

Politics and Policing in the Philippines: Challenges to Police Reform¹

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Introduction

Writing about policing in the Philippines is not an easy task. This is in part due to the near absence of research on policing in that country. Indeed, in research presently being done by this writer on the Philippine National Police, it has been difficult looking for material or studies done about this institution in the literature. Thus, this research effort could be considered a new contribution to the body of policing studies. As a research effort, it is primarily a qualitative study that relies on semi-structured interviews and a collaborative inquiry discussion. The interviews were carried out with both police officers and personnel as well as ordinary citizens in three regions of the Philippines: Metro Manila, Region VII; which is in the Central Philippines, and Region VIII; which is in the eastern-central area of the country. There have been around 100 respondents from all three regions in fieldwork covering a six week time span. The last stage of the fieldwork in this study, which was carried out in July 2009, involved a collaborative inquiry discussion in a small rural municipality in Region VIII, since the object of this research effort had been to establish a model for better governance of policing through the design of a community-based, grassroots level mechanism towards police reform. Much of what is in this paper comes from the main findings of this study.

¹ This article has been peer-reviewed.

Policing in the Philippines has a history that extends at least as far as the Spanish colonial period, with the first organised bodies of police established along the militarised lines of the Spanish Guardia Civil by Royal Decree in 1852.¹ However, the present day Philippine National Police owes its historical existence to a combination of Spanish and American colonial influences. The United States colonised the Philippines in 1898 as a result of the American victory over Spain in the Spanish-American War.² This colonising effort brought resistance from Filipino patriotic elements, who had only recently concluded a revolution against Spain and felt that the Philippines should be independent from all colonising powers.³ The resulting conflict with the United States ended in defeat for the field army of the Philippine resistance, but remnants of that army continued to fight all throughout the countryside, mostly as guerrillas. As the enlistments of the vast majority of American volunteer soldiers began expiring by early 1899, the American colonial establishment had to find ways of dealing with Filipino insurgents. The American solution to this problem led to the establishment of the Insular Constabulary, later renamed the Philippine Constabulary in 1901, under the command of a US Army captain, Henry T. Allen.⁴ This force, which had reached an armed strength of 3000 troopers by 1902, consisted of American military officers commanding enlisted Filipinos recruited from the pacified areas of the Philippine Islands.⁵ The

1 Campos, Cicero, 'Law enforcement policy strategy in the Republic of the Philippines', *Police Studies: The International Review of Police Development*, Vol. 14, 1991, p. 76.

2 Putzel, James, 'Why has democratisation been a weaker impulse in Indonesia and Malaysia than in the Philippines?' *Democratisation*, D. Potter, et. al. (Eds), Malden: Polity Press, 1997, pp. 244-245.

3 Agoncillo, Teodoro, *Philippine History*, Manila: Inang Wika Publishing, 1970, p. 70.

4 Hurley, Vic, *Jungle Patrol: The Story of the Philippine Constabulary*, New York: EP Dutton & Co., 1938, pp. 7, 13 & 26.

5 Gates, John, *Schoolbooks and Krags: The United States Army in the Philippines, 1898-*

Philippine Constabulary combined military organisation, methods and equipment with police powers and discretion. It became a tool for the colonisation and subjugation of the Filipinos under the United States, and it succeeded in defeating the former's resistance against the latter. It would also become the core organisation around which the Philippine's post-colonial military and police institutions would be formed. Indeed, after World War II and independence from the United States in 1946, it would become the main police institution that would, since it had both military and police powers, be used to deal with crime and disorder as well as internal security. The latter particularly involved suppressing dissent, fighting communist insurgency, dealing with Muslim separatism and, during the Marcos Dictatorship (1972 to 1986), enforcing martial law.⁶ Since the Philippines' communist insurgencies since the 1930's had always been due to colonial era land-tenure problems, the Philippine Constabulary would become the enforcer of the political and economic power of the dominant landed elite, the class that dominated (and arguably still dominates) the Philippine political system.⁷ The Philippine Constabulary would eventually be given operational and administrative control over the civilian police institution of the Philippines, the Integrated National Police, in 1976, when President Marcos, as part of his martial law policy, wanted full control over both the military and police and preclude dissent within the ranks of the security services.⁸ It placed the civilian

1902, Westport: Greenwood Press, 1973, p. 240.

6 Miranda, Felipe, 'The military', *The Philippines after Marcos*, R. May & F. Nemenzo, (eds), Kent: Crown Helm, 1985, p. 92.

7 Goodno, James, *Philippines: Land of Broken Promises*, New Jersey: Zed Books, 1991, p. 34.

8 Abueva, Jose, 'Philippine ideologies and national development', *Government and Politics of the Philippines*, R. P. de Guzman, M. A. Reforma & E. M. Panganiban (eds), Oxford: Oxford University Press, 1988, p. 56.

