ousted the Marcos regime (1965-1986). The Act seeks to close a dark chapter in the nation's history. But as far as martial law victims are concerned it is incomplete and leaves many questions unanswered.

The reparation and recognition Act obligates the state, morally and legally, to recognize and indemnify all human rights victims or their surviving families “for the deaths, injuries, sufferings, deprivations, and damages they suffered” during martial law (1972-1986) by agents of the state acting under the Marcos regime. Entitled to compensation under “conclusive presumption” are the 9,539 human rights violations victims (HRVVs) who filed the winning class suit before the Hawaii district court. Other victims, including Moro rebels and civilians who fought the dictatorship, can file a claim with the human rights claims board for compensation and recognition. The compensation will be funded by some PhP10bn which had been transferred to the Philippine government from the Marcos ill-gotten wealth by a 2003 court order.

The Act recognizes the heroism and sacrifices of all the

victims of summary execution, torture, forced disappearance, sexual abuse, hamletting, and other forms of human rights violations for which the government will also establish a memorial commission. The commission will work with the education department and Commission on Higher Education (CHED) to educate young people about the victims' heroism and the atrocities committed against them by the Marcos dictatorship.

Apart from the reparations and recognition that the Act bestows on martial law's nameless martyrs, more important is the mandate that it vests on the educational institutions to immortalize the victims' gallant efforts in opposing the Marcos dictatorship and the fall of tyranny borne out of such heroism. This provision will bring into the classroom the principles that are sorely undervalued in education's values formation – patriotism, self-sacrifice, and respect for human rights. This is not an easy task, of course. It entails the deconstruction of the historical distortions in public school curricula rationalizing some good things about martial law.

The teaching pedagogy should include exposing the lies of Presidential Decree 1081 blaming the communists and “oligarchs” for subversion so as to justify the declaration of martial law in 1972. Next, is to popularize the martial law martyrs' narratives of struggle against not only the dictatorship but also the structural roots of poverty, social injustice, national oppression and exploitation, elite power, and foreign domination. Education should expound as well on the role played by the U.S. in propping up the Marcos dictatorship thereby

encouraging atrocities to be committed against the Filipino people.

Historical revisionism is the enemy of truth. Many Filipinos have been led to believe that the country owes its democratic restoration in 1986 to Corazon C. Aquino as well as the cabal of martial law administrators and implementers who “sided” with the people in the overthrow of the Marcos regime. Mrs. Aquino shot herself into the center stage of an unfolding event by running for president in the rigged snap presidential elections with the backing of the U.S. state department and other agencies. After failing in a power grab by coup attempt against their commander-in-chief, the renegades saved their necks by switching side with the people's uprising and, in a historical twist, had themselves hailed as “Edsa heroes.” The truth is revealed in the Act itself. The drama of Edsa was the final act of a people emboldened by the sacrifices of tens of thousands of activists from all walks of life and opposition figures who dared to struggle long before

opportunism and revisionism sequestered the Edsa gains.

Justice to the martial law HRVVs cannot be full and complete without identifying and prosecuting the perpetrators – a demand coming from human rights groups. Many of these State perpetrators have been back in power. To address the demand, another Act is needed to nullify the amnesty policy which Mrs. Aquino decreed in the name of “reconciliation” a few months after Edsa I - granting immunity from prosecution to State forces who had “committed human rights violations” during martial law.

This is just the beginning. Human rights violations have continued and have become more systematic since Marcos and the names of new victims have piled up. Since 1986, tens of thousands more have died. All presidents since 1986 have sung the common tune of denying that there is a State policy to encourage human rights violations. Yet none of them have punished let alone prosecuted a single perpetrator.

Coalition Politics - or Coalition of Family Dynasties?

Does the typical Filipino voter really care about coalitions during elections? Coalitions come and go as fast as they are formed during elections. Although they are especially made for senatorial slates, coalitions group various political parties during national and local elections. But the average Filipino voter doesn't remember any of the coalition identities except their individual candidates and personalities – not unexpected in largely traditional political contests.

Theoretically, a political coalition or alliance binds various political parties under a common platform, aims to broaden the voting mileage and create the political backbone of government based on power-sharing. However, unlike in other countries where coalitions are made up of real political parties, political alliances in the Philippines have distinct characteristics. Here, coalitions are made up of individual candidates based on their perceived winnability. Except for a few, the parties they represent are traditional political groups shorn of any ideology or issues upon which they build their track record. Coalitions are the result of bargaining by a few political chieftains – not by party conventions or

consultations – and are simply short-term alliances of political dynasties for electoral convenience.

For how else can one explain shifting alliances and strange bedfellows in, for instance, Team PNoy (National Unity Party) where Rep. Cynthia Villar (Nacionalista Party) joins husband Sen. Manny Villar's 2010 arch enemy, former Sen. Jamby Madrigal or the Laban ng Demokratikong Pilipino (LDP) which aligned with the now discredited former president Gloria M. Arroyo (K4/Lakas-CMD in 2004 and Team Unity in 2007) now coalesced with the dominant Liberal Party under Team PNoy or traditional rivals NP and LP? Eduardo “Danding” Cojuangco's Nationalist People's Coalition (NPC) has Sen. Loren Legarda in Team PNoy but fielded another candidate, Juan Ponce “Jack” Enrile, Jr., under the United Nationalist Alliance (UNA) coalition. (Jack Enrile's father, Senate President Juan Ponce Enrile, is with Pwersa ng Masang Pilipino, headed by former President Joseph E. Estrada.)

