

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** PHL31974  
**Country:** Philippines  
**Date:** 29 June 2007

**Keywords:** Philippines – New People’s Army (NPA) – Revolutionary taxes – Corruption – Local government

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**Questions**

- 1. Please advise if the New People’s Army (NPA) demanded that people pay “revolutionary tax” or “tribute money” for goods like military shoes and uniforms. If so, what are the repercussions if people do not comply with the demands? Do the NPA target particular people or groups?**
- 2. Please advise if the NPA are operating in Manila.**
- 3. Are there any impediments to relocating from Tuguegarao City to Manila?**
- 4. Please provide information about the level of institutionalised corruption in the Philippines.**
- 5. Is there any information indicating that the majority of building projects in the Philippines are for the government, and jobs are given to friends of government officials?**
- 6. Is there any information to suggest corruption is selectively applied against particular people or groups?**
- 7. Do Filipinos suffer mistreatment if they speak out against corruption or refuse to participate in corrupt practices?**

**RESPONSE**

**Questions**

- 1. Please advise if the New People’s Army (NPA) demanded that people pay “revolutionary tax” or “tribute money” for goods like military shoes and uniforms. If so, what are the repercussions if people do not comply with the demands? Do the NPA target particular people or groups?**

**Information summary**

The New People’s Army (NPA) is the military wing of the Communist Party of the

Philippines (CPP) and is well known for collecting “revolutionary taxes” from businesses and individuals. Reports of such extortion practices often note that the NPA collects payment in kind as well as in cash. No reports could be located which referred to the extortion of military shoes and uniforms specifically (for reports which note the NPA’s extortion of taxes by payments in kind as well as cash, see: Mallari, D. 2007, ‘NPA goes high-tech in ‘poll tax’ collection’, *Inquirer* website, 16 January [http://newsinfo.inquirer.net/inquirerheadlines/regions/view\\_article.php?article\\_id=43643](http://newsinfo.inquirer.net/inquirerheadlines/regions/view_article.php?article_id=43643) – Accessed 25 June 2007 – Attachment 1; and: ‘NPA camps in Abra captured; 1 killed, 2 wounded’ 2007, Philippine Information Agency website, 4 April <http://www.pia.gov.ph/default.asp?m=12&fi=p070404.htm&no=86> – Accessed 25 June 2007 – Attachment 2; for background on the NPA and its relationship with the CPP, see: Immigration and Refugee Board of Canada 2006, *PHL101566.E – Philippines: Reports of extortion and kidnapping of civilians by the New People’s Army (NPA) or other armed groups; state response to extortion and kidnapping; extent of recruitment efforts by the NPA (2003 – 2006)*, 18 October – Attachment 4).

It is generally reported that the NPA’s approach to taxation can differ according to the manner in which NPA’s tax collectors perceive the wealth, power and political position of the business or individual in question. The NPA’s official ideological discourse frames this differentiation in terms of class-struggle and reportedly identifies class enemies, like major business interests, as its main targets. Reports vary, however, as to the exact nature of the taxes imposed and the possible consequences for those who fail to pay. It is generally acknowledged that large business interests have suffered sabotage and that a number of politicians have been killed. Sources vary, however, on the subject of middle and lower income groups. Some sources argue that the NPA takes a less aggressive stance with these latter groups and that there is little evidence of mistreatment. Other sources report that farmers and small business owners have been killed for failing to pay revolutionary taxes and that lower income groups also fear harm from NPA cadres. A survey of the available information follows below under the subheading: *The NPA and revolutionary taxation* (for information which suggests that the risk to small-business owners is minimal, see page 8 of: Morada, N. 2005, ‘Philippine Human Development Report 2005: Metro Manila-Rizal Case Study’, Philippine Human Development Network website [http://www.hdn.org.ph/bgpapers2005/MM\\_Rizal\\_Case\\_Study.pdf](http://www.hdn.org.ph/bgpapers2005/MM_Rizal_Case_Study.pdf) – Accessed 25 June 2007 – Attachment 7; for information which suggests that even lower income groups fear harm from NPA tax collectors, see: Immigration and Refugee Board of Canada 2006, *PHL101566.E – Philippines: Reports of extortion and kidnapping of civilians by the New People’s Army (NPA) or other armed groups; state response to extortion and kidnapping; extent of recruitment efforts by the NPA (2003 – 2006)*, 18 October – Attachment 4; for anecdotal information on the varying manner in which Filipinos gauge the NPA as a threat, see: Llorito, D.L. & Marcon, M.M. 2002, ‘Bondoc Peninsula’s growth stunted by insurgency’, *Manila Times* website, 23 October <http://www.manilatimes.net/others/special/2002/oct/23/20021023spe1.html> – Accessed 25 June 2007 – Attachment 5; for sources reporting the death or targeting of farmers, small business owners and middle income earners, see: Dalumpines, E.C. 2007, ‘Jiabong barangay official shot dead by NPA death squad’, Philippine Information Agency website, 29 January <http://www.pia.gov.ph/default.asp?m=12&sec=reader&rp=2&fi=p070129.htm&no=18&date=01/29/2007> – Accessed 27 June 2007 – Attachment 21; ‘Editorial: Murder and extortion’ 2007, *Sun Star* website, 9 April <http://www.sunstar.com.ph/static/cag/2007/04/09/oped/editorial.html> – Accessed 27 June 2007 – Attachment 22; for the claims of the Philippine military, see: ‘Bondoc Peninsula’

(undated), Bondoc Solidarity website <http://www.bondoc-solidarity.de/bondoc.html> – Accessed 27 June 2007 – Attachment 23; Garcia, B. 2006, 'NPA imposing excessive revolutionary taxes on poor: military', *Sun Star* website, 21 August <http://www.sunstar.com.ph/static/zam/2006/08/21/news/npa.imposing.excessive.revolutionary.taxes.on.poor.military.html> – Accessed 25 June 2007 – Attachment 20).