Integrated National Police under the control of the commanding general of the Philippine Constabulary, which was part of the Armed Forces of the Philippines.⁹ This system would lead to many years of abuse, corruption, politicisation and patronage politics in the security services (particularly the Philippine Constabulary), and human rights abuses. Indeed, in the years immediately after the declaration of martial law in 1972, the Philippine Constabulary arrested 67,000 Filipinos on nothing more than political grounds, which is to say that they opposed the Marcos Regime.¹⁰

Politics and the Philippine National Police

The Philippine Constabulary would eventually be transformed into the Philippine National Police in 1990, with the enactment of Republic Act 6975 by the Philippine Congress.¹¹ This was the outcome of the restoration of Philippine Democracy after the EDSA Revolution of 1986. The EDSA Revolution brought about a new, democratic 1987 Constitution to replace the Marcos Era authoritarian institutions. One of the 1987 Constitution's provisions demanded the establishment of a single national police service that was to be civilian in character. Republic Act 6975, however, simply abolished the Philippine Constabulary and changed its name into the Philippine National Police. The military commissions of Constabulary officers and the enlistments of its other ranks were taken out of the military's linear lists and were legally transformed into civilian designations. Constabulary personnel who chose to stay with the Armed Forces of the Philippines were allowed that option and were absorbed into the Philippine Army. Integrated National Police personnel were

9 Federal Research Division, 'Philippines: Country Studies Series', Washington DC: United States Library of Congress, 2009, p. 1.

10 Goodno, *Philippines: Land of Broken Promises*, p. 67.

11 Nollado, Jose, *The New Police Act: Republic Act 8551*, Manila: Rex Bookstore, 1998, pp. 32 & 72.

absorbed into the new Philippine National Police easily enough, as they had always been civilian police, albeit, previously under military operational control. In effect therefore, the Philippine National Police began as an essentially re-badged and redefined Philippine Constabulary; legally civilian in character, but still military in its real nature. The Philippine National Police at present retains many of the problems and issues of the old Philippine Constabulary, namely that it is a highly politicised, highly militarised and institutionally corrupt.

Its problems with politicisation stem from a number of reasons, including its colonial origins. The first of these is that under the Philippine administrative system, police forces at all levels, from the national to the local, are under some form of political control. For instance, the 1987 Constitution stipulates that all appointments to senior military and police ranks and positions (from the rank of a military colonel or its police equivalent; that of police senior superintendent upwards to the highest rank and position) are made by the President of the Philippines, subject to confirmation in a Congressional body known as the Commission on Appointments. Furthermore, the same Constitution grants the President authority and discretion to supervise, control, deploy and employ in the interest of public safety both the military and the police as part of executive commander in chief and public safety powers. These powers grant the President broad and sweeping authority to declare martial law, wage war, deal with all forms of security problems, impose limits on civil liberties (such as the suspension of the Writ of *Habeas Corpus*, which is a safeguard against unjust detentions and arrests), and manage internal law and order.¹² There are limited political and institutional checks and

¹² *Constitution of the Republic of the Philippines*, Quezon City: National Government Centre, 1987, pp. 21-22.

balances on these powers, such as the power of the Philippine Congress, as noted above, to confirm or reject executive appointments, declare a state of war, or even to stay a declaration of martial law if it finds the President's reasons for doing so groundless.¹³ However, these checks and balances are rather limited and specific in scope, as the Principle of Checks and Balances, as derived from American political practice, was never intended to thwart executive power, but merely to ensure that the executive branch, as with the legislative and judicial branches, retain co-equal political status within the limits set down by the laws of the land. It is meant to prevent any single branch or agency of a presidential government to dominate the political system¹⁴ without obstructing the exercise of powers and discretion.

Regardless of the merits of the presidential system, policing in the Philippines at the national level is under tight political control, as the President is a political figure. Indeed, even the legislative checks and balances against presidential power are being carried out through the political agency of Congress. In a developing country where colonial era political structures still remain in place and patronage politics is still the basis of the political discourse, the control over the political agencies of the state, and in the Philippines these include the police and military, is not so much in the hands of legitimate politico-legal institutions, but rather in those of the powerful political interests which control society and co-opt the political institutions of the state to further these interests. This is defined as a 'weak state in a strong society', which is a proper framework for analysing political realities in the Philippines.¹⁵ Patronage politics has been the main mechanism for

13 *Constitution of the Republic of the Philippines*, pp. 13, 22.