Vice President Jejomar Binay's PDP-Laban (“democratic centrist”), which backed Corazon C. Aquino

in the 1986 snap presidential elections, is one of the lead political parties under UNA today. Yet its president, Sen. Koko Pimentel, is with Team PNoy after UNA included Juan Miguel Zubiri (now PMP) in the senate slate. Zubiri was with Gloria M. Arroyo's Team Unity Lakas-CMD in 2007. He gave up his seat in 2011 after the Supreme Court in a 2007 election protest case declared Koko Pimentel as the real winner over the Lakas-CMD candidate.

The senatorial candidates of Team PNoy are banking on the yellow coalition's "daang matuwid" (clean governance) platform and the incumbent president's claimed popularity to win in the May 2013 mid-term elections. Unlike this coalition which showcases no shared ideology, however, UNA espouses a "populist" ideology and a "center-left" political position. Of course such posturing remains to be validated and right now the preponderance of dynastic faces in the coalition's senate slate overshadows whatever vision it claims to be campaigning for.

Because they are alliances of competing political forces bound only by short-term political convenience traditional coalitions are fractious, unstable, and unsustainable. In Team PNoy, the NPC is fielding candidates in local positions where there are official coalition aspirants. Past coalitions fell into disarray due to last-minute junking of fellow candidates in favor of aspirants from opposing

alliances. This is one reason why many coalition candidates run their own campaign with separate machineries.

On the other hand, whatever ideology, political program, or organizational discipline is lacking or is yet to be substantiated in traditional coalitions is very much visible in the progressive Left coalition Makabayan (Patriotic) and the Ang Kapatiran Party (AKP). The Left coalition groups partylists Bayan Muna, Anakpawis, Women's Party, ACT Teachers' Party, Katribu, Migrante, Courage, Akap Bata, Piston, and Kalikasan. In the election, Makabayan is advocating for nationalism, democratization of land reform rights, national industrialization, and other progressive agenda.

Makabayan's sole senatorial bet, BM Rep. Teddy Casino, is joined by guest candidates Chiz Escudero, Loren Legarda, Aquilino "Koko" Pimentel III, Cynthia Villar, and Grace Poe-Llamanzares.

Founded in 2004, AKP ("The Brotherhood") espouses Christian Democracy. With the campaign slogan "radical change in Congress" and a "radical" action against corruption, AKP has fielded three senate aspirants led by JC delos Reyes who ran but lost in the 2010 presidential race.

The Failure of Presidencies in the Sabah Territorial Claim

For more than 40 years, the Philippine claim on Sabah (North Borneo) has remained dormant – literally ignored or dropped by various administrations. Ferdinand E. Marcos (1965-1986) tried to seize Sabah by secretly fomenting a rebellion followed by occupation in 1968 (a few years after the establishment of the Malaysian federation which included the disputed area). But he kept the claim alive through a 1973 constitution provision defining "all territories belonging to the Philippines by historic right or legal title."

This territorial phrase was excluded in the 1987 Constitution of Corazon C. Aquino (1986-1992) thus technically sending signals to Malaysia the government's lack of interest in pursuing the claim. Following Mrs. Aquino's stance to drop the sovereignty claim, Senate Bill

206 was filed redefining the Philippine territory minus Sabah. This government posture was continued under the succeeding regimes from Fidel V. Ramos (1992-1998) who now clarifies that he just put the issue "in the backburner," to Gloria M. Arroyo (2001-2010) who swept the claim under the rug while Malaysia brokered peace negotiations with the Moro Islamic Liberation Front (MILF).

As expected, President Benigno S. Aquino III (2010-present) has chosen to save the Framework Agreement with the MILF for the creation of Bangsamoro in the light of ongoing skirmishes between Malaysian forces and some 200 members of Sulu Sultan Jamalul Kiram III's "Royal Security Force" (RSF) in Lahad Datu town, Sabah. The framework agreement – product of final peace talks facilitated by Kuala Lumpur – does not mention Sabah.

(The RSF forces had been in Lahad Datu in pursuit of the Sulu sultanate's territorial claim that dates back to 300 years.)

At least 52 RSF members have died at press time. Criminal charges await the rest of the RSF once they return in the Philippines while Malaysian authorities want Kiram to be extradited to Kuala Lumpur to face similar charges. International law may demand that the Philippine government should protect the Muslim Filipino nationals facing counter-attacks from Malaysian police. But that is farthest from the mind of Aquino III – he should remain in good terms with Kuala Lumpur and the peace process in Bangsamoro should not be derailed.

When these armed engagements are over, the first question that must be asked of the incumbent president is: What is your plan on the Sabah issue?

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