The city of Tuguegarao is located in the province of Cagayan in the north of the island of Luzon. Cagayan ranks highly among those provinces of the Philippines in which armed encounters with NPA cadres are reported to occur. The Philippines military's Northern Luzon Command is reportedly attempting to combat the practice of revolutionary taxation and local police offer protection to those who report NPA extortion practices. Nonetheless, these actions do not appear to be bringing the practice to a halt and the local police have reportedly described the Cagayan Valley as "rampant" with NPA activity. Recent years have seen reports of attacks on a bus company and a telecommunications company for failing to pay the NPA's revolutionary taxes. The NPA is also thought to be responsible for the assassination of local politicians (for Cagayan's classification as an high-level NPA region, see table 1.1 on page 2 of: 'Philippine Human Development Report 2005' 2005, Philippine Human Development Network website, 2nd ed [http://www.hdn.org.ph/files/2005\\_PHDR.pdf](http://www.hdn.org.ph/files/2005_PHDR.pdf) – Accessed 25 June 2007 – Attachment 6; for government and police operations in Cagayan and northern Luzon, see: 'Philippine troops ordered to remain on alert against communist group' 2007, *BBC Monitoring Asia Pacific*, source: Philippine Daily Inquirer website, 2 April – Attachment 8; Calderon, O., Rosales, L.A., & Del Puerto, L. 2006, 'Police offer to protect businessmen from NPA', *Philippine Daily Inquirer*, 31 August – Attachment 9; 'P100,000 cash reward offered for information on stolen church bell' 2005, *Manila Bulletin*, 18 December – Attachment 10; for reports of the assassination of local politicians, see: 'Murder raps filed v. Joma for solon's death' 2003, *Sun Star* website, 29 January <http://www.sunstar.com.ph/static/net/2003/01/29/murder.raps.filed.v.joma.for.solon.s.death.html> – Accessed 27 June 2007 – Attachment 24).

For background on the NPA, including its various operations and alleged criminality, see *Research Response PHL17750* of 25 January 2005 which is supplied as Attachment 14 (RRT Country Research 2007, *Research Response PHL17750*, 25 January – Attachment 14).

### **The NPA and revolutionary taxation**

A 2005 study, produced for the Philippine Human Development Network (PHDN) by Dr Noel Morada of the University of the Philippines, reports that the NPA only collects voluntary or minimal taxes from lower income groups and that taxation is also minimal for "medium-size businesspeople and rich peasants". In such cases, it is reported, "there is no compulsory imposition and no punishment meted on those who do not pay taxes". According to Morada: "[t]he use of force in carrying out taxation is only resorted to against businesses, projects and operations of class enemies, imperialist agencies and the reactionary government, but only when they adamantly refuse to pay their tax obligations to the revolutionary government". The relevant extracts follow:

There are three layers in the class application of revolutionary taxation – on class enemies, on allied classes, and on the beneficiaries of agrarian revolution. Revolutionary taxation is progressive in character because its percentages and level of strictness is class-based. The bulk of revolutionary taxes – up to 90% – is collected from the exploiting and oppressing ruling classes. It is minimal and voluntary on the part of the democratic classes, especially on the part of the toiling masses. The opposite is true in the case of taxation imposed by the

reactionary government, which is progressive only in name but in reality is regressive because it encourages wealth even as it taxes poverty.

Revolutionary taxation is applied principally on enterprises or operations located within and adjacent to guerrilla fronts and owned by big foreign capitalists, big comprador capitalists, big bureaucrat capitalists and big landlords. Projects of the reactionary government which have anything to do with revolutionary areas are also covered by revolutionary taxation.

Revolutionary taxation is applied secondarily to the operations of the allied classes, such as the medium-size businesspeople and rich peasants. But in reality, there is no compulsory imposition and no punishment meted on those who do not pay taxes. There are really no formal computations, only proposals that allow accommodations for reasonable deferments and other considerations, especially because of the existence of good relations and mutually satisfactory alliances.

The use of force in carrying out taxation is only resorted to against businesses, projects and operations of class enemies, imperialist agencies and the reactionary government, but only when they adamantly refuse to pay their tax obligations to the revolutionary government.

Revolutionary taxation is also carried out among peasants, workers and semiproletarians due to the certain increase in their income as a result of victories in revolutionary land reform and other agrarian struggles. The amount is small, for instance, 2% of the net income of poor tenants who have benefited from the reduction of land rent. But all of this is voluntary and is happily contributed by those who have benefited from the decisive role played by revolutionary political power. The beneficiaries provide support for the advance of the revolutionary movement of which they are a part. There is no compulsory imposition on them, and in reality, it is the beneficiaries who make their own estimation of the amount to be provided to the revolutionary movement.

...The extortion activities of the NPA are also undertaken during election periods in the country through “permit to campaign” fees paid by politicians to campaign safely in areas “controlled” by the insurgents (see page 8 to 9 of: Morada, N. 2005, ‘Philippine Human Development Report 2005: Metro Manila-Rizal Case Study’, Philippine Human Development Network website [http://www.hdn.org.ph/bgpapers2005/MM\\_Rizal\\_Case\\_Study.pdf](http://www.hdn.org.ph/bgpapers2005/MM_Rizal_Case_Study.pdf) – Accessed 25 June 2007 – Attachment 7; Morada’s report contributed to a larger PHDN study, see: ‘Philippine Human Development Report 2005’ 2005, Philippine Human Development Network website, 2nd ed [http://www.hdn.org.ph/files/2005\\_PHDR.pdf](http://www.hdn.org.ph/files/2005_PHDR.pdf) – Accessed 25 June 2007 – Attachment 6; a summary of this extensive study is available as: Santos, C. 2007, ‘Costs and spillovers of the AFP vs. NPA armed conflicts: Metro Manila – Rizal case study’, *Development Research News*, Philippines Institute for Development Studies website, July/August, pp.7-9 <http://dirp4.pids.gov.ph/ris/drn/pidsdrn06-4.pdf> – Accessed 25 June 2007 – Attachment 3).