14 McConnell, Grant, *Private Power and American Democracy*, New York: Alfred Knopf, 1966, p. 104.

15 Igaya, Luis, 'The political economy of the Philippine democratic transition',

Philippine National Police officers to obtain appointments, promotions and assignments, even as patronage politics is channelled through the rational administrative system. In research done on the Philippine National Police, this writer has found that it is extremely difficult for a police officer to get ahead in the institution without the help of political or institutional supporters, who are usually higher ranking officers or political leaders or both. Thus, the transaction in political favours renders the merit system superfluous, as promotions and assignments are achieved through patronage politics that influence policing. This is critical enough a problem, that the Philippine National Police's Code of Ethics expressly prohibits officers from seeking political patronage, defining such an act as professionally and institutionally unethical.¹⁶ Ethical ideals aside, however, the problem of corruption is still acute in the institution.

In drawing on research work done on police ethics in the Philippines, as briefly discussed at the beginning of this paper, it has been found that political patronage makes it possible for the President and his or her supporters to use the Philippine National Police as a tool for obtaining political objectives rather than as a mechanism for maintaining public order. A recent incident involving the mass murder of 57 civilians, including about 30 journalists in the southern Philippine province of Maguindanao in November 2009 exemplifies this. The victims were mostly relatives of an opposition candidate for the post of provincial governor, and they were on the road in a convoy to deliver election documents to the local Commission on Elections office. As they passed the town

Transitions to Democracy in East and Southeast Asia, K. Gaerlan (ed), Quezon City: Institute for Popular Democracy, 1999, pp. 3-4.

¹⁶ Directorate for Human Resource and Doctrine Development, *Philippine National Police Ethical Doctrine Manual*, National Headquarters, Philippine National Police, 1995, pp. 8-9.

of Mamasampano, they were ordered to stop at a police checkpoint, whose presence was supposed to insure the peaceful conduct of electoral activities. The checkpoint had both Philippine National Police personnel who have been assigned to the province, as well as armed civilians widely known to have been members of the incumbent governor's private militia. They held the convoy at gunpoint, led it to an isolated area, and proceeded to murder everyone in it. From the evidence so far available, the police personnel involved joined the militia men in the slaughter. There have even been reports of rape, as many of the victims had been women.¹⁷ This is not merely an instance of political patronage in policing at the national level, as the incumbent political leadership of the province, many of whom are now facing charges of mass murder, had been local supporters of the previous administration of then President Gloria Macapagal Arroyo. It is easy enough to assume that these local political figures used their local police with the tacit backing of the president at the time. However, this is not a complete picture. While the Philippine National Police is under the supervision of the executive branch of the Government at the national level, local executives are given the authority to control police who are assigned to their respective local jurisdictions, which means that at the level of the city, municipality or province, local political leaders are comparable to the President of the nation in terms of control over policing at their respective local levels of government. This is explained in detail below.

The law establishing the Philippine National Police, Republic Act 6975, and its amended version, Republic Act 8551, mandates that local government executives, such as provincial governors and city and municipal mayors are allowed the authority to exercise operational supervision and control over police personnel

¹⁷ SBS World News Australia, 25 November 2009.

assigned to their respective localities. 'Operational supervision and control' is defined as the power to 'direct, superintend, oversee and inspect police units or forces.' It also allows local political executives to employ or deploy police forces assigned to them in the manner they see fit to, in principle, maintain local law and order.¹⁸ This effectively makes local executives smaller versions of the President in respect to policing. It also makes patronage politics both a national as well as a local problem as far as policing is concerned. The example in Maguindanao Province as explained previously shows the worst that could happen when police powers are subject to patronage.

While patronage politics defines the relationship between police and the wider structure of Government, within the Philippine National Police itself, patronage politics is an institutional problem. Again, drawing from research done with this institution, this writer has found that the same patronage networks that permeate police-government relations have parallel networks within the police service. Low ranking officers have to seek patrons among higher ranking superiors to obtain favours. Funds meant for logistics and supplies frequently end up misused or misappropriated in order to lubricate patronage networks. Interviews with police respondents in this research have identified issues like these as examples of 'poor leadership.' The misappropriation of police funds is bad enough that all too often, police officers find themselves purchasing their own uniforms, equipment, firearms and ammunition from paltry wages. Police officers frequently end up buying cheaper, thus inappropriate or inferior ammunition and kit. Police respondents to this writer's interviews have stated that low pay and an institution that does not supply them their basic professional needs has often led to

18 Nollado, *The New Police Act*, pp. 56-57.

other forms of corruption, such as the tendency for police to extort and collect bribes. Bribery and extortion, along with patronage politics have been found to be extremely prevalent in the Philippines' Criminal Justice System, and in the Philippine National Police, which is part of that system, internal corruption is particularly prevalent in the recruitment and logistics procurement mechanisms of the service, as well as in the allocation of funds and resources. Police, furthermore, have also been involved in criminal activities, such as narcotics trafficking, kidnapping, auto theft, and, as explained previously, even murder. Bribes have been paid to police to falsify evidence and obstruct criminal investigations.¹⁹ In a recent Transparency International survey, 60 percent of the people sampled in the Philippines say that the Philippine Government has been 'very ineffective' in dealing with bribery and corruption, and the Philippine National Police is among the most corrupt of public institutions as perceived by respondents.²⁰ Much of this corruption has been defined by respondents as prevalent and common across the institution, and while the official paradigm, which is the public face that the police institution tries to project as manifested in such things as its official code of ethics, tries to portray a relatively clean police service with only a few 'bad apples' among a majority of honest and incorruptible officers, the reality of police corruption is that it is systemic.²¹ Institutional weaknesses, such as the propensity of the Philippine National Police to misuse its own funds, thereby resulting in officers who have to supply themselves out of pocket are critically related

19 Quimson, Gabriella, *National Integrity Systems Transparency International Country Study Report: Philippines 2006*, Berlin: Transparency International Secretariat, 2006, pp. 13, 26-27.

20 *The Bribe Payers' Index*, Berlin: Transparency International Secretariat, 2008, pp. 19-20.

21 Punch, Maurice, *Police Corruption: Deviance, Accountability and Reform in Policing*, Devon: Willan Publishing, 2009, p. 2.

issues.

Policing, Militarisation and Internal Security

In many developing countries, such as the Philippines, police are considered part of the security establishment as much as a law enforcement agency. Indeed, internal security may actually be considered more important than law enforcement, such that the latter becomes merely a function of the former.²² Ideally, the military should have no role in policing in a democratic polity,²³ nor should policing be militarised. The Philippines is formally a democracy, albeit one still struggling to consolidate its political institutions,²⁴ and the highly militarised character of its supposedly civilian police service is arguably more a source of weakness to the process of democratisation than a strength. Perhaps there is little choice on the matter, as the Philippine Government still has the challenge of dealing with a long standing on and off communist insurgency, one that began in the 1930's and continues to the present, as well as a Muslim separatist rebellion in the southern island of Mindanao. Both the Armed Forces of the Philippines and the Philippine National Police have been involved in military operations in between peace talks involving the Government and the National Democratic Front-New People's Army (the communist insurgents) and the *Bangsa-Moro* Juridical Entity-Moro Islamic Liberation Front (the Muslim separatists).²⁵ Internal Security Operations are important enough to the

22 Goldsmith, Andrew, 'Police accountability reform in Colombia: the civilian oversight experiment', *Civilian Oversight of Policing: Governance, Democracy and Human Rights*, A. Goldsmith & C. Lewis (eds), Portland: Hart Publishing, 2000, p. 167.

23 National Democratic Institute for International Affairs, *Democratic Oversight of Police Forces: Mechanisms for Accountability and Community Policing*, Washington DC: The Rights Consortium, 2005, p. 6.

24 Igaya, 'The political economy of the Philippine democratic transition', p. 5.

25 Hicken, Allen, 'The Philippines is 2008: peace building, war-fighting and crisis management', *Asian Survey*, Vol. 49, Issue 1, 2009, pp. 193-195.

Philippine National Police that its operational doctrine devotes an entire section on the subject. It broadly defines its role as a supporting one in relation to the Armed Forces, which is supposed to take the lead role. This means that police are expected to conduct sustained law enforcement operations against insurgents and dissidents, perform intelligence collection functions, deploy for defensive operations (particularly in urban or built up areas), and investigate and prosecute cases arising out of internal security operations.²⁶ Despite this very specific definition of roles, it is still true that in any counterinsurgency operation, the line between law enforcement and military operations becomes vague all too often.²⁷ It is not unusual, therefore, to find Philippine National Police officers actually engaged in offensive combat deployments.

The militarisation of the Philippine National Police arguably undermines its institutional integrity, as policing is fundamentally different from military roles and functions. Again, drawing from recently done research, it has been found that a significant number of the Philippine National Police's senior and mid-level officer corps are not graduates of the Philippine National Police Academy, but rather the Philippine Military Academy, which mainly commissions officers into the Armed Forces. Several mid-level officers who have been interviewed in this study have explained that the Philippine Military Academy, established in the early 20th Century had been training cadets and commissioning them as officers in the military forces of the Philippines, which included the Philippine Constabulary until its abolition and replacement by the Philippine National Police in the early 1990's. Thus, the last

26 Philippine National Police, *Philippine National Police Operational Procedures*, Quezon City: Technical Working Group, 2002, pp. 34-37.