A report published by *The Manila Times* in 2002 may be of interest in the context of Dr Morada’s view point. The report claims that, “[d]espite its fearsome reputation, the NPA is not known to punish ‘delinquent’ taxpayers”. It provides anecdotal information on the manner in which small business owners may, or may not, fear NPA cadres.

Revolutionary taxes are just one of the burdens that many small entrepreneurs in Quezon have to bear. The “taxpayers” are store owners, warehouse operators, rice mill owners, copra traders, bus operators, public works contractors, and traveling sales persons. To the extent that revolutionary taxation could signify NPA’s political and military capability, estimates of the NPA’s tax take vary widely, depending – so it seems – on the person’s political sympathies.

For instance, Billy Andal, a businessman engaged in communications, publishing, and construction and a former Quezon City board member...says contractors are forced to pay the tribute to spare their equipment from sabotage. He says that one Korean construction firm working on a project in Mulanay who refused to pay revolutionary taxes lost hundreds of millions when rebels set fire to its equipment.

...This writer went around the province interviewing several business persons hoping to gather reliable figures. One NGO worker who requested anonymity says his relative, a copra trader, has been shelling out about P5,000 a month to the rebels. One salesperson admitted paying taxes every six months but refused to say how much. "We actually have no choice," he says. "It's a fact of life for us traveling salespeople and for most business people here."

...Despite its fearsome reputation, the NPA is not known to punish "delinquent" taxpayers. Aling Virgie, who runs a small hotel for traveling salespersons, says rebels once approached her to collect taxes. She initially obliged, but eventually stopped when business went bad.

"They would not actually force you to pay if they realize your business is just small," she says. "Nevertheless, many small entrepreneurs in the outskirts of the city had nervous fits every time the NPA collector shows up" (Llorito, D.L. & Marcon, M.M. 2002, 'Bondoc Peninsula's growth stunted by insurgency', *Manila Times* website, 23 October <http://www.manilatimes.net/others/special/2002/oct/23/20021023spe1.html> – Accessed 25 June 2007 – Attachment 5).

Like Morada's 2005 report, a 2006 report produced by the Research Directorate of the Immigration and Refugee Board (IRB) of Canada has sourced information which indicates that revolutionary taxation affects major business interests, politicians and lower income groups in very different ways. However, whereas the Morada's report presents NPA taxation practices as being driven by a general overarching policy – in which the taxation of lower income groups is minimal and/or voluntary with little threat of violence – the IRB report sources information which suggests a much more *ad hoc* set of practices. The IRB report does not directly comment on the regularity with which violence is employed by the NPA in retaliation for failure to pay taxes but it does note that a number of attacks upon business interests and politicians have been reported, and that there are also reports of "villagers who say they fear for their safety if they do not pay the taxes".

According to the British Broadcasting Corporation (BBC), the main activity of the NPA is to collect operational funds through "revolutionary taxes" (BBC 10 Feb. 2004). These taxes are reportedly collected from large and small businesses and local officials or politicians (AFP 22 June 2006; Sun.Star 27 June 2006; Manila Standard 23 Nov. 2005; see also MIPT 31 May 2006). While some pay the taxes without question, the majority of people are reportedly reluctant to do so (Sun.Star 27 June 2006). In February 2004, the NPA began to demand a 20 percent share of the barangay (village) Internal Revenue Allotment (IRA) in Masbate (The Philippine Star 25 Feb. 2004). The Philippine National Police (PNP) reported that the son of one barangay leader in Masbate was killed after both the leader and his son rejected the NPA demands for money (ibid.). Two mayors in Agusan del Sur were said to have received death threats after refusing to pay "revolutionary taxes" to the NPA (Sun.Star 27 June 2006). However, according to an article in The Manila Times, records from the Philippine military reportedly show that a small percentage of barangay leaders in Bicol are sympathizers of the rebel movement and, according to one villager, some barangay leaders collect the taxes on behalf of the NPA (26 Feb. 2006).

During elections, politicians have been targeted for payment of "permit to campaign" fees in areas controlled by the NPA (Reuters 27 Mar. 2004; Rosales 17 Jan. 2004; The Philippine Star 25 Feb. 2004; AFP 11 Jan. 2004). In 2004, congressional candidates were required to pay



500,000 pesos [approximately CAD 11,373 (Xe.com 16 Oct. 2006a)] in order to have access to NPA-controlled areas, while the fee for mayoral candidates was 50,000 pesos (AFP 11 Jan. 2004). Agence France-Presse (AFP) reported that candidates who did not pay the fee had been “ambushed” by NPA rebels (ibid.). One member of Congress who had refused to pay the campaign fee was attacked along with his bodyguards by members of the NPA in the province of Sorsogon (ibid.).

A 2004 report by Loretta Ann Rosales, the Chair of the House Committee on Civil, Political and Human Rights in the Philippines, explains that campaign fees are also extended to businesses, which are required by the NPA to pay for “permits to construct” or “permits to operate” (Rosales 17 Jan. 2004). Businesses such as telecommunications and transportation firms are frequent targets of the NPA (Sun.Star 27 June 2006; AFP 9 May 2006). In 2005, 30 telecommunications towers owned by Globe Telecom Inc. were sabotaged by the NPA in an effort to force the company to pay “revolutionary taxes” (ibid.; see also ibid. 14 Nov. 2005). During one week in 2004, three buses in the city of Canlaon in Negros Occidental were set on fire reportedly by the NPA (Rosales 17 Jan. 2004). According to the National Memorial Institute for the Prevention of Terrorism (MIPT), while both foreign and local businesses have been targeted by the NPA, the rebels aim to push all foreign investors out of the Philippines, largely by extorting money from foreign businesses through intimidation (MIPT 31 May 2006).