27 Corum, James, *Training Indigenous Forces in Counterinsurgency: A Tale of Two Insurgencies*, Carlisle: Strategic Studies Institute of the US Army War College, 2006, p. 2.

graduating classes of that institution still commissioned Constabulary officers until the early part of that decade, and so many military academy graduates are still in the police service. The Director General of the Philippine National Police, which is the institution's highest ranking officer and equal in grade to a four star military general, is appointed from Philippine Military Academy graduates. These graduates who are in the police will continue to get appointments to senior level positions until the last of them retires after 30 years' service. In contrast, Philippine National Police Academy graduates do not get as many opportunities as their colleagues from the military institution. An element of patronage politics is present here, since, according to a recently retired police senior superintendent, it had been the practice among Philippine Military Academy graduating classes to make incumbent presidents of the Philippines honorary alumni of the school as members of their respective classes. Thus, as honorary graduates, it is expected for incumbent chief executives to appoint members of his or her honorary class to coveted positions in the service, at the expense of police officers who are not graduates of the Philippine Military Academy. This kind of reciprocity of favours characterises much of patronage politics.²⁸

The Philippine National Police Academy had been established in 1978, its first alumni becoming police lieutenants in the old Integrated National Police, which then was still under the Philippine Constabulary's operational control and supervision.²⁹ The nature of the training in this institution, according to one of its recent graduates, is very similar to that in the Philippine Military

28 Constantino, Renato, *Dissent and Counter-consciousness*, Quezon City: Malaya Books, p. 17.

29 Philippine National Police Academy, 'PNPA history: the Philippine National Police Academy-transforming public safety services through quality education and training', Camp Vicente Lim: Philippine National Police Academy, 2009, p. 3.

Academy, even though there are elements in the curriculum that deal with policing. Thus, even in its own service school, the Philippine National Police trains its commissioned officers more as soldiers than as police. It should be noted that Philippine National Police Academy cadets do not all graduate into police commissioned officers. Some of them also get commissions into the Bureau of Fire Protection and the Bureau of Jail Management and Penology. This same police academy graduate also justified the militaristic training in his institution, as well as in the other police training schools of the Philippines, since the police are involved in internal security operations, which would, in his view at least, require military skills and methods in addition to policing skills.

But perhaps the single most important influence that internal security has on the Philippine National Police is that it further politicises an already heavily politicised institution. While the previous sections of this paper have already explained the issue of political patronage in the police as a result of the political structures and processes to which the institution is legally subject, internal security functions, particularly counterinsurgency and the suppression of dissent are primarily political functions, since insurgencies are political struggles. They can be described as political conflicts with a military dimension. Insurgencies (or revolutionary wars Maoist terms) are premised necessarily on organising and preparing people politically in the early stages of any insurgent strategy, using military methods merely as a complement to political preparation and organisation. This means setting up political institutions, such as a revolutionary political party, establishing propaganda mechanisms and methods and strengthening them while trying to weaken the state's political

institutions and organs.³⁰ In the early stages of such a conflict, political activities, such as armed propaganda, by which is meant the political indoctrination of people in insurgent influenced areas using propagandists who are armed, are deemed more important than military actions³¹. Insurgents such as the communist New People's Army in the Philippines (and its predecessor, the Huks of the 1930's to the 1960's), could be considered armed entities whose task is to carry out the political objectives of an insurgency conflict, particularly if it's based on an ideology like Marxism³². Thus, it could be said, thus, that the institutions of the state that would have to deal with internal security problems such as a political insurgency would have to become, to a certain extent, politicised as well. In the view of a Marxist insurgent, such as the members of the New People's Army in the Philippines, the police and military forces fighting them are merely protecting the political institutions and interests against which they are waging their struggle. While the Philippine National Police may or may not see itself as a political instrument of the government, its involvement in what is basically a political struggle could mean that it is viewed by the New People's Army as such. Even today, the central leadership of the New People's Army still sees itself as Marxist and thus has a political view of insurgency. This view had been obtained through interviews with several highly politicised rural farmers who consider themselves rebel sympathisers in an isolated area of Region VIII, where the New People's Army still has some following. It had not been possible to interview a serving New People's Army member, but this writer had been assured that these

30 Mao Tse tung, *Selected Works: Volume 1*, Peking: Foreign Languages Press, 1967, pp. 90-92, 179-181.

31 Ho Chi Minh, *Selected Writings: 1920-1969*, Hanoi: Foreign Languages Press, 1973, p. 47.

32 Girling, J. L. S. *People's War: The Conditions and Consequences in China and in Southeast Asia*, London: George Allen & Unwin, 1969, p. 54.

people are still up in arms against the Philippine state, albeit in a very low key manner, given their much reduced strength.