The NPA guerrillas also demand money from villagers who say they fear for their safety if they do not pay the taxes (The Manila Times 26 Feb. 2006; Sun.Star 27 June 2006). In the villages in Bicol, the piso-piso tax system imposed by the NPA forces locals to pay one peso daily for each family member (The Manila Times 26 Feb. 2006). In 2005, the NPA demanded a percentage of annual earnings from business owners and farmers in the province of Isabela in order to fund festivities to mark the 37th anniversary of the Communist Party (Manila Standard 23 Nov. 2005) (Immigration and Refugee Board of Canada 2006, *PHL101566.E – Philippines: Reports of extortion and kidnapping of civilians by the New People’s Army (NPA) or other armed groups; state response to extortion and kidnapping; extent of recruitment efforts by the NPA (2003 – 2006)*, 18 October – Attachment 4).

Further to this, some news, government and advocacy sources have reported incidents in which the NPA has, allegedly, harassed, threatened and even killed middle income earners for failing to pay revolutionary taxes. For example, in June 2007 the government’s Philippine Information Agency (PIA) reported that “[t]he barangay chairman of an interior village of Jiabong town in Samar, a “sari-sari store” owner, had been “was shot dead early evening Thursday by four armed men in his own house”. According to the PIA: “[i]ntelligence reports said that Gabiana was one of the barangay captains who refused to give revolutionary tax to the communist insurgents”. In April 2007 a *Sun Star* editorial referred to a recent incident in which the NPA had reportedly “killed a farmer they suspect[ed] to be a military informer on the grounds that he failed to give them the food they demanded from him and many others as part of their so-called ‘revolutionary taxation’”. And the farmers-rights group, Bondoc Solidarity, has claimed that, since 1998, numerous farmers have been killed in Bondoc Peninsula for resisting payment demands from NPA cadres working in “collusion with the influential landowning Uy family”. In August 2006 the Philippine military claimed that the NPA had “resorted to collecting excessive revolutionary tax from residents, including poor families”, at rates “as high as 25 percent of the earnings of families in areas where communist forces operate”. It was further claimed that: “those who refuse to pay the revolutionary tax are at risk of being suspected by the NPA as military informer or ‘counter revolutionary’”(Dalumpines, E.C. 2007, ‘Jiabong barangay official shot dead by NPA death squad’, Philippine Information Agency website, 29 January

<http://www.pia.gov.ph/default.asp?m=12&sec=reader&rp=2&fi=p070129.htm&no=18&date>

[=01/29/2007](#) – Accessed 27 June 2007 – Attachment 21; ‘Editorial: Murder and extortion’ 2007, *Sun Star* website, 9 April  
<http://www.sunstar.com.ph/static/cag/2007/04/09/oped/editorial.html> – Accessed 27 June 2007 – Attachment 22; for the claims of the Philippine military, see: ‘Bondoc Peninsula’ (undated), Bondoc Solidarity website <http://www.bondoc-solidarity.de/bondoc.html> – Accessed 27 June 2007 – Attachment 23; Garcia, B. 2006, ‘NPA imposing excessive revolutionary taxes on poor: military’, *Sun Star* website, 21 August  
<http://www.sunstar.com.ph/static/zam/2006/08/21/news/npa.imposing.excessive.revolutionary.taxes.on.poor.military.html> – Accessed 25 June 2007 – Attachment 20).

## **2. Please advise if the NPA are operating in Manila.**

The NPA is known to have conducted political assassinations in Manila but it would not appear, from the available information, that the NPA currently maintains a presence in Manila that would allow it to collect revolutionary taxes in the way that it does in the rural areas. The NPA’s Manila operations are reportedly carried out by cell-groups known as Sparrow Units. According to a multi-partner human rights group report: “[t]he Sparrow Units were assigned to eliminate individuals identified by the NPA to have committed ‘crimes against the people.’ Their targets included common criminals such as robbers, military spies or ‘assets’ and abusive police officers”. In March of 2007 “Army chief, Lt. Gen. Romeo Tolentino” announced that the military had intelligence which indicated that the NPA was attempting to build bases of support in metropolitan areas, including Manila, that might be used in the manner of an “advance staging point” for such Sparrow Unit attacks. “Twenty-five other impoverished neighborhoods in Metro Manila have been targeted as NPA operations bases, Tolentino said, adding that the infiltration was at an early stage. ‘They are trying to gauge the reaction of the neighborhoods to their presence,’ he added” (for historical information on the NPA in Manila, see: ‘Fact sheet: Communist Party of the Philippines and the New People’s Army’ 1991, Find Articles website, source: US Department of State Dispatch, 11 November [http://findarticles.com/p/articles/mi\\_m1584/is\\_n45\\_v2/ai\\_11718145](http://findarticles.com/p/articles/mi_m1584/is_n45_v2/ai_11718145) – Accessed 27 June 2007 – Attachment 25; for information on the activities of the Sparrow Units, see footnote 18 on page 12 of: Balay Rehabilitation Center, Families of Victims of Involuntary Disappearance, Medical Action Group 2003, ‘State violence in the Philippines – an alternative report to the United Nations Human Rights Committee’, World Organisation Against Terror website, September  
[http://www.omct.org/pdf/Prev\\_Torture/2003/stateviolence\\_philippines\\_03\\_eng.pdf](http://www.omct.org/pdf/Prev_Torture/2003/stateviolence_philippines_03_eng.pdf) – Accessed 26 June 2007 – Attachment 11; see also the NPA entry in: Overseas Security Advisory Council, ‘Communist Party of Philippines/New People’s Army (CPP/NPA)’, <http://www.osac.gov/Groups/group.cfm?contentID=1298> – Accessed 20 January 2006 – Attachment 12; for reports of recent suspected expansion into Manila, see: – Vargas, A. 2007, ‘Army says NPA Sparrow units may soon prowl Metro’, *Manila Times* website, 24 March [http://www.manilatimes.net/national/2007/mar/24/yehey/top\\_stories/20070324top4.html](http://www.manilatimes.net/national/2007/mar/24/yehey/top_stories/20070324top4.html) – Accessed 26 June 2007 – Attachment 13).