Institutional Reform from the Top: The Philippine National Police and its Integrated Transformation Program

While the Philippine National Police may have all of these problems, it is actually trying to resolve them through its own institutional programs towards self reform. Perhaps the most comprehensive of these reform efforts is the Integrated Transformation Program. This project was established in 2003 and meant to run for a ten year period from 2005 to 2015. Its funding, and the program is expected to cost up to 2.21 billion Philippine Pesos (approximately A\$ 4.8 million), comes from the public revenue allocations for the Philippine National Police, foreign donors (such as the US Government), and, it is hoped, the Philippine National Police itself through its projected institutional income generating projects.³³ These projects are supposed to take the form of backyard cottage industries and small and medium scale farming, among others, run and managed by police officers in their spare time. Interview respondents in the Philippine National Police were not entirely clear in defining what these income generating projects were exactly, but it was generally understood that small to medium scale business and agricultural activities would constitute some of them. The top leadership of the institution is directing this program, identifying the main problems of the Philippine National Police, which program proponents call, 'institutional dysfunctions', and 19 priority projects towards addressing these problems have been established. The Integrated Transformation Program has a long, detailed list of

³³ *Reformag: The PNP Integrated Transformation Program Magazine, 3d Edition*, Quezon City: Philippine National Police Program Management Office, 2009, p. 13.

these problems, among them:³⁴

- Eighty percent of police stations (out of a total of 1,282 police stations throughout the Philippines) and in a 'sorry state.' This means that they are made of substandard materials, are not conducive to security and are ill equipped. Many stations do not have computers, fax machines, or even the most rudimentary office equipment and supplies.
- The Philippine National Police needs 14,524 land vehicles. 179 police stations do not have any motor vehicles at all.
- The institution also needs 51 aircraft (only 10 are on hand), 147 maritime patrol boats (only 36 are on hand), 25,289 hand held radios (only 2,416 are on hand for the entire police service), and 9,188 mobile radios (the police service has only 326).
- The average entry level police salary (gross income) is less than US\$ 500.00 a month.
- The Philippine National Police has only one full service hospital for all 120,000 officers and their dependents (the approximate total strength of the entire police service of the Philippines), supplemented by 16 clinics. Furthermore, only seven percent of police officers' dependents are able to receive educational assistance.
- The Philippine National Police has only 107 lawyers providing legal assistance to police officers in the event they find themselves sued in connection with doing their duties.

34 Program Management Office, 'The Integrated Transformation Program: transforming the PNP into a more capable, effective and credible police force', CD ROM Briefing Paper, Philippine National Police Program Management Office, 2008, pp. 1-7.

Most officers could ill afford it, but they would have to pay for their own legal representation if they do find themselves in jeopardy. The institution does not pay for these legal bills.

The 19 priority projects that the Integrated Transformation Program has set down are meant to deal with these and other problems. The Philippine National Police leadership is bent on reforming itself through, among other things, improving its capabilities and services, procuring and updating its equipment, improving the well being of its personnel, strengthening its credibility, and repairing its tarnished public image. These are among the 19 projects under the program.

This is the Integrated Transformation Program and the Philippine National Police's grand strategy for resolving its problems, and while it is arguably a sincere and ambitious project, it is not well received by everyone. At least two police officers who had been interviewed as part of this ongoing research project dealing with improving policing in the Philippines have stated cynically that the program is little more than a means of spending money and addressing the institution's problems superficially. Indeed, it is now 2010, and the program has five more years to go before it ends in 2015. Despite this, the problems that the program has promised to resolve have not shown any signs of being resolved. For example, as recently as August 2010, a hostage crisis occurred in Manila that brought the Philippines and its police to the front pages of many international news dailies. A disgruntled former police senior inspector, who had previously been dismissed from the service for bribery and corruption, seized a tourist bus full of holiday makers from Hong Kong and demanded that he be reinstated to his former job and rank in return for the release of his hostages. The Manila City Government, the National Government and the Philippine National Police so badly mismanaged the entire

crisis, that in the end, eight hostages were killed, along with the hostage taker, in a police assault that had gone awry³⁵. Many of the reasons behind the failure of the Philippine National Police could be derived from the very same issues that the Integrated Transformation Program had been established to address. For instance, the failure of the police on the scene to neutralise the hostage taker early in the crisis, when they were offered several opportunities for doing so, is a case in point. It was already clear from the beginning that the hostage taker was an unstable character whose demands were unacceptable, yet when several times he appeared completely without concealment at the fully opened front doors of the bus to make a personal appearance to the public, whom he thought supported him, police marksmen were either not present or not authorised to neutralise him then and there. If this had been carried out, it would have saved the lives of eight hostages later.³⁶ It had been for fear of possibly being sued by grieving relatives that the police on the scene decided against using this measure, knowing that if they were sued, they would have to pay for their own legal expenses. At least one retired Filipino police officer whom this writer interviewed over the phone stated that even if they did not fear legal jeopardy, the Philippine National Police is so poorly equipped it may not even have the right equipment for such a task, let alone someone who is trained for it. Tactical marksmanship is a very demanding police function, requiring the very best equipment in the hands of the best trained officers. If this opinion is true, then in two instances, the Integrated Transformation Program has not achieved its goal:

35 *Bandila*, ABS-CBN News and Public Affairs, ABS-CBN Network, Quezon City, 24 August 2010.