## **3. Are there any impediments to relocating from a rural area to Manila?**

No information could be located which would indicate that any formal impediments exist for Filipinos who might wish to relocate to Manila from a rural area (see, for instance, the

freedom of movement entry in the US Department of State's most recent report on human rights for the Philippines: US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – Philippines*, 6 March – Attachment 26).

There may, however, be financial impediments to such relocation. According to information released by the independent IBON Foundation, in March 2006, tax increases and “higher prices pushed the February [2006] daily cost of living for a family of six in the Philippine capital to 665 pesos (12.8 U.S. dollars), more than double the daily minimum wage of 325 pesos (6.25 U.S. dollars), and higher than the national average daily cost of living 544.80 pesos” (‘Tax hike makes cost of living higher in Manila: think tank’ 2006, *People’s Daily Online website*, Source: *Xinhua*, 9 March [http://english.people.com.cn/200603/09/eng20060309\\_249270.html](http://english.people.com.cn/200603/09/eng20060309_249270.html) – Accessed 27 June 2007 – Attachment 27; see also: Amojelar, D.G. 2007, ‘Cost of living in 2006 rose due to inflation’, *Manila Times*, 23 June <http://www.manilatimes.net/national/2007/june/23/yehey/business/20070623bus2.html> – Accessed 27 June 2007 – Attachment 28).

#### **4. Please provide information about the level of institutionalised corruption in the Philippines.**

The problem of corruption in the Philippines was most recently addressed by RRT Country Research in May 2007 in *Research Response PHL31758*, and this is supplied as Attachment 16. The response notes that a Transparency International report dated 28 February 2007 found that “corruption remains a serious problem in the Philippines in spite of the various efforts by the government and civil society to curb it”. The report continues:

Surveys conducted by the Social Weather Station in 2005 and 2006 found that corruption was perceived as a major problem as well as a consistent area of dissatisfaction by the public. Similarly, in 2000, Nelson Moratalla, Deputy Director of the Philippine National Police Academy, concluded: ‘On the whole, the results of national and international surveys consistently depict the Philippines as riddled with corruption and unable to effectively fight corruption’.

The NIS [National Integrity System] in the Philippines faces two major problems. First, legislation either under-regulates (as in the lack of protection for whistleblowers) or over-regulates (as in local government regulations). The second problem is ‘more disturbing’: all the integrity pillars are ‘tainted by internal corruption and are therefore heavily compromised’ and ‘unable to perform their functions and operate effectively’. For example, the constitutional commissions are not independent, the public procurement system is plagued with misappropriation problems and ‘there is...a need to improve enforcement by prosecuting and convicting “big fish” rather than “small fry”’ (Quah, Jon S.T. 2007, *National Integrity System – Transparency International Regional Overview Report: East and South East Asia 2006*, 28 February, Transparency International, p.8 <http://www.transparency.org/content/report/16332/218422> – Accessed 17 May 2007 – Attachment 17; RRT Country Research 2007, *Research Response PHL31758*, 21 May – Attachment 16).

The Transparency International report refers to the substantial study of corruption in the Philippines that was published in 2000 by Nelson Moratalla, Deputy Director of the Philippine National Police Academy, and extracts from this appear below addressing the



manner in which corruption has been cultural institutionalized around notions of gift-giving and kinship.

### **A. Filipino Culture and Corruption**

Corruption has been viewed as a “cultural and psychological phenomenon in a country marked by incompatible legal and cultural norms” (Tapales 1995:407). The former emphasizes “rationality and universal principles of action” as against and in conflict with “reliance and obligation toward kinship, friendship and primary groups” (Bautista 1982). This conflict is highlighted in the use of the alibi of a giftgiving culture to justify bribery and extortion, or the Filipino regard for the other (pakikipagkapwa-tao) to justify giving benefits to unqualified but personally known recipients. This is a real problem, but it can be overblown. For instance, both culture and law similarly define cases of corruption and rectitude. One’s kin may ostracize a bureaucrat who chooses to stay within the law. The state may, however, leave them alone, provided they do not compromise their official role. Another case is when an official participates in a decision involving kin, even if they vote against that person’s interest, that official (under the Republic Act 3019) can still be charged with corruption. For an official similarly situated, but who bends over backwards to make sure their kin gets a prized government contract engages in so called “favour corruption”. This is indeed the quintessential conflict between culture and law.

The idea of cultural acceptance of corruption also needs to be re-examined in the light of a string of public opinion polls where Filipinos decry it as a major problem. The media, church pastoral letters and other culturally valued sources likewise denounce this. Indeed, the long list of laws enacted against them manifest that graft and corruption are not colonial impositions but are desired by Filipinos themselves. (Moratalla, N. 2000, ‘Graft and Corruption: The Philippine Experience’, UN Online Network in Public Administration and Finance website, source: *Resource Materials Series*, no.56 <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN019122.pdf> – Accessed 25 June 2007 – Attachment 15).