36 British Broadcasting Corporation (BBC), 'Ten things the Philippines bus siege police got wrong', available: www.bbc.co.uk/news/world-asia-pacific-11069616 (31 August 2010).

that of providing adequate, free legal assistance to police, and that of providing better equipment and training for improved police capabilities.

However, the failure of the police to deal with the hostage taking in Manila is not so much a failure of the Integrated Transformation Program as it is a failure to deal with the issue of politicisation and patronage politics, problems which have always afflicted the Philippine National Police, and beyond it, the wider Philippine political system and society. The issue of politicisation in the Philippine National Police is not included in the Integrated Transformation Program, but just as it could be considered the main reason for the mass murder in Maguindanao, it is also arguably part of the root cause of the failure to manage the hostage crisis in Manila. As the hostage crisis went on, the police failed to control the flow of information. The hostage taker had access to a television set on the bus, which enabled him to see and hear what the media outside were saying. The police were reluctant to establish restrictions on the media, since in the Philippines, the media has significant political and social clout. A police officer could arguably end up without employment if he or she makes enemies of the media. Crisis control failures were compounded by the fact that several police officers, media and political personalities were trying to manage the situation, often at cross purposes to each other, in order to gain political mileage.³⁷

The Police-Politics Issue Revisited

Police reform in the Philippines, if it is to be part of a strategic effort, requires much more than an Integrated Transformation Program. It needs to address the fundamental issues affecting policing and its environment. It could start with an external scan

³⁷ *Bandila*, 24 August 2010; BBC, 31 August 2010.

of its situation and its context, if by external scanning, one means a review of the institution's historical, economic, social and political environment.³⁸ Clearly, the Philippine National Police would have to come to grips with its colonial era origins and the political structures and processes in and around it. Police reform would require a long period of time, but in order to succeed, it involves the transformation of power relations in society, not merely the improvement of police doctrine, practice, or capability,³⁹ which efforts such as the Integrated Transformation Program simply deal with. Still, society is part of the operating environment of policing, and the police could never be closed from its operating environment, even if, as an institution, it frequently finds itself separated and misunderstood from the wider society.⁴⁰ In the case of the Philippine National Police, this would require both structural and behavioural changes well beyond what the Integrated Transformation Program provides for. Policing is a critical manifestation of the nature of the relationship between those who govern and those governed.⁴¹ Thus, the existence of patronage politics in the police and beyond it simply manifests and defines the nature of the relationship between the people of the Philippines and those who govern them. Perhaps, then, the first step towards meaningful police reform in the Philippines is to address the issue of political patronage by making society and its

38 Wills, Jules, 'Strategic management and corporate planning', *Australian Handbook of Public Sector Management*, C. Aulich, J. Halligan & S. Nuthy (eds), NSW: Allen & Unwin, 2001, p. 55.

39 O'Neill, William, 'Police reform in post-conflict societies: what we know and what we still need to know', *Policy Paper: The Security-Development Nexus Program*, New York: International Peace Academy, 2005, p. 2.

40 Wolf, Ross, Korosec, Ronnie & Goltz, Jefferey, 'An analysis of factors affecting the implementation of small municipal police agencies: an open systems approach', *American Journal of Criminal Justice*, Vol. 33, No. 2, Fall 2008, Southern Criminal Justice Association, 2008, p. 178.

41 Neyroud, Peter, 'Policing and ethics', *Handbook of Policing*, T. Newburn, (ed), Devon: Willan Publishing, 2003, p. 586.

citizens part of the process of police reform. Thus far, the Integrated Transformation Program is a project that the Philippine National Police has imposed upon itself. It is managing it for itself as well, and while there are provisions for community and citizen participation in aspects of the program, the participation here is still being controlled and managed by the Philippine National Police. It is similar to community policing, in which the citizen may have some participation in the processes of policing, but it is the police who ultimately control the interactions between them and the wider community. There is always an asymmetric balance of power between the police, which sees itself as an 'expert' institution and the wider society, which is perceived as 'inexpert'. All too often, citizen participation in these processes is more symbolic than substantial.⁴² It could be argued that this form of citizen participation would only strengthen patronage politics in the Philippines rather than weaken it. Patronage politics is similarly based on an asymmetric balance of power, and the weaker side does not have any real chance of affecting the processes of change.

The governance of police reform in the Philippines should arguably be based on a participatory system where the different world views of the stakeholders involved, both the police and the wider society, could be accommodated, so that the process of reform could be informed by as broad a scope of experiences and knowledge as possible. The results, if this were made possible, could be acceptable both to those who have to implement decisions and to those who would have to live with its consequences.⁴³ The collaborative inquiry discussion briefly

42 Ryan, Barry, 'The logic of a justified hope: the dialectic of police reform in Northern Ireland', *Capital and Class*, 95, Summer 2008, pp. 83-183.

43 Smith, Carl, Felderhof, L. & Bosch, O. J. H. 'Adaptive management: making it happen through participatory systems analysis', *Systems Research and Behavioral*

alluded to in a previous section of this paper, was one such effort as part of this study to establish a participatory mechanism for people in the wider society at the local community level to be involved in police reform. Community level civic participation is arguably the most manageable level for collaborative efforts of this kind, since participation at higher social or political levels would be too large in terms of scale. Community level participatory processes should involve mechanisms for enabling participants and stakeholders to reflect on the decisions made, the processes involved and the learning that is gained, since it is through such iterative learning processes that policy decisions could be made, thought out and re-thought to find practical ways of making policy decisions relevant to the needs of stakeholders.⁴⁴ In the collaborative inquiry discussion being described here, both the local municipal police and several interested citizens in the municipality where it was held sat down in an informal conversation on what should be done to improve policing and police behaviour. A sense of cooperative co-ownership had been established not long after the collaborative discussions began. The informality of these discussions and the role of this writer as a facilitator of ideas and conversations rather than as a director made possible a convivial atmosphere encouraging discussion and participation. There were also promising signs of learning together, as both police and non-police stakeholders at first suggested, then eventually planned out a few practical ways of improving policing and community engagement. One interesting suggestion involved the creation of a local research capacity in which townspeople and local police could meet regularly to

Science, 24 (2007), John Wiley and Sons, 2007, p. 568.

⁴⁴ McIntyre, Janet, 'Facilitating critical systemic praxis (CSP) by means of experiential learning and conceptual tools', *Systems Research and Behavioral Science*, 21, (2004), John Wiley and Sons, 2004, p. 39.

discuss matters of concern. The person who suggested it (a local business owner) thought that this research capacity, if it could work, may actually make the police loyal to the community rather than to its local political patrons. This could have, it was hoped, some impact towards weakening patronage politics. The discussions ended with plans for meeting again in the future for further conversations. This process just described should arguably be based on the concept of civic engagement, where citizens are able, as equals to each other and with the police, to collaborate, which is to say that these various stakeholders could participate together for deliberation and collective action through various interests, institutions and networks. This could promote the development of a civic identity as people are directly involved in the processes of governance.⁴⁵ This mechanism of reforming policing from the bottom-up has never really been tried in the Philippines, as most efforts towards reform have been imposed from the top downwards. This has been the first effort towards developing a mechanism like this in the Philippines outside the police-community relations structure that is essentially still under police control.⁴⁶ It is also, quite possibly, the beginning of a sustainable process that may be continued into the future, a community of practice where participants and concerned people could come together, even informally, to try pooling ideas, test out what works and what does not, and then actualising the decisions made to make things better.⁴⁷ For this particular research effort, however, the future of this collaborative inquiry in a small rural town in the Philippines would have to be the subject of future

45 Cooper, Terry, Bryer, Thomas & Meek, Jack, 'Citizen-centred collaborative public management', *Public Administration Review*, 66, December 2006, p. 76.

46 Ryan, 'The logic of a justified hope', p. 93.

47 Wenger, Etienne, McDermott, R. & Snyder W. *Cultivating Communities of Practice: A Guide to Managing Knowledge*, Boston: Harvard Business School Press, p. 19.

research, perhaps with a view to facilitating its continuation as a process and the widening its application to other local communities.

Perhaps the issue of political patronage and its attendant evils would not be resolved in the near term, but as the problems of policing are merely part of a wider social problem, participation and collaborative governance could go some way towards enabling both citizens and police to come to a realisation about the true nature of the problems in and around the Philippine National Police, the wider society to which it belongs and in which it functions, come to a mutual understanding of each other and what needs to be done, and eventually come to some meaningful and beneficial decisions towards true institutional reform. This way, the knowledge gained and the results obtained could become the basis for good policing, civic consciousness and the eventual conquest of the problem of political patronage. Hopefully, it could also provide some solution to the problems of insurgency and separatism, which could then lead, perhaps, to the demilitarisation of policing. This paper is partly based on ongoing research work on the Philippine National Police and the possibility of implementing a participatory, collaborative mechanism for police reform. It is too soon to be conclusive, but the hopes expressed in this paper may not be excessive.