The importance of kinship is also emphasized in an October 2004 study on corruption in the Philippines authored by the journalist Steven Rogers. Rogers states: “local positions are dominated by a small number of tightly interconnected families, a structure of elite control that grew out of the colonial-era dominance of large landowners”. Rogers also underlines the importance of local governance in the day-to-day life of “average Filipinos”, stating that: “[v]irtually all government services are delivered through city, provincial, and municipal authorities; local and regional administrators of national agencies are more closely connected to local officials than to their nominal chain of authority”. According to Rogers, it is the entrenched nature of these regional networks of power that has curtailed the “[t]op-down reform of the government” attempted by several national administrations. The relevant extract follows in detail:

From the perspective of foreign observers and Manila-based analysts, the national government appears to play a dominant role. To average Filipinos, though, government in every practical sense means local government. Virtually all government services are delivered through city, provincial, and municipal authorities; local and regional administrators of national agencies are more closely connected to local officials than to their nominal chain of authority. These local positions are dominated by a small number of tightly interconnected families, a structure of elite control that grew out of the colonial-era dominance of large landowners. Business interests and positions in government and the military have largely replaced control of land as the source of elite wealth. The cast of characters has changed in many regions, with old aristocrats displaced by politically connected upstarts. Yet the overall pattern of elite domination has not changed, and most municipal and provincial governments

remain effectively controlled by either a single family or a narrow cast of competing elite factions.

Philippine presidents hold extensive powers, particularly over the budget, and are in theory well positioned to exert control over the fractious local and regional political machines. In practice, however, the nonstructural checks severely limit the president's structural powers. Transient national coalitions cannot generate votes without the cooperation of local overlords, and national candidates invariably find themselves forced into alliances with dominant local elites. Most national administrators and the vast majority of those who hold seats in the national Congress come from these local elites, which are connected through family, business, and organizational relations that cut across and often transcend the temporary alliances of electoral politics. Attempts at political or economic reform that pose a significant threat to this class are generally obstructed or diluted; if the promulgation of such reforms cannot be blocked, they are derailed in the implementation phase. The central government – even under the relatively enlightened leadership of a Ramos or a Macapagal-Arroyo – has not succeeded in significantly weakening this entrenched network's grip on the functional apparatus of governance.

...The prerogatives of the Philippine elite are sustained through a dense web of family, social, and professional connections held together by loyalty, tolerance, and ties of mutual obligation. Applied to the political arena, these cultural virtues become a potent force opposing progress. The essentially similar interests of elite factions impede ideological differentiation among political coalitions, and the constant shifting of alliances means that most well-connected individuals have influential associates within the party of power. With informal, cultural obligations taking precedence over formal, legal ones, those within the governing class enjoy a legal immunity that draws strength from another and highly untoward aspect of interconnectedness: The proliferation of skeletons in Philippine political closets makes it difficult to take legal action against someone without risking unsavory revelations about oneself and one's allies.

...Agencies charged with investigating and prosecuting corruption have shown little will or ability to penetrate the web of elite privilege. Sporadic enforcement efforts are usually aimed at bureaucrats in the Manila offices of national agencies and seldom yield tangible results. At the local, provincial, and regional levels, where corruption is most severe and its impact on the population most dramatic, governments and legislators remain immune from investigation and prosecution. A number of foreign-funded anticorruption efforts have focused on restructuring operations to reduce opportunities for corruption. Such adjustments are necessary, but in the absence of effective enforcement, every step forward will be hard won. Where reward is high and risk is absent, there is no system that cannot be corrupted, and no effort to prevent corruption will succeed until corruption among the elite is punished (Rogers, S. 'Philippine Politics and the Rule of Law', *Journal of Democracy*, vol.15: no.4, October, pp.112-125 – Attachment 18).

In 2006 representatives of the Philippine Institute for Development Studies presented a paper which sought to engage with the ongoing problem of corruption in the Philippines to an Asia-Pacific Economic Cooperation (APEC) conference. The paper notes the manner in which successive governments have sought to curb the problem through the implementation of laws and regulatory agencies which have proven relatively ineffective in the face of an entrenched culture of graft. A short extract follows:

The Philippines is not lacking in efforts in curbing corruption. Anti-corruption policies and measures are in place to deal with the different kinds of corrupt activities and behavior in the government. In fact, it is even observed that there are too many laws and regulatory

mechanisms that tend to overlap with each other. If executed thoroughly, these laws are sufficient and comprehensive enough to discourage corrupt acts.

Almost all regimes made anti-corruption efforts its slogan and correspondingly created new offices to carry this out as these efforts seemed to create the impression that the new administration is serious in its anti-corruption initiatives. Creation of such bodies however only resulted to redundant functions and wastage of government resources.

While the Philippines has sufficiently created the legal framework for addressing the issue and created institutions charged with combating specific corruption issues, apparently it sorely lacks efforts to successfully implement these laws. Absence of a committed leadership and political will has jeopardized the efforts to curb corruption. Corrupt politicians and government officials seemed not to be short of inventive ways to circumvent the safeguards in place (Balboa, J. & Medalla, E.M. 2006, 'Anti-Corruption and Governance: The Philippine Experience', The Australian APEC Study Centre, 2006/ASCC/014 [http://www.apec.org.au/docs/06ASCC\\_HCMC/06\\_9\\_1\\_Balboa.pdf](http://www.apec.org.au/docs/06ASCC_HCMC/06_9_1_Balboa.pdf) – Accessed 26 June 2007 – Attachment 19).

## **5. Is there any information indicating that the majority of building projects in the Philippines are for the government, and jobs are given to friends of government officials?**

The manner in which the awarding of contracts by local officials has been affected by corruption has been the subject of a major study by the Philippines Institute for Popular Democracy. The study states that: “[a]lthough stringent rules govern local procurement, these have been bypassed in numerous instances. Accounts of irregularities in this area include the diversion of funds to infrastructure projects where bribes offered to officials, according to a former mayor, range from 10-30 per cent of the contract price”. Published in June 2003, the report provides an extensive overview of the procedures involved in bidding for government contracts in the Philippines and the manner in which regulatory safeguards have been widely circumvented (Ferrer, C. 2003, 'Corruption In Local Government Procurement: An Analysis of the Issues', Philippines Institute for Popular Democracy website, Occasional Paper no.24, June [http://ipd.org.ph/main/index.php?option=com\\_remository&Itemid=46&func=report&id=26&chk=9c51b51b08c2eec6f70df8e76ea07a5d&fname=OCCASIONAL\\_PAPER\\_24.PDF](http://ipd.org.ph/main/index.php?option=com_remository&Itemid=46&func=report&id=26&chk=9c51b51b08c2eec6f70df8e76ea07a5d&fname=OCCASIONAL_PAPER_24.PDF) – Accessed 27 June 2007 – Attachment 33).

Several news reports were located which referred to incidents in which government officials in Tuguegarao City, and in parts of the wider province of Cagayan, had allegedly been engaged in corrupt practices in the awarding of government contracts. Some examples follow below:

### ***Manila Times, 27 May***

Tuguegarao City: The Presidential Antigraft Commission dismissed the regional director of the Bureau of Local Government Finance here after finding him guilty of violating Section 3 of Republic Act 3019, the Antigraft and Corrupt Practices Act ('Cagayan Valley Director sacked' 2006, *Manila Times*, 27 May <http://www.manilatimes.net/national/2006/may/27/yehey/prov/20060527pro4.html> – Accessed 27 June 2007 – Attachment 35).

***Philippine Daily Inquirer, 9 May 2007***

In Cagayan, voters wanted candidates to clarify their position on the alleged graft that attended the construction of the Tuguegarao Town Center and the buying of supposedly overpriced equipment by the provincial government ('Local issues hound bets' 2007, *Philippine Daily Inquirer*, 9 May – Attachment 29)

***Manila Bulletin, 22 March 2004***

Tuguegarao City – Mayor Camilo Lammawin Jr. of Tabuk, Kalinga was suspended by the office of Ombudsman for two months for grave misconduct on account of a graft case initiated by a private contractor last year.

The suspension order, dated February 23, 2004, was signed by director Joaquin F. Salazar of the Office of the Ombudsman for Luzon. Lammawin's axing came about after the contractor alleged that the mayor allegedly asked money from the owners of the Tabuk water project. The extortion charges were filed by Susan Rodriguez, the treasurer of Rodman Construction. Lammawin ('Tabuk mayor cashiered for "extort" on firm' 2004, *Manila Bulletin*, 22 March – Attachment 30).

***BusinessWorld, 15 April 2003***

The Office of the Ombudsman yesterday filed with the Sandiganbayan a graft charge against Florencio Vargas, former governor of Cagayan province, for the alleged overpricing of a P2.32-million Daewoo diesel generator set purchased by the provincial government in 1999. Also charged were Mr. Vargas's budget officer Mateo Maguddatu, provincial treasurer Maria de Leon, provincial accountant Jeanna Garma, general service officer Leopoldo Caronan, provincial administrator Rodolfo Ventura and businessman Melchor Martinez, proprietor of the Las Pinas City-based Philippine Enzin Trading ('Charge vs ex-governor' 2003, *BusinessWorld*, 15 April – Attachment 31).

Reports of other corruption allegations within the region were also located:

***Philippine Daily Inquirer, 22 December 2006***

In Cagayan, two announcers of Bombo Radyo Tuguegarao expressed fear that they might be killed anytime after receiving death threats because of their "continued exposés of abuses, corruption and killings of left-leaning militants" (Arzadon, C. 2006, 'Laoag radioman stabbed dead', *Philippine Daily Inquirer*, 22 December – Attachment 38).

***Inquirer.net, 21 May 2007***

The residents said Mamba, who was running against Tuguegarao Mayor Randolph Ting, benefited from alleged vote-padding in Tuao, Mamba's hometown (Caldez, E. & Reyes, C. 2007, 'Protests mark poll end in North Luzon areas', *Inquirer.net* website, 21 May [http://newsinfo.inquirer.net/inquirerheadlines/regions/view\\_article.php?article\\_id=67216](http://newsinfo.inquirer.net/inquirerheadlines/regions/view_article.php?article_id=67216) – Accessed 27 June 2007 – Attachment 36).

***Philippines Institute for Popular Democracy, 5 June 2007***

In the coastal city of Tuguegarao, Cagayan, vote buying was massive but discreet. The price ranged from P200.00 to P500.00 with free bangus (milk fish) &ndash;the [sic] money, wrapped in plastic and stuffed inside the fish. This system was exposed on the eve of election day, when the sight of men with pails of bangus going around the community raised the suspicions of some community members (Patiño, P. 2007, 'How the Local was Won', Institute for Popular Democracy website, 5 June [http://ipd.org.ph/main/index2.php?option=com\\_content&do\\_pdf=1&id=82](http://ipd.org.ph/main/index2.php?option=com_content&do_pdf=1&id=82) – Accessed 27 June 2007 – Attachment 32).

***Manila Times, 19 April 2005***

Tuguegarao City: Bishop Ramon Villena of Bayombong on Monday appealed to President

Arroyo to go after gambling lords whom he said were operating jueteng with impunity in the Cagayan Valley region, particularly in Nueva Vizcaya “with the blessing” of the some police and corrupt local officials.

More than 500 residents here massed up on Wednesday in front of the office of the Archdiocese of Tuguegarao to contest reelectionist Cagayan Rep. Manuel Mamba’s reported lead in the third district congressional race (Solmerin, F. 2005, ‘Vizcaya Bishop Urges GMA to Fight Jueteng’, *Manila Times*, 19 April – Attachment 34).

## **6. Is there any information to suggest corruption is selectively applied against particular people or groups?**

No information could be located which would indicate that corruption works against particular social groups in Tuguegarao City, and the wider province of Cagayan. Nonetheless, as is noted above, information was located which indicated that kinship plays an important role in corruption practices in the Philippines. And while no information could be located which would indicate that ethnicity does, or does not, play a major role in such matters, it may be of interest that the province, Cagayan is principally populated by the Ilokano (or Ilocano) ethno-linguistic group. According to the 2002 census: “[o]f the total household population, 68.57 percent classified themselves as Ilocanos. The next three prominent ethnic groups were the Itawit (8.63 percent), Ibanag (8.51 percent) and Itawis (7.81 percent). The remaining 6.30 percent were either Tagalog, Malaueg, or belonged to other ethnic groups” (‘Close to A Million Persons in Cagayan (Results from the 2000 Census of Population and Housing, NSO)’ 2002, National Statistics Office, Philippines Official website, 23 July <http://www.census.gov.ph/data/pressrelease/2002/pr0292tx.html> – Accessed 27 June 2007 – Attachment 37).

It may also be of interest that, according to information presented in a 2005 PHDN report, the province of Cagayan has one of the lowest unemployment rates in the Philippines (3%) (see table 4.21 on page 112 of: ‘Philippine Human Development Report 2005’ 2005, Philippine Human Development Network website, 2nd ed [http://www.hdn.org.ph/files/2005\\_PHDR.pdf](http://www.hdn.org.ph/files/2005_PHDR.pdf) – Accessed 25 June 2007 – Attachment 6).

## **7. Do Filipinos suffer mistreatment if they speak out against corruption or refuse to participate in corrupt practices?**

Very little information could be located that addressed this question Reports on corruption in the Philippines, of the kind noted above, make no mention of the active mistreatment of those who refuse to pay bribes, aside from the economic disadvantage that arises from the exclusion of such people from government contracts. Nonetheless, some scattered reports were located in the news media detailing incidents in which Filipinos, and foreigners, had suffered mistreatment as a consequence of refusing to pay the kinds of bribes which various police and government authorities are sometimes known to extort. For example, in February 2006 *The Manila Standard Today* reported that the national government was attempting to help Filipino “truckers by dismantling the police checkpoints and ‘toll’ stations put up by some local government units where truckers are forced to pay bribes and ‘fees’”. In 2005 Honolulu’s *Star Bulletin* reported on the case of a US citizen, Leon Rouse, who had been wrongfully imprisoned for “eight years in a Philippine prison accused of sexually abusing a



15-year-old boy”; “Rouse, a former gay rights activist, has always maintained his innocence, saying he was framed because he refused to pay bribes to Philippine authorities”. And in June 2007 *Cebu Daily News* reported that Cebu police had allegedly been detaining motorists to extort money (Capino, A. 2006, ‘Overloading costs billions’, *Manila Standard Today*, 17 February [http://www.manilastandardtoday.com/?page=alvinCapino\\_feb17\\_2006](http://www.manilastandardtoday.com/?page=alvinCapino_feb17_2006) – Accessed 27 June 2007 – Attachment 40; Reyes, B.J. 2005, ‘Man had unfair trial, UN rules’, *Star Bulletin* website, 9 August <http://starbulletin.com/2005/08/09/news/story8.html> – Accessed 28 June 2007 – Attachment 39; Bongcac, D.C. & Aragon, C.O. 2007, ‘Councilor almost victim of police traffic group extortion’, *Cebu Daily News* website, 27 July [http://globalnation.inquirer.net/cebudailynews/news/view\\_article.php?article\\_id=73502](http://globalnation.inquirer.net/cebudailynews/news/view_article.php?article_id=73502) – Accessed 28 June 2007 – Attachment 41).

More substantive information is available on the situation for journalists, who are sometimes known to be threatened or murdered for speaking out against corruption. Such a report has recently appeared in regard to the province of Cagayan. As is noted above, in response to Question 5, *The Philippine Daily Inquirer* reported in December 2006 that: “[i]n Cagayan, two announcers of Bombo Radyo Tuguegarao expressed fear that they might be killed anytime after receiving death threats because of their ‘continued exposés of abuses, corruption and killings of left-leaning militants’”. The same report noted that as many as 12 media personalities had been murdered in 2006 and that commentators have “described [the Philippines] as the most dangerous place for journalists after war-torn Iraq”. In 2007 Reporters Without Borders found that: “[a]t least six journalists were murdered while doing their job in 2006, the majority of them were presenters on one of the country’s very numerous FM radio stations” involved in the independent production of “commercial or political programmes”. In 2005 the Committee to Protect Journalists (CPJ) rated the Philippines as the most murderous country in the world for reporters, finding that “18 journalists have been slain for their work since 2000. All had reported on government and police corruption, drug dealing, and the activities of crime syndicates” (Arzadon, C. 2006, ‘Laoag radioman stabbed dead’, *Philippine Daily Inquirer*, 22 December – Attachment 38; ‘Philippines – Annual report 2007’ (undated), Reporters Without Borders [http://www.rsf.org/article.php3?id\\_article=20795](http://www.rsf.org/article.php3?id_article=20795) – Accessed 27 June 2007 – Attachment 43; ‘The Five Most Murderous Countries for Journalists’ 2005, Committee to Protect Journalists website, 2 May [http://www.cpj.org/Briefings/2005/murderous\\_05/murderous\\_05.html](http://www.cpj.org/Briefings/2005/murderous_05/murderous_05.html) – Accessed 28 June 2007 – Attachment 42).

It should also be noted that there is information to suggest that there is little state protection available to those in conflict with local officials owing to corrupt nature of the Philippines police force. *Research Response PHL31758* of May 2007 provides extensive information on this issue and is supplied as Attachment 16 (RRT Country Research 2007, *Research Response PHL31758*, 21 May – Attachment 16).

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